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Kant on Fine Art, Genius and the Threat of Private Meaning

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Abstract
Wittgenstein's private language argument claims that language and meaning generally are public. It also contends with our appreciation of artworks and reveals the deep connection in our minds between originality and the temptation to think of original meaning as private. This problematic connection of ideas is found in Kant's theory of fine art. For Kant conceives of the capacity of artistic genius for imaginatively envisioning original content as prior to and independent of finding the artistic means of communicating this content to others. This raises the question of whether we can conceive of art as both original and meaningful without succumbing to privacy.

Keywords: Kant, Wittgenstein, fine art, originality, privacy, genius, taste, spirit

> The content of this painting is invisible; the character and dimension of the content are to be kept permanently secret, known only to the artist. (Title: *Secret Painting* (1967–8); Artist: Art and Language, founded 1968, Mel Ramsden)

One of Wittgenstein's most important discussions in the *Philosophical Investigations* is the so-called private language argument. As is very well-known, its main contention is that language and meaning quite generally are essentially public. Their norms are shared – never private. The claim that the very notion of private meaning is incoherent aroused incomparable interest among philosophers; and it remains an argument of exceptional importance in the philosophy of language, mind and epistemology.

Within the elusive set of sections that present the argument, however, Wittgenstein also contends with the way we tend to talk about art,

specifically with our appreciation of works of art and with the creative process that brings them forth. In a crucial section, he appears to suggest that the presumption of private meaning is not only a distinct philosophical stance but indeed an ordinary, even prevalent reaction to works of art.

> Someone paints a picture. … And now I say: 'This picture has a double function: it informs others, as pictures or words inform – but for the one who gives the information it is a representation (or piece of information?) of another kind: for him it is the picture of his image, as it can't be for anyone else. To him his private impression of the picture means what he has imagined in a sense in which the picture cannot mean this to others.' (Wittgenstein 1991: §280)

Wittgenstein describes our tendency to assume that for its creator a work of art means more than for its spectators – something remains private. It might indeed seem as though what is most meaningful or significant is present to the artist alone.[1] The idea of privacy is not then a philosophical problem only. It has its origin in the ordinary thinking and language of all. But the discussion is also of great philosophical importance, because it reveals the deep and quite general connection in our minds between the creation of new meaning or originality and the temptation to think of such meaning as private.[2]

In this article, I will argue that precisely this problematic connection between the ideas of art, originality and privacy is found, perhaps for the first time, in Kant's theory of fine art. To this end, I will focus on his analyses of the closely connected ideas of creation and appreciation of artistic beauty. The paper opens with Kant's definition of fine art in §48 of the *Critique of the Power of Judgement* as a case of adherent beauty. Specifically, judgements of (most) artistic beauty presuppose identifying the content the artwork is meant to convey. The content made concrete by an artist in an artwork is the concept upon which the appreciation of artworks is dependent. This brings to light a fundamental problem: If artistic beauty adheres to a concept and requires identifying what the artwork expresses, what makes judgements of it, as Kant demands, reflective rather than determinative (section 1)? The answer lies in the notion of genius, the unique capacity to envision original and inexhaustible meaning. It is precisely this capacity that explains how the identification of the content presented in an artwork does not exhaust it and indeed allows for endlessly productive reflection upon it (section 2). But true originality comes at a high price: the assumption of meaning visible to the artist alone. For Kant conceives of the capacity of imaginatively

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envisioning original content as prior to and independent of finding the artistic means of communicating this content to others (section 3). Although the subject of this paper is Kant, I will end by saying just a few words about how Wittgenstein seeks to contend with originality and the threat of privacy in art (section 4).

1. The Aesthetic Judgement of Fine Art

Kant's account of fine art in §§43–50 of the Critique of the Aesthetic Power of Judgement departs in (at least) two significant ways from the Analytic of the Beautiful (§§1–22). First, the discussion no longer focuses merely on the power of judgement in taking pleasure in beauty, but also contains a description of the creative power of artists. Kant sees that an account of art requires an examination of both judgement or appreciation and creation. More precisely, aesthetic judgements of art must consider what a work was created to convey. Appreciation is thus, in some respect, dependent on the creative process. Furthermore, we shall see that doing justice to the creative power of artists dictates a significant transformation of the central conception of aesthetic judgement. Judgements of art do not fit the characterization of pure judgements of taste in the Analytic. I will begin with the second of these two differences.

