

# Kant and the Problem of *Strong* Non-Perceptual Art

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I argue that Kant's theory of art meets the challenge of *strong* non-perceptual art, an idea I extrapolate from James Shelley's account of non-perceptual art. I endorse the spirit of Shelley's account, but argue that his examples fail to support his case because he does not distinguish between strong and weak non-perceptual art. The former has no perceptible properties relevant to its appreciation as art; the latter is not exhausted by appreciation of those perceptible properties it does have. I show this by comparing Marcel Duchamp's *Fountain* and Robert Barry's *All the things I know*.

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For Kant, appreciating art aesthetically as art requires: (1) awareness that it is art and (2) responsiveness to the ideas presented. Taken together, this allows Kant to accommodate strong non-perceptual art. I consider three challenges to this view: (a) Kant is committed to a representational theory of art; (b) Kant is committed to a restrictive formalism about aesthetic judgements of art; (c) Kant's understanding of aesthetic pleasure commits him to a perceptual theory of art. I reply that: (i) this is grounded in empirical generalizations external to Kant's theory; (ii) Kant's strong formalist views are at odds with his account of 'subjective purposiveness', and the latter has priority; (iii) Kant is offering a *general* theory of art, which must accommodate both literature and strong non-perceptual art.

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## The Problem of Non-Perceptual Art

Some questions to begin: what is 'non-perceptual' art? Is it a single, unified kind, or does it come in various guises? What is 'the problem' with art so construed? How, if at all, might Kant's aesthetics contribute to its solution? Answering the latter is my goal, but I defer comment on this until I have addressed the others.

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By 'non-perceptual art' I do not mean works in art forms such as literature or music that cannot be perceived (in the narrow sense of seen), or are not to be identified, qua work, with anything that can be (such as an original manuscript or score). I mean works it only makes sense to think of as 'visual art', given their standard contexts of appreciation (galleries and museums, the discourses of art history and theory), yet which are, counter-intuitively in view of those contexts, neither available to sight nor, arguably, the senses at all—at least in the relevant sense. These are the kind of works that have driven philosophical theorizing about the nature of art over the last fifty years. They include any work that, though picked out by something that is available to the senses, is not to be identified, qua *work*, with the sensible object through which it is picked out. When we appreciate such works we are not, on a strong version of the thesis, appreciating features of the sensible object through which we come to know of the work's existence or, on a weak version of

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the thesis, not only appreciating such features; we are appreciating features of what that sensible object picks out.

2.5 Such works are typically used to motivate non-aesthetic theories of art, and that they are says much about how recent philosophers have understood the nature of art's aesthetic properties: for only given certain assumptions about what constitute a work's aesthetic properties can such works function as counterexamples to aesthetic theories of art. Against what has been philosophical orthodoxy since Arthur Danto's *Transfiguration of the Commonplace*, I argue, following the lead of James Shelley, that nothing precludes correctly appreciating non-perceptual works of art in aesthetic terms. In 'The Problem of Non-Perceptual Art', Shelley characterizes these works in terms of the necessary possession of non-perceptual aesthetic properties, and claims that the 'problem' with such works arises from the independent plausibility, but joint inconsistency, of the following three propositions:

- 2.15 (R) Artworks necessarily have aesthetic properties that are relevant to their appreciation as artworks;
- (S) Aesthetic properties necessarily depend, at least in part, on properties perceived by means of the five senses;
- (X) There exist artworks that need not be perceived by means of the five senses to be appreciated as artworks.<sup>1</sup>

2.20 There are three ways of resolving the resulting inconsistency. On Shelley's account, affirming the first two while denying the third was standard until the 1960s (think of Clive Bell, Susanne Langer, Monroe Beardsley, or Clement Greenberg). Under pressure of Duchamp's legacy, notably conceptual and other allegedly a- or anti-aesthetic art, affirming the last two while denying the first became the new orthodoxy (one thinks of Danto, Timothy Binkley, and Noël Carroll—though Carroll disputes this). Shelley embraces the only remaining alternative: denying the second while affirming the first and third.

2.30 By affirming (R), advocates of the third solution, like proponents of the first, deny the possibility of non-aesthetic art. Unlike the latter, because they affirm (X) rather than (S), they do not require that artworks be perceived by means of the senses to be appreciated aesthetically, and this commits them to very different views of what may count as an aesthetic property and, thus, as 'aesthetic art'. Like proponents of the second solution, by endorsing (X), advocates of the third build in the existence of non-perceptual art.

2.35 Unlike the former, because they affirm (R) rather than (S), they deny that such art is non-aesthetic and do so, given their endorsement of (X), by denying that aesthetic properties necessarily depend (even in part) on perceptible ones.

2.40 Shelley claims not only that there is reason to think the third solution correct, but that it captures a central way in which aesthetic properties have been understood in the modern aesthetic tradition, setting aside its co-option by an untenably restrictive formalism

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2.44 1 James Shelley, 'The Problem of Non-Perceptual Art', *BJA* 43 (2003), 363–78. Noël Carroll responds in 'Non-Perceptual Aesthetic Properties: Comments for James Shelley', *BJA* 44 (2004), 413–23. Shelley replies in 'Aesthetics and the World at Large', *BJA* 47 (2007), 169–83.

for much of the twentieth century. If Shelley is right about this, the second solution turns out to be a symptom of what it rejects: it denies the necessity of aesthetics to the appreciation of art largely *because* it understands what taking aesthetic considerations into account would involve through the distorting optic of formalism.<sup>2</sup> I believe that Shelley is essentially right about this. Given this, the question I pursue here is whether first-solution appeals to Kant's third *Critique* to underwrite a narrowly formalist conception of aesthetic value—the plausibility of which the second solution takes on trust, and on which basis it rejects the necessity of aesthetic considerations to the appreciation of art—are justified. 3.5

Formulating the problem in this way is informed by an important background constraint on Shelley's project. Given that he presents the third solution as an attempt to *reclaim* aspects of the aesthetic tradition marginalized by the first and the second solution alike, it is essential that his own proposal be consistent with core meanings of the 'aesthetic' in the modern tradition. Should it depend on redefining that notion, it will beg the question. In an illuminating note, Shelley boils his endorsement of the third solution down to the proposal that 'we [should] allow that aesthetic properties depend on semantic properties just as they depend on sensory properties', adding that, if his historical claims are correct, 'not only does [this] not involve a stipulative redefinition of the notion of the aesthetic, but is in fact required by its original formulation'.<sup>3</sup> 3.10 3.15 3.20

Shelley's historical claims pertain to Hutcheson; mine pertain to Kant. Consonant with Shelley's project, my goal is to show that on an adequate conception of aesthetic value, not only can supposedly 'non-aesthetic' art be *properly* appreciated as aesthetic, but it may be so appreciated according to Kant's theory. If this is correct, Kant's aesthetics may be recruited for Shelley's project, and thereby serve as further evidence, not only of how rich the conception of the aesthetic bequeathed by the tradition is, but of how easily it accommodates the 'hard cases' as a result. 3.25

### 'Weak' Non-Perceptual Art 3.30

Before I set out my positive account, I want to indicate where my view diverges from Shelley's, despite our common goal. Although Shelley discusses Hutcheson on the aesthetic appreciation of non-perceptual entities, such as mathematical formulae and axioms of geometry, he does not discuss any instances of what I would call *strong* non-perceptual art. Given that he takes aesthetic appreciation, correctly understood, to encompass affective responses to contents as much as forms, this is something of a missed opportunity. Shelley does not discuss such works because, by 'non-perceptual' art, he does not have in mind works that literally cannot be perceived, but works the aesthetic appreciation of which as art is not exhausted by their perceptible features. Such works are only *weakly* non-perceptual on my account. 3.35 3.40

2 Shelley, 'Aesthetics and the World at Large', §III. A similar story can be told about the fate of aesthetics in recent art theory. See my 'Greenberg's Kant and the Fate of Aesthetics in Contemporary Art Theory', *JAC* 65 (2007), 217-228.

3 Shelley, 'Problem of Non-Perceptual Art', 365 n. 7. 3.44

This is not how Shelley understands the works he discusses, so I need to say why I believe he is wrong about his own cases.<sup>4</sup> Take *Fountain*: on the standard story, one may appreciate *Fountain* for its conceptual daring, irreverence, and wit, but not for its gleaming white surfaces or biomorphic abstraction reminiscent of Brancusi.<sup>5</sup> Why not? Because, to put it in Danto's terms, only the former are 'internally' related to its meaning as art; the latter, by contrast, are merely 'externally' so-related: given that they are shared by all *Fountain*'s (notionally) indiscernible counterparts, making these the basis of its artistic value would immediately raise a question as to why all relevantly similar urinals are not similarly appreciated. Given that he endorses both (X) and (R), Shelley disputes the standard story's claim that appreciating *Fountain*'s irreverence and wit cannot be a form of aesthetic appreciation. And I agree. But he does not dispute, probably because he endorses its rejection of (S), the implication that appreciating such features is distinct from—and perhaps even *at odds with*—appreciating its sensible features. And here we disagree, at least as far as works like *Fountain* are concerned. As such our disagreement is strictly speaking critical rather than philosophical: it concerns not what *constitutes* what I call 'strong non-perceptual art' and Shelley simply calls 'non-perceptual art', but which works *satisfy* these descriptions. This is not to say that critical disagreements cannot have philosophical implications: it is because we disagree about this that I do, and Shelley does not, distinguish between 'strong' and 'weak' variants of such art.

