May 2013

Second Nature in Kant's Theory of Artistic Creativity

Adam Blazej
University of Wisconsin-Milwaukee

SECOND NATURE IN KANT'S THEORY OF ARTISTIC CREATIVITY

by

Adam Blazej

A Thesis Submitted in

Partial Fulfillment of the

Requirements of the Degree of

Master of Arts

In Philosophy

at

The University of Wisconsin-Milwaukee

May 2013

ABSTRACT
SECOND NATURE IN KANT'S THEORY OF ARTISTIC CREATIVITY

by

Adam Blazej

The University of Wisconsin-Milwaukee, 2013
Under the Supervision of Professor William Bristow

One of the central claims of John McDowell's *Mind and World* is that, in reconciling an apparent opposition between the normative and the natural, philosophers should look to a notion of second nature: the idea that nature includes a species of animals (namely, human beings) who, through their socialization, transform themselves into rational beings capable of thinking about and acting in the world in response to reasons. McDowell argues that Kant lacks a notion of second nature and thereby fails to overcome the relevant problem of reconciliation. My aim in this paper is to show that (*pace* McDowell) Kant does possess and employ a notion of second nature in his theory of artistic creativity. More precisely, I try to show that Kant's conception of genius as the expression of aesthetic ideas employs a notion of second nature that is similar to, albeit importantly distinct from, the one to which McDowell appeals.

To
my parents
for their love
and exemplarity

TABLE OF CONTENTS

ACKNOWLEDGEMENTS

I would like to thank Professor Bristow, without whose unfailing generosity, invaluable advice, and uplifting encouragement this thesis would likely not have been possible. And, for their helpful comments and support, I would like to thank Professor Sensat, my fellow graduate students in the writing workshop, and my friends in Curtin 679.

Wiederholen zwar kann der Verstand, was da schon gewesen,
Was die Natur gebaut, bauet er wählend ihr nach.
Über Natur hinaus baut die Vernunft, doch nur das Leere –
Du nur, Genius, mehrst in der Natur die Natur.

-Friedrich Schiller, *Der Genius* (1797)

1. Introduction

One of the central claims of John McDowell's *Mind and World* is that, in reconciling an apparent opposition between the normative and the natural, philosophers should look to a notion of second nature: the idea that nature includes a species of animals (namely, human beings) who, through their socialization, transform themselves into rational beings capable of thinking about and acting in the world in response to reasons. McDowell argues that Kant lacks a notion of second nature and thereby fails to overcome the relevant problem of reconciliation. My aim in this paper is to show that (*pace* McDowell) Kant does possess and employ a notion of second nature in his theory of artistic creativity.

The structure of this paper is as follows. In Section 1, I clarify the dialectical structure of McDowell's *Mind and World*, focusing especially on his naturalism of second nature. In Section 3, I argue that Kant's theory of artistic creativity offers a conception of human action that undermines an assumption that causes McDowell to overlook Kant's notion of second nature. The assumption is that intentional actions are normatively governed solely in virtue of their conceptual content. Kant's conception of genius as the expression of aesthetic ideas, I argue, shows how actions can be normatively governed independently of their conceptual content. In Section 4, then, I go on to show how that conception of genius employs a notion of second nature that is similar to, albeit importantly distinct from, the one to which McDowell appeals. In Section 5, I conclude with some brief remarks on the relevance of this distinctive notion of second nature for the problem of reconciling the normative and the natural.

2. McDowell's exorcism

McDowell's chief aim in *Mind and World* is to 'exorcise' what he takes to be a distinctively modern philosophical problem regarding the possibility of normatively governed thought and action. I begin in this section by identifying that problem. Then, I clarify certain key features of the notion of second nature to which McDowell appeals in his response to that problem. Lastly, I summarize McDowell's claim that Kant lacks a notion of second nature and thereby fails to overcome the relevant philosophical problem.

2.1

According to McDowell, the philosophical 'anxiety' that he seeks to exorcise arises from two opposing tendencies in the modern tradition. On the one hand, there is a tendency to regard thought as spontaneous, or responsive to reasons, as "answerable to the *empirical* world."[1] On the other hand, there is a tendency to regard experience as receptive, "made up of impressions, impingements by the world on a possessor of sensory capacities."[2] Such impingements are causal events in nature and, therefore, describable in terms of scientific laws of nature. For McDowell, the idea that these mere impingements can make thought answerable to the empirical world is nothing more than a myth: the Myth of the Given. But the opposing idea of coherentism, according to which judgments are not answerable to anything independent of spontaneity, is dissatisfying, as well. For, in that case, thought is no more than "a frictionless spinning in a void."[3] Thus, we are faced with a familiar kind of philosophical problem: how is thought about the world possible?

---

[1] McDowell (1996: xii).
[2] Ibid., xv.
[3] Ibid., 11.

In order to overcome an intolerable oscillation between various versions of the Myth of the Given and coherentism, McDowell believes that we must recognize that experience requires the integration of spontaneity and receptivity, or concepts and intuitions. This insight is thought to be expressed by Kant's famous remark in the *Critique of Pure Reason*: "[T]houghts without content are empty, intuitions without concepts are blind" (A51/B76).[4] Guided by this Kantian insight, we are said to avoid the Myth of the Given, for the reason that the impacts by the world on our senses to which our thoughts are answerable are to be understood not as mere impingements but as *always already* possessing conceptual content. We are also said to avoid coherentism, for the reason that those impacts belong to receptivity rather than a wholly independent variety of spontaneity. That is to say, we perceive our sense experiences *as appearances* that things are thus and so. Yet, McDowell does not stop here. Rather, he goes on to ask why this insight has been hitherto overlooked by the modern philosophical tradition.

McDowell's 'diagnosis', then, of the anxiety in question points to the 'disenchantment' of nature following the rise of modern science in the sixteenth and seventeenth centuries. During that time, nature became identified with the 'realm of law' and thereby wholly independent of the 'space of reasons', or the normative relations constituted by conceptual thought. Given this conception of nature and a commitment to naturalism – the view that nature is all there is – McDowell believes that we are confronted with the seeming impossibility of adequately accounting for the possibility of not only normatively governed thought but also action. For, according to McDowell, Kant's crucial insight about human cognition applies just as well to human action:

[4] All references to Kant's works are given by volume and page number of the *Akademie* edition, except in the case of references to Kant's first *Critique*, which are given by A-edition/B-edition paginations.

"[I]ntentions without overt activity are idle, and movements of limbs without concepts are mere happenings, not expressions of agency."[5] Thus, in the grips of the restrictive conception of nature due to modern science, we are faced, yet again, with a distinctively philosophical problem: how could we think about and act in the world in response to reasons, given that we are the natural beings that we are?

McDowell insists that we avoid two traditional strategies taken in response to this problem. We should avoid, on the one hand, 'bald naturalism', which attempts to reduce the 'space of reasons' to the 'realm of law', for the reason that that task, according to McDowell, is doomed to fail. The supposed problem is that this form of naturalism leaves nature 'disenchanted'; hence, normativity as an irreducible feature of human experience is excluded from the bald naturalist's conception of nature. On the other hand, we should also avoid 'rampant platonism', which conceives of the 'space of reasons' as ontologically transcendent and separate from nature, for the reason that that position comes at the cost of supernaturalism, making it impossible to account for the possibility of normatively governed thoughts and actions as natural phenomena. McDowell believes, however, that, so long as philosophy is under the spell of the conception of nature inspired by modern science, bald naturalism and rampant platonism will appear to be the only options.

2.2

Hence, McDowell claims that, in reconciling the apparent opposition of the normative and the natural, philosophers should look to a notion of second nature: the idea that nature includes a species of animals (namely, human beings) who, through their socialization, transform themselves into rational beings capable of thinking about and

[5] McDowell (1996: 89).

acting in the world in response to reasons. According to McDowell, Aristotle's conception of practical wisdom, which is the faculty responsible for our responsiveness to ethical reasons, exemplifies this less restrictive conception of nature. Here are what I take to be the key features of that conception and, so, McDowell's naturalism of second nature.

