

ARGUMENTS FOR NON-CONCEPTUALISM IN KANT'S THIRD *CRITIQUE*

Dietmar H. Heidemann
(University of Luxembourg)

Abstract. *I argue that in his aesthetics, Kant puts forward arguments that help to answer the question of whether he is a conceptualist or a non-conceptualist. The current debate on Kantian conceptualism and non-conceptualism has completely overlooked the importance of Kant's aesthetics. There are two candidates for non-conceptuality in Kant's aesthetics. First, non-conceptual content plays a crucial role in aesthetic evaluation. Second, non-conceptual content has a systematic explanatory function in the theory of aesthetic creation of the genius of art. Accordingly, my argument proceeds in two steps: In first analyse the role of non-conceptual content in aesthetic evaluation, i.e., Kant's claim that aesthetic experience is cognition of a special kind that does not bear on conceptual activities. In then look at the role of non-conceptual content in the genius's creation of artwork. I argue that art production does not imply conceptual activity and therefore seems to count as a second systematic instance of Kantian non-conceptualism. If my argument is correct, then Kant's aesthetics implies non-conceptualism with respect to aesthetic evaluation but does not in any objective sense with respect to aesthetic creation.*

Keywords. *Kant; non-conceptualism; aesthetics; judgment of taste; aesthetic genius*

1. Introduction

The more recent discussion of whether or not Kant is a non-conceptualist has almost exclusively focused on transcendental idealism, that is, on Kant's writings on theoretical philosophy in the narrower sense. Interpreters usually refer to the first *Critique* and the *Prolegomena* in order to show that Kant is a conceptualist or a non-

conceptualist respectively.¹ Kant's aesthetics has been almost ignored in the debate, although it is the third *Critique* where Kant explicitly addresses the problem of non-conceptualism. This is not to say that Kant's aesthetics has never been interpreted from a mainly epistemological point of view. On the contrary, apart from Hannah Ginsborg's *The role of taste in Kant's theory of cognition*, published in 1990, there has been increasing interest in the cognitive aspects of Kant's aesthetic theory especially over the past fifteen years or so.² Commentators did, however, not pay much attention to the more specific question of whether or not Kant's aesthetics reveals traces of non-conceptualism, although, as we will see, the third *Critique*'s theory of the judgment of taste as well as the conception of the aesthetic genius are important recourses for clarifying the general question about Kantian non-conceptualism.

To be sure, those authors who address 'non-conceptuality' and its cognates within the context of Kant's aesthetics use this term not in the same way as the contemporary general debate on non-conceptualism does. Whereas in the general debate non-conceptualism is understood as the view that mental representations of the world do not necessarily presuppose concepts by means of which the content of these representations can be specified (see below), in the context of the third *Critique* 'non-conceptuality' is mostly associated with Kant's claims about the universality and objectivity of judgments of taste. Ginsborg, for instance, argues, that "[...] if an objective conceptual judgment can be realised in the form of perceptual experience, it makes sense in Kantian terms to suppose that a judgment which makes a non-conceptual claim might similarly be realised in an experience of a different sort,

¹ For the purpose of this paper I shall not overview the general debate over Kantian non-conceptualism but mainly focus on the problem of non-conceptualism with respect to Kant's aesthetics. For the general debate see D. Schulting, ed., *Kantian Nonconceptualism*, London: Palgrave Macmillan, 2016, and D. H. Heidemann, ed., *Kant and Non-Conceptual Content*, London, New York, Routledge, 2013.

² Cf. H. Ginsborg, *The role of taste in Kant's theory of cognition*, New York, London: Garland 1990, and, among others, the contributions in *Kant Yearbook* 11 (2019) on aesthetics, F. Hughes, *Kant's Aesthetic Epistemology*, Edinburgh: Edinburgh University Press 2007, B. Kalar, *The Demands of Taste in Kant's Aesthetics*, London, New York: Continuum 2006, R. Kukla, ed., *Aesthetics and Cognition in Kant's Critical Philosophy*, New York: Cambridge University Press 2006, J. Kirwan, *The Aesthetic in Kant. A Critique*, London, New York: Continuum 2004. The cognitive, psychological, epistemological etc. implications of Kant's aesthetics have, of course, always been somehow considered, however, not in terms of a broader systematic approach like in recent Kant scholarship. See the overviews in P. Guyer: *The Harmony of the Faculties in Recent Books on the Critique of the Power of Judgment*, in *The Journal of Aesthetics and Art Criticism* 67/2 (2009), 201-221, and K. Engelhard: *Kant in der Gegenwärtästhetik*, in: D.H. Heidemann/K. Engelhard, *Warum Kant heute? Systematische Bedeutung und Rezeption seiner Philosophie in der Gegenwart*, Berlin: De Gruyter 2003, 352-382.

namely the aesthetic experience of disinterested pleasure.”³ And it is the ‘disinterested pleasure’ that represents the special universal and objective character of judgments of taste: “[...] despite the subjective and non-conceptual character of the feeling of pleasure, I take it to be one which all other perceivers of the object ought to share: and it is in this claim to universal validity that the judgment of beauty consists.”⁴ This has also been pointed out by Allison. Allison conceives of the aesthetic “disinterestedness” in terms of “universality”, i.e., the peculiar kind of “universality” of judgments of taste that he takes to be abnormal because of “its independence from concepts”: “Kant underscores this in the second half of §6, and it leads to the characterization of the universality as ‘subjective’”.⁵ On Allison’s reading Kant’s claim about the non-conceptuality of judgments of taste represents the ‘logical’ problem of the universality of such judgments rather than the problem of the non-conceptual epistemic content in such judgments. This is not to say that Allison goes wrong in his critical discussion of “a nonconceptual, feeling-based universality”⁶. His use of “nonconceptual” is simply different from the meaning it has in the contemporary controversy about non-conceptualism. To give another example along these lines: Although with arguments quite different from those of Ginsborg and Allison, Ameriks, too, closely connects non-conceptuality with “universality”, “disinterestedness”, or “objectivity” respectively.⁷ On his account, judgments of taste are non-conceptual because Kant needs to demarcate the deduction of taste from the deduction of the categories while preserving ‘aesthetic objectivity’ as opposed to logical, cognitive objectivity.