In §48 (cf. §16) Kant explicitly draws a distinction between two sorts of aesthetic judgements: (1) aesthetic judgements of natural objects; (2) aesthetic judgements of fine art:

> In order to judge a beauty of nature as such, I do not need first to have a concept of what sort of thing the object is supposed [to] be, … but the mere form without knowledge of the end pleases for itself in the judging. But if the object is given as a product of art, and is as such supposed to be declared to be beautiful, then, since art always presupposes an end in the cause (and its causality), a concept must first be the ground of what the thing is supposed to be … (5: 311)[3]

In this important passage, Kant is claiming that an aesthetic judgement of a natural object does not require knowing what sort of a thing it is; nor, more specifically, is it the claim that it is a perfect specimen of an object of a certain kind. It is simply the response to the form of an object. By this Kant means, I think, its spatial shape or spatiotemporal form.[4] Kant describes aesthetic pleasure as the feeling of a harmonious interaction between the form of an object given by the imagination and the understanding as the

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faculty of concepts or thought. Aesthetic pleasure might then be glossed as the feeling that what is presented by the imagination carries a promise of meaningfulness or is purposive for the understanding. In other words, the form of an object is in some way felt to be purposive or meaningful for our minds. Crucially though, the activity of the imagination is not guided by concepts and the understanding, and in this precise sense is free: 'the powers of cognition that are set into play by this representation are hereby in a free play, since no determinate concept restricts them to a particular rule of cognition' (5: 217).[5]

By contrast, when the object is a product of art, response only to its form, the particular contours and proportions of a sculpture for instance, is obviously not sufficient for judging it beautiful. Kant defines an artwork as a product of intentional causality or agency. His emphasis is on the purposiveness of the creative activity. The conception of its creator is the origin of its existence. Specifically, in works of representational visual art as well as in poetry and architecture, it is a concept of what the artwork is meant to depict. A painter might strive to present, for example, the dual nature of Christ by depicting the descent from the cross or, alternatively, the virgin birth. By the way they choose to form the human body, sculptors might aim to present the alienation and fragility of human existence, or, alternatively, its naturally robust fertility; poets aim to express emotions, moods or thoughts; architects take on the task of creating buildings that express a conception of the specific functions they serve. The judgement of an artwork as beautiful always presupposes the concrete existence or embodiment of the end the artist conceives.[6] Therefore, this sort of judgement is 'no longer purely aesthetic' (5: 311).[7]

Evidently, the judgement of artistic beauty departs from the second and third moments of the Analytic. According to the passage in §48, this judgement must be grounded in 'a concept of what sort of thing the object is supposed [to] be' (5: 311). Therefore: (1) The judgement of artistic beauty cannot be defined as non-conceptual or, in Kant's definition of the second moment, pleasing 'without a concept' (5: 219); (2) the beauty of an artwork cannot be appreciated '**without representation of an end**' (5: 236).[8]

This difference between the two sorts of judgement might seem to present a difficulty. It might seem as though we cannot classify the judgement of beauty in art as reflective. Such judgements presuppose identifying the end that determines what the artwork is meant to convey. In what sense then do these ends essentially require reflective rather than determinative judgements, as Kant demands? This might seem unproblematic, because we

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always approach works of art with the question of what they mean to convey. As we will see below, the question is how these artistic ends invite an unending reflective process. What, moreover, makes such judgements aesthetic?

2. The Rule of Genius and the Role of Taste

The key to answering these questions lies in the notion of genius. Kant describes the artist of genius as possessing a gift of nature, a unique talent required for the creation of beautiful art (5: 307). It is the capacity to envision original sensible content or what Kant calls an aesthetic idea. Potentially misleadingly, he also refers to the capacity as the rule genius gives to art (see 5: 307, 308, 317). The expression is potentially misleading, because being guided by an aesthetic idea, or the creative process of seeking a way to express it, is in fact following a unique sort of rule. Kant indicates that the sense of the term here is unusual by asking 'what sort of rule is this?' (5: 309). What does it mean to seek a way to express an aesthetic idea?