One is that practical wisdom becomes second nature to us as the result of a wholly natural process, namely, socialization into a human community. According to McDowell's Aristotle, we are alerted to ethical demands "by acquiring appropriate conceptual capacities. When a decent upbringing initiates us into the relevant way of thinking, our eyes are opened to the very existence of this tract of the space of reasons."[6] Put another way, we learn to respond appropriately to what is noble through, in part, the modeling of correct behavior by our parents, relatives, peers, etc. For McDowell, this point applies to our responsiveness to reasons in general and not just those concerning ethics.[7] So, for example, a child learns to respond appropriately to the color red through a process of instruction that includes, perhaps, presenting her with examples of red objects and saying the word 'red', adding ripe strawberries to her breakfast, helping her in assorting her toys by color, etc. Hence, for McDowell, our responsiveness to reasons in general becomes second nature to us through the result of socialization.

A second key feature of McDowell's notion of second nature is that it involves subjecting of nature to a 'partial re-enchantment' in which the realm of law is understood as a part of a larger nature that also includes a *sui generis* form of spontaneity.[8] So, even though the process through which our capacity to be responsive to reasons becomes

---

[6] Ibid., 82.
[7] Ibid., 84.
[8] Ibid., 88.

second nature to us is wholly natural, "the structure of the space of reasons is alien to the layout of nature conceived of as the realm of law."[9] That is to say, although the conceptual capacities that constitute our responsiveness to reasons are natural in the sense that they arise from our socialization into a human community, those capacities cannot be made intelligible in terms of the elements of nature that are independent of the *sui generis* spontaneous character of those capacities themselves. Those capacities that are second nature to us are thus differentiated from those capacities that belong to us as mere animals, i.e., our 'first nature'.

Two more key features of McDowell's notion of second nature are revealed by his response to a potential worry facing his relaxed, Aristotelian naturalism: how does that naturalism avoid the threat the rampant Platonism, given that it subjects nature to a partial re-enchantment? Here is McDowell's response.

> [I]n Aristotle's conception, the rational demands of ethics are not alien to the contingencies of our life as human beings…[Those demands] are autonomous; we are not to feel compelled to validate them from outside an already ethical way of thinking. But this autonomy does not distance the demands from anything specifically human, as in rampant platonism. *They are essentially within reach of human beings…Second nature could not float free of potentialities that belong to a normal human organism.* This gives human reason enough of a foothold in the realm of law to satisfy any proper respect for modern natural science.[10]

The first point to draw from this passage is that correct ethical judgment, for McDowell's Aristotle, is constrained by the contingencies of human life, specifically, our needs and concerns. For instance, if our bodies had developed in such a way that we were altogether incapable of staying afloat in the water, then it would be reckless, rather than courageous, to dive into a deep pool of water to save a drowning child. But, as Crispin Wright points

---

[9] Ibid., 84.
[10] Ibid., 83-4, emphasis added.

out, a rampant platonist need not deny this claim.[11] Indeed, the dependency of the process of becoming second nature on first nature is apparently captured by Kant's distinction between perfect and imperfect duties. Although our perfect duties (e.g., one must never commit suicide from self-love) admit of "no exception in the interest of inclination", our imperfect duties (e.g., one must sometimes contribute to the well-being of others when doing so does not come at a great cost) do admit of such exceptions (4:421n12). Yet, Kant's moral theory can arguably be regarded as a version of rampant Platonism, since, according to that theory, human freedom is intelligible only in reference to a causality that is independent of the sensible world.[12]

Of course, McDowell finds Kant's version of rampant Platonism problematic, and, later on, I hope to make explicit what that problem is. For the moment, however, what is important to see is that, in order to distinguish his position from rampant platonism, McDowell must endorse a less pedestrian claim about second nature than the passage above suggests at first glance. Rather than just particular virtues, the general moral principles to which we are alerted are themselves conditioned by our human contingencies. In that case, none of our duties would be perfect in Kant's sense, since all of our duties would be determined, in part at least, by our sensible natures. And, again, this point would, for McDowell, generalize beyond ethical principles to rational demands in general, including principles of logic, presumably.[13] Simply put, a third key feature of McDowell's naturalism is that the development of our responsiveness to reasons as

[11] Wright (1996).
[12] See, e.g., Section III of his *Groundwork of the Metaphysics of Morals.*
[13] Wright (1996) voices some doubts about McDowell's application this point to logical demands, suggesting that McDowell should limit his discussion to only ethical demands.

second nature to us is constrained by aspects of ourselves as mere animals, i.e., our first nature.

The second point to draw from the above passage is that correct ethical judgment, according to McDowell, is 'essentially within reach of human beings' who have been properly initiated into the 'space of reasons'. As with the previous point, however, a rampant platonist need not deny this claim, for, presumably, the Plato of the *Republic* held that only philosophers had access to the Forms and, therefore, correct ethical judgment. Both views face the worry that they entail an intolerable sort of elitism. And it is not clear that restricting virtuous behavior to those who have been given a proper upbringing is any better than restricting such behavior to philosophers. In an attempt to assuage this charge of elitism, McDowell claims that the tradition in which one is brought up must itself include a responsiveness to reflective scrutiny.[14] And, again, McDowell's takes this point to apply to rational demands beyond the domain of ethics. So, a fourth key feature of McDowell's naturalism is that the responsiveness to reasons as second nature is accessible to all human beings who have had a decent upbringing that has been subjected to reflective criticism according to demands internal to that very upbringing.

A fifth, and final, key feature of McDowell's notion of second nature is revealed by its role in his exorcism of the relevant philosophical anxiety. Recall that, for McDowell, we can overcome that anxiety only if we recognize, with Kant, that experience requires the integration of concepts and intuitions, and that this insight is preserved only through an appeal to the notion of second nature. Hence, for McDowell, the exercise of the faculties that are second nature to us must be cognitive; that is, their exercise must engender empirical knowledge through the subsumption of intuitions under

[14] McDowell (1996: 98-9).

concepts. So, a child comes to know e.g. that some object is red through an ordinary process of instruction, such as the one described earlier. Responding appropriately to the color red (e.g., perceiving an apple *as* red) becomes second nature for the child. Similarly, a child comes to know that keeping one's promises is virtuous by means of the modeling of correct behavior by her parents, relatives, peers, etc. In both of these cases, for McDowell, the reasons to which one is responsive are experienced directly within the framework of our everyday experiences.

Since my aim in this paper is limited to addressing McDowell's claim that Kant lacks a notion of second nature, I will not consider the various objections that can be, and have been, raised against his naturalism. For the same reason, the preceding is not meant to provide an exhaustive analysis of the notion of second nature that McDowell borrows from Aristotle. I only point out these features here so that, later on, I can show that the notion of aesthetic ideas that Kant develops in his theory of artistic creativity can be identified with a notion of second nature that is similar to (albeit importantly different from) the one to which McDowell appeals. Before turning to that theory, however, I will briefly explain McDowell's criticism of Kant.

2.3

The essence of McDowell's criticism is that Kant's doctrine of transcendental idealism makes the notion of second nature incoherent. Briefly stated, on the interpretation that McDowell endorses[15], that doctrine states that there is an ontological distinction between appearances and the supersensible, and that the former are the result of a non-empirical interaction between the latter and our sensible faculties. McDowell

[15] McDowell (1996: viii) expresses his debt to P.F. Strawson's influential interpretation of Kant's theoretical philosophy.

believes that this interaction shows Kant's purported claim that we can have objectively valid cognition through experience to be insincere. For, "the radical mind-independence of the supersensible comes to seem exemplary of what any genuine mind-independence would be", but Kant's doctrine states that we cannot have knowledge of the supersensible.[16] Moreover, Kant's distinction between appearances and the supersensible, along with his view of nature as governed by mechanistic causes, accommodates the idea of nature represented by the scientific revolution, the idea that "nature is the realm of law and therefore devoid of meaning."[17] But that idea, for McDowell, is precisely what has obscured the notion of second nature from philosophers for so long.