In the three examples from the works of Ginsborg, Allison and Ameriks, non-conceptuality in Kant’s aesthetics is addressed but not in terms of the more recent debate over non-conceptualism. With respect to the question of whether Kant is a

³ Cf. Ginsborg, *The role of taste in Kant’s theory of cognition*, 30-31, and 56-68.

⁴ Cf. H. Ginsborg, *Reflective Judgment and Taste*, in *Noûs*, 24/1, 1990, 63-78, 70. In *Aesthetic Judgment and Perceptual Normativity* (in *Inquiry* 49/5, 2006, 403–437) Ginsborg is not specifically analysing non-conceptualism within Kant’s aesthetics as such but with respect to what she calls “perceptual normativity”. Her discussion evolves as a criticism of Peacocke’s account of non-conceptualism and concept formation. Unlike Ginsborg in her work, I am not saying anything about whether or not for Kant (perceptual) cognition in general entails or even presupposes aesthetic cognition or judgement of taste as a precondition of cognition. This is an independent point of discussion. It might well be that Kant’s aesthetics implies non-conceptualism, although aesthetic cognition does not have anything to do with perceptual cognition.

⁵ Cf. H. E. Allison, *Kant’s Theory of Taste: A Reading of the Critique of Aesthetic Judgment*, Cambridge: Cambridge University Press 2001, 100.

⁶ *Ibid.*, 100, cf. 104-115.

⁷ Cf. K. Ameriks, *Interpreting Kant’s Critiques*, New York: Oxford University Press 2005, 295-306.

conceptualist or non-conceptualist in a sense that goes beyond the universality, disinterestedness, or objectivity of judgments of taste, they therefore stay (unwillingly) neutral. In what follows, I show that in the third *Critique* Kant argues for non-conceptualism in a way that diverges from the sense commentators like Ginsborg, Allison and Ameriks have addressed it. According to Kant, aesthetic experience is cognition that does not bear on conceptual activities because the cognitive appreciation of the beautiful cannot be derived from rule governed conceptual procedures of the mind, even though aesthetic evaluation is expressed in *judgments* of taste: either because there is non-conceptual ‘aesthetic’ content, or because the subject of aesthetic experience lacks the adequate concepts for aesthetic evaluation.

In order to prepare my argument for non-conceptualism in the third *Critique* I shall trace back, in section 2, the controversy over non-conceptualism to Kant’s criticism of the Leibniz-Wolffian doctrine of obscure and clear representations. As we will see, this controversy can be settled by distinguishing two candidates for non-conceptuality in Kant’s aesthetics. First, non-conceptual content is crucial in aesthetic evaluation, that is in judgements of taste as expressions of such evaluation. Second, non-conceptual content is central in the theory of aesthetic creation of the genius of art in that the genius conceives of aesthetic ideas in terms of rules bearing upon non-conceptual content. Accordingly, my argument proceeds in two steps: In the third section of the paper, I analyse the role of non-conceptual content in aesthetic evaluation. According to Kant, aesthetic experience is cognition that does not depend on conceptuality for the cognitive appreciation of the beautiful does not rely on rule-governed procedures of the mind, although aesthetic evaluation is expressed in *judgments* of taste. Kant explicitly says that what is “beautiful” “pleases universally without a concept” (CJ, 5:219), and “without concepts, is represented as the object of a *universal* satisfaction” (CJ, 5:211).⁸ Here I discuss the non-conceptual character of judgements of taste in Kant’s aesthetics. Aesthetic non-conceptuality hinges on “feeling” since “feeling of pleasure and displeasure” is the “determining ground” (CJ, 5:203) of a judgement of taste, i.e., the feeling of pleasure and displeasure is to be

⁸ All references to Kant’s works are from *The Cambridge Edition of the Works of Immanuel Kant*, ed. P. Guyer and A. Wood, Cambridge, Cambridge University Press, 1992 ff. CPR = *Critique of Pure Reason* (2009); CJ = *Critique of the Power of Judgment* (2002) followed by the volume and page number of the *Akademie-Ausgabe*: Kant, Immanuel: *Gesammelte Werke*, ed. Königlich preußische (später deutsche) Akademie der Wissenschaften, Berlin, De Gruyter, 1900 ff.

conceived as the non-conceptual content in aesthetic cognition. In the fourth section I consider the role of non-conceptual content in the genius's creation of artwork. I shall show that art production does not imply conceptual activity either and therefore accounts for Kantian non-conceptualism. Kant's aesthetics of the genius implies non-conceptualism because aesthetic ideas are intellectual intuitions that count as non-conceptual rules and represent aesthetic norms. They are non-discursive intuitive intellectual representations that holistically combine the activity of productive imagination and understanding. The problem, however, is that any non-discursive working together of cognitive faculties is impossible for the human mind, because intuitions can only be subsumed under or determined through discursive concepts and cannot merge with them as it is the case with aesthetic ideas. For that reason, unlike the doctrine of the judgment of taste, the aesthetics of the genius cannot account for Kant's non-conceptualism in any positive sense.