The sections on beautiful art attribute to the term 'rule' two distinct senses. One sense is the most common and intuitive in the theory and indeed production of art, namely, academic rules. Kant views these rules as determinate systems that serve as means in the artistic production of a specific form of art. He calls these guiding rules the mechanism that is the backbone of works of art (5: 304, 310). These academic rules serve as standards of correctness for a form of art. In the arts of speech, namely, rhetoric and poetry, these are the rules of diction, prosody and metre (5: 304) and acquaintance with classical languages and sources (5: 305, 310). In pictorial arts, namely, painting, sculpture and architecture, drawing is essential (5: 225); and Kant speaks explicitly of the theory of proportions (5: 234–5). Kant characterizes music and the art of colours as the arts of the beautiful play of sensations.[9] In these cases, he speaks of proportions in music and of contrasts between colours (5: 325).[10]

Although academic rules are necessary in order to bring beautiful works of art into being, they are 'not the art itself' (5: 355). They can be formulated as a theory and are indeed taught academically. Consequently, artists-in-training can acquire the skill to produce according to these rules, even if they have no genius. This skill does not alone then make a work beautiful.[11]

Kant's fundamental idea is that genius, by definition, is not the set of skills needed to obey academic rules, but the ability to create an original rule.

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Thus it might be called the rule of genius. It is a rule in a unique sense. Kant defines it positively and negatively.

Negatively, Kant contrasts the rule of genius with academic rules. There is no theory for applying this rule. No one – not even the artist himself – can formulate such a theory (5: 308). He further argues that if this rule fulfilled the same function as academic rules then the judgement would not be reflective. To say that this rule too is part of an instructive method for art would be to say that an artwork is produced only by following rules which constitute a theory. If this were so, judgements of art would merely recognize that a certain theory of artistic production has been followed to convey a determinate content. But then the judgement 'would be determinative in accordance with concepts' (5: 309).

Positively, the rule of genius is the source of genuine originality in art (5: 307–8). Such a rule can never be reproduced, but it can serve 'for emulation by another genius' (5: 318); furthermore, new academic rules can be abstracted from a path-breaking work, although these rules are not themselves the rule of genius (5: 318).[12]

The question is the following: how does the notion of a rule of genius explain the reflective nature of judgements of beauty in art compatibly with their involving concepts? Kant answers that the production of beautiful art originates in the inspiration of original ideas, namely, aesthetic ideas. Very significantly, an aesthetic idea is characterized as an inner intuition. It is a representation, the origin of which is the free creative power of the imagination (cf. *Anth*, 7: 224–5).[13] Kant gives two closely-related formulations as to why he names these representations ideas: (1) the fact that they are sensible complements or counterparts of ideas of reason; and consequently, (2) their endlessly fertile indeterminacy.

Although the creative imagination initially draws the material for these aesthetic ideas from what exists externally, they represent ideas of reason (5: 314). Now ideas of reason, in general, are concepts of infinite yet interconnected, indeed comprehensive conceptual richness. All such ideas are products of reason's desire for absolute completeness under one concept. The classical examples are the transcendental ideas: the soul as the subject of all thought; the world as the sum total of all appearances; God as the supreme condition of the possibility of everything that can be thought (A334/B391).[14] It is precisely because of this infinite conceptual complexity that it seems nothing given sensibly in intuition can be adequate to an idea: 'An **idea of reason** can never become a cognition,

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because it contains a **concept** (of the supersensible) for which no suitable intuition can ever be given' (5: 342). Nevertheless, Kant describes the mental ability of genius to represent aesthetically an idea of reason as creating such abundance in the representation and its details that it is by definition never fully determinate and can never be fully articulated (5: 315, 316).[15]

In Kant's view then, genius is the distinct mental capacity for finding an original representation that is the correlate of an idea of reason. The artist aspires 'to make sensible rational ideas' (5: 314), that is, to give appropriate sensible expression to this inner representation in a work of art. An artwork is thus a concrete object that expresses aesthetically the genuinely original content envisioned by genius.

It is at this juncture that the term 'spirit', which is of importance for the problem of privacy, comes into play. Kant defines spirit as the faculty of the artist to present (*darstellen*) or to express (*ausdrücken*) aesthetic ideas (5: 314, 317; see also *Anth*, 7: 246–9). Spirit is the talent to give voice to new content in an actual artwork. In this way, an aesthetic idea is made public and is 'communicated to others' (5: 317). Indeed, a genuine response to artistic beauty requires language. It produces an accessible public reaction or, in Kant's words, 'sociable communication' (5: 306). Spirit is thus a necessary aspect of the success of a work of art.[16]

Judging works of art is not then a merely sensuous or purely aesthetic experience. There is an essential conceptual aspect to it, which is precisely what makes it a judgement of adherent beauty (5: 315). Therefore, as I claimed above, a pivotal question is: how is it possible that these judgements are not fixed by these concepts? In other words, how can they be reflective?