McDowell extends this criticism through a discussion of Kant's account of the self. According to McDowell, in order to avoid a Cartesian conception of the self, Kant concludes that the idea of a subjective unity of consciousness must be merely formal.[18] But this conclusion depends, McDowell thinks, on the mistaken assumption that "when we provide for the content of this idea of persistence, we must confine ourselves within the flow of 'consciousness'."[19] The disastrous result of this assumption is that any claim to objectively valid cognition of the subjective unity of consciousness need not have anything to do with an embodied being. Hence, McDowell concludes that, "[i]n the absence of a serious notion of second nature", Kant cannot make sense of the idea of an embodied, rational being.[20] Granting this inference, I nonetheless believe that there is reason for doubting McDowell's claim that Kant lacks a 'serious' notion of second nature. For the details of the argument in support of that claim rest largely on matters

[16] Ibid., 96.
[17] Ibid., 97.
[18] Ibid., 101.
[19] Ibid.
[20] Ibid., 103.

concerning the *Critique of Pure Reason*.[21] But Kant's first *Critique* is simply the wrong place to look for a notion of second nature. A more appropriate place to look is, rather, the aesthetic theory that he presents in his *Critique of Judgment* to which I now turn.

3. Kant's theory of artistic creativity

In the previous section, I outlined McDowell's notion of second nature, which he claims preserves the crucial Kantian insight that experience must be conceived conceptual. I also mentioned that, for McDowell, that insight, which Kant expresses in the context of human cognition, applies just as well to human action. Just as 'intuitions without concepts are blind,' McDowell says that, "movements of limbs without concepts are mere happenings, not expressions of agency."[22] Roughly stated, the Kantian insight as it applies to agency is that intentional actions are normatively governed in virtue of their conceptual content, which can be identified with determinate rules for acting.

My reason for making this more explicit is that I believe that McDowell's application of Kant's remark about human cognition over the domain of human action is mistaken, at least by Kant's own lights. Moreover, I believe that this mistaken generalization is, in part at least, what prevents McDowell from recognizing Kant's distinctive notion of second nature. My aim in this section, then, is to show that, for Kant, some intentional actions are expressions of *non-conceptual agency*, i.e., normatively governed independently of any concept, or determinate rule. Thus free from McDowell's

---

[21] Some philosophers have criticized the interpretation of Kant's doctrine of transcendental idealism endorsed by McDowell. See Michael Friedman (1996), Graham Bird (1996), and Henry Allison (1997). For the purposes of this paper, I assume that McDowell's interpretation is accurate, though I take my eventual criticisms to be in the spirit of his other detractors.

[22] McDowell (1996: 89).

restrictive conception of action, I will be able to elucidate Kant's notion of second nature in the next section.

3.1

Turning to Kant in search of a defense of the possibility of intentional actions that are normatively governed independently of concepts, or determinate rules, might seem unpromising. Throughout his writings, he emphasizes the crucial role of concepts in establishing the normativity of human experience. Of course, there is the oft-cited dictum of his *Critique of Pure Reason* that "intuitions without concepts are blind", which is often understood as saying that intuitions must be 'brought under' concepts in order for those representations to have meaningful content (A51/B75).[23] But there is also Kant's assertion in the *Groundwork of the Metaphysics of Morals* that a rational being "act[s] *in accordance with the representation* of laws, that is, in accordance with principles" (4:412). Even in the published Introduction of the *Critique of the Power of Judgment*, where Kant presents his aesthetic theory, judgment is defined as "the faculty for thinking of the particular as contained under the universal", which seems to limit judgment to thoughts like 'All men are mortal' and 'This swan is white,' which bring particulars under "universals", or concepts, "which can be common to several things" (5:179; A320/B377).

But Kant has a broader conception of judgment. Indeed, one of the central ideas in the third *Critique* is that a judgment can be made without applying concepts at all. Hence, a 'reflective judgment' is one in which "only the particular is given, for which the universal is to be found" (5:179). For Kant, aesthetic judgment – 'X is beautiful' – is an

[23] For an alternative, non-conceptualist reading of this dictum, see Robert Hanna (2005).

instance of reflective judgment.[24] Unlike ordinary cognitive judgments, aesthetic judgments use "as a predicate something that is not even cognition at all, namely the feeling of pleasure" (5:288). Strictly speaking, then, aesthetic judgments do not apply any predicate. Rather, they involve "a satisfaction that accompanies the representation of the object and serves it instead of a predicate" (5:288). Moreover, Kant takes the mental state underlying aesthetic judgments to involve the 'free play' of our imagination, in which that faculty synthesizes a particular representation in a pleasing way without being governed by concepts of the understanding. So, for Kant, aesthetic judgments are essentially non-conceptual in a certain sense; they are, as he repeatedly insists in his official "definition[s] of the beautiful," "without a concept" (5:219; 5:240).[25]

Though aesthetic judgments are non-conceptual and depend upon a subjective feeling of pleasure, those judgments are more than brute feelings, according to Kant. Crucially, aesthetic judgments involve a claim to universal validity, or normativity. An aesthetic judgment, Kant tells us, "ascribes assent to everyone, and whoever declares something to be beautiful wishes that everyone **should** approve of the object in question and similarly declare it to be beautiful" (5:237). So, in judging e.g. a sunset to be beautiful, I am claiming that everyone else *ought* to judge the same way that I do. Yet, this claim to normativity does not depend on my recognition of the sunset as falling under any concept of the understanding.[26] For Kant, then, aesthetic judgments occupy a middle

---

[24] Another is the activity of empirical concept formation (5:179-80).

[25] To be clear, I only mean for the activity of aesthetic judgment to be non-conceptual in the sense that it takes place independently of the subsumption of some given empirical object under an empirical concept. That is, I want to remain agnostic with regards to the possibility that aesthetic judgments depend upon the categories, or the pure concepts of the understanding. For a sophisticated reading on which the categories do not function as concepts but only as logical functions in merely reflective judgment, see Béatrice Longuenesse (1998), especially chapter 9.

[26] How such a judgment can legitimately make a claim to universality without being based on any determinate concept is a problem to which Kant devotes a large portion of his aesthetic theory. That issue is

ground between ordinary cognition, which derives its normativity from concepts, and brute feeling, which is non-conceptual but lacks normativity.

However, any such interpretation of Kant's account of aesthetic judgment faces the following challenge. In the *General Remark* following his explication of aesthetic judgments, Kant describes the 'free play' of the imagination as a "free lawfulness," or "lawfulness without a law" (5:240-1). In agreement with the account that has thus far been outlined, these ostensibly paradoxical locutions seem to imply that the imagination can be normatively governed without the concepts of the understanding. But Kant goes on to qualify this implication: "Yet for the **imagination** to be **free** and yet **lawful by itself**, i.e., that it carry autonomy with it, is a contradiction. The understanding alone gives the law" (5:241). So, the imagination itself cannot be a source of normativity; the understanding is needed for legislation. Problematically, then, this qualification suggests that aesthetic judgments are, in fact, conceptual, for the reason that the normativity of those judgments – indeed, all judgments – depends on the understanding, which Kant labels "the faculty of concepts" (A126).

