

ARTICLE

Kant and Recent Philosophies of Art

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Abstract

This article is to be a bridge between Kant's aesthetics and contemporary art – not by being a paper on Kant and contemporary art, but rather by being on Kant and contemporary *philosophy of art*. I claim that Kant's views on the appreciation of art can accommodate contextualism as well as ethicism. I argue that not only does contextualism fit Kant's views on the appreciation of art; in §§51–3 of the third *Critique*, Kant's appreciation of art is in accordance with contextualism. I go on to argue that not only does ethicism fit Kant's views on the appreciation of art; in §§51–3, Kant's appreciation of art is in accordance with ethicism.

Keywords: Kant; aesthetics; Walton; contextualism; Gaut; ethicism

1. Introduction

There are a number of important contributions that show how Kant's aesthetic theory¹ can accommodate relevant trends, movements and artworks in contemporary art. Costello (2007) has already become essential reading. Among the most recent works, one of the most insightful is Shapshay (2020).

The spirit of my article is somewhat close to theirs, and it is also a major concern of mine to avoid misconstruing either contemporary art or Kant's aesthetic theory.² But my approach is also somewhat different to theirs in that, rather than assessing whether Kant's theory can accommodate trends, movements and artworks in contemporary art, I investigate whether it can accommodate contemporary developments in *the philosophy of art*.

To meet this purpose, I have chosen two recent views: contextualism and ethicism. The first is presented in Kendall L. Walton's 'Categories of Art' (1970). According to Walton, 'what aesthetic properties a work seems to have, what aesthetic effect it has on us, how it strikes us aesthetically often depends (in part) on which of its features are standard, which are variable, and which contra-standard' (1970: 343). The second, ethicism, is given in Berys Gaut's 'The Ethical Criticism of Art' (1998). Ethicism is the thesis that 'the ethical assessment of attitudes manifested by works of art is a legitimate aspect of the aesthetic evaluation of those works' (Gaut 1998: 182).

There are three main reasons why I have chosen these views. First, both take into account contemporary aesthetic and artistic practices, as well as pre-theoretical intuition. Insofar as both views do so, not only are they more descriptive than

normative, but they also seem a safe bridge to cross from Kant's aesthetic theory to contemporary art. Second, they are both relatively recent, yet already seminal, works in philosophy of art. Of course, this does not mean that any of them should be taken wholesale or that there are no alternative views. Against contextualism, one could mention Zangwill's moderate formalism (Zangwill 2001), and against ethicism, one could mention Anderson and Dean's moderate autonomism (Anderson and Dean 1998). Still, even Zangwill himself acknowledges how important contextualism is.³ As for Anderson and Dean, their view is itself evidence of the importance of ethicism.⁴ Third, although some of Walton's and Gaut's lexicon would no doubt be alien to Kant, the issues Walton and Gaut address easily find their correlates in Kantian scholarship. What is more, since Kant is often seen as a precursor of aesthetic formalism and autonomism (the views that Walton and Gaut, respectively, reject), an alternative account that holds that Kant's appreciation of art is in accordance with contextualism and ethicism may have some important implications for the picture of Kant's aesthetic theory and the relation of such theory with contemporary (philosophy of) art.

In this article, I will give an account of how Kant's views on the aesthetic appreciation of beautiful art can accommodate Walton's contextualism as well as Gaut's ethicism. In both cases, I show that Kant's appreciation of art is in accordance with contextualism and ethicism. By this, I do not just mean that Kant's account of what one should do when appreciating art fits these later theories. Instead, I argue that in §§51–3 of the third *Critique* we see Kant himself comparing the aesthetic value of beautiful arts in ways which these theories later articulated.

In the next section of my paper, I will argue that not only does contextualism fit Kant's views on the aesthetic appreciation of art; in §§51–3, Kant's appreciation of art is in accordance with contextualism. I claim that Kant crucially compares the aesthetic value of the beautiful arts on the basis of what is necessary and what is variable with respect to those arts, their kinds and their subkinds.

In the third section, I will argue that not only does ethicism fit Kant's views on the aesthetic appreciation of art; in §§51–3, Kant's appreciation of art is in accordance with ethicism. I claim that, for Kant, ethical issues play a vital role in the aesthetic appreciation of art, that Kant crucially considers ethical issues in his experiment of comparing the aesthetic value of the beautiful arts with each other, and that Kant's remarks on rhetoric, namely as the art of the orator, are paradigmatic of this. What is more, these remarks show that defectiveness may importantly lie not only in the content of art, but also in the means that art uses.

2. Kant and contextualism

Walton argues that 'what aesthetic properties a work seems to have, what aesthetic effect it has on us, how it strikes us aesthetically often depends (in part) on which of its features are standard, which are variable, and which contra-standard' (Walton 1970: 343).⁵ Since Walton ultimately refers features' standardness, variableness and contra-standardness to the categories a given work of art is correctly perceived in, his thesis is that how an artwork affects us aesthetically depends in a variety of important ways on the categories in which we correctly perceive it. Walton's famous *guernicas* thought-experiment (cf. 1970: 347) illustrates this well. Consider members of a society which only produces 'guernicas' (versions of Picasso's

Guernica done in various bas-relief dimensions). They would probably have different aesthetic reactions to Picasso's *Guernica* compared to us. For us, flatness is standard with respect to the category of painting. However, for them, flatness would not be standard, but rather variable with respect to the category of guernicas.

In this section of my article, I will argue that not only does contextualism fit Kant's views on the aesthetic appreciation of art; in §§51–3, Kant's appreciation of art is in accordance with contextualism. Before proceeding, I must make some remarks on a substantial difference between Walton and Kant, as well as on the terms 'properties' and 'categories'. To begin with, Waltonian standard features and Kantian necessary conditions are not exactly the same. Whereas the lack of a standard feature with respect to a category would tend to disqualify a work from that category, Kantian conditions for an object to belong to beautiful art or to a kind or subkind of beautiful art are better thought of as necessary conditions. That is why, rather than talking of standard features with respect to a category, I will talk of necessary conditions for something to belong to a category.