Take *Fountain*: the standard story not only badly underdescribes it, it also misrepresents it, by implying that it is obvious what the work consists in. But this is not obvious. What one appreciates, when one appreciates *Fountain*, is at least in part Duchamp's caniness in manoeuvring his unlikely artefact onto the historical record. This was no mean feat. It began when Duchamp entered it, under the pseudonym 'R. Mutt', for the Society of Independent Artists' inaugural show in New York. Given its motto of 'no juries, no prizes', payment of the society's \$6 dues should have sufficed. But R. Mutt's submission presented the society with an invidious choice: exhibit the work and be ridiculed; refuse it, and thereby betray its own principles. The society's solution was to 'misplace' the work. Duchamp, a founding member of the society, and chair of its supposedly non-selective 'Hanging Committee', resigned in protest. Anticipating something like this, he had taken the precaution—again anonymously—of having his entry, submission tag prominently displayed, photographed by Alfred Steiglitz, director of the 291 Gallery and leading photographer of the day, thereby guaranteeing its preservation for posterity. He then anonymously authored (or ghost-authored) a brief op-ed piece in *The Blind Man* (no. 2), a pamphlet he co-published, championing R. Mutt's submission alongside the Steiglitz photograph: 'Whether Mr Mutt made the fountain with his own hands or not has no importance. He CHOSE it. He took an article of life, placed it so that its useful

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4.40 4 Shelley's examples are Duchamp's *Fountain* and *L.H.O.O.Q.* and Robert Rauschenberg's *Erased de Kooning*. All are lifted from Timothy Binkley's 'Piece: Contra Aesthetics', *JAAC* 35 (1977), 265–77. Like most philosophers of art, Shelley takes Binkley and Danto's account of these works too much on trust.

4.44 5 George Dickie argues for the latter in *Art and the Aesthetic: An Institutional Analysis* (Ithaca, NY: Cornell University Press, 1974), 42; Danto replies in *The Transfiguration of the Commonplace* (Cambridge, MA: Harvard University Press, 1984), 93–4.

significance disappeared under the new title and point of view—created a new thought for that object.<sup>6</sup> Savour the irony of this justification: R. Mutt may not have made the work himself, but he did something far more important aesthetically; he annulled its utility. Appreciating all this is part of appreciating the work.

One may indeed appreciate the brilliance of all this, and in doing so one is not appreciating *Fountain's* gleaming surfaces or biomorphic abstraction. But what is it that one *is* appreciating, and is one appreciating whatever that is aesthetically? Is it the object on display in the world's leading art galleries in a 1964 replica edition, of which there were eight, or is it what Duchamp is taken to have shown about the nature of art by securing their original's place on the historical record? Given that one may appreciate all this in its absence, one does not seem to be appreciating an *object* in any straightforward sense. It is tempting to conclude that one must be appreciating the brilliance of a certain kind of gesture or performance. And there is definitely something to this: the panache with which Duchamp carried it off can indeed be aesthetically appreciated.

But if this is *all* one appreciates, one is not yet appreciating the work in its totality. To do so, one needs to appreciate not only the gesture of trying to exhibit a urinal, or the elaborate machinations that secured that gesture's place on the record: one must respond to the perceptible features—including the faint echo of Brancusi—of the artefact or, better, the *kind* of artefact at the centre of these machinations. The latter claim is likely to elicit serious scepticism: appealing to *Fountain's* perceptible features has been considered a desperate move since Binkley and Danto made the work canonical for the second solution. Note, however, that I am not recommending we *ignore* anything about the work that Binkley or Danto draw attention to; I am recommending that we *not forget* what they factored out. But isn't this self-defeating? Isn't what they factor out a consequence of what they draw attention to? If so, can one really have this both ways? The challenge is to show that *Fountain's* perceptible features (the perceptible features of a certain kind of artefact) could matter for artistic appreciation in ways not countenanced by the first or second solution to date. What might motivate doing so?

Duchamp was a long-standing supporter of Brancusi. He secured his inclusion in the hugely influential 1913 Armory Show, which launched Parisian modernism in New York, and resulted in Brancusi's first solo show in America the following year—at Steiglitz's 291 Gallery. When John Quinn, Brancusi's major collector, died in 1924 Duchamp and Henri-Pierre Roché (with whom he had co-published *The Blind Man*) together bought back all the Brancusis in his collection (twenty-nine or thirty-three, reports vary) at one of the private sales through which the collection was dispersed.<sup>7</sup> And they did so at Brancusi's request, who wanted to prevent a collapse in his works' value by the resultant flood in the market. Over the years, Duchamp arranged the purchase of several Brancusis for his own patron, Walter Arensberg, and he organized exhibitions of his sculpture in Europe and America. He was even embroiled on Brancusi's behalf in a dispute with US customs, when it tried to impose the standard non-art import duties on twenty works shipped to America for

6 *The Blind Man*, No. 2 (New York, 1917), 5. For a brilliant analysis of the 'Richard Mutt case', see Thierry de Duve, *Kant after Duchamp* (Cambridge, MA: MIT Press, 1996), Ch. 2.

7 Judith Zilczer, 'The Dispersal of the John Quinn Collection', *Archives of the American Art Journal* 30 (1990), 33–40, at 36. See also Pierre Cabanne, *Dialogues with Marcel Duchamp* (New York: Da Capo Press, 1987).

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exhibition.<sup>8</sup> And he supported himself in part for two decades by dealing in the Brancusi on which he had staked his entire inheritance.<sup>9</sup> Given the extent of Duchamp's involvement with Brancusi over the years, it beggars belief that the echo of Brancusi's polished poise in the porcelain pissoir would have escaped his notice. What gives *Fountain* such acid deflationary bite is precisely the echo of such refined aesthetic associations in this most lowly of artefacts.

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Thus it is no accident, on my account, that *Fountain* has had greatest impact via Steiglitz's artfully lit photograph, which sets off those features that recall Brancusi against a shadowy Marsden Hartley painting, while simultaneously drawing attention to the work's back story. Viewed without context in the museum, by contrast, the work is mute and disappointing—*merely* insolent, just as its detractors claim. But this is because the work *requires* the mediation of Steiglitz's photograph to function: it was crucial to securing its place on the historical record, and it has been crucial to its afterlife in art practice, criticism, history, and pedagogy ever since. This is why restricting one's analysis of the work to the object atop the plinth is too narrow; it is also why entirely ruling out that artefact's visual properties, which the photograph trades on, is inadequate. The first and second solutions alike fall into this either/or trap; both misidentify the work, albeit in antithetical ways. Taken together they present a false dichotomy: appreciate the work's wit *or* the object's grace. This choice is false because it rules out the possibility that the former is internally related to the latter in such a way that one has to grasp both, and the relation between them, to appreciate the work adequately. It should be refused.<sup>10</sup>

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At this point it will be objected that Duchamp falsified this interpretation in advance by insisting that he bracketed *all* aesthetic considerations when selecting his ready-mades: 'A point which I want very much to establish is that the choice of these "readymades" was never dictated by aesthetic delectation. [It] was based on a reaction of visual indifference with at the same time a total absence of good or bad taste ... in fact a complete anaesthesia'.<sup>11</sup> Even taking such claims at face value—which would be unwise, given Duchamp's talent for manipulation—they could only invalidate my interpretation if one takes the artist's self-avowals as the final court of appeal *and* one means broadly similar things to

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8 Martin Gayford, 'When Art Itself Went on Trial', *Telegraph*, 24 January 2004.

9 For a timeline of Duchamp's financial arrangements, see Tony Marcus's 'Marceleconomics' <[http://www.galleriesimpson.com/userfiles/marcelpdf\(1\).pdf](http://www.galleriesimpson.com/userfiles/marcelpdf(1).pdf)>.

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10 Note that this is to say something stronger than that the work cannot be reduced to the object on which it supervenes because the former has intentional properties that the latter lacks. If true, this is true of *all* works of art, and so fails to pick out the class of (weak) non-perceptual art. *Fountain* is not to be identified with that artefact (or even that artefact under an interpretation, identifying narrative, etc.), because it *includes* the act of trying to exhibit that object, and the complex machinations of getting the failure to do so onto the historical record. This makes Steiglitz's photograph, Duchamp's various anonymous publications, and even his back-room manoeuvres part of the work. It is because the work cannot be identified with the perceptual features of an object, artefact or event in this stronger sense that *Fountain* is non-perceptual art; nonetheless, because it incorporates an artefact, the perceptual features of whose kind one must be acquainted with in order to appreciate the work, it is only *weakly* non-perceptual.