Hannah Ginsborg presents a helpful way of meeting this challenge. On her interpretation, though the lawfulness of the imagination requires the understanding, we need not take that faculty to be governed by any determinate concept. Rather, we need only take the imagination as standing in a free or indeterminate relationship to the understanding. She points out that, for Kant, this relationship serves as a condition for judgment in general. In the unpublished Introduction of the *Critique of Judgment*, Kant writes, "in a merely reflecting judgment imagination and understanding are considered in

---

most explicitly taken up in his 'Deduction of pure aesthetic judgments' (§§30-38). For the purposes of this paper, I will set aside issues concerning the details and plausibility of that argument.

the relation to each other in which they must stand in the power of judgment in general" (20:220). Ginsborg states that condition as follows: "The possibility of judgment in general requires that I be able to take my imaginative activity as exemplifying how it ought to be with respect to the object given to me."[27] If we grant that pure aesthetic judgments[28] can make a legitimate claim to normativity[29], then we can take those judgments to satisfy this condition for judgment in general without being based on any determinate concept. For, in that case, we grant that the activity of the imagination can operate as it ought to without presupposing any concepts, or rules that determine how it ought to synthesize a manifold of intuitions. That is to say, we can take aesthetic judgments to involve what Ginsborg calls 'primitive normativity': "normativity which does not depend on conformity to an antecedently recognized rule."[30]

In addition to showing how the normativity of aesthetic judgments can involve the understanding without being based on any determinate concept, Ginsborg applies the notion of primitive normativity to a wide range of issues: meaning, rule-following, and the formation of empirical concepts. With that said, in order to address McDowell's claim that the sole source of the normativity of intentional actions is concepts, or determinate rules, we must consider the implications that primitive normativity has for our understanding of agency. However, it is not immediately clear that there are any such implications, given Ginsborg's construal of primitive normativity as an awareness of appropriateness that does not carry with it the idea of being guided by that awareness or

---

[27] Ginsborg (1997b: 73).
[28] Kant distinguishes between pure and impure aesthetic judgments (§§13-16). The former are not based on any determinate concept or interest, whereas the latter are based on some concept or interest. An example of an impure aesthetic judgment might be to judge a particular flower to beautiful based on what a flower is supposed to be. For the purposes of my discussion, I focus specifically on pure aesthetic judgments.
[29] See fn. 26.
[30] Ginsborg (2011a: 232).

any mental state.[31] For Ginsborg, that distinctive form of awareness is a mere *accompaniment* of, say, some meaningful expression. Yet, even if it can rightly be said that the meaningful use of some expression is not a matter of being guided in that usage, the same cannot be said of acting intentionally. For, unlike mere happenings, intentional actions are normatively *governed* – there must be something that guides those actions. So, an awareness of primitive normativity, when understood as nothing more than an accompaniment of behavior, is insufficient for distinguishing mere happenings from intentional actions. If that is the case, however, the notion of primitive normativity cannot address McDowell's claim about intentional action.

To illustrate this point, take some involuntary behavior: say, the grunts made by a weightlifter.[32] Let's assume that the grunts made by a weightlifter, Arnold, assist him in his activity, regardless of whether or not he takes those sounds to be doing so. That is to say, Arnold's grunts are not guided or in any way effected by his awareness of their appropriateness[33], if, indeed, he is so aware. Suppose, then, that Arnold is aware of the appropriateness of his grunts. As he goes through the phases of the clean and jerk with a record lift on the line, producing a booming grunt, Arnold is aware of the felicitousness of his grunting. This case provides a parallel to Ginsborg's construal of primitive normativity: an automatic response that involves an awareness of the appropriateness of

[31] This commitment is evidenced by her endorsement of Barry Stroud's defense of the slogan that 'meaning is use': "[Stroud] shows, to my mind convincingly, the error in a particular, but very widespread, version of the "disastrous assumption," namely that meaning or understanding something by an expression is a matter of being instructed, guided, or justified in the use of that expression," (2011b: 148).

[32] Ginsborg notes this as one example among others of meaningless noises. The others are humming in jazz piano improvisation and shouting in martial arts. "In these cases," she says, "making, and perhaps also hearing, certain sounds facilitates certain bodily movements, but in a way which is independent of whether or not they mean anything to the person whose behavior is influenced by them," (2011b: 167n15).

[33] All that is meant by appropriateness here is that Arnold's grunting is felicitous towards achieving his end in weightlifting. Moreover, this sense of appropriateness is 'thin,' which is to say that it does not carry with it any notion of responsibility.

that response, where that awareness is a mere accompaniment to the response. Surely, however, Arnold's grunting is nothing more than a brute behavior, not an expression of agency. This illustration shows, then, that an awareness of primitive normativity, as described by Ginsborg, is not enough for establishing any recognizable sense of agency, for the reason that that awareness fails to distinguish mere brute behavior, like Arnold's grunting, from intentional action.

If the notion of primitive normativity is going to establish (*pace* McDowell) the possibility of non-conceptual agency, then that distinctive sort of normativity must be understood in a way that allows for it to be capable of governing action. This would mean that, in Arnold's case, he would produce his grunts *because* of his awareness of their appropriateness, where that awareness is independent of the application of any concept. I think that Kant's theory of artistic creativity provides the resources for explaining how aesthetic judgment can govern action independently of any concept, or determinate rule. That theory, in turn, is a suitable place to find Kant's notion of second nature, or so I hope to show in the fourth section of this paper.

3.2

A large part of Kant's theory of artistic creativity concerns an apparent tension in the notion of 'fine art'. We have already seen that, for Kant, pure aesthetic judgments cannot be based on concepts, or determinate rules. Hence, fine, or beautiful[34], art must seem to us as if its production were not based on any rule, according to Kant. As he puts it, "beautiful art must be **regarded** as nature," where that means fine art pleases us "without showing any sign that the rule has hovered before the eyes of the artist and

[34] Throughout his discussion of art, Kant uses the adjective 'schön,' which can be translated into English as either 'fine' or 'beautiful.' I use the two translations interchangeably in this paper.

fettered his mental powers" (5:307). At the same time, however, judged as the products of human intention and skill, Kant thinks that we must take fine art to involve a rule (5:306-7). So, fine art must be regarded as both natural and artificial – as something spontaneous and as the product of rule-governed activity. Kant's problem, then, is this: how is fine art possible?[35]

The solution, for Kant, lies in the notion of 'genius,' which he first introduces in §46 of his *Critique of Judgment*, 'Beautiful art is the art of genius'. There, he appears to give two definitions of genius: first, "Genius is the talent (natural gift) that gives the rule to art"; and second, "Genius is the inborn predisposition of the mind (*ingenium*) through which nature gives the rule to art" (ibid.). These definitions already suggest how it is that genius is thought capable of reconciling the two seemingly contradictory characteristics of fine art, since each definition emphasizes in its own way that the rule of art must be given by nature through the faculties of a genius. This is made more explicit by the conclusion of the argument that Kant goes on to make: "[the] nature in the subject (and by means of the disposition of its faculties) must give the rule to art" (5:307).[36] I will now go on to show how it is, for Kant, that we can make sense of judging art to be fine, i.e., to regard it as both natural and artificial, through regarding it is as the product of genius.

---

[35] This is a problem for any theory of artistic creativity. The difference, however, is that, in Kant's theory, this problem is bound up with the central tension of aesthetic judgment in general: how can an aesthetic judgment be both normative and non-conceptual? For Kant, the problem concerning the possibility of fine art is looking at that same tension, though from the practical perspective of artistic creativity, rather than the perspective of aesthetic appreciation. This is why it may seem promising to look at Kant's theory of artistic creativity to find resources for developing an account of non-conceptual agency: agency requires normativity, and yet, if it is artistic creativity, it cannot be rule-governed in the normal way. I have Professor Bristow to thank for clarifying this point with me.

[36] A premise of the argument for this conclusion states that, in producing fine art, a genius cannot be guided by any rule. However, one might worry that Kant is not justified in this claim, for the reason that it is possible that an artist might simply be skilled at disguising the rule constraining their activity. Henry Allison responds to this worry in his (2001: 280-1)

In §46, Kant elucidates the essential characteristics of genius as it was just defined. One essential feature of genius, indeed its "primary characteristic", is *originality*, which means that a genius must produce something that is not imitative and for which no determinate rule can be given (5:308). For instance, Kant tells us that "no Homer or Wieland can indicate how his ideas, which are fantastic and yet at the same time rich in thought, arise and come together, because he himself does not know it and thus cannot teach it to anyone else" (5:309). In this respect, Kant thinks that artistic creation is different from scientific or mathematic discovery (ibid.). To preclude, however, the possibility that genius can give rise to original nonsense, like the sounds produced by a cat walking over the keys of a piano, Kant adds that another essential characteristic of genius is that its products must be *exemplary*; that is, the products of genius must be able to serve as models, or rules for judging for other artists. This allows a genius to give rise to a school of art, as in the case of the old masters and their followers. So, rather than following any antecedent, determinate rule in producing fine art, a genius *creates* an indeterminate rule for other artists (including themselves) to follow.