The answer to this question lies in the rule of genius. As we saw, an artwork is the expression of an idea of reason. The aesthetic idea as well as its presentation in matter – that is, the work of art – are infinitely rich. Just as an idea of reason contains an indeterminate wealth of variously related concepts, so the work of art contains a sensible wealth that evokes this rich content. The aesthetic idea 'aesthetically enlarges the concept itself in an unbounded way' (5: 315). The same holds true of the work of art. Precisely because the process of appreciation is evoked by what is given sensibly, judgements of artistic beauty are first and foremost aesthetic judgements.[17] The sensuous work presented stimulates the mind to wander through a wide and productive range of thoughts, which nevertheless do not exhaust its meaning (5: 315). It is precisely in this way

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that the aesthetic judgement of a work of art is essentially reflective.[18] It bears stressing, though, that what occasion aesthetic pleasure are the properties of reflection upon works of art – specifically, the structured but nevertheless endless productive reflection upon them. On this view, then, a beautiful work of art demands genius in the artist and taste as the capacity to appreciate art in the viewer.

In §50 Kant asks whether genius or taste is more important (5: 319). The question raised at this juncture, however, does not refer to the faculty of taste in viewers. It is rather a question about the role taste plays in the creative act itself. This line of questioning is amplified by Kant's claim that in would-be works of art one of these faculties is absent: 'in one would-be work of beautiful art, one can often perceive genius without taste, while in another, taste without genius' (5: 313). The work is not beautiful art when either genius or taste is missing.[19]

What is the role taste plays in artistic creation? As we have seen, the gifted artist envisions an aesthetic idea, which the faculty of spirit then presents in a work of art. If the work expresses this idea then it is beautiful and its appreciation is reflective. Although shaping an actual work is an essential part of the creative process, it requires, Kant tells us, 'merely taste' (5: 312). Taste in this context then is the ability to employ, in the most suitable manner, academically acquired rules in order to present aesthetic ideas: 'But in order to aim at an end in the work, determinate rules are required, from which one may not absolve oneself' (5: 310). In other words, Kant appears to think of spirit as the faculty of taste employed by genius.[20]

It follows then that taste as the capacity to express an aesthetic idea is distinct from genius, the gift of envisioning such an idea. Here lies dormant the problem of the privacy of meaning.

Taste is characterized as 'the faculty of the judging of the beautiful' (5: 203). In §48, Kant describes how an artist of genius employs this faculty in order to attain beauty in a work. He describes how the artist carefully modifies the work with the intention of finding the right way to express an aesthetic idea. We learn that Kant is well aware of the great difficulty of finding the correct manner of employing artistic means to give concrete aesthetic shape to an aesthetic idea.

> the artist, after he has practiced and corrected it [his taste] by means of various examples of art or nature, holds up his work, and after many, often laborious attempts to satisfy it, finds the

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> form that contents him; hence this is not as it were a matter of inspiration or a free swing of the mental powers, but a slow and indeed painstaking improvement … (5: 312)

At the end of §50, Kant summarizes his analysis by enumerating the faculties involved in the creative process. He states that the faculties required for producing a work of beautiful art are '**imagination, understanding, spirit** and **taste**' (5: 320). Now the unity of the imagination as a productive faculty and the understanding, Kant earlier says, 'constitutes **genius**' (5: 316). The unique manner in which these mental powers come together creates or gives birth to the aesthetic idea. Spirit is the faculty of presenting this idea in a concrete artwork. But in order to do so, I am claiming, the artist of genius needs to employ taste. In other words – and as Kant states clearly in the note appended to the claim concluding §50 – taste is the faculty that unifies the other three (5: 320n.). The success of a beautiful work of art is thus possible only by a coordinate use of these faculties.

But what is it for an artist *to express* an aesthetic idea? Kant's answer here consists of two parts. Spirit (or genius employing taste) is: (1) the ability to give concrete shape to the content of an aesthetic idea – the emphasis here is on the accessibility of meaning; (2) it must somehow express the infinite content of the idea and maintain its fecund indeterminacy, thus allowing judgement of the work to be reflective. Accordingly, Kant says that the artist has to let the aesthetic idea '[1] become adequate to the thought and yet [2] not detrimental to the freedom in the play of the mental powers' (5: 312–13); equivalently, spirit (genius employing taste) is needed in order '[1] to express what is unnameable (*Unnennbare*) in the mental state in the case of a certain representation and to make it universally communicable … [2] without the constraint of rules' (5: 317). Thus, expressing an aesthetic idea is not only making it accessible to all, but also expressing it in a way that maintains its productive indeterminacy.[21]