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11 Marcel Duchamp, 'Apropos of Readymades' (1961), collected in Michel Sanouillet and Elmer Peterson (eds), *Salt Seller: The Essential Writings of Marcel Duchamp* (London: Thames & Hudson, 1975), 141.

the artist by broadly similar terms. There is reason to doubt both in this case. Duchamp's own account of artistic creation entails that artists can never serve as final arbiters of what they have done, such that selectively relying on Duchamp's claims in this way undermines itself.<sup>12</sup> Moreover, Duchamp seems to understand aesthetic appreciation in purely visual terms—hence the identification of 'complete *anaesthesia*' with *visual* indifference'. But if we mean something different by such terms, *even* deferring to the artist, Duchamp's insistence that his ready-mades cannot be appreciated aesthetically need not conflict with my insistence that they can. 7.5

Note, however, that if *Fountain*'s perceptible properties are 'internal' to a full appreciation of its semantic properties in anything like the ways I have suggested, it can only be non-perceptual in a weak sense. Indeed, similar considerations render all Shelley's examples only weakly non-perceptual to my mind, though space precludes running through each here. Suffice to say here that the standard grounds on which the perceptible features of such works are discounted do not exhaust the ways in which perceptual features, and/or prior acquaintance with or knowledge of such features, *can* matter to their aesthetic appreciation of art. 7.10  
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### 'Strong' Non-Perceptual Art

If the standard examples are only weakly non-perceptual, one might worry that there is no such thing as strong non-perceptual art. If so, my objection that Shelley fails to consider it will prove empty. But not only does such art exist, and pose a much stiffer challenge to aesthetic theories of art, Shelley's appeal to Hutcheson on the beauty of abstract formulae offers a clue as to its nature. It is presumably not in virtue of how such formulae *look*, but their economy, elegance, and perspicacity—the wide array of explanatory uses to which something so simple may be put—that we appreciate them. It is the *thought* such formulae express that moves us aesthetically, when it does. To put it in terms that Shelley adopts from Frank Sibley: we *appreciate* (in a broad sense) even though we do not *perceive* (in a narrow sense) the beauty of mathematical proofs or the elegance of geometric axioms.<sup>13</sup> 7.20  
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What is (minimally) required to make the experience of a proof's elegance, economy, or perspicacity 'aesthetic' is that we respond affectively to the presence of such features ourselves, rather than taking it on trust from reliable reports, or inferring it from features that we do perceive: what is not required is that we perceive such features by means of the senses. The power of a novel's narrative or vision of the human condition is an aesthetic feature of that 7.30  
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12 See Duchamp's account of the artist's personal 'art coefficient' as 'an arithmetical relation between the unexpressed but intended and the unintentionally expressed' in 'The Creative Act' (1957), in *Essential Writings of Marcel Duchamp*, 139.

13 Frank Sibley, 'Aesthetic and Nonaesthetic', *Philosophical Review* 74 (1957), 135–59, at 137; Shelley, 'Problem of Non-Perceptual Art', 372–5. On whether Kant's aesthetics can be applied to mathematics see: Donald Crawford 'Kant's Theory of Creative Imagination', in T. Cohen and P. Guyer (eds), *Essays in Kant's Aesthetics* (Chicago, IL: University of Chicago Press, 1982); Christian Helmut Wenzel, 'Beauty, Genius and Mathematics: Why Did Kant Change his Mind?', *History of Philosophy Quarterly* 18 (2001), 415–32; and Angela Breitenbach, 'Beauty in Proofs: Kant on Aesthetics in Mathematics', *European Journal of Philosophy* (forthcoming). 7.40  
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novel, but what sense do we ‘perceive’ it with? Not with our eyes: they merely perceive the words on the page. Not with our ears: they merely hear the words spoken aloud. Not with our sense of touch: that merely registers the heft of the edition in which they appear. In each case our senses pick out something that makes the work available, rather than the work itself; yet we appreciate the work’s power nonetheless. So conceived, aesthetic appreciation is direct, non-inferential, and affective, and pertains to semantic contents as much as visual forms.<sup>14</sup>

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Shelley wants to trace the genealogy of this conception from Sibley back to Hutcheson; I want to see whether it is also found in Kant. In this respect, my account is a natural extension of Shelley’s. But I want to see if the argument can be made for non-perceptual art in the strong sense. Robert Barry’s *All the things I know of but of which I am not at the moment thinking: 1.36pm; June 15, 1969* would be an example of such art. Here what *picks out* the work is the title: but what does the *work itself* consist in? It cannot be identified with the words that make up the title, because the work has various features (originality,chutzpah, perhaps hubris or self-involvement) that these words, inscribed in this order, do not. So what does it consist in?

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There are various possibilities. The work may, for example, consist in the indeterminate set of all the things that Barry then knew, but of which he was not then thinking. That is, it might consist literally of what the title picks out. Alternatively, it might consist of an invitation to entertain that idea imaginatively: to try on for size the very idea of all the things that a given person knew at a given time, but of which that person was not then thinking. So construed, the work occasions the breadth of thought and association characteristic of the most fertile strand of conceptual art. Or perhaps it is more plausible, art historically, to think that it consists of the act of claiming that the sum total of one’s non-occurrent knowledge could now count as art, simply in virtue of being proposed as such. There are no doubt other possibilities, and there is reason to believe that we are not required to choose between them: for the work’s value may inhere precisely in *occasioning* just such an open-ended, imaginative thought process. Note that such a process is in principle open-ended: to complete it one would need to consider not only the first order possibilities, but the relations between such first order possibilities and these further levels of meta-reflection in turn, and so on ad infinitum. Such principled open-endedness is to be expected on a Kantian account. It stems from the fact that the work takes an *idea* rather than a *concept* as its theme—indeed a highly Kantian one: the finitude of human knowledge. But if Kant’s theory can accommodate such cases, it cannot be conceptually constrained by contingent features of the art of Kant’s day in the ways typically assumed.

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Before I proceed, there is an objection that I need to head off: it is that my example—and, by implication, relevantly similar works of conceptual art by Barry and others—does have perceptible features relevant to its appreciation as art, namely, features of its inscription or typography. That this objection is misguided becomes apparent as soon as the work is contextualized in Barry’s oeuvre. During 1968–9 Barry employed a variety of non-perceptible materials as media for art, including radio waves, ultrasound, microwaves, electromagnetic energy, radioactivity, inert gases released into the atmosphere, and even

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<sup>14</sup> This is not, as it stands, an adequate account of what makes an experience aesthetic, since it allows in much that it should not. What I have said is at best necessary: more needs to be said to narrow the scope appropriately. Though it is not my goal to provide such an account here, proponents of the third solution clearly have work to do on this score.

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telepathy. The presence of all but the last can be objectively established, though none may be perceived unaided by means of the senses. Like such work, *All the things I know* uses a non-perceptual material (the open-ended thought process triggered by an aesthetic idea) as a medium for art.<sup>15</sup> As Barry remarked later the same year: ‘In my work the language itself isn’t the art. It doesn’t even describe or detail the art much. I use language as a sign that there is art, the direction in which the art is, and to prepare someone for the art ... to communicate [my] ideas through language’.<sup>16</sup> 9.5

Correctly identified, *All the things I know* is capable of exhibiting whatever aesthetic properties presenting the idea of one’s non-occurrent knowledge as art may possess; and this does not include those of its typography or stock. I am not denying that the latter *can* have aesthetic features of their own—the typography does in this case—just that they thereby automatically count as features of the work. The test is whether the aesthetic properties of the work hold constant irrespective of variation in such features. Consider an analogy: the font, size, and stock of my copy of *Ulysses* are features of that edition, not features of the novel of which it is an edition: the latter retains whatever aesthetic properties it possesses when properly appreciated *despite* differences in such features.<sup>17</sup> At least with respect to works such as this, I agree with Peter Goldie and Elisabeth Schellekens: their *medium* is ideas, their material vehicles a mere *means* to make these ideas available. Moreover, because it is what a work does with its medium and not what it does with its means (when these come apart) that is the proper focus of artistic appreciation, it is the properties of the former, and not of the latter that matter.<sup>18</sup> 9.10 9.15 9.20

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15 See ‘Four Interviews with Barry, Huebler, Kosuth, Weiner’, *Arts Magazine* 43 (1969), on the occasion of Seth Siegelaub’s ‘January 5–31, 1969’ exhibition.