But what, precisely, is that rule, and in what sense is it indeterminate? Moreover, if the activity of genius is to serve as an example of non-conceptual agency, then that indeterminate rule must normatively govern that activity. But how can that be the case, given that such a rule is the product of that very activity? [37] To address these questions, and thus establish the possibility of non-conceptual agency, we must turn to Kant's

[37] To be clear, I am not assuming that Kant needs an account of non-rule-governed agency. However, that assumption might be inferred from Kant's suggestive remarks about the possibility of purposiveness without a purpose, or normativity without any determinate concept: "An object or a state of mind *or even an action*, however, even if its possibility does not necessarily presuppose the representation of an end, is called purposive merely because its possibility can only be explained and conceived by us insofar as we assume as its ground a causality in accordance with ends, i.e., a will that has arranged it so in accordance with the representation of a certain will" (5:220, emphasis added).

notion of 'aesthetic ideas', for, as will be shown, those ideas are to be identified with the indeterminate rule that normatively governs, and is the result of, the activity of genius.

Kant defines an aesthetic idea in §49, 'On the faculties of the mind that constitute genius', as "that representation of the imagination that occasions much thinking without it being possible for any determinate thought, i.e., **concept**, to be adequate to it" (5:314). This definition tells us that aesthetic ideas are a kind of 'intuition', in Kant's technical usage of that term: they are singular representations normally given through sensory experience. Unlike concepts, aesthetic ideas do not correspond to any type, which an indefinite number of possible objects can instantiate or exemplify (A320/B377). Works of art cannot be examples of aesthetic ideas; they can only express them. For that reason, Kant only writes of the *expression* of aesthetic ideas, and never of anything, works of art or otherwise, as being subsumed under them.

This first definition[38] in §49 also identifies a positive and a negative aspect of aesthetic ideas, the positive aspect being that those ideas are intuitions that 'occasion much thinking,' and the negative one being that no determinate concept is adequate to such representations. To be clear, the negative aspect is not that this unique sort of intuition cannot be subsumed under any concept. For, to call them aesthetic ideas is to already bring them under a concept, namely, the concept of 'aesthetic ideas.' A better way of understanding the negative aspect of Kant's definition is to see aesthetic ideas as inexhaustible: it is not that we cannot say *anything* about aesthetic ideas, or the works of art that express them, but that, in principle, we cannot say *everything* about them. It is

[38] Kant gives a second definition later in §49: "In a word, the aesthetic idea is a representation of the imagination, associated with a given concept, which is combined with such a manifold of partial representations in the free use of the imagination that no expression designating a determinate concept can be found for it, which therefore allows the addition to a concept of much that is unnameable, the feeling of which animates the cognitive faculties and combines spirit with the mere letter of language" (5:316).

important that aesthetic ideas be inexhaustible in principle, since, presumably, other singular representations are inexhaustible in a certain sense, as well. For instance, it seems as though I can make an infinite number of judgments about the book in front of me, e.g., 'it is in front of me', 'it is in this room', 'it is in this city', etc. Each of these judgments, however, would involve the subsumption of intuitions under concepts, but the expression of aesthetic ideas, or aesthetic experience, is not like that, according to Kant. There is always more to say e.g. about the ceiling of the Sistine Chapel in that viewing it as a work of fine art stimulates our mental faculties in a way that does not come to any end in a determinate statement about what that work of art means or expresses.

Genius manifests itself in the expression of aesthetic ideas, according to Kant. For, corresponding to the originality of that activity, aesthetic ideas are said to be inexhaustible; and, corresponding to its exemplarity, aesthetic ideas make an artist's intent communicable to other artists (including themselves) by way of the unity or coherence of those sensible representations, which distinguishes them from 'original nonsense'.[39] Hence, in 'The Dialectic of Aesthetic Judgment', Kant says that, "one can also explain **genius** in terms of the faculty of **aesthetic ideas**" and, "beautiful art…acquires its rule through **aesthetic ideas**" (5:344; 5:350-1). Furthermore, Kant identifies the expression of aesthetic ideas with aesthetic judgment, or the 'free play' of the imagination underlying that activity: "Beauty…can in general be called the

[39] For more on this point about the unity or coherence of aesthetic ideas, see Henry Allison (2001: 288-9). According to Allison, an aesthetic idea is a unity of partial representations, which Kant calls 'aesthetic attributes'. At one point, Allison writes, "it is precisely this coherence that distinguishes the exemplary product of genius from "original nonsense," and it is by bringing this unity to the products of the imagination that the genius both brings the latter into harmony with his or her own understanding and makes it communicable to others."

expression of aesthetic ideas" (5:320).[40] Put another way, the expression of aesthetic ideas involves an awareness of primitive normativity. So, we can make begin to sense of how such awareness, or aesthetic judgment, can guide intentional actions, and therefore establish the possibility of non-conceptual agency, by figuring out how an aesthetic idea guides a genius in producing fine art.

Consider, then, that, even though aesthetic ideas are intuitions, Kant calls them 'ideas' "because they at least strive toward something lying beyond the bounds of experience, and thus seek to approximate a presentation of concepts of reason (of intellectual ideas), which gives them the appearance of an objective reality" (5:314). That is to say, through aesthetic ideas, an artist can be understood as seeking to create something that gives sensible representation to an idea of reason, which refers to something beyond sensible experience, e.g., freedom, God, or immortality (ibid.).[41] For Kant, the unity or coherence of an aesthetic idea is established through its connection with some idea of reason.[42] For instance, what makes Michelangelo's fresco on the ceiling of the Sistine Chapel exemplary, and therefore capable of serving as a rule for himself and other artists, is that it is capable of giving expression to aesthetic ideas that give sensible representation to ideas of divine creation, sin, and salvation amongst others.

---

[40] I take Kant to be making this identification earlier on at 5:314 and 5:316. Many commentators have taken the apparently expressionist approach that Kant takes in his discussion of fine art to be in conflict with the formalist approach to beauty that he takes in the prior sections of his *Critique of Judgment*, specifically the 'Analytic of the Beautiful.' I do not take up this issue in this paper, though I am sympathetic with Allison's (2001: 288-9) attempt to reconcile these approaches.

[41] Among these sorts of ideas, Kant includes "ideas of invisible beings, the realm of the blessed, the realm of hell, eternity, creation…death, envy, and all the other vices, as well as love, fame, and so on" (5:314). These examples suggest that, for Kant, ideas of reason can be either moral (e.g., virtues and vices) or non-moral (e.g., invisible beings, eternity, and creation).

[42] At 5:326, Kant makes the stronger claim that fine art must be connected with moral ideas. However, it is not entirely clear how e.g. a poem that expresses a cosmopolitan attitude is supposed to be connected to any moral idea, or even why that must that connection must be made. I take it that Kant tries to explain how this connection is possible in §59, where he defends his claim that "the beautiful is the symbol of the morally good" (5:353). I do not take up the issues surrounding this symbolic relation in this paper.

Thus, in spite of the originality of his work – that is, in spite of the presumed fact that Michelangelo could not state exactly what he wanted to express in his painting – his actions are nonetheless intelligible to others (including himself) in retrospect in virtue of the aesthetic ideas expressed by his painting. In other words, it is only through looking back on his activity with the indeterminate rule, i.e., aesthetic idea, it expresses in mind, that we can regard Michelangelo's product as fine art, i.e., regard his actions as normatively governed independently any determinate concept.