2. Tracing back non-conceptualism

Although, in this paper, I shall not discuss the general debate on non-conceptualism at length, I shall nevertheless sketch the origin of the problem in Kant's theoretical philosophy. Considering this background helps to better understand what the problem of non-conceptualism consists of for Kant. Non-conceptualism takes many forms. The best way to determine its meaning is by contrasting it with conceptualism. Conceptualism is the view that cognizers can have mental representations of the world only if they possess the adequate concepts by means of which they can specify what they represent. By contrast, non-conceptualists maintain that mental representations of the world do not necessarily presuppose concepts by means of which the content of these representations can be specified.⁹

As I have argued elsewhere¹⁰ in greater detail, the debate over non-conceptualism can be traced back to Kant's semi-critical essay *Concerning the*

⁹ Two more specific kinds have been distinguished in the general debate: *state* and *content* non-conceptualism. State non-conceptualism is the view that mental states have non-conceptual content if the cogniser does not possess adequate concepts in order to specify this content. According to content non-conceptualism, the representational content in question is fundamentally different from conceptual content. Cf. J. Bermúdez and A. Cahen, *Nonconceptual Mental Content* in *The Stanford Encyclopedia of Philosophy (Fall 2015 Edition)*, ed., E. N. Zalta, URL = <<http://plato.stanford.edu/archives/fall2015/entries/content-nonconceptual/>>.

¹⁰ See D. H. Heidemann: *Kant and Non-Conceptual Content: The Origin of the Problem*, D. H. Heidemann, ed., *Kant and Non-Conceptual Content*, London, New York, Routledge 2013, pp. 1-10.

Ultimate Foundation of the Distinction of the Directions in Space (2:383, 2003 [1768]). Kant's claim that intuition and concept are not of the same representational kind must be understood as a fundamental critique of Leibniz and the Leibniz-Wolff school. According to the Leibnizian doctrine, sensible representations are obscure, whereas the understanding's representations are clear. This doctrine forms the critical background of Kant's radically new conception of intuition and concept. The crucial point is the distinction between obscure and clear cognition. In his *Meditationes de Cognitione, Veritate et Ideis* (1684) Leibniz argues that the latter can either be confused or distinct, and distinct cognition can be inadequate, adequate, symbolic or intuitive. When cognition is both adequate and intuitive it is most perfect.¹¹ For Leibniz, obscure representations are those ideas that are not sufficient for recognizing something that I have represented before. The same goes for concepts that I cannot adequately define; these too are obscure concepts.¹² The opposite of obscure representation is clear cognition, which Leibniz conceives in terms of our ability to recognize that cognition. There are two kinds of clear cognition: (i) Clear cognition is confused in case the object of cognition possesses or exhibits a greater number of distinct features than I capture in a corresponding conceptual description of it, for instance in the case of sense-perception where we are unable to sufficiently discriminate sensations. (ii) Clear cognition is distinct if it enables us to distinguish one thing from another similar thing with the help of a sufficiently great and precise number of marks.¹³

The Leibnizian doctrine was the predominant view in 17th and 18th century German philosophy. The vast majority of philosophers of that time subscribed to the idea that the distinction between sensibility and understanding is to be spelled out as the difference between obscure and clear representations, according to the presence and absence of conceptual distinctness of representations. This view implies that the difference between sensibility or non-conceptual intuition, and understanding or conceptual thinking is merely a matter of degree, rather than a difference in kind. For just by increasing and diminishing the degree of conceptual clearness in our

¹¹ Cf. G.W. Leibniz: *Meditationes de Cognitione, Veritate et Ideis, Die philosophischen Schriften von Gottfried Wilhelm Leibniz*, ed. C. I. Gerhardt, Bd. 4, Berlin 1880, p. 422: "Est ergo cognitio vel obscura vel clara, et clara rursus vel confusa vel *distincta*, et *distincta* vel inadaequata vel adaequata, item vel symbolica vel *intuitiva*: et quidem si simul adaequata et intuitiva sit, perfectissima est."

¹² *Ibidem*.

¹³ See also G.W. Leibniz: *Nouveaux Essais sur l'Entendement Humain, Die philosophischen Schriften von Gottfried Wilhelm Leibniz*, ed. C. I. Gerhardt, Bd. 5, Berlin 1882, pp. 236 f.; I. xxix, §§ 2, 4.

representations, sensible ideas can in principle be transformed into ideas of the understanding. Although Leibniz and his followers, for instance Baumgarten and Wolff, do not merge sensibility and understanding as such, they maintain that the major reason for the difference between sensibility and understanding, or intuition and concept respectively, is nothing over and above the obscurity and clearness of ideas. Intuitive and conceptual representations only differ by degree within the homogenous spectrum between obscurity and clarity that characterizes the mind's representational capacity. Most importantly, the Leibniz-Wolff school does not hold that sensibility and understanding are fundamentally distinct. Sensibility and understanding are rather logical *extremes* contained within a representational continuum that has the soul as the "simple" ("einfach") and "in itself existing thing" („vor sich bestehendes Ding“) as its intellectual ground.¹⁴ The soul is equipped with "a unified power" („eine einige Kraft“) from which "its changes flow".¹⁵ For Wolff, this power is the *fundamental power* as the source of the power of imagination, memory, understanding, will etc. It is the "representational power" („vorstellende[] Kraft“) or *vis repraesentativa*.¹⁶ This conception does not leave room for non-intellectual representations for the fundamental representational power allows only for one kind of representations, i.e., intellectual representations, be they obscure or clear. Therefore, if sensible (intuitive) representations are non-conceptual (non-intellectual), the fundamental power cannot have them.

Kant objects against this doctrine that intuition and concept are two opposite kinds of representation that cannot be conceived in terms of degrees of clarity since they stem from different sources of knowledge. The critical discussion of the Leibnizian distinction between sensibility and understanding according to degrees of clearness of representations is the origin of the problem of non-conceptual content in Kant and beyond. Kant is the first one to fundamentally question Leibniz' theory of ideas. On the one hand, he objects that with respect to representations the distinctions 'obscure-clear' and 'distinct-confused' are mistaken; on the other hand, he demonstrates that it is therefore mistaken to distinguish between sensibility and understanding or intuition and concept by reference to the representation's degree of

¹⁴ Cf. Christian Wolff, *Vernuenfftige Gedancken von Gott, der Welt und der Seele des Menschen, auch allen Dingen ueberhaupt*, Halle 11741 (= *Deutsche Metaphysik*, abbrev. *DM*), in *idem* *Gesammelte Werke*, ed., J. École, H. W. Arndt, Ch. A. Chorr, J. E. Hofmann and M. Thomann, Hildesheim u.a.: Olms 1962 ff. §§ 742 f (my translations).