A second remark I must make is on the term 'properties'. Walton interchangeably uses phrases such as 'what aesthetic properties a work seems to have' and 'what aesthetic effect a work of art has on us' (cf. Walton 1970: 343 and 354). Talking of objects' aesthetic *properties* is somewhat alien to Kant's third *Critique*: indeed, one of the distinctive features of beauty is that it is not a property of the object. However, that (the representation of) a beautiful object has an aesthetic effect, that it strikes one aesthetically, is, in Kant's theory, beyond doubt. To be sure, it is because it affects one in a specific manner (as a disinterested pleasure, a pleasure in the free and harmonious play of the cognitive faculties) that one says that it is beautiful. Hence, that talking of objects' aesthetic properties is alien to Kant should not discourage one from inquiring whether Walton's contextualism fits Kant's views on the appreciation of beautiful art. All one needs to check is whether in Kant's theory the ascription of aesthetic value to a work of art (the attribution of an aesthetic property, in Walton's terminology, or judging an artwork to be beautiful, in Kant's) depends to any extent on which of the work's non-aesthetic features are necessary conditions for it to belong to a category and which are variable features with respect to that category.

As for the term 'categories', Walton uses it somewhat loosely and, in any case, not in the technical sense found in Kant. Walton's categories include 'media, genre, styles, forms, and so forth – for example, the categories of paintings, cubist paintings, Gothic architecture, classical sonatas, paintings in the style of Cézanne, and music in the style of late Beethoven' (Walton 1970: 339).⁶ Once again, however, this should not discourage one from inquiring whether Walton's contextualism fits Kant's views on the appreciation of art. As a matter of fact, Kant talks of kinds and subkinds of beautiful arts. He does so in the often overlooked §§51–3, where he attempts some experiments on the division and combination of the beautiful arts, as well as on the comparison of the aesthetic value of the (kinds and subkinds of) beautiful arts with each other.⁷ What is more, I argue that in these sections Kant goes as far as comparing the aesthetic value of the arts with each other by considering what is necessary and what is variable with respect to beautiful art as well as to its kinds and subkinds. For this reason, although my account presupposes an understanding of the entire third *Critique*, especially §§43–50, I will focus more on §§51–3, and although

it also presupposes that one knows what Walton means by ‘contra-standardness’, I will focus more on what is necessary and what is variable with respect to the art kinds and subkinds addressed by Kant.⁸

Let me start with the general category ‘art’. §43 is crystal clear when it comes to what Kant thinks that by right should be called art, namely ‘only production through freedom, i.e. through a capacity for choice that grounds its actions in reason’, which entails that by an artwork ‘is always understood a work of human beings’ (CPJ, 5: 303). These are general necessary conditions with respect to the category ‘art’ in Kant’s theory. In the subsequent sections of the third *Critique* some more necessary conditions can be found, for example, having ‘a determinate intention of producing something’ (CPJ, 5: 306) or, in other words, ‘something in it [having necessarily been] thought of as an end’ – and, since ‘in order to aim at an end in the work, determinate rules are required’ (CPJ, 5: 310), then also among the necessary conditions for something’s being art is having ‘a preceding rule’ (CPJ, 5: 307).

Now, one only needs to look at §42 to find an example in which perceiving an object under either the category ‘art’ or the category ‘nature’ makes a difference in one’s appreciation of it: the example of the lad’s tricky imitation of the song of the nightingale has been provided not only to show that ‘[i]t must be nature, or taken to be nature by us, for us to be able to take . . . an immediate *interest* in the beautiful’, but also that ‘as soon as one notices that one has been deceived and that it is only art . . . even taste can no longer find anything beautiful in it or sight anything charming’ (CPJ, 5: 302). Although when perceived under the category ‘nature’, the song may elicit a feeling of pleasure in the listener, according to Kant the song will not be ascribed aesthetic value once it is perceived under the category ‘art’.

A cursory reading of some of Kant’s introductory remarks on the distinction between art and nature shows that whether one perceives an object under either one category or another (thus whether one considers what is necessary with respect to that category and what is variable) is decisive on whether one takes pleasure in such an object. In other words, it makes a difference to one’s aesthetic appreciation of it. However, the lad’s tricky imitation of the song of the nightingale is hardly a case of beautiful art, at least within Kant’s theory of beautiful art as the art of genius, including the experiments he attempts in §§51–3. Since these sections are the ones I have proposed to focus on, I shall now move towards them.

§51 starts with the famous assertion that ‘[b]eauty (whether it be beauty of nature or of art) can in general be called the *expression* of aesthetic ideas’ (CPJ, 5: 320). That a work of art expresses aesthetic ideas is a necessary condition for the ascription of beauty to it. If a work of art does not express aesthetic ideas, it cannot be a beautiful work of art.

Now, immediately after that famous assertion, Kant attempts an experiment of dividing and combining the beautiful arts under the principle of the expression of aesthetic ideas.⁹ According to this, beautiful arts are of three kinds: ‘the art of *speech*, *pictorial art*, and the art of *the play of sensations*’ (CPJ, 5: 321). Although all these arts express aesthetic ideas, they each do so differently. Whereas poetry expresses aesthetic ideas by using words, painting does so by means of gesture, while music does it through tone. Just as we have seen that expressing aesthetic ideas is a necessary condition with respect to the category ‘beautiful art’, we can now add that doing so by using words, by means of gesture or through tone are variable features of it.

Let us take one pictorial art, say, painting, as an example and focus a little more on the ways that the two main kinds of painting (namely, merely aesthetic painting and the art of pleasure gardens) express aesthetic ideas. This is one instance in which we can see how Walton's contextualism fits Kant's views on the appreciation of art.