16 ‘Art without Space’, a radio symposium with Barry, Douglas Huebler, Joseph Kosuth, and Lawrence Weiner, moderated by Seth Siegelaub, broadcast on WBAI-FM, New York, 2 November 1969. 9.25

17 An interesting question is whether there is a point beyond which changing such features *does* make a difference to the work: imagine a copy of the novel that respects its authorized word order and punctuation, but requires a purpose-built room to house it and an elaborate apparatus to read it, being over 265,000 pages long, printed one word to a page.

18 See Goldie and Schellekens’ *Who’s Afraid of Conceptual Art?* (London: Routledge, 2010), 22–4, 53–4, 58–60, 69–70. Goldie and Schellekens concur about the *strong* non-perceptual nature of Barry’s art: see 58. See also Schellekens ‘The Aesthetic Value of Ideas’ in Goldie and Schellekens (eds), *Philosophy and Conceptual Art* (Oxford: OUP, 2007), 77. Though I agree with their distinction between medium and means with respect to works of conceptual art that are *also* strongly non-perceptual, I have two worries about scope, when this is presented as a *general* theory of conceptual art. (1) Goldie and Schellekens discuss various works (Duchamp and Rauschenberg included) that their account, if correct, should rule out—because the material vehicles of these works are *not* mere means. But (2) their account cannot be correct as stated, because taken at its word it rules out (for the same reason) many works (such as LeWitt’s) that it should rule in. I believe that their account is *right* to rule out Duchamp and Rauschenberg, and that Goldie and Schellekens should not be discussing them by their own lights, but *wrong* to rule out ‘weak’ conceptual art, such as LeWitt’s, which they are right to want to discuss. In one respect, the account is too inclusive, even as a general theory of conceptual art, and in another it is too exclusive: its extension is at odds with its intention, and its intention is in any case too narrow to capture the historical phenomenon. On ‘strong’ versus ‘weak’ conceptual art, see Peter Osborne, ‘Conceptual Art and/as Philosophy’, in M. Newman and J. Bird (eds), *Rewriting Conceptual Art* (London: Reaktion Books, 1999), 48–9. On the aesthetics of ‘weak’ conceptual art see my ‘Kant after LeWitt: Towards an Aesthetics of Conceptual Art’ in Peter Goldie and Elisabeth Schellekens (eds), *Philosophy and Conceptual Art* (Oxford: OUP, 2007). 9.30 9.35 9.40 9.44

10.5 The objection that *All the things I know* is not a genuine work of strong non-perceptual art because perceptual features of its typography bear on its appreciation arises from taking the wrong object as one's focus of appreciation. The properties of any particular inscription of a work cannot be essential properties of that work if that work remains the same whether written by hand, typed, or spoken aloud. And it does. That it does shows that its perceptible properties do not matter to it being the work that it is. This is true, not only in the weak sense that the script that picks out the work can be bold or faint, serif or sans serif, large or small, machined or handwritten, but in the stronger sense that it is the same work whether projected, written down, spoken aloud, translated, tapped out in Morse, or merely entertained.

10.10 It is the idea conveyed that is the locus of the work, not the means by which that idea is conveyed. Not even the sensory modality through which we come to know of the work's existence matters to its appreciation: it has no modality-specific features relevant to its appreciation as art at all.<sup>19</sup> It is non-perceptual art in the strongest sense imaginable. Of course, were the work *not* picked out by something with non-private, perceptible form we would have no way of knowing of its existence or reidentifying it over time, and it would collapse into a peculiar kind of artistic solipsism. Nonetheless the work, as opposed to the sentence that picks the work out, is a piece of strong non-perceptual art.

## 10.20 Kant on Two Kinds of Complexity in Art

10.25 Given that Kant's aesthetics is routinely dismissed for its perceptual formalism, the third *Critique* may seem like the last place to turn for a purchase on such issues. But this perception relies on a partial, if understandable, grasp of Kant's aesthetics: partial because it ignores two kinds of conceptual complexity that are integral to aesthetic judgements of art on Kant's account; understandable, because it accepts Kant's most egregiously formalist claims about such judgements at face value.

10.30 Nonetheless, unqualified accounts of Kant's formalism are obliged to ignore his *theory of art* entirely. Even granting that the focus of such accounts is restricted to questions internal to Kant's account of aesthetic judgement in 'The Analytic', they are still required to bracket his analysis of 'dependent' beauty: that is, beauty dependent on a conceptual grasp of the object judged. But the latter is basic to Kant's treatment of *all* 'impure' judgements of taste, including—but not exhausted by—judgements of artistic beauty.<sup>20</sup> That the most one can extract from such accounts is a formalist theory of 'pure', conceptually

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19 This is not to say that a different work consisting of the same line of text could not have such properties. Imagine a work of the same name and consisting of the same text that could only be presented aurally by a hysterically screaming voice: it would be a different work to Barry's. Nonetheless, if what I have said about Barry's work is correct, while his work could take this form for a given iteration or stretch of iterations, it could not *only* take this form, without becoming a different, merely weakly non-perceptual work.

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20 An aesthetic judgement can be 'impure' in one of two senses for Kant, only one of which vitiates its claim to being a judgement of taste: it may be based on considerations that are idiosyncratic to a particular judge; or it may be based on a combination of aesthetic feeling and conceptualization. Only the former, in virtue of its non-generalizable structure, is disqualified in principle.

10.44

unconstrained judgements of natural beauty has as much to do with their selectivity, as it has with the resources of the third *Critique*. In fact, works of art complicate Kant's basic analysis of aesthetic judgement in two ways. They fall under the concept 'art', and must be judged as such, and they indirectly communicate ideas. That is, our experience of works of art as works of art is conceptually inflected by *definition* on Kant's account: simply in virtue of being judged as art, and in virtue being more or less semantically complex, depending on the ideas a given work takes as its theme. Take these in turn. 11.5

Kant's account of dependent beauty is meant to explain how judgements of such beauty could count as aesthetic. A foundational claim of 'The Analytic' is that what distinguishes aesthetic judgements is that they are non-subsumptive: we do not make them by subsuming objects under concepts in virtue of exhibiting the relevant traits. Given that 'x is beautiful' is the paradigmatic form of aesthetic judgement for Kant, it follows that beauty cannot be a concept or, more generally, that judgements of taste cannot be conceptually determined.<sup>21</sup> This raises the question of why a form of judgement that is (partially) determined by a concept does not thereby rule itself out as an aesthetic judgement according to his own theory. Answering this question depends in part on exactly how such 'dependence on a concept' (§16) is understood, but Kant's underlying thought is straightforward: it is in principle always possible to judge the same object in one of two ways aesthetically. When I judge anything—art or nature—*freely*, I judge it in abstraction from everything I know about both it and objects of its general kind. For a botanist to judge a rose's beauty freely, as opposed to its beauty as a rose, she must set aside everything she knows about this rose, about varieties of rose, and about the function of flowers more generally in securing plants' pollination by bees. Were she to judge the same flower *dependently*, she would be judging its beauty *as* a kind of rose, a rose per se, or simply a flower, depending on the judgement's scope and fineness of grain: that is, she would be judging both its beauty *and* the extent to which its beauty fulfilled its function as a rose (etc.).<sup>22</sup> 11.10 11.15 11.20 11.25

It is not necessary for me to take a position in the debates about the relation between the two elements comprising such judgements here, but note the following: Kant's position in these passages seems to be that not all works of art are dependently beautiful, because not all works of art have representational content. He offers 'pure' music and decorative floral motifs as examples. This implies that non-representational artworks should count as free rather than dependent beauties on Kant's theory. Indeed Kant has often been read this way by formalists wishing to justify judging art as though it *were* nature.<sup>23</sup> But this possibility is ruled out when Kant later insists that when we judge anything as art we must be *aware that* it is art we are judging: 'In a product of fine art one must be aware that it is art rather 11.30 11.35

21 See Kant, *Critique of Judgement (CJ)*, trans. Werner Pluhar (Indianapolis, IN: Hackett, 1987), §15, 75 (cited by section and page number) (*Kritik der Urteilskraft*, in *Kants gesammelte Schriften (KU)*, 5: 228 (cited by volume and page number)).