¹⁵ *DM*, §§ 744 f.

¹⁶ *DM*, §§ 747 and 754 f.

clarity. One major difference between Kant and Leibniz with respect to the theory of representation is that for Leibniz sensible ideas cannot be distinct, whereas for Kant they can. This is not to say that Kant does not agree with Leibniz that in sense-perception there can be obscure representations. Kant, however, disagrees with Leibniz with respect to the differentiation of clear representations. His criticism is that one cannot contrast distinct representation with confused representation since the opposite of ‘distinct’ is ‘indistinct’. Clear ideas must be analysed in terms of their distinctness or indistinctness, not as Leibniz does in terms of cognitive distinctness and confusion.

Kant’s critique of the Leibnizian distinctions ‘obscure-clear’ and ‘distinct-confused’ in favour of the distinction between distinct and indistinct representations has far-reaching consequences for the determination of sensibility and understanding or intuition and concept, respectively. Kant disagrees with the rationalists that sensibility must be conceived in terms of indistinct (confused) representations whereas the understanding as such has distinct (clear) representations. For the opposition ‘distinct-indistinct’ is “formal” rather than “real”. Since the difference between sensibility and understanding also concerns “the content of thought” it cannot merely be logical. Intuitive (sensibility) and conceptual (understanding) representations are rather distinct in that cognition is a composite of two independent elements (CPR A 43-44/B 60-62). Consequently, in *Concerning the Ultimate Foundation* Kant argues that the directions of space cannot fully be grasped merely by conceptual description since spatial directions are represented through intuition, and intuitional representation cannot be reduced to conceptual representation.¹⁷ It follows that intuition and concept are independent elements of cognition rather than confused and distinct representations.

The *Critique of Pure Reason* continues to argue along these lines, i.e., that it is a “falsification of the concept of sensibility” to maintain that

“our entire sensibility is nothing but the confused representation of things, which contains solely that which pertains to them in themselves but only under a heap of marks and partial representations that we can never

¹⁷ Kant, Immanuel: *Concerning the Ultimate Foundation of the Distinction of the Directions in Space, Immanuel Kant: Theoretical Philosophy 1755–1770*, ed. D. Walford, Cambridge, Cambridge University Press, 2003, p. 371.

consciously separate from one another”. (CPR A 43/B 60f; cf. CPR A 43f/B 61, A 270 ff/B 326 f).

This explanation is mistaken since the opposition ‘distinct-indistinct’ is “merely logical, and does not concern the content.” (CPR A 43f/B 60f) Already in the *Inaugural Dissertation* Kant argues that neither sensibility can be defined in terms of confused cognition nor in terms of distinct cognition. For “sensitive representations can be very distinct and representations which belong to the understanding can be extremely confused”.¹⁸ The distinction to be drawn is rather between intuition (sensibility) as *repraesentatio singularis* and concept (understanding) as *repraesentatio universalis*. Since intuition and concept are intrinsically different with respect to how cognizers have representations through them, neither can be reduced to the other. In the first *Critique*, Kant emphasizes that “intuition” is that “representation that can be given prior to all thinking” (CPR B 132). The reason why intuition can be given prior to thinking is that it is by nature independent of conceptual representation. Without explicitly mentioning the crucial arguments from his earlier works, *Concerning the Ultimate Foundation* and *On the form and principles*, in the Transcendental Aesthetic Kant not only makes clear that “intuition” is that “representation [...] which can only be given through a single object” (CPR A 32/B 47), but also that we must “think of every concept as a representation that is contained in an infinite set of different possible representations (as their common mark), which thus contains these under itself”. Therefore, since intuition as singular representation contains representations “within itself”, e.g. representations of “components” of space as limitations of “the single all-encompassing space”, it is intrinsically different from concept as universal representation (CPR A 25/B 39-40). In sensibility we refer immediately to objects (CPR A 20/B 33) since in sensibility objects are directly given to us, i.e. independently of concepts. Intuition is *repraesentatio singularis* since in sensibility we can only represent singular objects. By contrast, concepts belong exclusively to the understanding. Since they are discursive representations they refer indirectly to objects. ‘Discursivity’ means that concepts are general in as much as they do not represent single, particular objects but collections of marks that have been

¹⁸ Cf. *On the Form and Principles of the Sensible and Intelligible World, Immanuel Kant: Theoretical Philosophy 1755–1770*, ed. D. Walford, Cambridge, Cambridge University Press, 2003, p. 387. See also CPR A 43f/B 61.

abstracted from more concrete representations. This is the reason why concepts are general representations and why concepts cannot be represented in sensibility.¹⁹

The fact that the properties of intuitions cannot be reduced to the properties of concepts seems to make a strong case for Kantian non-conceptualism. This conclusion has, however, been disputed in the recent debate, since from the fact that intuition is not conceptual, non-conceptualism does not follow. For in order to count as non-conceptual, cognition must objectively refer to the world. But this is not to be found in Kant, it has been argued. In what follows, I will not take up again the arguments that have repeatedly been debated in the literature.²⁰ My aim rather is to discuss a set of arguments from Kant's aesthetics that have been neglected so far. For Kant's theory of the judgment of taste provides a rich resource of arguments for non-conceptualism that have not yet been considered.