Insofar as painting is a pictorial art, both merely aesthetic painting and the art of pleasure gardens express aesthetic ideas in sensible intuition, by means of gesture, and specifically by making shapes.¹⁰ On the other hand, both merely aesthetic painting and the art of pleasure gardens are distinguished from the other pictorial arts by being arts 'of *sensible illusion*' which 'make shapes in space', making these knowable only by sight, and giving them only 'in accordance with the way in which [they are] depicted in the eye' (CPJ, 5: 322).

However, the two main kinds of painting are not only different from the other pictorial arts; they are also different from each other. Whereas merely aesthetic painting is the art 'of the beautiful *depiction* of nature' and 'gives only the illusion of corporeal extension' (CPJ, 5: 323), the art of pleasure gardens is the one 'of the *beautiful* arrangement of its *products*' and 'gives [corporeal extension] in truth' (CPJ, 5: 323). The art of pleasure gardens lies in decorating the ground by arranging grasses, flowers, bushes and trees in a way that is different from how they are arranged in nature.

Taking this distinction between merely aesthetic painting and the art of pleasure gardens into account, let us attempt our own experiment. Imagine a merely aesthetic painting of a garden. It could depict grasses, flowers, bushes and trees, even water, hills and valleys, making use of the illusion of their corporeal extension, and we could find the painting beautiful, ascribe it aesthetic value. Now, what if I asked you to perceive it as a work of the art of pleasure gardens, as, in fact, a real garden? Would it make sense to ask you to do so? How could you be asked to perceive a portrayal of grasses, flowers, bushes and trees, as if these had been corporeally given, presented, rather than depicted or represented? How could you be asked to perceive a flat, two-dimensional surface coloured with strokes of green and brown, perhaps some violet and yellow ink, yet without real grasses, flowers, bushes and trees, as a real garden? But setting aside whether this is nonsense or not, even if you were to accept my proposal, your appreciation of the work would hardly be the same as it would be if you were to appreciate it under the category of 'merely aesthetic painting'. This is because, whereas being a flat, two-dimensional surface is a necessary condition for something's being merely aesthetic painting (as being coloured with strokes of ink, is a variable feature to it), it is preclusive with respect to the art of pleasure gardens. The absence of real grasses, flowers, bushes and trees is necessary for something's being merely aesthetic painting. Although this would not *per se* make a big difference in one's appreciation of an object as an artwork of merely aesthetic painting, it would be very confusing if one were to perceive it under the category of 'the art of pleasure gardens'.

Now, it could be objected that so far I am doing nothing but stiltedly applying contextualism to Kant's division of the arts, whereas I have proposed to show that Kant's appreciation of art is in accordance with contextualism. Something must be added, and the ultimate textual support for Kant's contextualism is found once one reaches §53.

It is in §53 that Kant officially compares the aesthetic value of the kinds and subkinds of beautiful arts with each other (that is, he ascribes a different aesthetic value to each of the arts). Of course, Kant does not talk of ‘standard’, ‘variable’ and ‘contra-standard’ features. However, in the comparison he undertakes it is presupposed that expressing aesthetic ideas is necessary for all the beautiful arts, for it is necessary with respect to the category ‘beautiful art’. Crucially, it is based upon the way each beautiful art expresses aesthetic ideas (thus upon what is necessary and what is variable with respect to beautiful art) that Kant compares their aesthetic value. Among the different ways of expressing aesthetic ideas, some are, for Kant, better than others, Kant’s preferential criterion presumably being the degree to which the arts enlarge ‘the faculties that must join together in the power of judgment for the sake of cognition’, that is, ‘the culture that they provide for the mind’ (*CPJ*, 5: 329), or, more succinctly, the degree to which they ‘expand’ or ‘strengthen’ the mind (cf. *CPJ*, 5: 326). Accordingly, [t]he *art of poetry* (which owes its origin almost entirely to genius, and will be guided least by precept or example) claims the highest rank of all’ (*CPJ*, 5: 326), whereas ‘music occupies the lowest place among the beautiful arts’ (*CPJ*, 5: 329). Detailed explanations for both ranks come immediately after the respective passages, and much could be added on why Kant places such or such art in such or such rank. Nonetheless, that Kant compares the aesthetic value of the beautiful arts with each other based upon what is necessary (expressing aesthetic ideas) and what is variable (ways and degrees to which they express aesthetic ideas) with respect to beautiful art is sufficient for claiming that Kant’s appreciation of art is in accordance with contextualism. Indeed, it is by perceiving the various kinds of beautiful art under the category ‘beautiful art’, hence by considering what is necessary and what is variable with respect to such a category, that Kant compares them with each other. It is by perceiving the art of poetry under the category ‘beautiful art’ that Kant places it on the top of his rank.¹¹ Aesthetic appreciation of beautiful art implies taking as necessary that beautiful art expresses aesthetic ideas as well as being aware that in beautiful art aesthetic ideas can be expressed in a variety of ways and to a variety of degrees. If the way aesthetic ideas are expressed in an art kind is better than the way they are expressed in another, then the former art kind is, to that extent, better than the latter.

What is more, not only does Kant compare the aesthetic value of the kinds of beautiful art with each other based upon what is necessary and what is variable with respect to beautiful art, he also compares the value of subkinds with each other by perceiving them under their subcategories (namely, ‘the art of speech’, ‘pictorial art’ and ‘the art of the play of sensations’, rather than just as beautiful art) and considering what is necessary and what is variable with respect to such subcategories. Expressing aesthetic ideas ‘in *sensible intuition*’ and by ‘mak[ing] shapes in space’ (*CPJ*, 5: 321–2) is necessary for an artwork to belong to pictorial art, whereas variable features include expressing aesthetic ideas either by means ‘of *sensible truth*’ or ‘of *sensible illusion*’ as well as making shapes knowable either ‘by two senses, sight and feeling’ or by sight alone. Now, at the end of §53, Kant says that among the pictorial arts he ‘would give the palm to *painting*’ (*CPJ*, 5: 330). Once again, a detailed explanation for this comes immediately after: it is partly because painting ‘can penetrate much further into the region of ideas and also expand the field of intuition in accordance with these much further than is possible for the rest’ (*CPJ*, 5: 330). Yet, that Kant