22 How to understand the relation between the two elements that comprise such judgements remains contentious. For an elegant overview of what he dubs the 'external', 'internal' and 'conjunctive' approaches, see Paul Guyer 'Dependent Beauty: A Modest Proposal', *BJA* 42 (2002), 357–66. 11.40

23 See my 'Greenberg's Kant' and 'Retrieving Kant's Aesthetics for Art Theory after Greenberg: Some Remarks on Arthur C. Danto and Thierry de Duve' in Francis Halsall, Julia Jansen and Tony O'Connor (eds), *Rediscovering Aesthetics* (Stanford: Stanford University Press, 2009), 117-132. 11.44

than nature' even while 'it looks to us like nature' (§45). But if we are required to judge art's beauty in light of the knowledge that it is art, then judgements of artistic beauty must be dependent in at least this minimal sense of falling under the concept of 'art' itself. Kant is surely right about this: a salient difference between a perceptual manifold formed naturally and an indiscernible manifold created as art is that the latter, but not the former, is a product of intentional action and must be judged accordingly.<sup>24</sup>

Of course, even if we are aware that what we are judging is art, we are in principle still free, like the botanist judging a flower, to set that knowledge aside in order to judge its beauty freely. But once we do so, we will no longer be judging its beauty *as art* on Kant's theory. In short, it is not possible to judge artistic beauty *as* artistic beauty non-dependently. Abstract art is no exception: to judge it freely would be to treat its beauty as though it were a product of nature rather than agency. Judging a work of art as a 'production through freedom' (§43), by contrast, entails minimally that one takes it to be in the space of reasons—at least answerable to, if not exhausted by, intention. This requires, among other things, making one's judgement responsive to what one thinks the artist is trying to achieve and, hence, what one takes the work to be about. But once one does this, one will be judging the work in light of a variety of other concepts, not just the concept of 'art'. Kant's theory thus entails that there are (at least) two kinds of conceptual complexity that condition our aesthetic judgements of art, simply in virtue of being aware that we are judging art: to judge something as art one must judge it relative to both (1) the concept 'art' and (2) whatever one takes the work in question to be meant to be or be about.<sup>25</sup>

In the latter respect, works of art have widely differing degrees of conceptual complexity. The kind of complexity that Kant is interested in is the expression of 'aesthetic ideas'. Unlike *concepts*, what *ideas* pick out cannot be genuine objects of experience for finite rational beings on Kant's epistemology: for anything to count as genuine knowledge or experience for such beings it must have empirical conditions of application, and ideas have no such conditions. Yet, despite the fact that we have no grounds for asserting the truth of rational ideas (God, freedom, the soul, etc.), such ideas can nonetheless fulfil a regulative, action-guiding function for human beings. Without the idea of freedom, for example, human beings could not so much as aspire to act morally: moral action requires that we act under the *idea* of freedom, even if we cannot *know* that we are free. But given how Kant understands ideas, the claim that works of art present ideas in sensible form immediately provokes a question as to how something with no empirical conditions of application *could* be so presented. Kant's theory of fine art as the 'expression of aesthetic ideas' is supposed to explain this.

The notion of an aesthetic idea is meant to capture what is distinctive about both the content of works of art and the way in which works of art communicate that content as a result. What is distinctive about the *content* of works of art is either that they

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12.40 24 Cf. Kant's discussion of the difference that knowing that what appears to be 'bird-song' is made by a hidden boy with a reed make to aesthetic judgement at *CJ*, §42, 169 (*KU*, 5: 302).

12.44 25 In §48 Kant argues that, *unlike* natural beauty, the beauty of which we do not need a concept to judge, at least freely: 'if the object is given as a product of art, and as such is to be declared beautiful, then we must first base it on a concept of what the thing is supposed to be, since art always presupposes a purpose in the cause (and its causality);' Kant, *CJ*, §48, 179 (*KU*, 5: 311).

present ideas that may be encountered in experience (love, envy, death, etc.), but with a completeness that experience never affords, or that they communicate ‘supersensible’ ideas (eternity, immortality, God, etc.) that cannot in principle be objects of experience for human beings. In effect, there is a strong and a weak formulation of the thesis that works of art communicate ideas, and given that most works of art do not fulfil the strong version, this is just as well; it would render Kant’s theory indefensibly stipulative were it to insist on the strong formulation for all works of art.<sup>26</sup> What is distinctive about the way in which works of art communicate ideas is a consequence of their content. For rather than trying to present ideas directly, which is not possible on Kant’s account, works of art communicate ideas indirectly, by means of what Kant calls their ‘aesthetic’ rather than ‘logical’ attributes. In Kant’s example, we are asked to reflect upon God’s majesty in light of the wealth of thought provoked by Jupiter’s Eagle, a creature so awe-inspiring it can grip lightning in its talons. Thus, rather than trying futilely to present the idea of ‘God’s majesty’ directly, such a presentation does so indirectly, by means of an idea’s ‘implications’ and ‘kinship with other concepts’. Aesthetic presentations thereby ‘imaginatively expand’ the ideas presented, provoking ‘more thought’ (*viel zu denken veranlaßt*) than any discursive presentation of their content could afford.<sup>27</sup>

This is what Kant means when he claims that the expression of ideas in art ‘quickens the mind’ (*das Gemüt zu beleben*): by liberating imagination from the task of schematizing concepts of the understanding, aesthetic ideas free the imagination to range freely and swiftly over a multitude of related presentations. Aesthetic ideas thereby stimulate the mind, albeit in a less structured way than discursive cognition. The open-ended nature of this imaginative play is the source of art’s value on Kant’s account. What makes the apprehension of such ideas aesthetic is that one must feel cognitively enlivened by their expression oneself for it to have taken place.<sup>28</sup> This is what it means for the work to ‘yield’ (*geben*) an aesthetic idea in the recipient by ‘prompting the imagination to spread over a multitude of kindred presentations that arouse more thought than can be expressed in a concept determined by words’.<sup>29</sup>

26 Here I concur with Samantha Matherne’s view in ‘The Inclusive Interpretation of Kant’s Aesthetic Ideas’, *BJA* 53 (2012), 21–39, though I take it to be less novel than she suggests.

27 See Kant, *CJ*, §49, 182 (*KU*, 5: 314). Cf. §49, 183 (*KU* 5: 315). The aesthetic presentation of ideas can be seen as species of metaphor. See Kirk Pillow, ‘Jupiter’s Eagle and the Despot’s Hand Mill: Two Views on Metaphor in Kant’, *JAC* 59 (2001), 193–209, and my ‘Kant and Danto, Together at Last?’ in Mark Rollins (ed.), *Danto and his Critics*, Second edition (Oxford: Wiley-Blackwell, 2012), 153–171.

28 This may seem akin to what Noël Carroll, in ‘Non-Perceptual Aesthetic Properties’, calls Shelley’s ‘argument from sensation’. But it would be misleading to characterize either of our accounts as ‘arguments from sensation’. The reason it would be a misleading of mine is that what distinguishes within the aesthetic for Kant between *fine* and merely *agreeable* art is that the latter arouses pleasure directly, through sensation, whereas the former elicits pleasure in ‘ways of cognizing’ (*Erkenntnisarten*) (*CJ*, §44, 172 (*KU*, 5: 305)). The reason it would be a misleading of Shelley’s is that Kant’s distinction here is analogous to Hutcheson’s between ‘internal’ (or ‘mental’) and ‘external’ (or ‘bodily’) sensation, or what Shelley later calls the ‘reflexively’ as opposed to ‘directly’, sensible. See ‘Problem of Non-Perceptual Art’, 376, and ‘Aesthetics and the World at Large’, 176–82.

29 Kant, *CJ*, §49, 183 (*KU*, 5: 315).

## The scope of Kant's Theory

14.5 There are some obvious objections to my project that I must now address. I shall consider three, regarding the applicability of Kant's aesthetics to non-perceptual art: 1) Kant holds a representational theory of art; 2) Kant's conception of aesthetic judgement is narrowly formalist; 3) Kant's notion of aesthetic pleasure commits him to a form of 'aesthetic perceptualism'. Though all three could not be true of a single aesthetic theory that was not internally conflicted, were any one of them true it would severely damage my project. Each concerns the *scope* of Kant's aesthetics when confronted by the challenge of recent art.

14.10 Two claims may seem to commit Kant to a representational theory of art. In §48 Kant asserts: 'A natural beauty is a *beautiful thing*; artistic beauty is a *beautiful presentation* of a thing'; in §45 he claims that 'art can only be called beautiful if we are aware that it is art and yet it looks to us like nature'. Prima facie, these remarks appear to commit Kant to a representational theory of art. If so his aesthetics will be of largely historical interest, at least with respect to non-mimetic forms of recent art.

14.15 Correctly understood, the latter remark presents no challenge to my account. That art is beautiful if it 'looks like' nature does not mean it must *resemble* nature; it means that its beauty must seem as free from constraint as nature's. There can be no suggestion that the artist followed a rule in making the work, or that rule could serve as a criterion for judging the resulting work: the work is successful (beautiful, etc.) to the *extent* that it falls under the rule governing its creation. So construed, judgement would no longer be aesthetic; it would boil down to adjudicating a work's success or failure in realizing the rule or plan governing its creation: it would be subsumptive, not reflective. Given this, Kant *cannot* be arguing that works of art must 'look like' nature in a mimetic sense; he is arguing that artworks must not appear rule-governed, given the adverse consequences of doing so for the freedom of aesthetic judgement.