Setting aside some difficult passages that I will address in the next section, the above analysis of Kant's theory of artistic creativity shows how artistic production serves as an example of non-conceptual agency.[43] For Kant, the activity of genius makes fine art seem both spontaneous and rule-guided because that activity itself is both spontaneous and rule-guided. However, the rule that is relevant here is neither an antecedent nor a determinate representation. Rather, the rule that guides the activity of a genius is one that the genius creates through that very activity, and that rule is indeterminate in the sense that it is inexhaustible, or incapable of being fully articulated in terms of concepts. That rule is a non-conceptual sensible representation, i.e., an aesthetic idea, the expression of which involves an awareness of primitive normativity, or aesthetic judgment. So, in giving expression to an aesthetic idea, Michelangelo can, in retrospect be understood as being aware of the appropriateness of his choices, where that awareness made no explicit reference to any concept, or any determinate rule of what a work of fine art ought to look like. That distinctive sort of awareness guided the old master in his daily routine, for,

[43] This is not to say that genius involves no concepts whatsoever; the production of fine art certainly requires the application of some technical rules or concepts (e.g., colors, brushes, composition, etc). The point in calling this activity non-conceptual is simply that those concepts do not normatively govern that activity.

looking back, we can see that he moved his hand the way he did over the ceiling of the Sistine Chapel *because* of the ideas of reason that are given sensible representation by the aesthetic ideas expressed through his work.

So, just as 'thoughts without content' found a niche within Kant's system through his necessary postulates of practical reason[44], so do 'intuitions without concepts' through his notion of aesthetic ideas. More precisely, Kant's theory of artistic creativity shows how, for him at least, an artist's activity can be guided by an aesthetic idea, an indeterminate rule created by that very activity. Contrary to McDowell's claim about human action, then, movements of one's limbs without concepts are not necessarily mere happenings. Rather, such movements can be expressions of a distinctive kind of agency, at least in the case of artistic production.[45] Thus free from McDowell's restrictive conception of intentional action, I think that we can more effectively appreciate Kant's distinctive notion of second nature.

4. Kant's notion of second nature

My aim in this section is to use the materials of the preceding analysis to explicate Kant's distinctive notion of second nature. More precisely, I discuss each of the key features of McDowell's notion of second nature, which I briefly outlined in section 2.2, in the context of Kant's theory of artistic creativity, which I look at in section 3.2. In doing so, I hope to show how Kant's conception of genius as the expression of aesthetic

[44] For Kant, thoughts about the reality of freedom, the existence of God, and the immortality of the soul lie beyond the bounds of sensible experience. Hence, these are to be regarded as 'thoughts without content.' Nonetheless, in the *Critique of Practical Reason*, he claims that these ideas of reason are necessary postulates of reason, thereby finding a place for them in his practical philosophy (5:122f).

[45] In the next section, I hope to suggest how I think that this account of non-conceptual agency can be broadened beyond the scope of artistic achievement.

ideas offers a notion of second nature that is similar to, albeit importantly distinct from, the one to which McDowell himself appeals.

4.1

Recall that one key feature of McDowell's notion of second nature is that our responsiveness to reasons in general becomes second nature to us through the result of socialization into a human community. How, if at all, does Kant's conception of genius as the expression of aesthetic ideas capture this feature as it applies to human action?

Consider Kant's two definitions of genius: (1) genius is a 'natural gift' (Naturegabe), a "talent…that itself belongs to nature", and (2) genius is an "inborn predisposition of the mind (*ingenium*) through which nature gives the rule to art" (5:307). As earlier stated, it is crucial, for Kant, that genius be understood as natural in some sense, since its product must be regarded as beautiful, "without showing any sign that the rule has hovered before the eyes of the artist and fettered his mental powers" (5:307). However, it is not as though works of art are produced by some natural mechanism that is external to the artist. Rather, on Kant's conception, "nature *in the subject* (and by means of the disposition of its faculties) must give the rule to art" (5:307, emphasis added). In this respect, then, Kant's theory of artistic creativity is opposed to the theory prevalent in ancient Greece, according to which artists worked under the influence of Muses, or goddesses of inspiration. For Kant, fine art, or that which gives expression to aesthetic ideas, is essentially the result of a natural process.

Additionally, just as McDowell sees practical wisdom as resulting from an educative process, so too Kant recognizes the importance of academic training in the cultivation of genius. Hence, he writes: "Genius can only provide rich **material** for

products of art; its elaboration and **form** require a talent that has been academically trained, in order to make a use of it that can stand up to the power of judgment" (5:310). In other words, in order to produce a work that has the sort of unity or coherence required for the expression of aesthetic ideas, as opposed to original nonsense, an artist must take the time to acquire and practice the skills of her art. This process will more than likely involve some combination of instruction from a teacher, close studies of other works of art or forms in nature, scrutinizing over the materials to be used, and countless hours spent by the artist in trying e.g. to find the appropriate word for her poem or to capture the right lighting in her painting. Indeed, perhaps because fine art is possible only under such exceptional, though natural, conditions, Kant says "the genius is *a favorite of nature*, the likes of which one has to regard as only *a rare phenomenon*…" (5:318, emphasis added).

4.2

However, calling the genius a 'favorite of nature' and a 'rare phenomenon' seems to conflict with another feature of McDowell's notion of second nature, namely that the capacity to think and act in response to reasons is accessible to *all* human beings who have had a decent upbringing. How could genius be something that is both rare and essentially within reach of everyone with the proper education?

To address this question, I must unpack an ambiguity in Kant's conception of genius that is made explicit by Henry Allison. On the one hand, Kant offers a 'thick' conception of genius, which is "characterized as an 'exemplary originality' and that includes understanding and, indeed, judgment, together with an inventive imagination as

essential components."[46] That is to say, in the 'thick' conception, genius refers to an extraordinary natural talent to give expression to aesthetic ideas that *already includes* the faculty of taste and, so, an awareness of primitive normativity. This is the conception of genius that Kant apparently has in mind when he says, in §46, that genius is sufficient for the production of fine art and that the products of genius could *not* be original nonsense. However, in the following passage from §50, Kant contrasts genius with taste and claims that genius *is* capable of producing nonsense:

> Now since it is in regard to [genius] that an art deserves to be called **inspired**, but only in regard to [taste] it deserves to be called a **beautiful** art…For all the richness of the [imagination] produces, in its lawless freedom, nothing but nonsense…Taste, like the power of judgment in general, is the discipline (or corrective) of genius, clipping its wings and making it well behaved or polished. (5:319)

To resolve this apparent textual conflict, we should recognize that Kant has another, less demanding sense of genius. Following Allison, this 'thin' conception of genius "seems to be limited merely to an imaginative capacity, and therefore does not itself involve understanding, judgment, or taste."[47] Genius in this less demanding sense is not an inborn predisposition to create works of fine art. Rather, it produces fine art only when it is properly cultivated by taste. Thus, whereas the 'thick' conception of genius already includes the faculty of taste, in the 'thin' conception taste is something to be *added* or forced upon that talent. Disambiguating these two senses of genius removes the tension between these portions of the text. The 'thick', more demanding sense of genius corresponds to its usage in §46, and the 'thin', less demanding sense corresponds to its usage in §50.

---

[46] Allison (2001: 300).
[47] Ibid.

Disambiguating the two conceptions of genius[48] also allows us to see how the activity of genius can be made accessible to beyond those individuals with extraordinary talent. The 'thin' conception of genius shows that one does not need to have the same talent as Michelangelo or any other of the old masters for one's movements to be guided by an indeterminate rule, along with an awareness of primitive normativity. An apprentice of Michelangelo can give expression to aesthetic ideas, so long as their imagination is disciplined by taste in accordance with the indeterminate rule expressed by the work of the old master: "[a genius's] example for other good minds gives rise to a school…and *for these [lesser artists] beautiful art is to that extent imitation*, to which nature gave the rule through a genius" (5:318, emphasis added). Hence, it is only under the 'thick' conception that "genius is entirely opposed to the **spirit of imitation**" (5:308). Fine art can be imitative, so long as 'nature gave the rule through a genius'.[49] And, so, the possibility of second nature is not limited to just 'a favorite of nature', like Michelangelo. Rather, artists in general can act intentionally without any guidance from a determinate concept, and hence those individuals are also capable of acquiring a second nature.