compares the aesthetic value of subkinds of beautiful art based upon what is necessary and what is variable with respect to them is sufficient for claiming that Kant's appreciation of art is in accordance with contextualism. It is by perceiving subkinds of pictorial arts under the category 'pictorial art', hence by considering what is necessary and what is variable with respect to a such category, that Kant compares their aesthetic value. It is by perceiving painting under the category 'pictorial art' that Kant places it on the top of the pictorial arts' rank. Aesthetic appreciation of pictorial arts implies taking as necessary that pictorial arts penetrate into the region of ideas and expand the field of intuition in accordance with these, as well as being aware that in pictorial art this can be done in a variety of ways and to a variety of degrees. If the way a subkind of beautiful art penetrates into the region of ideas and expands the field of intuition in accordance with this is better than the way this is done in another, then, the former subkind is, to that extent, better than the latter.

In summary, Kant indeed compares the aesthetic value of the beautiful arts with each other based upon perceptions under different categories, or art kinds, and subcategories, or art subkinds, and considering what is necessary and what is variable with respect to such kinds and subkinds. To this extent, Kant's appreciation of art is in accordance with contextualism.

3. Kant and ethicism

Despite having mentioned Kant's kinds and subkinds of beautiful art, in my article so far I have mostly focused on pictorial art and on the fact that among its subkinds Kant would give the palm to painting. I have done this in order to argue that Kant's appreciation of art is in accordance with contextualism. Yet, the comparison of the aesthetic value of the beautiful arts with each other is not exhausted within the pictorial arts. Kant also makes some comparisons within the arts of speech. Now, of course, claiming the highest rank of all the arts, the art of poetry is also given the palm among the arts of speech. However, the comparisons Kant makes between poetry and rhetoric do not seem to lie only in the ways or degrees to which they express aesthetic ideas. Rather, it seems that ethical issues play a crucial role when it comes to the rank of poetry and rhetoric among the arts, and this might have some consequences for the picture of Kant's view on the relation of art to morality. Kant is often seen as an autonomist. However, focusing mainly on §§51–3 of the third *Critique*, I will argue that Kant's appreciation of art is in accordance with ethicism.

Ethicism is the view expressed by Gaut (1998). Gaut argues that 'the ethical criticism of art is a proper and legitimate aesthetic activity', or, more precisely, that 'the ethical assessment of attitudes manifested by works of art is a legitimate aspect of the aesthetic evaluation of those works' (Gaut 1998: 182). The keyword of Gaut's thesis is 'aesthetic'. Were he to claim that the ethical criticism of art is proper and legitimate, his thesis would not be as challenging as it is, for it is widely accepted that works of art can be assessed in a number of ways, from a variety of points of view, by using different criteria, including ethical ones. However, Gaut states that the ethical criticism of attitudes manifested by works of art is a legitimate aspect of the evaluation of such works as works of art, such that, 'if a work manifests ethically reprehensible attitudes, it is to that extent aesthetically defective' (Gaut 1998: 182).¹²

As for Gaut's argument for ethicism, the idea of a prescribed response being merited is of crucial importance. A work of art succeeds in making a prescribed response merited if and only if the audience responds in the prescribed way; and if a work fails in making a prescribed response merited, it is, to that extent, aesthetically defective. Now, Gaut remarks that some of the responses works of art prescribe (and therefore manifest) are unmerited (that is, we have reason not to respond in the way prescribed) because they are ethically reprehensible. If this is so, then an artwork's manifesting ethically reprehensible attitudes counts against its aesthetic merit. Although the reason why one does not respond in the way prescribed (why the response is unmerited) is of an ethical sort, that one has reason not to respond that way constitutes an aesthetic defect, for the failure to make a prescribed response merited is an aesthetic defect. Thus, if an artwork displays an immoral stance, it is, to that extent, morally as well as aesthetically defective.

In the remainder of my article, I will argue that not only does ethicism fit Kant's views on the aesthetic appreciation of art; Kant's appreciation of art is in accordance with ethicism.¹³ Once again, some of the strongest textual support for this claim can be found in §§51–3, where Kant attempts some experiments on the division, combination and comparison of the beautiful arts with each other.¹⁴

One of the most fascinating and intriguing things about beautiful art in Kant's theory is that it promotes a self-maintaining free play of the imagination with the understanding. How this is possible is something that Kant spells out by elaborating on the abilities of genius, imagination and spirit, as well as on notions such as 'aesthetic ideas' or 'aesthetic attributes', primarily throughout §49. For our purposes there is no need to elaborate on this. Rather, all one should keep in mind is that a crucial aspect of beautiful art is that it sets the mental powers into a self-maintaining free play. Accordingly, we have seen that the criterion Kant seems to prefer when it comes to comparing the aesthetic value of the beautiful arts with each other is 'the enlargement of the faculties that must join together in the power of judgment for the sake of cognition', that is, 'the culture that they provide for the mind' (*CPJ*, 5: 329). To be sure, it is because poetry 'expands' and 'strengthens the mind' as no other art does that it 'claims the highest rank of all' (*CPJ*, 5: 326). What is more, not only does this seem to be Kant's preferential criterion when it comes to ranking the various beautiful arts; the lasting animation of the mind is distinctive of beautiful art in comparison with the agreeable arts: 'Agreeable arts are those which are aimed merely at enjoyment ... Beautiful art, by contrast, is a kind of representation that is purposive in itself and, though without an end, nevertheless promotes the cultivation of the mental powers for sociable communication' (*CPJ*, 5: 305–6).