14.20 Kant's later remark is harder to discount. In §48 Kant argues as if he does indeed understand works of art as 'representational' in a depictive sense.<sup>30</sup> Thus he notes that what would be found distressing in life can be found pleasing in art. Think of Francisco Goya's *Disasters of War* or Edouard Manet's *Execution of Maximilian*: Kant would presumably see such beautiful presentations of distressing subject matter as vehicles for aesthetically communicating the ideas such works take as their theme. But does anything in Kant's theory require that art be representational in this sense? No. Kant's *theory* requires only that works of art indirectly present ideas to sense and in doing so engage their viewers in imaginatively complex ways. Non-representational art that Kant could not have envisaged poses no threat to this thought, and this holds irrespective of any empirical generalizations into which Kant may have been drawn by the art of his day.

14.30 To see this, consider two thematically closely related works, one of which is abstract, the other of which is representational: Barnett Newman's *Onement I* and Michelangelo's

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14.44 <sup>30</sup> Henry Allison distinguishes various senses of representation at work in §16 and §48, notably 'depictive' and 'exemplative', and corresponding 'intentional' and 'teleological' notions of what an object is 'meant to be'. See *Kant's Theory of Taste* (Cambridge: CUP, 2003), 292–8.

*Creation of Adam*. Both take God's creation as their theme, so neither depicts a possible object of knowledge or experience for finite rational beings. But nothing in Kant's account of aesthetic ideas precludes the pared down abstraction by Newman, consisting of a single 'zip' of light emanating from an indeterminate dark background, from expressing the idea of creation *ex nihilo* (Genesis 1:1-5); indeed, precisely *because* it is abstract, there is reason to think the Newman better placed to indirectly communicate the indeterminate and indeterminate idea of something coming out of nothing.<sup>31</sup> 15.5

Suppose I have shown that Kant's theory can accommodate abstract art: this hardly rules out the possibility that his theory is restrictively formalist, and accounts that stress the applicability of his aesthetics to abstract art typically suggest that it is. But if Kant is committed to a restrictive formalism, such that only the bare formal features of works of art—the arrangement of shapes in space, the disposition of notes in time—can be a legitimate focus of aesthetic judgement, this will severely constrain his account's applicability to recent art. And if Kant is not so-committed, this leaves the question of how he *does* understand artistic form and its relation to aesthetic ideas hanging. Coming to a view on this involves assessing the constraints imposed on Kant's theory of art by his analysis of aesthetic judgement. There can be no argument that Kant advances a strong formalist thesis: 15.10

In all the visual arts ... in so far as they are fine arts, design [*Zeichnung*] is what is essential; in design the basis for any involvement of taste is not what gratifies us in sensation, but merely what we like because of its form ... 15.20

All form of objects of the senses ... is either *shape* or *play* [*Gestalt oder Spiel*]; if the latter, it is either play of shapes (in space ...) [*Spiel der Gestalten (im Raume ...)*] or mere play of sensations (in time) [*bloßes Spiel der Empfindungen (in der Zeit)*]. The *charm* of colours, or the agreeable tone of an instrument may be added, but it is *design* in the first case, and *composition* in the second that constitute the proper object of a pure judgement of taste.<sup>32</sup> 15.25

The question is whether Kant *should* commit himself to such a restrictive formalism: does anything in his theory require that he do so? In the literature, how one responds generally depends on how one views Kant's reliance on the first *Critique's* distinction between the 'form' and 'matter' of perceptual judgement at this point in the argument of the third.<sup>33</sup> Kant effectively makes a restrictive notion of perceptual form criterial for aesthetic judgement by *identifying* perceptual and aesthetic form; only if this identification is warranted 15.30

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31 I have argued elsewhere that Kant's theory can also accommodate art in a wide range of non-traditional media. See the discussion of Art & Language's *Index 01* in 'Danto and Kant, Together at Last?', and of Adrian Piper's *Everything No. 10*, in 'Xenophobia, Stereotypes and Empirical Acculturation: Neo-Kantianism in Adrian Piper's Conceptual Art', forthcoming in *Adrian Piper: Work 1965-2015* (New York: Gregory R. Miller & Co). 15.35

32 *CJ*, §14, 71–2 (*KU*, 5: 225).

33 'That in the appearance which corresponds to sensation I term its *matter*; but that which so determines the manifold of appearance that it allows of being ordered in certain relations, I term the *form* of appearance. That in which alone the sensations can be posited and ordered in a certain form, cannot itself be sensation; and therefore, while the matter of all appearance is given to us *a posteriori* only, its form must lie ready for the sensations *a priori* in the mind.' Kant, *Critique of Pure Reason (CPR)*, trans. Norman Kemp Smith (London: Macmillan, 1929), A20/B34; see also *CPR*, A29/B44 and A86/B118. 15.40

16.5 can aesthetic value be constrained in this way. One can see the appeal of this line of argument to Kant: aesthetic judgements, given that they raise normative demands on others, can only be based on what is universalizable in such judgements. The formal elements of such judgements are pure, being grounded in the a priori structure of intuition, and so may be presumed shared. The material elements are impure, being based merely on what is found agreeable in sensation, and this is too idiosyncratic to raise normative demands on others.

16.10 The problem is that Kant provides no argument for importing this restriction directly into the aesthetic case: that is, an argument from the epistemological premise that space and time are *a priori forms of intuition* for finite rational beings, to the aesthetic conclusion that only the *empirical spatio-temporal form* of particular objects or manifolds can be judged responsible for their beauty. Whereas the former concerns the structure of any possible intuition for finite rational beings, the latter concerns the perceptible features of particular empirical objects (or what Kant calls ‘appearances’). But these operate at quite different levels: absent time and space as forms of intuition we could experience nothing at all on Kant’s account; their contribution to experience may be presupposed from the fact that objects so much as show up as candidates for aesthetic judgement. But conceiving time and space as a priori forms of sensible experience does not entail that only the determinate spatio-temporal forms of sensible objects showing up in experience could provide a legitimate basis for taking aesthetic pleasure in those appearances: it entails only that were such appearances *not* in space and time they could not be possible objects of experience for us. Using this account to constrain the normative grounds of aesthetic judgements involves a stronger, more restrictive claim in need of a separate defence that Kant does not provide.

16.25 But restricting the grounds of aesthetic judgement in this way is not required by the way in which Kant grounds aesthetic pleasure throughout in the third *Critique*, and looks incompatible with his treatment of works of art as expressions of aesthetic ideas—where the pleasure attaches to the *idea* yielded by the work, rather than any of its formal features, narrowly construed. It also has implausible consequences for the phenomenology of aesthetic judgement. Take these in turn.

16.30 Throughout the third *Critique*, aesthetic pleasure is attributed to a distinctive ‘free play’ of imagination and understanding, our capacities for perceptual synthesis and conceptual determination respectively. Though Kant maintains that such states are occasioned when a presentation of the imagination harmonizes freely with the lawlike constraints on intelligibility of the understanding, just what it is *about* such presentations that facilitates this is never specified, other than in Kant’s anomalous remarks about form. Indeed, were this specifiable, it would arguably undermine the freedom of aesthetic judgement

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16.40 There has been extensive debate about the relevance of this to the third *Critique*. Donald Crawford, Guyer, and Allison, among others, concur that Kant leans too heavily on the first *Critique*’s account of perceptual form, and so reject the restrictive formalism of §14: Crawford, *Kant’s Aesthetic Theory* (Madison, WI: University of Wisconsin Press, 1974), 93–113; Guyer, *Kant and the Claims of Taste*, Second edition (Cambridge: CUP, 1997), 191–209; Allison, *Kant’s Theory of Taste*, 131–43. More recently, Rachel Zuckert has argued that Kant is a ‘whole’ rather than a ‘property’ formalist: ‘The Purposiveness of Form: A Reading of Kant’s Aesthetic Formalism’, *Journal of the History of Philosophy* 44 (2006), 599–622.



by providing an objective criterion of beauty: those objects are beautiful that possess the relevant formal traits. But it is basic to Kant's account that aesthetic judgement is reflective not determining. So it cannot be based on identifying objects or manifolds in virtue of their possession of the required traits.