3. The role of non-conceptual content in aesthetic evaluation

According to Kant, the cooperation of concept and intuition in judging is a minimal condition of cognition in terms of objective representation, i.e., nothing can count as (objective) cognition except a judgment. Although Kant makes it clear at the beginning of the "Analytic of the Beautiful" that the "judgment of taste" is not to be conflated with a "logical", "cognitive judgment" (CJ, 5:203), aesthetic cognition cannot be conceived just as some kind of feeling a perceiver is conscious of, for aesthetic cognition, too, depends on judgment. A "judgement of taste" is not a logical "cognitive judgment" because

"[i]n order to decide whether or not something is beautiful, we do not relate the representation by means of understanding to the object for cognition, but rather

¹⁹ For details cf. D.H. Heidemann, *Anschaung überhaupt*, in *Akten des XII. Internationaler Kant-Kongress: Natur und Freiheit*, ed. V. Waibel, M. Ruffing and D. Wagner, Berlin, Boston: De Gruyter 2018, 743-760. – Note that in his argument for sensibility and understanding as two irreducible sources of cognition Kant is not already presupposing the difference between intuition and concept or applying a kind of transcendental reflection. By way of analysis of an arbitrary (objective) cognitive claim he rather discriminates its constituents for which he then argues in detail in the transcendental aesthetic and the transcendental logic.

²⁰ See the contributions in D. Schulting, ed., *Kantian Nonconceptualism*, cf. also the discussion of this issue in D. H. Heidemann, ed., *Kant and Non-Conceptual Content*, London, New York, Routledge, 2013.

relate it by means of the imagination (perhaps combined with the understanding) to the subject and its feeling of pleasure or displeasure.” (CJ, 5:203)

The feeling of pleasure or displeasure, however, cannot be objective in the same sense as a cognitive judgment. For an aesthetic feeling is about the subjective state the perceiver is in rather than about the logical determination of a sensible given through concepts like in a logical cognitive judgment. Judgments of taste, yet, share several features cognitive judgments have. The analysis of the judgments of taste in the third *Critique* is modelled after the order of the “logical functions” of cognitive judgements in the first *Critique*. Since they are determined through logical functions and since they refer to something given in intuition, i.e., an object of aesthetic evaluation, categories must be operative in judgments of taste as they are in logical judgments.²¹ Furthermore, according to Kant “universal communicability of our cognition” is to be “assumed in every logic and every principle of cognitions that is not skeptical” (CJ 5:239). For if “cognitions and judgments” would “not be able to be universally communicated”, “they would have no correspondence with the object” and could hence be nothing over and above “a merely subjective play of the powers of representation, just as skepticism insists” (CJ, 5:217-238). Hence, logical and aesthetic cognition share the feature of universal communicability since both, cognitive judgments and judgments of taste, alike refer to objects they make claims about. Finally, judgments of taste must be universally communicable not because we can generalize over aesthetic predicates according to conceptual rules but because aesthetic cognition originates in universally valid cognitive faculties, the understanding and imagination, while it is determined through subjective aesthetic feeling.²² Therefore, both, cognitive judgments and judgments of taste, lay claim to universality, the former one in the objective sense, the latter one in the subjective sense.

Now, that non-conceptual content is operative in judgments of taste seems to be obvious from the “First Moment of the judgment of taste”: “That is beautiful which pleases universally without a concept” (CJ, 5:219). The “First Moment” already lays the ground for Kant’s aesthetic non-conceptualism. In aesthetic cognition the subject

²¹ On the judgment of taste as cognitive judgment and the role of logical functions in them cf. Allison *Kant’s Theory of Taste*, 72-78, 106.

²² Allison (*Kant’s Theory of Taste*, 79-81) therefore conceives of “universal communicability” of judgments of taste in terms of “subjective universality”.

relates representations by means of the imagination to its feeling of pleasure or displeasure (CJ, 5:203). The different modes of relation of representations in a judgment explain why a judgment of taste is not a logical cognitive judgment. In a logical cognitive judgment the subject relates representations to an object as something distinct from its own state of mind. By contrast, in an aesthetic judgment the subject relates representations to the “feeling of pleasure and displeasure” that is, as Kant puts it, “in which the subject feels itself as it is affected by the representation” (CJ 5:204). The “determining ground” of a judgment of taste is “subjective” because here the cognitive faculty of pleasure and displeasure is affected with the result that the subject is in a state of mind that Kant describes as “feeling”, which the subject refers to itself. A “feeling”, however, does not contribute anything to (objective) cognition. It rather results from a specific cognitive, conscious relation between the understanding and imagination in the subject. The key term is “feeling” since “feeling of pleasure and displeasure” is the “determining ground” (CJ, 5:203) of a judgment of taste. Logical judgments are objective because they are justified or determined through the objective relation of representations. By contrast, judgments of taste are justified or determined through the relation of representations to the inner mental state the subject is in, to its “feeling”. It is only because the subject is conscious of this feeling that it brings about judgments of taste. Therefore, the feeling of pleasure and displeasure is to be regarded as non-conceptual content in aesthetic cognition. In that sense Allison, I think, is right, when he states:

“Since, as we have seen, the feeling of pleasure, unlike other ‘objective’ sensations, involves no reference to an object, but merely to a sentient subject and its states, Kant concludes that judgments made on the basis of this faculty must be lacking in objectivity. Against this Ameriks argues that ‘the fact that the kind of taste Kant is discussing requires discrimination by something subjective does not entail that what is discriminated should be called subjective.’ This may be true; but in my view it misses the point. For it is not merely that discriminations of taste are made by something subjective (which applies to both gustatory and aesthetic taste) that makes judgments of taste irredeemably subjective; it is rather that *what* is discriminated is a state of the subject (a mental state

of harmony or discord) of which one can become aware only through feeling.”²³

As the general debate has shown, in order for mental content to count as non-conceptual content, this content must be phenomenal, intentional, and representational. Aesthetic non-conceptual content (feeling) is phenomenal since in the mental state of aesthetic feeling it is somehow for the subject to be in that state; it is intentional since in that state the subject feels herself, that is, is directed toward herself; and it is representational since in that state the subject is representing the harmonious relation of understanding and imagination. It is for these reasons that the feeling of pleasure and displeasure justifies or determines judgments of taste, although in a merely subjective way. Since judgments of taste are based on feeling they cannot have correctness conditions like cognitive or logical judgments it seems. For feelings can neither be correct nor incorrect, we just have them or not. By contrast, in order to believe that a person’s perceptual judgment ‘This is a house.’ is correct, one must assume that the person’s perceptual capacities are well functioning, that there really is a house in the person’s visual field, that the person is telling the truth, and so forth. Although in the case of aesthetic cognition there are no correctness conditions as in cognitive perceptual judgments, it is possible to describe the cognitive presuppositions of the coming about of aesthetic feeling.

At this point, one might object that since the aesthetic feeling is based on the harmonious play of the imagination and understanding, and since the understanding is the faculty of concepts, aesthetic experience cannot be non-conceptual all the way down. This objection does not hold, though. For in the aesthetic experience imagination and understanding are related without concepts in such a way that the mind feels it as “sensation” (CJ, 5:219). The relation itself is characterised as a harmonious interplay to the effect that it is sensed as “mutual agreement” or “well-proportioned disposition” (CJ, 5:219). The imagination engages with the “composition of the manifold of intuition”, and the understanding is directed towards the “unity of the concept that unifies the representations” (CJ, 5:217). The relation, however, between imagination and understanding is not conceptually determined and does not generate a *logical* cognition for in aesthetic experience of the beautiful. The

²³ Cf. Allison, *Kant’s Theory of Taste*, 129 (my emphasis).

understanding is rather to be regarded as the reason why the imagination, in aesthetic experience, creates formal structures within the manifold of intuition rather than representing a chaotic manifold. Although this *formality* originates – in an inexplicable way, according to Kant – in the understanding, aesthetic experience as such is not conceptual since it cannot be conceived as subsumption of intuition under a concept.

In order to further support this interpretation it would be possible to refer to many more places of the third *Critique* that are in line with this reading, e.g. that aesthetic cognitive processing is “not directed to concepts” and “neither grounded nor aimed at them”, that subjective aesthetic universality “cannot originate from concepts”, that “there is no transition from concepts to the feeling of pleasure or displeasure” (CJ, 5:211-212), that aesthetic experience as expressed in judgments of taste is subject-dependent, i.e., it cannot be conceptualized, and so on and so forth. I cannot elaborate on all of these aspects here.²⁴ But from what I have argued so far, it clearly follows that in terms of his theory of aesthetic evaluation Kant is a non-conceptualist because the determining ground of judgments of taste, i.e. feeling, is non-conceptual in the full-fledged sense of making aesthetic judgments aesthetically world-directed cognitions. The question now is whether with respect to his theory of creation of artwork he is a non-conceptualist, too. The following section clarifies further why in Kantian terms aesthetic evaluation includes non-conceptualism whereas aesthetic creation cannot account for non-conceptualism in any objective sense.

4. The role of non-conceptual content in the genius’s creation of artwork

Kant presents the aesthetic genius as someone who has *exemplary* authority in the making of art. The genius, he writes, “is the talent (natural gift) that gives the rule to art” (CJ, 5:307). These rules are special in that they are non-conceptual. The difficulty is that, on the one hand, aesthetic evaluation cannot “be derived from any sort of rule that has a concept for its determining ground”, while on the other, “without a preceding rule a product can never be called art” (CJ, 5:307). For in this case it would

²⁴ For details cf. D. H. Heidemann, *Kant’s aesthetic nonconceptualism*, in D. Schulting, ed., *Kantian Nonconceptualism*, London: Palgrave Macmillan, 2016, pp. 117-144. Section three and four of this paper draw on this article.

be an accidental product. For Kant it is the aesthetic theory of the genius that makes it possible to explain how beautiful art is in accordance with rules while not being determined through concepts. Kant lists four distinguishing features of what he thinks the concept of the (aesthetic) “genius” essentially comprises (CJ, 5:317-318; cf. 5:307-308):

- “first, that it is a talent for art, not for science, in which rules that are distinctly cognized must come first and determine the procedure in it”. – As we have already seen, there can neither be an aesthetic textbook for providing the rules for the evaluation of beautiful art nor for the creation of artwork, i.e., it cannot be conceptually determined what counts as *beautiful* by way of subsuming a given sensible manifold or particular in intuition under a concept or general (aesthetic) rule. So, if the genius “gives the rule to art” (CJ, 5:307), she must do so in a way that is fundamentally different from the way the sciences proceed, i.e., on the basis of concepts or rules. The rule-giving of the genius must therefore essentially rely on non-conceptual content, i.e., a kind of content that is fundamentally different from concepts as general representations.²⁵
- “second, that, as a talent for art, it presupposes a determinate concept of the product, as an end, hence understanding, but also a representation (even if indeterminate) of the material, i.e., of the intuition, for the presentation of this concept, hence a relation of the imagination to the understanding”. – The aesthetic genius’ imagination produces according to the representation of an “end” (“Zweck”) that is associated with an intuitive content that ‘fits’ the purpose. This is not the case in *objective* cognition where the subsumption of the given manifold under concepts is not guided through the concept of a an

²⁵ In the *Anthropology from a pragmatic point of view* (in *Immanuel Kant: Anthropology, history and education*, ed., G. Zöllner and R. B. Loudon, Cambridge: Cambridge University Press, 2007) Kant seems to argue that even in the sciences “[t]he genius is the man, not so much of wide range of mind as of intense greatness, who is epoch-making in everything he undertakes (like Newton or Leibniz).” (7:226) Strictly speaking, this is, however, not the case. For Kant there can only be an *aesthetic* genius because only the aesthetic genius is productive and creative. Unlike an artist the scientist is not an *inventor* of new original products but a *discoverer* for what he discovers is “already existing beforehand, it is only that it was not yet known; for example, America before Columbus.” (7:224). Cf. D.H. Heidemann, *Kann Erkenntnis kreativ sein? Die produktive Einbildungskraft in der Erkenntnistheorie und Ästhetik Kants*, in G. Abel, ed., *Kreativität. XX. Deutscher Kongreß für Philosophie*, vol. 1, Berlin: Universitätsverlag der TU Berlin 2005, 565-576.