To sum up, genius is required for envisioning an aesthetic idea, whereas taste is required for rendering it communicable. If genius is absent then the work is merely academically correct; in the context of the discussion of fine art, such products are 'merely the work of amateurs' (5: 310).[22] If taste is absent, the work is 'nothing but nonsense' (5: 319).[23]

> Genius can only provide rich **material** for products of art; its elaboration and **form** require a talent that has been academically trained, in order to make a use of it that can stand up to the power of judgement. (5: 310)

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3. Originality, Meaning and the Threat of Nonsense

The discussion above brings us to the central question of this paper: does Kant's conception of originality raise the threat of private meaning? A beautiful work of art embodies the original content of an aesthetic idea (envisioned by genius). It must be formed in such a way that this original content is comprehensible to its audience (communicated by taste). From these claims it is but a short way to the thought that the original content has meaning – for the artist – even prior to and independently of the process that makes the aesthetic idea comprehensible to its public. There is a moment in the creative process in which the meaning of the yet unborn artwork is present to the artist alone.

Kant never stakes this claim. But what he says seems to commit him to it. Separating off taste from genius is the very origin of the privacy of artistic meaning. Kant implicitly suggests that there are two stages in the creative process: (1) the creation of new meaning; and (2) its communication. The creation of aesthetic ideas precedes its expression. The original, purely mental content has yet – and this is crucial – no communicable form. It is, Kant says, still unnamable (5: 317). Taste aims to express this inner content. It provides these representations with an appropriate form in a work, which is, Kant declares, 'only the vehicle of communication' (5: 313). Without the proper use of this ability, the mental content made present will be, in Kant's telling phrase, merely 'original nonsense' (5: 308). Thus, the employment of genius alone already creates a meaningful product, though it is still – or only – mental and private.[24]

It is of the utmost importance to see that nothing guarantees the success of this search for an appropriate vehicle. There are no given rules for the expression of an original aesthetic idea; it is something 'no science can teach and no diligence learn' (5: 317). Artistic success requires, in Kant's words, 'hitting upon the **expression**' (5: 317) for that idea.

The most explicit expression of this problem is found at the end of § 50. Kant employs the image of clipping the wings of genius in order to refine it. Although this restraining is violent, it is necessary. Genius is regulated by taste so that it will 'remain purposive' (5: 319) or continue to exhibit intentionality in its creation. This image expresses the pivotal dilemma of the requirement of combining originality and meaning. On the one hand, we demand originality, since we think of an artistic masterpiece as a paradigmatic example of the expression of something new. On the other hand, the artwork must be meaningful, in order for us to be able to appreciate it. Kant offers a structure which explains the creation of

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original meaning. At the same time, he confines to privacy artistic creativeness *at its subjective stage*. The assumption that the creation of new meaning is *prior to and independent of* its communicability – since the artist needs to find a way to present these thoughts – is the very assumption of private meaning.[25]

Before concluding, it is important to address what might be a very natural objection and one moreover that perhaps explains why the problem of privacy in Kant's theory of fine art is so often overlooked. The objection is that Kant characterizes aesthetic ideas as counterparts of ideas of reason and ideas of reason are obviously public. By definition, therefore, aesthetic ideas must be public.

The response can be formulated in several ways. First, the fact that Kant characterizes aesthetic ideas as counterparts of ideas of reason, while at the same time claiming that for some aesthetic ideas artists fail to find a communicable form – what he calls genius without taste or original nonsense – is precisely his implicit commitment to privacy. Alternatively put, the problem is that for Kant aesthetic ideas are by definition meaningful but not necessarily publicly communicable. Kant would have steered clear of the problem of privacy had he claimed that the creation of original meaning and finding a way to communicate it are not independent but interdependent. But then we would have to do without the tragic image of the deeply exasperated artist who finds no way to express his or her singular inner vision.

More concretely, the appreciation of a work of art begins with what is given sensibly. Even assuming that we all have in mind all rational ideas, the problem is how to get from a unique object given to us sensibly to a particular rational idea and the unique way in which it is presented. In other words, Kant's insistence that an aesthetic idea requires a 'vehicle of communication' and a 'talent that has been academically trained' can be paraphrased as the claim that every aesthetic idea requires its own aesthetic language. Where no such language is found, an aesthetic idea cannot 'stand up to the power of judgement'.