Instead, Kant attributes aesthetic pleasure to the state of mind occasioned by a given presentation's 'subjective purposiveness' (*subjektive Zweckmäßigkeit*) for cognition: it is the 'feeling of life' (*Lebensgefühl*) that reflecting on an indeterminate order in a perceptual manifold, for example, may occasion. Thus in §15 Kant insists, contrary to his remarks on form in the previous section, that the aesthetic judgements arising from such states are 'unique in kind and provide absolutely no cognition (not even a confused one) of the object'. Instead such judgement 'refers the presentation by which the object is given, solely to the subject; it brings to our notice no characteristic of the object, but only the purposive form in the [way] the presentational powers are determined in their engagement with the object.'<sup>34</sup>

Kant's unguarded claims about form aside, this is his considered and otherwise consistent view: it is a presentation's sheer *suitability* (*Angemessenheit*) for eliciting such a purposive relation between the cognitive faculties, rather than any features in virtue of which it does so, that is the basis of aesthetic pleasure. We take pleasure in such presentations because, being indeterminately ordered, they suggest a wealth of *possible* conceptualizations, while being exhausted by none. The sensible content of perception synthesized by imagination seems organized *as if* by some concept of the understanding, we know not which. Such objects exhibit purposiveness for cognition in the absence of any determinate purpose (*Zweckmäßigkeit ohne Zweck*). This is how Kant grounds aesthetic pleasure throughout the third *Critique*. Note that in itself it lays down no substantive constraints on which features of a perceptual manifold may contribute to this; it requires merely that a presentation possess sufficient complexity that we can be struck by its apparent 'purposiveness' for cognition, its seeming to be ordered-in-the-service-of some concept or purpose, despite our inability to reduce this to its fulfilment of any specific concept or purpose. In so far as such presentations seem suited to the exhibition of an indeterminate concept, they strike us *as if* they were designed with our cognitive goals of making sense of experience in mind. An object or manifold is subjectively purposive just in case it seems suited to engage our cognitive faculties in this way.

To claim that aesthetic judgements are grounded in an object's 'formal purposiveness' is thus to claim that certain manifolds occasion a distinctive kind of pleasure in us; it is *not* to claim that specific features of those manifolds are responsible for that pleasure. Unlike the restrictive *Zweckmäßigkeit der Form* of the Third Moment, the notion of *formelle Zweckmäßigkeit* Kant operates with elsewhere in the *Critique* specifies nothing in the object in virtue of which it is so well suited to bring about a free play between our powers of perceptual synthesis and conceptual determination.<sup>35</sup> Though the latter may court the

<sup>34</sup> Kant, *CJ*, §15, 75 (*KU*, 5: 228); my italics.

<sup>35</sup> It is widely noted that Kant often treats these two formulations, *formelle Zweckmäßigkeit* and *Zweckmäßigkeit der Form*, as if they are synonymous.

charge of ‘mere formalism’ in the sense of being substantively uninformative about what it is in the object that gives rise to aesthetic pleasure, this is not a genuine problem for a transcendental theory seeking to establish the possibility of a certain kind of judgement. The more restrictive idea, by contrast, precisely *because* it grounds aesthetic pleasure in a particular feature of the object, courts the more serious charge of issuing in a substantive formalism of a wholly implausible nature. Imagine substituting the woodwinds for the strings in Beethoven’s Ninth, or a detailed, to size, black-and-white facsimile for Titian’s Prado *Entombment*. On the restrictive account, neither can make any legitimate difference to our aesthetic judgements thereof, being matters of ‘mere charm’ pertaining to the matter rather than form of perception. As such they should be aesthetically inert. But this is plainly false.

Given this, I suggest the default understanding of Kant’s formalism should be the ‘expansive’ formalism that Kant operates with throughout the *Critique*. Not only is this better fortified by the rest of the book, it sheds new light on his theory of art as the expression of aesthetic ideas. For on this account, it is the unified organization of aesthetic attributes required to present an idea that constitutes the work’s form. A work of art is not, after all, a mere *collection* of aesthetic attributes; it is the set of such attributes *unified in the service of* the work’s theme. The way in which a work organizes and unifies its aesthetic attributes so as to convey an idea just *is* its ‘form’ in this expanded sense.<sup>36</sup> So construed, form becomes a necessary vehicle for Kant’s expressionism in the theory of art.<sup>37</sup> Construed restrictively, by contrast, the two are incompatible.

### 18.25 Kant and *Strong* Non-Perceptual Art

I have saved the most difficult objection for last. Suppose I’ve shown that Kant is not the egregious *formalist* he is often portrayed to be; this does not show that he is not committed to a *perceptual* theory of art. While I may have removed certain obstacles to my broader project, by showing that Kant’s theory of art admits of more conceptual complexity than is often supposed, it is not clear that this advances my positive case. Indeed, it may look as though I’ve exonerated Kant from the formalist charge only at the cost of jeopardizing that case: for if aesthetic pleasure in Kant derives, at least paradigmatically, from reflecting on complexity in a *perceptual* manifold, how could his theory accommodate non-perceptual art?

18.35 Recall that, on my account, when we appreciate Barry’s *All the things I know* we are not taking pleasure in any of its perceptible features; we are taking pleasure in the rich array of thoughts and associations that the indeterminate *idea* of everything a person knows, but of

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18.40 <sup>36</sup> Compare Peter Lamarque on the significance of thematic organization in literary works. See, for example, ‘Cognitive Values in the Arts: Marking the Boundaries’, in M. Kieran (ed.), *Contemporary Debates in Aesthetics and the Philosophy of Art* (Oxford: Blackwell, 2006), and ‘Poetry and Abstract Thought’, *Midwest Studies in Philosophy* 33 (2009), 37–52.

18.44 <sup>37</sup> See Allison, *Kant’s Theory of Taste*, 258 and 288–9, and Kenneth R. Rogerson, *Kant’s Aesthetics: The Roles of Form and Expression* (New York: University Press of America, 1986), 156–65.

which they are not at some moment thinking, occasions. We are not taking pleasure in perceptible features of the words that pick out this idea, nor are we appreciating the typography that instantiates these words, but we are appreciating the work nonetheless. The question is: can taking pleasure in a *purely* abstract entity, a non-sensibly mediated idea, be understood through the optic of Kant's aesthetics? Nothing I have said so far secures this. Has appeal to Kant's aesthetics thrown us back, after all, onto the first rather than third solution? 19.5

Recall Shelley's trilemma: the first solution affirms (R) and (S), while denying (X); the second affirms (S) and (X), while denying (R). The third affirms (X) and (R), while denying (S). What we need, if we are to recruit Kant's aesthetics to the cause of non-perceptual art, is a compelling reason to regard (X) rather than (S) as implicated by at least some stretch of Kant's theory. A promising answer begins from noting that Kant takes his account of aesthetic ideas to be a *general* theory of art. Regarding its application to various poetic examples, Kant comments: 19.10

An aesthetic idea is a presentation of the imagination that is conjoined with a given concept and is connected, when we use imagination in its freedom, with such a multiplicity of partial presentations that no expression that stands for a determinate concept can be found for it. Hence it is a presentation that makes us add to a concept the thoughts of much that is ineffable, but the feeling of which quickens our cognitive powers and connects language, which otherwise would be mere letters, with spirit.<sup>38</sup> 19.15

Nothing in this formulation, or in Kant's account of appreciating aesthetic ideas in poetry more generally, turns on appreciating any perceptible features of the text. The 'presentation of the imagination' to which Kant refers is that occasioned in a subject by appreciating a poem. Note that this does not depend directly on any synthesis of a perceptual manifold because, although we access the *work* by perceiving the *text* (and the latter requires perceptual synthesis), the properties of the former are not to be identified with those of the latter.<sup>39</sup> Indeed Kant makes just such a distinction between the 'arts of speech' and the 'visual arts' explicit when he contrasts the latter, as 'the arts of expressing ideas *in sensible intuition*', with the former, as 'presentations of mere imagination that are aroused by words'.<sup>40</sup> But if Kant's aesthetics can accommodate the way in which poems stimulate imagination *absent* presentation in sensible intuition, then it can accommodate non-perceptual art, even if Kant himself had no reason to entertain the possibility of visual art that is not visual. And it can. Indeed Kant himself was of the view that it is 'in the art of poetry that the power of aesthetic ideas can manifest itself to full extent'.<sup>41</sup> 19.20

At this point it is likely to be objected that appealing to poetry provides a poor basis on which to defend Kant for my purposes. Set aside avant-garde works, such as Stéphane Mallarmé's *Un coup de dés jamais n'abolira le hasard*, in which features of typography and 19.30

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38 Kant, *CJ*, §49, 185 (*KU*, 5: 316). 19.40

39 For this reason, it does not (other than trivially) confirm (S). Of course we need to *see the words* on the page, or wall (the text), in order to gain access to the idea (and thereby pick out the work), and doing that requires perceptual synthesis, but seeing the words does not amount to seeing the work. 19.44

40 Kant, *CJ*, §51, 191 (*KU*, 5: 322); Kant's italics.

41 Kant, *CJ*, §49, 183 (*KU*, 5: 314).

layout are unusually important to an appreciation of the work: don't we still take audible (and hence perceptible) features of poetry, such as rhythm, rhyme, and timbre, or the choice of a one word rather than another for its particular sound and connotations, to mean everything in the appreciation of a poem? But objecting to my appeal to Kant on poetry for these kinds of reason relies on an equivocation as to what is meant by 'poetry'.  
 20.5 The scope of what Kant meant by 'poetry' and what is meant by that term today are quite different. Given that Kant divides the literary fine arts *in toto* between poetry and oratory, 'poetry' for Kant encompasses much more of what would be signified by the broader term 'literature' today. For my purposes, it may be taken to include any literary art that would  
 20.10 not fall under his instrumental understanding of oratory. Thus, in the face of this objection, Kantian proponents of the third solution may retreat, as Shelley himself does, to the case of literature more generally.<sup>42</sup> Indeed, in doing so, they are remaining faithful to the spirit of the Kantian text.