In §52, Kant stresses this distinction between beautiful and agreeable arts. He states that

in all beautiful art what is essential consists in the form, which is purposive for observation and judging, where the pleasure is at the same time culture and disposes the spirit to ideas, hence makes it receptive to several sorts of pleasure and entertainment – not in the matter of the sensation (the charm or the emotion), where it is aimed merely at enjoyment, which leaves behind it nothing in the idea, and makes the spirit dull, the object by and by loathsome,

and the mind, because it is aware that its disposition is contrapurposive in the judgment of reason, dissatisfied with itself and moody. (CPJ, 5: 325-6)

I would like to emphasize what Kant concludes from this, namely that, unless the beautiful arts are ‘combined, whether closely or at a distance, with moral ideas, which alone carry with them a self-sufficient satisfaction’, then, making the spirit dull, the object by and by loathsome and the mind dissatisfied with itself and moody is beautiful arts’ ‘ultimate fate’ (CPJ, 5: 326).

This is a key passage for the thesis that, for Kant, one can aesthetically criticize a work of art on ethical grounds. If beautiful art, precisely insofar as it is beautiful art, is to set the mental powers into a self-maintaining free play (that is, to put the mind into a lasting animation), and if not being combined with moral ideas prevents it from doing so, then, not being combined with moral ideas is not only an ethical defect of beautiful art, but also an aesthetic one. Guyer (2008) uses this excerpt from §52 to provide the ultimate textual support to justify a claim that, in Kant, ‘moral content is necessary for the enduring interest of a work of art, and thus that criticism of the ethical power of a work of art is criticism of its success as a work of art’ (Guyer 2008: 23). As Guyer insightfully holds,

if it is part of the intention in producing or experiencing a work of art that it sustain our pleasure in it, then the criticism that it contains no ethical content sufficient to do so would be a criticism of its success as a work of art, and in this way ethical criticism would become part of aesthetic criticism. (Guyer 2008: 24)

Since this is what ethicists claim, it is indeed clear how well it fits Kant’s views on the appreciation of beautiful art.

Still, a first objection could be raised against my (and Guyer’s) account of the relation of Kant’s aesthetic theory with ethicists. It could be objected that this is nothing but a stilted application of a relatively recent view, namely ethicists, to Kant’s views on the appreciation of art, whereas I have proposed to show that Kant’s appreciation of art is in accordance with ethicists.

In order to overcome this objection, I shall turn to Kant’s remarks on rhetoric. Not only will this provide additional textual support for my claim; it will put into view an aspect of the aesthetic difference made by ethical defects that is supplementary to the one emphasized by Guyer.

Kant starts his experiments of dividing, combining and comparing the arts by contrasting poetry and rhetoric. Both are arts of speech, hence, it is through words that both are to express aesthetic ideas. However, whereas poetry is the art ‘of carrying out a free play of the imagination as a business of the understanding’, rhetoric (*Beredsamkeit*) is that ‘of conducting a business of the understanding as a free play of the imagination’ (CPJ, 5: 321) – in other words, whereas the poet ‘announces merely an entertaining play with ideas’, the orator ‘takes something away from what he does promise, namely the purposive occupation of the understanding’, after all providing ‘less than he promises’ (CPJ, 5: 321). Now, once one proceeds to §53 and Kant’s treatment of rhetoric as ‘the art of the orator (*Rednerkunst*) (*ars oratoria*)’ (CPJ, 5: 328), that is, ‘insofar as by that is understood the art of persuasion

(*die Kunst zu überreden*) . . . and not merely skill in speaking (eloquence and style)' (CPJ, 5: 327), what one finds is that whereas '[i]n poetry, everything proceeds honestly and uprightly', the art of the orator is, by definition, 'a dialectic, which borrows from the art of poetry only as much as is necessary to win minds over to the advantage of the speaker before they can judge and to rob them of their freedom' (CPJ, 5: 327). The use of deceit is crucial in the contrast of poetry with oratory: in the former it is forbidden; by contrast, it seems to be part of oratory that it deceives – the art of the orator is that 'of deceiving by means of beautiful illusion' (CPJ, 5: 327).

What I would like to highlight from this is that being deceitful (thus aiming at robbing minds of their freedom) is the main reason Kant presents for ascribing oratory a low rank among the arts (certainly lower than poetry, at worst lower than any other). Indeed, Kant goes so far as to say that oratory not only 'cannot be recommended either for the courtroom or for the pulpit' (CPJ, 5: 327); it 'is not worthy of any respect at all' (CPJ, 5: 328). It is crucially on ethical grounds that Kant ascribes oratory a low place. It is crucially because such art manifests ethically reprehensible attitudes (namely, deceit) that it is defective as an art. Now, if this is so, then, not only is oratory an instance of how well ethicism fits Kant's views on the appreciation of art; it is paradigmatic of Kant's ethicism. Although it must be conceded that Kant does not go so far as to experiment comparing given works of art on ethical grounds, it is crucially on ethical grounds that he does compare the aesthetic value of poetry and oratory with each other.

What is more, Kant's remarks on oratory put into view an aspect of the aesthetic difference made by ethical defects that Guyer does not consider in his analysis of Kant's ethicism. In the passages I have quoted, and in a number of others, Guyer puts an emphasis on moral content. He states, for instance, that Kant 'is not prepared to allow that our pleasure in a work of art can be *enduring* or *self-sustaining* unless that work has some moral content sufficient to sustain our satisfaction in it' (Guyer 2008: 24), and that in Kant's theory of art 'the criticism of a work of art that it has content that leaves us ethically indifferent or repulsed would be criticism of its success *as art*' (Guyer 2008: 25). Yet, the remarks Kant makes on oratory show that ethical defects may also lie (and, in the case of such art, perhaps more importantly) in the means that art uses.

Let us attempt our own experiment. Imagine that a speech persuades an audience, that it does so with correctness and richness of diction, as well as prosody and metre, without offending the rules of euphony in speech, yet making use of deceit. Since the use of deceit is preclusive with respect to poetry, it would be disturbing if the speech had a positive aesthetic effect on anyone who perceived it as a product of the art of poetry. Yet, were one to perceive it as a product of oratory, then being aesthetically struck in a positive way, say, as before a beautiful work of art, would not be disturbing at all. Perhaps the more deceitful the speech was, the aesthetically better, to that extent, it would be, for one would respond exactly in the prescribed way.