4. Conclusion

To sum up, in his analysis of the creative act, Kant ascribes to the artist of genius the talent to envision original meaning. Only a truly original creation can rightly be called a work of fine art. This line of thought leads into the narrow and philosophically dangerous ravine of meaning sequestered in the artist's mind. While I fully accept that the commitment

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to private meaning is deeply problematic philosophically, it is at the same time very important to see clearly that the narrow and dangerous ravine of private meaning in Kant opens into a rich and productive mine for thinkers and artists of the Romantic Movement. For Kant's progeny, for the Romantics as well as for us, the idea of artistic private meaning is still very hard to resist.

Wittgenstein aims to teach us how to resist this temptation. He criticizes the deeply entrenched Romantic understanding of originality and offers us a weaker sense of it. The meaning expressed in works of art exists publicly prior to its expression. For Wittgenstein, art expresses our shared life form. We must realize how rich and complex our shared form of life is and how little of it is laid plainly in view. A great artwork holds a fragment of our life in front of us, an aspect of our life we might never have grasped and the great significance of which we would not have understood otherwise. What we ordinarily fail to see or understand is newly set before us. In an artwork, Wittgenstein says: 'Things are placed right in front of our eyes, not covered by any veil' (Wittgenstein 1980: 6e).

In a sense, both for Kant and for Wittgenstein, the content art expresses is shared by all. As in some sense the joint foundation and end of rational thought, *ideas of reason are shared*. But ideas of reason in all their infinite complexity can neither be experienced *nor can they be thought through*. This means that, although Kant assumes that the ideas of reason that art expresses are in some sense shared, there are no given rules for expressing their infinitely rich content. This explains how art can be both original and meaningful – but it also carries, as I have argued in this article, the threat of privacy. This raises an important question about Wittgenstein's response to the threat of privacy in art: what ensures that artists will succeed in expressing, in a way that can be shared, what is not in plain view in our common form of life? This question I leave for another occasion.[26]

Notes

1 For a closely related passage, which emphasizes the assumption that deciphering the meaning of a work of art is deciphering what is going on in the mind of the artist, see Wittgenstein 2007: 37.

2 The exhibition 'Rebels and Martyrs: The Image of the Artist in the Nineteenth Century' at the National Gallery in London (2006) and its accompanying catalogue present the image of an artist, isolated and alienated by the inability of the public to appreciate or understand his or her work. The exhibition shows how this image originated in the Romantic era and how it shaped pictorial and literary works throughout the nineteenth century. Many of the paintings are self-portrayals contending in a variety of ways with this image and its implications. Two of the most remarkable examples of literary works

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contending with the threat of incomprehensible originality are: Honoré de Balzac, *The Unknown Masterpiece*; Émile Zola, *The Masterpiece* (*L'Œuvre*).

3 Quotations from the *Critique of the Power of Judgement* are taken from Kant 2000. References cite the Academy volume number (5) and pagination.

4 Kant's claim in this passage regarding natural beauty seems to stand in tension with the fact that earlier in the text he gives the horse as an example of concept-dependent adherent beauty (5: 230). For the claim that Kant is thinking of horses as animals bred to serve human functions and thus not, strictly speaking, natural objects see Reiter and Geiger 2015: 242. Furthermore, we judge the beauty of human beings, another potentially problematic example, as dependent on our moral vocation. Kant is not thinking of the human being as a natural species but as a being 'who determines his ends himself through reason' (5: 232–3).

5 The claim that form means spatial or spatiotemporal form is a contested matter. For this view see, among others: Biemel 1959: 52–8; Gotshalk 1967: 251; Uehling 1971: 18–34; Johnson 1979: 170–1; Lorand 1989: 35; Düsing 1990: 183; Wicks 1997: 387, 388; Hanna 2005: 285, n. 49; Geiger 2010: 76. Fricke acknowledges that Kant suggests this understanding, but claims that the form of purposiveness must refer to conceptual form (Fricke 1991: 630–1). Allison too acknowledges that some passages clearly suggest this understanding, but thinks they are an exception and that this conception is not required even where Kant thinks it is (Allison 2001: 133, 135–7). For the purposes of this paper, what is important is the more general point that judgements of natural beauty are non-conceptual. For an overview and competing conceptual interpretations of pure judgements of taste, see Guyer 2006. For some prominent examples see: Seel 1988: 348–9; Janaway 1997: 459–76; Rush 2001: 52; Friedlander 2006: 25–6; Guyer 2006: 172–93.