Before moving on to the third feature given above, I should address a possible worry. One might object that I am mistaken to regard the followers of great artists as geniuses in the 'thin' sense. For, in that sense, a genius was said to be highly original but apt to produce nonsense, but 'lesser' artists are, according to common sense, precisely the opposite – they lack originality, but are skillful in applying rules. However, for Kant,

[48] Though Kant himself never explicitly distinguishes between these two conceptions of genius, we can easily make sense of how it is implicitly at work in his discussion of artistic creativity. In particular, we can see his analysis in §46 as addressing the everyday usage of 'genius' and in §50 as referring to his technical usage of that notion. In any case, the distinction is helpful for making sense how Kant can claim, on the one hand, that genius is a necessary and sufficient for the possibility of fine art in some places, while, on the other hand, rejecting that claim.

[49] For more on Kant's systematic classification of various kinds of copying and imitation, see Martin Gammon (1997).

lesser artists *are* properly understood as geniuses in the 'thin' sense. The lesser artists, he says, will abstract a rule from the work of a great artist, "letting it serve them as a model not for **copying** but for **imitation**" (5:309). From there, the aesthetic idea expressed by the work will "arouse similar ideas in [the] apprentice if nature has equipped him with a similar proportion of mental powers" (ibid.). So, the apprentice does not simply copy the works of their master. Rather, assuming the imagination and taste of the apprentice are adequately developed, the master's work will inspire them to create their own variation of it in another work of art. And, though these works will be imitative, they will still be original, since the apprentice is using the aesthetic idea expressed by the old master's work, which, given its inexhaustibility, cannot be fully articulated in terms of concepts. This imitation infringes on originality only if it becomes what Kant calls 'aping,' of which one sort is copying[50]: "the student **copies** everything, even down to that which the genius had to leave in, as a deformity…" (5:318).

In short, lesser artists can create original works of art that are exemplary once they have adequately developed their talents. So, even though many artists are governed by a rule given through the work of some great artist, the work of those artists still counts as an exercise of intentional activity that is not governed by any determinate concept in virtue of the inexhaustibility of the awareness of appropriateness of that rule. In this way, the activity of genius, and therefore second nature, is made accessible to all artists who posses a similar, thought not as great, proportion of mental powers to those of rare

[50] Another sort of aping, according to Kant, is mannerism: "**Mannerism** is another sort of aping, namely that of mere **individuality** (originality) in general, in order to distance oneself as far as possible from imitators, yet without having the talent thereby to be **exemplary** at the same time" (5:318). Whereas copying suffers from a deficiency of originality, mannerism suffers from an excess of originality. Unlike imitation, both sorts of aping suffer from a lack of talent to produce exemplary works of art.

geniuses, or nature's favorites. Of course, proper education may not be enough for all individuals to become artists capable of produces fine art and such activity.

This 'thin' sense of genius can also be used, perhaps, to broaden the scope of genius beyond the domain of artistic creation so that it be applicable to craft, as well. Consider similarities and difference between the production of a wristwatch and a fresco depicting a Biblical scene. One difference will be that a watchmaker must be trying to make an example of a particular concept – the concept of 'wristwatch, or perhaps some particular type of wristwatch. Moreover, it may be rational for the watchmaker to adhere to this concept in the interest of, say, functionality. To a certain extent, then, that concept normatively governs the activity of the watchmaker. But the general concept of 'wristwatch' does not determine the particular details of what the wristwatch must be like, such as whether it should have Geneva stripes and which material to use for its face. In choosing those details, the watchmaker is not necessarily governed by an antecedent rule. Rather, that activity may be governed by an awareness of the primitive normativity associated with the rule that the watchmaker creates through that very activity. Unlike an aesthetic judgment, however, which does not give rise to any cognition but merely the quickening of our faculties, the watchmaker's activity will produce a determinate rule, or a concept to be used for the purposes of cognition. Still, perhaps the watchmaker's activity can count as an instance of non-conceptual agency, for the reason that that activity is normatively governed by a rule, or concept, that does not precede its completion.

I think that it is doubtful that Kant would be willing to expand the unique sort of agency involved in artistic creativity to craft, or, for that matter, any activity outside of

the aesthetic domain.[51] Still, even broadening the scope of genius to include the talents of lesser artists shows that that sort of agency is accessible to more than just those with extraordinary talents. Furthermore, even McDowell imposes limitations on the accessibility of second nature in his usage of that notion by stating that only those people with *proper* training will acquire second nature.

4.3

A third feature of McDowell's notion of second nature, recall, is that the development of our responsiveness to reasons as second nature is constrained by aspects of ourselves as mere animals, i.e., our first nature. I think that the way in which Kant's conception of genius embraces this feature is more straightforward than the previous one. First of all, Kant would presumably agree that aesthetic judgments are conditioned by the constitution of our sensible faculties, given that those judgments make claims to universality based on a feeling of pleasure. Second, consider the Kant's following characterization of the process underlying the expression of aesthetic ideas: "The imagination (as a productive cognitive faculty) is, namely, very powerful in creating, as it were, another nature, *out of the material which the real one gives it*" (5:314, emphasis added). So, for example, in painting the ceiling of the Sistine Chapel, Michelangelo was constrained by the chemical composition of the pigment he applied to the plaster as well as the wetness of the plaster itself. Had he used pigment from another location or waited several hours more before applying the pigment to the plaster, his work would have come out differently, if at all. More generally, we can say that, for Kant, the organization of some natural material in an aesthetically pleasing way, i.e., the transformation of that

[51] Kant distinguishes art from nature, skill, and craft in §43 of the *Critique of Judgment*.

material into second nature, is at least partially determined by the contingencies of that material itself.

4.4

To see how Kant's conception of genius, like McDowell's notion of second nature, involves a 'partial re-enchantment' of nature, consider this passage, which provides a fuller context for the quote mentioned above from 5:314:

> We entertain ourselves with it when experience seems too mundane to us; we transform the latter, no doubt always in accordance with analogous laws, but also *in accordance with principles that lie higher in reason (and which are every bit as natural to us as those in accordance with which the understanding apprehends empirical nature)*; in this we feel our freedom from the law of association (which applies to the empirical use of that faculty), in accordance with which material can certainly be lent to us by nature, but the latter can be *transformed by us into something entirely different, namely into that which steps beyond nature.* (ibid., emphasis added)

In other words, the expression of aesthetic ideas is like second nature in that it requires that the imagination take the material provided to it by first nature, e.g., perceptual experience, and infuse it with normativity, or meaning. Aesthetic ideas are nonetheless natural for Kant, since their expression is in accordance with principles of reason 'which are every bit as natural to us as those in accordance with which the understanding apprehends empirical nature'. That the expression of aesthetic ideas involves, for Kant, the infusion of normativity is made clear by not only this statement about the principles underlying the expression of aesthetic ideas as belonging to reason but also what was said earlier about the relationship between those ideas and aesthetic judgments. Beauty, for Kant, just is the expression of aesthetic ideas. Hence, the latter carries with it precisely same sort of normativity involved in the former, though Kant's notion of aesthetic ideas makes it more apparent how that normativity is supposed to integrated with nature.

4.5

Lastly, according to McDowell's notion of second nature, our capacity to think about and act in the world in response to reasons is cognitive; that is, the exercise of that capacity engenders empirical knowledge through the subsumption of intuitions under concepts. I take his feature of second nature to be crucial for McDowell, since he takes it to guarantee that a notion of second nature will suffice to preserve the Kantian insight that empirical knowledge requires the integration of concepts and intuitions. That is to say, if the notion of second nature, for whatever reason, failed to make empirical knowledge possible, then, for McDowell, it would be useless with respect to exorcising the philosophical anxiety concerning the possibility of normatively governed thought and action for natural beings such as ourselves. However, even if, as I have been suggesting, Kant does employ a notion of second nature in his theory of artistic creativity, it seems as though that notion plays no role in making empirical knowledge possible. For Kant insists that an essential feature of aesthetic judgments is that they do not give rise to cognition – that, although aesthetic judgments involve claims to universality, those claims have merely subjective validity.[52] Perhaps for this reason, then, we should accept McDowell's claim that Kant lacks a 'serious' notion of second nature. Consequently, though Kant's theory of artistic creativity contains many of the relevant features of McDowell's notion of second nature, that theory abandons the one that is the most essential.