However, for Kant, this is not the case. In §53, he adds that

even if [oratory] can sometimes be applied to purposes that are in themselves legitimate and praiseworthy, it is still objectionable that the maxims and dispositions be subjectively corrupted in this way, even if the deed is objectively lawful: for it is not enough to do what is right, but it is also to be performed solely on the ground that it is right. (CPJ, 5: 327)

It seems, then, that, no matter how great the ends are, deceit may never be the means.

Now, I take this excerpt not only as showing that oratory is paradigmatic of how ethical issues play a vital role in the appreciation of art, but also as putting into view an additional aspect of the aesthetic difference that ethical defects make. It seems that ethical defectiveness may importantly lie in the means. An artwork may have a moral content, and yet, if the means it uses are deceitful, then it is, to such extent, ethically defective. This seems to be the case for oratory: it might happen that the speech is applied to legitimate and praiseworthy purposes; however, that it deceives, that it makes use of ethically reprehensible means, is enough for it to be ethically defective. Now, if making use of ethically reprehensible means is the main reason Kant presents for ascribing oratory such a low rank as an art, then such art's ethically defective means (and not only its defective moral content) play a crucial role in its aesthetic defectiveness. This being so, art can be aesthetically defective not only because of its moral content (or the absence of this), but also in virtue of the means that it uses – and this is something one can conclude only once one reaches §53.¹⁵

Yet, there could be a second objection to my view. One could ultimately maintain that, for Kant, oratory has no aesthetic value, that it is not beautiful art at all, rather than claiming it is less beautiful or has less aesthetic value than the other arts. It might be the case that, when it comes to oratory, ethical defects preclude one from even appreciating its products aesthetically.

There are two remarks I would like to make against this objection. First, we should remember that what Kant does attempt in §§51–53 are some experiments of combining and dividing the *beautiful* arts, as well as of comparing the *aesthetic* value of them with each other. Since he undoubtedly includes oratory in these, this is a good reason for thinking that its products may be appreciated aesthetically.¹⁶

Yet, there are some other passages in which Kant suggests that oratory does not belong to beautiful art. Indeed, in §53, he holds that '[e]loquence and well-spokenness (together, rhetoric) belong to beautiful art; but the art of the orator (*ars oratoria*), as the art of using the weakness of people for one's own purposes (however well intentioned or even really good these may be) is not worthy of any *respect* at all' (*CPJ*, 5: 328).

Still, even if one concedes that, in virtue of its ethical defectiveness, oratory can hardly be a beautiful art, it does not follow that one is precluded from appreciating its products aesthetically. How this may be so is something that one finds out by contrasting the purported reason why it is arguable that one is precluded from aesthetically appreciating the products of architecture with the reason why this is also arguably the case for our response to the products of oratory.

In the case of the former, the reason would be that in architecture 'a certain use of the artistic object is the main thing, to which, as a condition, the aesthetic ideas are restricted' (*CPJ*, 5: 322). That is, in the case of architecture, the appropriateness of the object to a certain use is arguably too gripping for the imagination to engage in a free play with the understanding. That being so, it might be defended that one is precluded from aesthetically appreciating a product of architecture.¹⁷ Is this the case for our response to oratory? I do not think so, and this is the second remark I would like to make for rejecting the second objection to my view.

What presumably occurs in the case of oratory is that we have reason not to respond aesthetically. Since such art crucially makes use of deceit, since it is ethically defective, we ought not to allow it to use our weakness, to rob our freedom, to move us like machines. Rather than being precluded from being moved by its beautiful illusion, the case is that one ought to preclude oneself from being moved by this. Rather than being precluded from aesthetically appreciating the products of oratory, one ought to preclude oneself from aesthetically appreciating them.¹⁸ Once again, this is so because one has reason, namely of an ethical sort, not to aesthetically appreciate the products of oratory – or, in Gaut's words, one has reason not to respond in the way prescribed by the work. To sum up, in the experiment of comparing the aesthetic value of the beautiful arts with each other, Kant ascribes oratory a low rank on the ground that we have ethical reason not to respond in the way prescribed by such art. If this is not performing ethicism, what else may it be?

In any case, we might need not to go that far. Perhaps what the inclusion of oratory in Kant's comparison of the aesthetic value of the beautiful arts with each other after all shows is that Kant takes this comparison to be a comparison of the value of the arts as arts – regardless of whether it is the case that, for Kant, in virtue of oratory's use of deceit, its beauty or aesthetic value is reduced but not to zero, that it is reduced to zero or that one ought to preclude oneself from aesthetically appreciating it. If that is the case, it is even more clear that Kant's appreciation of art is in accordance with ethicism, for it is crucially on ethical grounds (namely on the ethical defectiveness of the means oratory uses) that Kant ascribes oratory a low rank among the arts as arts. Therefore, just as we have seen that Kant's appreciation of art in §§51–3 is in accordance with contextualism, we can now conclude that his appreciation of art in these sections is also in accordance with ethicism.¹⁹

Notes

1 In this article, I take Kant's aesthetic theory to refer to Kant's views in the *Critique of the Power of Judgment*. All references to this work are given by volume and page number of the Akademie edition. I follow the translation in the Cambridge edition of Kant's works (Kant 2000). I use the following abbreviation: *CPJ* = *Critique of the Power of Judgment*.

2 See, for instance, what Costello writes in the first footnote of his paper: 'I have no intention of adopting the kind of approach that takes ostensibly anti-aesthetic objects, such as readymades, and admires them for their previously overlooked formal qualities. To my mind, that is to misconstrue the nature of aesthetic value in art as surely (and for the essentially the same reasons) as those who understand Conceptual Art in unreservedly anti-aesthetic terms' (Costello 2007: 92).