Consider a literary analogy to the distinction between 'work' and 'text', as I have used  
 20.15 those terms here to distinguish between the work of art and that through which we gain access to it. Absent such a distinction, we would be forced to accept that different editions of the same novel possess *aesthetically relevant* differences, spawning an implausible escalation of literary output. Perhaps more contentiously we would have to accept that, when we read a work in translation, we are appreciating an entirely distinct, as opposed to  
 20.20 merely impoverished, version of the original work.<sup>43</sup> Kant's chief example of the expression of an aesthetic idea in 'poetry' (as he uses that term) is a translation into German of a poem in French that many anglophone readers will know only in English. Either those who know Kant's example in different languages know different works, or the work's aesthetic presentation of the idea of 'a cosmopolitan attitude, even at the end of life'  
 20.25 survives translation and, so too, the transformation of *all* the perceptible features of the text through which we gain access to it.<sup>44</sup> For this reason, any account that claims the aesthetic appreciation of art *necessarily depends* directly on properties perceived by means of the senses will face difficulties doing justice to the aesthetic achievements of literature.

Kant's account faces no such problems. If 'beauty' just is the expression of aesthetic  
 20.30 ideas (§51), then expressing such ideas generalizes across the arts, even if the means of yielding such ideas varies with the art in question. Emphasizing that it should be taken as a sketch rather than a 'decisive derivation', Kant divides the arts, by analogy to 'the way people express themselves in speech', into 'word, gesture, and tone', which he associates

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20.35 42 'That a particular account should prove inconsistent with the aesthetic status of literature ... must be among the strongest objections there can be against such an account.' Shelley, 'Problem of Non-Perceptual Art', 375.

20.40 43 The issues around the relative translatability of works from different literary genres are too complex to go into here. Suffice to say that such issues are most acute with respect to poetry, in the modern sense of that term, in which perceptible properties such as rhythm, rhyme, and timbre are central. Though such concerns may generalize, they are normally taken to be much less acute with respect to literature more generally, where adequate translation devolves more on the faithful preservation of non-perceptual thematic qualities.

20.44 44 'Let us part from life without grumbling or regrets,/ Leaving the world behind filled with our good deeds./ Thus the sun, his daily course completed,/ Spreads one more soft light over the sky;/ And the last rays that he sends through the air/ Are the last sighs he gives the world for its well being.' Kant, *CJ*, §49, 184 (*KU*, 5: 315–6).

respectively with ‘thought, intuition, and sensation’.<sup>45</sup> To each corresponds a group of fine arts on Kant’s division: the arts of speech, the visual arts, and the ‘art of the play of sensations’. The first Kant divides between poetry and oratory, the second between the ‘plastic arts’ (sculpture and architecture) and painting (which he divides in turn between ‘painting proper’ and landscape gardening), and the third between the play of sensations of hearing and sight (music and the ‘art of colour’). 21.5

If I am right about the nature of such art, Kant’s provisional division would seem to render *strong* non-perceptual art an art of speech rather than vision—that is, an art of ‘word’ or ‘thought’ rather than of ‘gesture’ or ‘intuition’—and *weak* non-perceptual art a hybrid of the two.<sup>46</sup> This outcome is instructive in showing just how different works of art that are typically discussed as though they were of a piece may be. Nonetheless, in so far as all are *Schöne Künste*, all must involve the expression of aesthetic ideas. In painting and landscape gardening, this is achieved when the unity of a perceptual manifold is sufficiently complex to occasion a pleasure in reflection. In these arts, the expression of aesthetic ideas *requires* their presentation to intuition in sensible form. In poetry, by contrast, a mere ‘play with ideas’ ‘provides food for the understanding and gives life to its concepts by means of [the poet’s] imagination’. That is, unlike the visual arts, poetry engages the higher cognitive faculties *directly*, absent mediation by sensible form. 21.10  
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In terms of Kant’s own division of the arts, then, *strong* non-perceptual art appears to fall under the arts of speech. Because it does not clothe its ideas in sensible form, it requires, in Kant’s words, no judgement of forms ‘as they offer themselves to the eye ... according to the effect they have on the imagination’.<sup>47</sup> But while it may not count as a *visual* art for Kant, strong non-perceptual art is clearly accommodated by his system. Of course, the question of whether Kant’s aesthetics accommodates strong non-perceptual art, and if so on what basis, is distinct from the question of how such work is best characterized independently of Kant’s division of the arts. It would be unreasonable to expect Kant’s own account to provide grounds for thinking of strong non-perceptual art as a *visual* art. Whether it is may be the kind of question that different theories will resolve differently, depending on the basis on which they parse between arts. But Kant’s stricture that when we judge artistic beauty as artistic we must be *aware* that it is art that we judge—with all that that might be thought to entail today—creates the conceptual space for plugging in one’s preferred theory at this point.<sup>48</sup> For this is a constraint, designed to ensure the *appropriateness* of one’s judgement to the object judged, that can in principle be run at various levels of fine-grain. To wit: aware that it is art or that it is visual art; that it is visual art or that it is painting, printing, or photography; that it printing or that it is an aquatint rather than a mezzotint; and so on. 21.20  
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45 Kant, *CJ*, §51, 189–90 (*KU*, 5: 320–1). 21.40

46 Kant is no purist about art forms: §52 discusses a range of hybrid art forms. 21.40

47 Kant, *CJ*, §51, 193 (*KU*, 5: 324).

48 A positive answer can be readily envisaged, appealing to background determinants on artistic status, of the sort insisted upon by Jerrold Levinson’s ‘historical definitions’, Noël Carroll’s ‘identifying narratives’, or Arthur Danto’s idea of an ‘atmosphere of enfranchising theory’. 21.44

22.5 Stepping back from Kant, does anything I have said imply that strong non-perceptual art simply *collapses* into poetry or literature more generally? No. Such art only makes sense against a background of visual-art expectations that it presupposes, only in order to frustrate, just as John Cage's infamous 4.33 only makes sense against a background of musical expectations that the trappings of musical performance raise, only to refuse. Abstract from those background expectations, and rather than being original, daring, or witty, such works become dull and meretricious—just as their detractors maintain. But their detractors are wrong, all the same, precisely because they insist on judging these works relative to the wrong appreciative framework.<sup>49</sup> One of the achievements of works such as Barry's was to show, at a certain point in art's recent history, that it might make sense to put forward something non-visible as a work of visual art.

22.10 To the extent that this requires such works to continue to trade on certain basic assumptions about the nature of visual art—notably that it is available to perceptual appreciation—perhaps even *strong* non-perceptual art is best understood, in Kant's terms, as a curious hybrid of the arts of 'intuition and 'thought' (painting and poetry, perhaps).<sup>50</sup> Its contexts of presentation in art galleries and museums rather than poetry readings and periodicals solicit the expectations of the former, which it refuses, only to present itself as a candidate for appreciation in ways in which we are accustomed to appreciate the latter, which it frustrates in turn.<sup>51</sup> This may be one reason why such art, despite an ever more lax culture of expectation surrounding contemporary art, still manages to arouse confusion, suspicion, or even outright hostility.<sup>52</sup> Be that as it may, Kant's aesthetics clearly has no problem accommodating such art: as a result, it is not rendered otiose by even the hardest of hard cases.<sup>53</sup>

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22.35 49 Kendall Walton's 'Categories of Art', *Philosophical Review* 79 (1970), 344–67, remains the classic discussion. For an overview, see Brian Laetz, 'Kendall Walton's Categories of Art', *BJA* 50 (2010), 287–306. On the necessity of judging relative to the right 'appreciative kind' see Dominic McIver Lopes, *Beyond Art: The Foundations of Appreciation* (Oxford: OUP, forthcoming).

50 Many first-generation conceptual artists, including Barry, originally trained as painters, as the pronounced *orientation to the wall* of much strong non-perceptual art reflects.

51 See Peter Lamarque, 'On Perceiving Conceptual Art', in Goldie and Schellekens, *Philosophy and Conceptual Art*, for a discussion of the prospects, which Lamarque finds poor, of treating conceptual art as a new kind of literature.

22.40 52 This is a central theme of Goldie and Schellekens' *Who's Afraid of Conceptual Art?*

53 Versions of this paper were given at Fiat Imago, Pereat Mundus, La Sapienza, Rome, 2010; Post-Kantian Aesthetics and the Work of Art, Warwick, 2011; the University of Leeds, 2011; and the Forschungskolleg Humanwissenschaften, Bad Homburg, 2012. I thank those audiences for their many helpful comments: special thanks are due Eileen John, Martin Seel, and James Shelley for their correspondence on this paper in draft.

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