6 Allison claims that Kant is here referring to the 'art-form or genre of a work' (Allison 2001: 295). This is problematic in two ways: first, the end of which Kant is here speaking is typically far more complex than Allison seems to grant; second and more importantly, Kant is speaking about the content expressed in a work, which must be identified by its audience, rather than about the means of expression.

7 I cannot here defend in sufficient detail the claim that the appreciation of representational visual art, architecture and poetry is expressed in judgements of adherent beauty. Gotshalk denies and Stecker affirms that Kant's primary concern in introducing the distinction between judgements of free and adherent beauty is to explain the difference between our appreciation of natural and artistic beauty (Gotshalk 1967: 254–5; Stecker 1990: 73). Nor will I discuss in this paper the exceptional case of works of art that are judged purely aesthetically. Specifically, Kant suggests that musical fantasies and music without text more generally are examples of free beauty, presumably because appreciation of their beauty does not presuppose a concept of 'what the thing is supposed to be' (5: 229). For detailed discussion of the distinction between free and adherent beauty see, Reiter and Geiger (2018).

8 It is crucial though to see that for Kant the judgement of artistic beauty is directed toward an already existent concrete object – the work of art – not to the artist's intentions or the image in his or her mind.

9 Following Mendelssohn and Herder, Kristeller claims that the art of colours refers to Castel's colour piano (Kristeller 1952: 43, n. 278). The problem with this suggestion is that the passage in Kant seems to consider colour and tone separately. Perhaps Kant is referring to marbled paper used in eighteenth-century bookbinding. I have found no references to the art of colours (*Farbenkunst*) in this context.

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10 Kant's main concern appears to be the permanent or unchanging rules in the different arts. For more on Kant's theory of the unchanging means or techniques of artistic production, see Reiter (2017).

11 Interestingly, the insufficiency of rules and skill breaks not only with critics of taste such as Batteux and Lessing (5: 285) but also with the art theories of the Renaissance and the neo-classicist tradition. Vasari, Bellori and Winckelmann are prominent contrasts to Kant's line of thought. Though Vasari is well-known for the great importance he attributes to the rules of drawing (design or *disegno*), he might be thought to be a counter-example to the traditional view. For he holds that, to attain true perfection or grace in an artwork, more than academic rules of drawing are needed. But for him perfection or grace is in fact attained by applying rules in the most excellent manner.

12 This notion of abstracting academic rules from an original work of art is one of the few places in which Kant appears to refer to changing academic rules and thus to historical schools. For more on this subject, see again Reiter (2017). For a perspicuous and detailed discussion of the different senses in which a work of art can serve as an example, emphasizing in particular the complex notion of exemplary originality, see Gammon 1997.

13 References to *Anthropology from a Pragmatic Point of View* (Kant 2006) use the Academy volume number and pagination and the abbreviation *Anth*.

14 References to the *Critique of Pure Reason* (Kant 1998) use the traditional A/B abbreviation and pagination.

15 It is sometimes thought that Kant's examples of 'death, envy, and all sorts of vices, as well as love, fame, etc' (5: 314) are empirical concepts, which aesthetic ideas make 'sensible beyond the limits of experience, with a completeness that goes beyond anything of which there is an example in nature, by means of an imagination that emulates the precedent of reason in attaining to a maximum' (5: 314); see Lüthe 1984: 72, Matherne 2013: 29–30. It seems to me to make more sense to think of Kant as referring in these cases as well to a concept of reason for which there nevertheless is 'an example in nature' (5: 314). For whatever is made sensible beyond the limits of experience just cannot be an empirical concept. For this point, see DeBord 2012: 179–80, 181–2.

16 For the claim that spirit is a necessary condition for aesthetic expression see DeBord 2012: 187.

17 So whatever the differences between the pure judgements of taste, discussed in the Analytic, and judgements of adherent beauty in beautiful works of art, both are responses to something given to the senses.

18 I thus disagree with Neal's claim that thinking of a work of art as conveying content conceived by an artist leads to viewing judgements of such works as determinative (Neal 2012: 360).