3 Zangwill takes Walton to think that 'our judgments about the aesthetic character of works of art are dependent on the art-historical categories under which we subsume them' (Zangwill 2001: 91), and hence that 'all the aesthetic properties of works of art are nonformal' (103). By contrast, Zangwill argues that '[m]any works of art are purely formal works – all their aesthetic properties are formal aesthetic properties' (101), and hence that such works can 'be fully understood in purely formalist terms' (104). For what Zangwill means by 'formal' and 'nonformal' aesthetic properties, see Zangwill 2001: 56–7, 77–8 and 83–4; for Zangwill's explicit defence of moderate formalism against Walton's arguments, see Zangwill 2001: 82–101. Still, Zangwill admits that contextualism – or anti-formalism, as he calls it – 'has become the consensus in aesthetics' (Zangwill 2001: 102). For a more recent (semi-)formalist contribution on aesthetics, see Nanay (2016).

4 Anderson and Dean took the name of their view from Carroll (1996). Although Carroll's moderate moralism and Gaut's ethicism are not exactly the same, this does not seem to make too big a difference to Anderson and Dean. To be sure, it is '[i]n contrast to the views articulated by Gaut and Carroll' that they

'argue for a conception of the relationship between moral and aesthetic evaluation which Carroll calls *moderate autonomism*' (Anderson and Dean 1998: 152). For a comparison between ethicism and moderate moralism that brings out the strengths of the former in comparison with the latter, and that furthermore resorts to Kantian ethics in order to do so, see Conolly (2000). As for Anderson and Dean's criticisms, these authors think that 'neither Carroll nor Gaut has succeeded in showing that a moral defect . . . as such is ever an aesthetic defect' (Anderson and Dean 1998: 166). Focusing on examples of 'intended cognitive-affective responses that are at once unmerited and not instances of aesthetic flaws in a work' (161), they claim that 'not all prescribed but unmerited responses are failures of artworks *qua* artworks' (159) and ultimately maintain that 'a work's moral flaws never count as aesthetic flaws' (154).

5 As for what it means for a feature to be standard, variable or contra-standard, Walton says that '[a] feature of a work of art is *standard* with respect to a (perceptually distinguishable) category just in case it is among those in virtue of which works in that category belong to that category – that is, just in case the lack of that feature would disqualify, or tend to disqualify, a work from that category. A feature is *variable* with respect to a category just in case it has nothing to do with works' belonging to that category; the possession or lack of the feature is irrelevant to whether a work qualifies for the category. Finally, a *contra-standard* feature with respect to a category is the absence of a standard feature with respect to that category – that is, a feature whose presence tends to *disqualify* works as members of the category' (Walton 1970: 339).

6 As for features' standardness for a given category, they can often be regarded as 'results of more or less conventional "rules" for producing works in the given category' (Walton 1970: 351).

7 Much literature has been produced on the beginning of §51, where beauty is called the expression of aesthetic ideas, but the remainder of the section, as well as the following two, have often been disregarded, presumably because Kant himself forewarns the reader that the experiments he attempts in these sections are only among several that could and should be attempted. However, this does not diminish the importance of the fact that Kant's framework includes talking of kinds and subkinds of beautiful art. Although this is somewhat scarce in other parts of the *Critique of the Power of Judgment*, some passages can be referred to. Allison (2001), for instance, takes §48's phrase 'sort of thing the object is supposed to be' as referring primarily to 'the artform or genre of a work, for example, a historical painting, a sonnet, or a symphony' (Allison 2001: 295). Furthermore, it seems that not only in Walton (1970), but also in Kant's third *Critique*, specific rules are attached to specific kinds. In §43, for instance, Kant mentions 'correctness and richness of diction as well as prosody and meter' as examples of the mechanisms without which in the art of poetry the spirit would have no body at all and would entirely evaporate (*CPJ*, 5: 304). Had he chosen another art kind, he would have mentioned other mechanisms.

8 To this extent, my account is supplementary to that provided by Tuna (2018). Before Tuna, Zuckert (2007) had already made use of Walton (1970), namely in order to emphasize the positive aesthetic role that the incorporation of the judgement of the object's perfection may play in transforming one's judgement of taste (cf. Zuckert 2007: 202–12). Tuna's account of how to form informed aesthetic judgements concerning works of art offers an alternative both to Zuckert's view and to the conjunctive view (Gammon 1999; Allison 2001; Rueger 2008). She also draws upon Walton's contextualism and proposes that one think of concept/category expansion and repudiation in order to understand Kant's theory. Now, since Tuna's purpose is to give an account of how to form informed *pure* aesthetic judgements concerning works of art, she focuses more on the unsumable, resistant nature of Kant's works of genius, on their transgressive aspects and therefore on the exemplary originality they imply. Hence, it is not surprising that she elaborates on the *Critique of the Power of Judgment*'s §49 and on Walton's 'contra-standardness'. I will focus instead on the third *Critique*'s §§51 and 53, as well as on Walton's 'standardness' and 'variableness', in order to argue that Kant's appreciation of art is in accordance with contextualism.

9 The expression of aesthetic ideas in beautiful art is here considered according to 'the analogy of art with the kind of expression that people use in speaking in order to communicate to each other, i.e. not merely their concepts, but also their sensations' (*CPJ*, 5: 320). The principle Kant adopts in order to experimentally divide and combine the beautiful arts is, in short, 'that of the expression of aesthetic ideas (in accordance with the analogy of a language)' (*CPJ*, 5: 323).

10 Kant describes the pictorial arts as 'those of the expression of ideas in *sensible intuition*' (*CPJ*, 5: 321–2). Both of the two kinds of pictorial arts, that is, the plastic arts as well as painting, 'make shapes in space

into expressions of ideas' (CPJ, 5: 322). As for how they can be counted (by analogy) as gesture in a language, Kant says that this 'is justified by the fact that the spirit of the artist gives a corporeal expression through these shapes to what and how he has thought, and makes the thing itself speak as it were in mime' (CPJ, 5: 324).