“end”, although, reflective judgment operates as if reflective cognitive procedures are purposeful.

- “third, that it displays itself not so much in the execution of the proposed end in the presentation of a determinate concept as in the exposition or the expression of aesthetic ideas, which contain rich material for that aim, hence the imagination, in its freedom from all guidance by rules, is nevertheless represented as purposive for the presentation of the given concept”. – The genius’ productive cognitive power is the imagination. The productive imagination creates artwork in that it synthesises a given manifold. Yet, unlike reproductive imagination it does not do so in strict accordance with rules of synthesis but in free productive originality, that is, the genius’ aesthetic production is non-conceptual. And although it is not guided by rules and proceeds non-conceptually, the productive imagination is (subjectively) purposeful in attaining its end which is “the exposition or the expression of aesthetic ideas”.
- “fourth, that the unsought and unintentional subjective purposiveness in the free correspondence of the imagination to the lawfulness of the understanding presupposes a proportion and disposition of this faculty that cannot be produced by any following of rules, whether of science or of mechanical imitation, but that only the nature of the subject can produce.” – The non-conceptual productive originality of the aesthetic genius is unique since the subjective purposiveness of imagination and understanding is unintended. The proportioned relation or “correspondence” that is aesthetically exclusive cannot be the product of rule-following but is free and hence non-conceptual, although not anarchic or chaotic.²⁶

To be sure, the understanding as the faculty of concepts, in its purposeful relation with the imagination, is a crucial element of the genius’ aesthetic production and cannot be set aside as a cognitive factor. The fact, however, that the productive

²⁶ For a helpful summary of Kant’s theory of the aesthetic genius cf. D. W. Crawford, *Kant’s Theory of Creative Imagination*, in P. Guyer, ed., *Kant’s Critique of the power of judgment : critical essays*, Lanham: Rowman & Littlefield 2003, 143-170, and B. Sassen, *Artistic Genius and the Question of Creativity*, in P. Guyer, ed., *Kant’s Critique of the power of judgment : critical essays*, Lanham: Rowman & Littlefield 2003, 171-179.

imagination of the aesthetic genius creates in a non-restricted, free way does not leave room for conceptual binding of its creative activity and must hence be conceived as non-conceptual. It looks almost paradoxical that the aesthetic genius' faculty of understanding acts non-conceptually by *formally* restraining the imagination's original synthesis. Unfortunately, Kant is neither explicit nor clear on this point, and he obviously cannot be clear about it, as we will see below. Nevertheless, it is obvious that there cannot be a "science of the beautiful" (CJ, 5:304). For science essentially relies on conceptually determined, communicable methods and rules that allow for proof or disproof of claims as well as their reiteration. This is not the case with beautiful art as created by the genius. For the "rule" the genius applies "cannot be couched in a formula to serve as a precept". It would have to "be abstracted from the deed, i.e. from the product" which for Kant is "difficult to explain", although the "imitation" of the genius' artwork is possible to a certain extent (CJ, 5:309). The particular cognitive capacity belonging to the genius is the reason why beautiful art relies essentially on non-conceptual representation of aesthetic creation. In aesthetic terms Kant calls this capacity "spirit" ("Geist"), which functions as "the animating principle in the mind". It "purposively sets the mental powers into motion, i.e., into a play that is selfmaintaining and even strengthens the powers to that end" (CJ, 5:313). More precisely, this "principle" is the "the faculty for the presentation of aesthetic ideas". Kant defines an "aesthetic idea" as

"[...] that representation of the imagination that occasions much thinking though without it being possible for any determinate thought, i.e., concept, to be adequate to it, which, consequently, no language fully attains or can make intelligible. – One readily sees that it is the counterpart (pendant) of an idea of reason, which is, conversely, a concept to which no intuition (representation of the imagination) can be adequate." (CJ, 5:314).

As a consequence, Kant determines an aesthetic idea as "intuition": "An aesthetic idea cannot become a cognition, because it is an intuition (of the imagination) for which a concept can never be found adequate". (CJ, 5:342; aesthetic ideas are "inner intuitions", CJ, 5:314). An aesthetic idea is an intuition rather than a concept since it is a product of the imagination that combines representations in a holistic, non-discursive way while considering it as a norm. Such a representation

cannot be sensible, i.e., sensible intuition, which is passive, but must be conceived as the original product of the productive imagination's *spontaneous* activity, which is *intellectual*. So since, according to Kant, an aesthetic idea is "an intuition" (CJ, 5:342), and since it cannot be a *sensible* intuition, it must be *intellectual* intuition. This is also clear from how he contrasts the aesthetic idea with the idea of reason: Whereas no adequate concept can ever be found for an aesthetic idea, "[a]n idea of reason can never become a cognition, because it contains a concept (of the supersensible) for which no suitable intuition can ever be given." (CJ, 5:342)²⁷

Thus, an aesthetic idea is an intuition that cannot be brought under concepts. Since it is to be conceived as a normative representation of how a piece of art is to be realized, an aesthetic idea is a non-conceptual mental representation. The conceptual inadequacy of aesthetic ideas is due to their material overdetermination for as representations of the productive (aesthetic) imagination they exceed any conceptual grasping. Although as such they pertain to the aesthetic genius who originates them, the perceiver of a piece of art can be indirectly affected by them in that the perception of a piece of art animates the imagination "to think more, although in an undeveloped way, than can be comprehended in a concept, and hence in a determinate linguistic expression." (CJ, 5:315). The kind of proportionate relation between imagination and understanding that characterizes aesthetic experience is present in the aesthetic genius' cognitive processing, too. For the genius not only represents the concept of a piece of art as an "end" but conceives also the "material" "for the presentation of this concept". This is only possible by relating imagination and understanding in a purposive manner such that the genius non-conceptually knows how to achieve the aesthetic "end".