19 According to what Allison calls the 'complementarity view': 'genius and taste are each necessary and jointly sufficient conditions of the creation of artistic beauty. Consequently, any product lacking either one would be merely a "would-be" work of fine art.' On Allison's view, taste plays an essential role in artistic production. Taste is a trained talent that gives form to the work, which is somehow connected to the mechanical aspect or to an academic element in the production of fine art. But Allison does not explain what it means actually to use taste and, more significantly, in what sense it is necessarily connected to the role of genius (Allison 2001: 299). My following claims do not conflict with Allison's view; they can be seen as answering these questions. Guyer makes essentially the same point as the complementarity view by emphasizing that 'both form and content are crucial to both the production of and response to a work of art' (Guyer 1997: 356). On Guyer's view, genius is the ability to create the content of

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the work, while taste (employed by genius) 'is necessary for the production of … form' (Guyer 1997: 357). This tasteful form is the 'vehicle of communication' of a concept or, more specifically, of an idea of reason which is the content or theme of the work. Guyer explains that the vehicle for the realization of the theme is an aesthetic idea. In other words, taste produces the aesthetic idea. He appears to avoid the threat of privacy in art by viewing the aesthetic idea as already a meaningful product of taste. Under this interpretation, originality is apparently found in the various ways in which an artist conceives of an idea of reason. But it would then be conceptual rather than aesthetic originality. On my view, in contrast, the originality is aesthetic and envisioning an aesthetic idea is the first step of the creative process.

20 The first paragraph of §49 might seem to suggest that the capacity of artists to express aesthetic ideas communicably does not in all cases require spirit. I take Kant, however, to be referring there to what he calls in the last paragraph of §48 'would-be works of art' that present 'taste without genius'. He writes: 'One says of certain products, of which it is expected that they ought, at least in part, to reveal themselves as works of beautiful art, that they are without **spirit**' (5: 313). I take him to be referring to works that, although we have an expectation that we will find them to be works of art, perhaps because they are hanging in a museum or were created by a renowned artist, are not in fact works of beautiful art. They employ, perhaps extraordinarily well, certain academic rules; but they do not express aesthetic ideas.

21 I thus fully agree with Chignell that what occasion aesthetic pleasure in artworks are the properties of the reflection upon them, specifically, the indeterminate and endless productive reflection upon a rational idea occasioned by a work of art (Chignell 2007: 422–9). This is also a central claim of Guyer's (1997: 361–6).

22 In §47, Kant refers to the distinction between beautiful art and the mechanical arts of 'diligence and learning' (5: 310). For discussion of Kant's theory of rule-governed production of beautiful functional objects by the mechanical arts, see Reiter and Geiger 2015.

23 This entails the claim that 'fine art' is a success term. According to Kant, an artist of genius who fails to employ taste produces only a would-be work of beautiful art. And so Kant seems to preclude the possibility of an artwork being appreciated as meaningful and thus beautiful in a very different period than the one in which it was made, precisely because of the dependence of meaningful art on academic rules, presumably partly historical. Though such discoveries are often taken to be a real possibility, it is worth asking whether there are any such genuine historical examples.

24 Although Zuidervaart does not develop this idea, I agree with his suggestion that without spirit the aesthetic idea 'would remain a merely private vision' (Zuidervaart 2003: 204). We differ, however, in our understanding of the notion of an aesthetic idea. Sassen comes very close to putting her finger on the threat of privacy in Kant's theory of fine art. She underscores that having an aesthetic idea 'is nothing like being able to communicate it' and insists that communication cannot be 'solely a matter of taste' (Sassen 2003: 174).

25 Kant states in §46 that an artist of genius 'does not know himself how the ideas for it [his product] come to him, and also does not have it in his power to think up such things at will' (5: 308). In the *Anthropology*, this traditional characterization of artistic inspiration is the part madness plays in genius: 'But how the poets also came to consider themselves as inspired (or possessed), … and how they could boast of having inspirations in their poetical impulses (*furor poeticus*), can only be explained by the fact that the poet … must rather snatch the propitious moment of the mood of his inner sense as it comes over him, in which lively and powerful images and feelings pour into

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him, while he behaves merely passively, so to speak. For as an old observation goes, genius is mixed with a certain dose of madness' (*Anth*, 7: 188). Now according to Kant, madness 'is the loss of common sense (*sensus communis*) and its replacement with logical private sense (*sensus privatus*)' (*Anth*, 7: 219). Our judgements are valid (or invalid) for everyone and are thus universally communicable. But the madman 'who … gets it into his head to recognize private sense as already valid apart from or even in opposition to common sense, is abandoned to a play of thoughts in which he sees, acts, and judges, not in a common world, but rather in his own world (as in dreaming)' (*Anth*, 7: 219). Madness is then characterized as an unregulated state which needs to be restrained. It thus appears that unregulated artistic inspiration would remain a merely private and inaccessible inner representation.

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