But I think that Kant did regard his aesthetic theory as closely related to his insight about the nature of objectively valid cognition. Recall that, on Ginsborg's interpretation, though aesthetic judgment, or the expression of aesthetic ideas, does not

[52] See, in particular, §33 of the *Critique of Judgment*.

involve the subsumption of intuitions under concepts, that sort of judgment does require that the imagination stand in a certain relationship to the understanding. That relationship, for Kant, is one that "[those faculties] must stand in the power of judgment in general" (20:220). That is to say, aesthetic judgment, and hence the expression of aesthetic ideas, exemplifies a relationship that serves as a precondition for the possibility of objectively valid cognition.[53] In this way, although the exercise of second nature through aesthetic judgment does not result in empirical knowledge, for Kant, it is nonetheless indispensable for the possibility of that sort of knowledge or cognition in general.

In addition, Kant thinks that works of arts serve a cognitive function with respect to ideas of reason. Such ideas contain a "**concept** (of the supersensible) for which no suitable intuition can ever be given" (5:342). The ideas of freedom, God, immortality, heaven, hell, and infinity amongst others can never, according to Kant, be given direct sensible expression. Since these ideas can never be adequately given sensible expression via intuitions, and intuitions are necessary for cognition, we can never cognize these ideas. However, through their works of art, and therefore the expression of aesthetic ideas, Kant thinks that artists strive to give sensible expression to ideas of reason (5:314). Moreover, in defense of his famous claim that beauty symbolizes the morally good, Kant points out various similarities between aesthetic and moral judgments (5:353-4). In virtue of these similarities, he thinks that the distinctive pleasure derived from beautiful objects "makes possible the transition from sensible charm to the habitual moral interest without too violent a leap" (5:354). Although these remarks about the relationship between art

[53] Another crucial passage on this point about the relationship between the mental state underlying aesthetic judgments and cognition comes in §9, where Kant identifies the free, harmonious play of the faculties underlying aesthetic judgments with that "state of mind that is encountered in the relation of the powers of representation to each other insofar as they relate to a given representation to **cognition in general**" (5:217).

and ideas of reason, beauty and morality, require closer attention, they make it clear that Kant regards beauty, or the expression of aesthetic ideas, as serving an important role in the bringing ideas of reason closer to cognition through the feeling of pleasure involved in aesthetic judgment.

5. Conclusion

For a couple of reasons, I do not take the preceding sections to conclusively show that Kant does in fact possess and employ a notion of second nature that would satisfy McDowell. The first reason concerns his careful, though unexplained, qualification that Kant lacks lacks a pregnant or serious notion of second nature. Even if the similarities between Kant's theory of artistic creativity and McDowell's naturalism are real, it is not clear that those similarities would suffice for attributing a notion of second nature to Kant. Without a clearer understanding of what is needed for a serious notion of second nature, it remains open to McDowell or someone else to insist that Kant lacks the necessary resources. Then again, absent a more explicit statement of what constitutes second nature, I also think that the similarities are strong enough to provide some reason for doubting McDowell's criticism against Kant. That criticism relies on assumptions that neglect the broader resources and aims of Kant's aesthetic theory, assumptions that I hope to have shown to be mistaken in light of that theory.

However, a second obstacle in the way of legitimately attributing a notion of second nature to Kant concerns not the content of such a notion but its role, particularly in McDowell's project. In highlighting the striking similarities between Kant's theory of artistic creativity and McDowell's naturalism, I have also tried to spell out the differences

between the two. One of those differences is that, for Kant, aesthetic judgments do not give rise to cognition, but, for McDowell, the exercise of second nature must engender empirical knowledge. Another difference, which I did not make explicit, is that McDowell holds that second nature alerts us to rational demands in general, whereas Kant holds that second nature, assuming he employs such a notion, makes us responsive to specifically aesthetic demands. These are just two ways in which Kant's notion of second nature may, by McDowell's lights at least, fail to be of any use.

Related to this obstacle is that, from McDowell's perspective, a notion of second nature is useful only if that notion is wholly naturalized. However, nothing I have said here has shown that Kant has abandoned the supernaturalistic view suggested by his doctrine of transcendental idealism. So, even if Kant does possess a notion of second nature, his transcendental framework will spoil that notion, at least in the eyes of McDowell. Of course, this assumes that what McDowell wants from a notion of second nature is achievable, or even something worth desiring. It may turn out that a notion of second nature can be useful in respects other than the ones sought after by McDowell. Perhaps, for instance, Kant's distinctive notion of second nature can serve to lessen the aversion that McDowell and others have towards rampant platonism by showing how, even within such a supernaturalistic view, nature can be understood as more than merely mechanical, particularly within the domain of artistic creativity. Or, in addition maybe, Kant's notion of second nature shows that we cannot, as McDowell tries to do, eliminate the apparent opposition between the normative and the natural. Rather, that notion can, at best, perhaps allows us to throw "throw a bridge from one domain to the other", merely making the seeming gap between the normative and the natural less troublesome (5:195).

Works Cited

Allison, Henry E. (2001). *Kant's Theory of Taste: A Reading of the Critique of Aesthetic Judgment*. New York: Cambridge University Press.

----- (1997). "We Can Act Only Under the Idea of Freedom," (Presidential Address), *The Proceedings and Address of the American Philosophical Association*, 71 (1997), pp. 39-50.

Bird, Graham. (1996). "McDowell's Kant: Mind and World," *Philosophy* 71, pp. 219-43.

Friedman, Michael. (1996). "Exorcising the Philosophical Tradition," *Philosophical Review* 105: pp. 427-67.

Gammon, Martin. (1997). "Exemplary Originality: Kant on Genius and Imitation." *Journal of the History of Philosophy* 35, pp.563-92.

Ginsborg, Hannah. (1997). "Lawfulness Without a Law: Kant on the Free Play of Imagination and Understanding," *Philosophical Topics* 25 (1) (1997): 37-81.

----- (2011a). "Primitive normativity and scepticism about rules," *The Journal of Philosophy*, 108 (5), pp. 227-54.

----- (2011b). "Inside and outside language: Stroud's nonreductionism about meaning," in *The Possibility of Philosophical Understanding: Reflections on the Thought of Barry Stroud*, eds. J. Bridges, N. Kolodny and W. Wong. Oxford: Oxford University Press, pp. 147-81.

Hanna, Robert. (2004). "Kant and Nonconceptual Content," *European Journal of Philosophy* 13 (2), pp. 247-90.

Kant, Immanuel. (1998). *Critique of Pure Reason*. Tr. Paul Guyer and Allen W. Wood. New York: Cambridge University Press, 1998.

----- (1997). *Groundwork for the Metaphysics of Morals*. Tr. Mary Gregor. New York: Cambridge University Press.

----- (2002). *Critique of Practical Reason*. Tr. Werner S. Pluhar. Indianapolis: Hackett Publishing Company.

----- (2000). *Critique of Judgment*. Tr. Paul Guyer and Eric Matthews. New York: Cambridge University Press.

----- (1996). *Critique of Practical Reason*. Tr. Mary Gregor. New York: Cambridge University Press.

McDowell, John. (1996). *Mind and World*. Cambridge: Harvard University Press.

----- (2007a). "What Myth?" Inquiry 50 (4), pp. 338-51.

----- (2007b). "Response to Dreyfus," Inquiry 50 (4), pp. 366-70.

----- (2010). "What is the Content of an Intention in Action?" *Ratio* 23, pp. 415-432.

Wright, Crispin. (1996). "Human Nature?" *European Journal of Philosophy* 4(2): 235-54.