Kant's aesthetics of the genius clearly implies non-conceptualism because aesthetic ideas are intellectual intuitions that count as non-conceptual rules and give rise to aesthetic norms. They are mental content that is fundamentally different from conceptual mental content. Although one might concede that aesthetic ideas are phenomenal since it is somehow for the genius to have them, and also that they are intentional since they are purposefully directed towards the realization of an end, they cannot be conceived as representational. For aesthetic ideas are not discursive but

²⁷ On the reasons why an aesthetic idea must be conceived as an *intellectual intuition* see: Sassen, *Artistic Genius and the Question of Creativity*, 173-175, and L. Zuidervaart, "Aesthetic Ideas" and the Role of Art in Kant's *Ethical Hermeneutics*, in P. Guyer, ed., *Kant's Critique of the power of judgment: critical essays*, Lanham: Rowman & Littlefield 2003, 199-208, 200-201.

intuitive intellectual representations that holistically combine the activity of productive imagination and understanding. However, any non-discursive working together of cognitive faculties is impossible for the human mind because intuitions can only be subsumed under discursive concepts and cannot merge with them as is the case in aesthetic ideas. For this reason, the human mind, including the genius herself, cannot even understand how an aesthetic idea is capable of representing something since this is beyond the scope of possible human cognition. The conclusion to be drawn then is that the aesthetics of the genius provides evidence for Kant's non-conceptualism because Kant regards aesthetic ideas at least as logically possible representations, although the human mind cannot have them. For exactly that reason, however, the aesthetics of the genius cannot account for Kant's non-conceptualism in any positive sense. One might raise the objection, though, that if the human mind cannot have aesthetic ideas, since they are non-discursive, intellectual intuitions, aesthetic ideas cannot be conceived as logically possible representations either. This objection does not hold since aesthetic ideas are not, for Kant, self-contradictory representations that cannot even be *thought*. It is, for instance, impossible for the human mind to think the thought *squared circle*, although the human mind can utter this thought. It is, however, perfectly possible to conceive of an aesthetic idea as intellectual intuition without contradicting oneself. The thought *intellectual intuition* is logically possible because the combination of the predicates *intellectual* and *intuitive* does not create a contradiction. For it is the thought that there might be a mind that has general (intellectual) representations that are not discursive but intuitive such that by having such a general representation at the same time a singular intuition is thought in it without any logical subsumption going on. Although we cannot give any positive description of this logical possibility, i.e., we cannot specify how such intellectual intuition actually functions in the end and must therefore content ourselves with *negative* descriptions like *non-conceptual*, *non-discursive*, etc., the thought *aesthetic idea* or *intellectual intuition* as such is not a self-contradictory one.²⁸ Of course, the question is whether Kant can substantiate the claims he makes about the aesthetic genius. The answer to this question is negative since, as a matter of fact,

²⁸ If it would be self-contradictory then Kant could also not give a meaningful (negative) description of the "intuitive intellect" (CJ, § 77) as the divine mind. In that case the idea of an originally productive divine mind would not even be logically possible, and, as a consequence, if the divine being is the intuitive intellect, it would be a logically impossible. But this is obviously not the case for Kant since for him it is perfectly possible to give negative descriptions of this kind of mind as it is possible to give negative descriptions of an *aesthetic idea* as *intellectual intuition*.

non-discursive cognitive processes, that individuate objects of thought through intellectual intuition, cannot be objectively grasped through *discursive* representations (concepts human cognizers have). Kant is justified that the aesthetic genius operates on the basis of aesthetic ideas as non-conceptual representations but in the end he must admit that his negative circumscriptions of the genius' cognitive capacities is purely speculative.

5. Conclusion

In this paper I have argued that in his aesthetics Kant develops arguments that clearly present him as a non-conceptualist. Kant's aesthetics offers two candidates for non-conceptuality, the doctrine of the judgment of taste, and the theory of the aesthetic genius. Judgments of taste can only prove to be non-conceptual, I have argued, if they are cognitive (although not logical) judgments. Since their content is phenomenal, intentional and representational they meet the preconditions for non-conceptuality. As it turned out, Kant identifies the aesthetic feeling as subjective state of mind to be the determining non-conceptual ground of a judgment of taste. That is to say the aesthetic feeling represents the kind of non-conceptual mental content on the basis of which a perceiver attributes the predicate 'beautiful' to an object in a singular judgment in order to form a perceptual belief. The theory of the judgment of taste therefore strongly supports the view that Kant is a non-conceptualist. This is not the case with his theory of the aesthetic genius. Although an aesthetic idea as originated by the genius in creating art is a non-conceptual intuitional representation that figures as a non-conceptual rule of art, it cannot account for Kantian non-conceptualism because human cognizers are incapable of cognitively accessing intellectual intuitions. The remaining positive outcome then is that in his theory of the judgment of taste Kant proves to be a non-conceptualist. The theoretical value of this finding is that Kant offers a rich aesthetic theory that is capable of explaining aesthetic evaluation both on conceptual and non-conceptual grounds such that it avoids the shortcomings that reductive accounts usually involve in philosophy.

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