11 Were Kant to compare the arts according to different criteria, he would rank them differently. In fact, he does this: although it must be conceded that Kant does not go so far as to experiment with comparing given works of art (let alone the same artwork) based on perceptions under different categories, and what is necessary, and what is not, with respect to such categories, he does indeed compare the arts with each other according to different criteria. Accordingly, music is to be placed immediately after poetry 'if what is at issue is charm and movement of the mind' (CPJ, 5: 327–8), whereas 'it occupies perhaps the highest place among those [beautiful arts] that are estimated according to their agreeableness' (CPJ, 5: 329). However, if one 'takes as one's standard the enlargement of the faculties that must join together in the power of judgment for the sake of cognition', as Kant himself presumably prefers to do, then the pictorial arts 'surpass [music] in this respect' (CPJ, 5: 329).

12 I shall note that, according to Gaut, 'there are a plurality of aesthetic values, of which the ethical values of artworks are but a single kind' (Gaut 1998: 183). Gaut's use of phrases such as 'counting against' and 'to an extent' is crucial here: 'manifesting ethically reprehensible attitudes counts against [the] aesthetic merit [of a work]' (Gaut 1998: 182), 'if a work manifests morally bad attitudes, it is to that extent aesthetically flawed' (184). As for attitudes being manifested, Gaut interchangeably talks of them being 'displayed', 'possessed', 'shared', 'exhibited', 'espoused' and 'presented'. Still, this is not the same as being 'represented': a work of art can represent an ethically reprehensible attitude without manifesting it. Now, according to Gaut, it is in the responses that works of art prescribe to their audiences that their attitudes are manifested.

13 It should be clear that this part of my article is not a general account of Kant's views on the relation of aesthetics to ethics or of art to morality. All I propose to consider is whether, for Kant, an art's ethical defectiveness is also an art's aesthetic defectiveness. For an outstanding but, I think, overlooked account of Kant's relation of art to morality, see Haskins (1989).

14 My account is supplementary to that provided by Guyer (2008). Guyer also argues for Kant's ethicism. However, the ultimate textual support for his argument is a passage of §52 in which Kant hints that the beautiful arts must be combined with moral ideas. Although I will say something on this passage, I will elaborate on what Kant adds in §§51 and 53. The remarks Kant makes on rhetoric, namely as oratory, are paradigmatic of the role that ethical issues play in the aesthetic appreciation of beautiful art. As such, they provide crucial additional textual support for arguing for Kant's ethicism. What is more, by focusing on those remarks I will also put into view an aspect of the aesthetic difference made by ethical defects that is supplementary to the one emphasized by Guyer: whereas Guyer stresses the content, I will put the emphasis on the means.

15 In a previous paper, while elaborating on the third *Critique's* §48's reference to *Ekel*, Guyer (2004) suggests that 'we feel loathing when we feel manipulated by the artistic representation, when we feel that the representation . . . is attempting to impose pleasure upon us when we would prefer to remain with our feelings of disagreeableness or moral disapproval rather than indulge in the enjoyment of beauty. In other words, loathing, at least as Kant treats it here, may itself be a moral response to an attempt to abridge our freedom through the beautification of that which we feel should not be beautified' (Guyer 2004: 13). This insightful remark on *Ekel* might have led Guyer to consider Kant's treatment of oratory, and the use that it makes of ethically defective means, within his analysis of Kant's ethicism. Loathing regarding artistic manipulation might be the proper response to deceit. However, Guyer's analysis does not go so far as to include a consideration of rhetorical use of deceit, nor what this may entail when it comes to the importance of the use of ethically defective means, rather than only of moral content. To this extent, my account is complementary to his, but goes further. By focusing on the means, besides, I put forward a topic of Kant's views on the appreciation of art that is supplementary to the one addressed within the debate over how restrictive or inclusive Kant's theory of aesthetic ideas is. Indeed, Guyer (1977), Allison (2001), Chignell (2007), Rogerson (2009) and Matherne (2013) agree that aesthetic ideas, hence beautiful art, can present moral concepts, the main difference of their interpretations with each other lying in what else, if anything, aesthetic ideas can present. I address the relevance of the means through which art does so.

16 The same might be said against the likewise arguable thesis that, for Kant, neither architecture nor music have aesthetic value, that is, neither the former nor the latter are beautiful arts. Though there are many passages one could quote in order to argue against this, that Kant includes both architecture and music in his experiments is in any case a good reason for taking him as assuming both to have aesthetic value, to be beautiful arts.

17 Although it fits §16's suggestion that the beauty of architecture is of an adherent kind (cf. *CPJ*, 5: 230), the defender of the claim that architecture cannot be beautiful would still have to make a case for adherent beauty not being a kind of beauty.

18 In the only reference that Kant makes to *Ekel* in the third *Critique*, in §48, he asserts that 'the object is represented as if it were imposing the enjoyment which we are nevertheless forcibly resisting' (*CPJ*, 5: 312). When Guyer elaborates on this, he suggests that 'we feel loathing when we feel manipulated by the artistic representation' and ultimately adds that loathing 'may itself be a moral response to an attempt to abridge our freedom through the beautification of that which we feel should not be beautified' (2004: 13). Now, if this is so, then resisting or not resisting the artistic attempts to abridge our freedom might ultimately be up to us as moral beings. I suggest that the same holds true in the case of our response to the products of oratory. Although (as far as I know) Kant does not make any explicit reference to manipulation by artistic representation, he does mention 'artful trickery' – what is more, Kant does so precisely in the remarks he makes on oratory, in §53 (*CPJ*, 5: 327). Resisting or not resisting the attempts of a deceitful art to rob our freedom by means of artful trickery might ultimately be up to us as moral beings. Rather than being precluded from aesthetically appreciating the products of oratory, it might be the case that we ought to preclude ourselves from doing so.

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