

The Problem of Free Harmony

I want to consider a particularly troublesome problem internal to Kant's theory of beauty. In the "Critique of Aesthetic Judgment" Kant argues that an object is beautiful if and only if it is able to give us pleasure, the source of which is a mental state similar to cognition called the "free harmony of the imagination and the understanding." And, an object that is able to occasion such a mental state of free harmony is said to exhibit "purposiveness without purpose."¹ The problem for Kant scholars is how to make sense of either a "free harmony" of the cognitive faculties or of a "purposiveness" not directed by a purpose. What I shall attempt here is first to lay out the problem in its most troublesome form and argue, minimally, that there is a solution to Kant's problems, at least for the case of artistic beauty—perhaps for natural beauty as well.

What we learn from the *Critique of Pure Reason* (Kant's first *Critique*) is that the process of judgment is one of organizing a manifold of the imagination (a collection of sense particulars) by a concept of some sort. Further, it is characteristic of the Kantian philosophy that concepts are regarded as rules for how a manifold is governed. According to Kant, to judge that a manifold of sense particulars falls under a concept (the job of the "understanding") is to recognize that the manifold conforms to a particular rule—that the manifold is rule governed.² The rule, as it were, is presumed to provide a schema of what our perception of a specific empirical objects is to be. To have the concept of a dog is to know what sort of order a perceptual manifold will possess. Now, while this is the most general description of judging, it is important to note that for Kant there are two different species of judging: determinate judgment and reflective judgment. Determinant judgments are ones where our predication of a "concept" to a manifold can be warranted on the grounds of experience (either directly in the case of empirical concepts or on the basis of the "possibility" of ex-

perience in the case of the “pure concepts”). A reflective judgment, however, predicates “ideas” of a manifold, and in Kant’s technical sense the predication of “ideas” cannot be grounded in experience. “Ideas” like God, freedom, and immortality are notions the application of which always outstrips our evidential base.³ For example, in the *Critique of Judgment*, (Kant’s third *Critique*) Kant is most interested to show that teleological judgments are reflective—they assert that nature is governed by purposes. And although, Kant argues, such assertions exceed our empirical evidence, it may be useful for doing science to act “as if” such judgments were true. This continues a theme from the first *Critique* where Kant gave ideas of reason a “regulative” function.⁴

Having taken this brief excursion into Kant’s doctrine of judgment, we can now state the problem with the notions of “free harmony” and “purposiveness without purpose.” Kant wants to say that the pleasure of taste has its source in a mental operation similar to cognitive judgments. To make a cognitive judgment is to claim that an object (manifold of perception) instantiates a certain concept (the manifold is governed by a certain rule). However, unlike ordinary cases of judgment Kant insists quite strongly that the kind of “judging” that gives aesthetic pleasure is not governed by any type of rules. The interpretative question that arises here is, How can there be a species of judging that employs no rules? One would think that the very notion of judging requires the application of some kind of rule (either determinant or reflective). More precisely, if Kant’s general characterization of judging is as a “harmony” between the imagination (responsible for gathering particulars) and the understanding (the faculty of giving rules), then “free harmony” would seem a contradiction. How can one have a “harmony” with the faculty of rules when one has no rule? Similarly, if we take the formulation of purposiveness without purpose, the question can be asked: How can we judge an object to be “purposive” if we do not attribute (even in an “as if” sense) some purpose to it?⁵

It will be useful here to consider what sorts of “rules” Kant thinks are inappropriate to the mental state of free harmony and roughly why aesthetic appreciation cannot be of these kinds. There are at least three sorts of rules that Kant thinks are inappropriate to aesthetic judging. Kant argues, in the first moment of the *Analytic of the Beautiful* (the “*Analytic*”), that judgments of beauty cannot be ordinary, determinant (empirical) judgments roughly because “beauty” cannot be considered a class concept—a concept naming an organization of perceivable properties.⁶ Kant’s argument against such a position is direct, if somewhat question-begging. Beauty cannot simply be described as a configuration of empirical properties since judging something as beautiful must, in part, be a matter of taking pleasure in the object. And for Kant pleasure is not an ob-

jective property that an object can possess. Pleasure is the subjective (aesthetic, Kant would say) response to an object.

But dismissing such aesthetic “objectivism” does not end Kant’s complaints against rules used to make aesthetic judgments. In ¶9 of the “Critique of Aesthetic Judgment” Kant argues that while the pleasure of taste must be founded on a mental state of “judging” an object and such judging cannot be of the conceptual, determinant kind, neither can the judging be of the reflective, teleological type. Generally, Kant argues that aesthetic judging is not a matter of claiming that an object suits any sort of “end” or “purpose” (even if our judgment is only an “as if” judgment). Specifically, Kant considers two versions of this teleological position. We could take pleasure in recognizing that an object is “good for” some ordinary practical purpose we might have (a judgment of utility) or we could take pleasure in recognizing that an object is “good as an x”; that is, an object is judged to be a near perfect example of some class concept.⁷ For example, a picture may represent a paradigm case of a horse—this is the thesis of Leibnizean perfectionism Kant criticizes in ¶15. Similar to his complaint against aesthetic objectivism, Kant objects to perfectionism, in part, because it has no *direct* connection to pleasure.

Kant’s criticism of grounding beauty on either judgments of utility or perfection is that in order for “useful” or “perfect” objects to give pleasure at all we must assume some merely contingent interests on the part of those who appreciate the objects. We will not take pleasure in something having use value unless we are interested in the end that the object serves. Nor, presumably, do we take pleasure in perfectionism unless we are interested in seeing near paradigm examples of class concepts. Further, Kant holds, we can never hope to get any sort of consensus about aesthetic value if we appeal to the whim of individual interests.

Although the above is Kant’s official criticism of reducing aesthetic judging to teleological judging, there is a larger point in the background. If judgments of taste could be reduced to judgments of utility or perfection, then we could formulate precise standards for either evaluating or constructing artworks. All we would need to know in order to evaluate a work as good (or create a good one) is the purpose the work should achieve. We could then set about to find the means—which presumably can be pinned down with some accuracy. But this conflicts with the notion (which Kant endorses) that aesthetic judging and aesthetic creation cannot be formulaic.⁸ If they were formulaic, then creativity would be of little concern in art, and aesthetic evaluation could be a precise science—both of which Kant disavows.

Kant seems to have worked himself into a corner. He starts with the premise that aesthetic pleasure must come from an activity of judging. Judging is understood as organizing a manifold of particulars by a rule. But Kant seems to

have taken away any candidate for a rule to organize the manifold. Aesthetic judging cannot be rule governed by a determinant concept or a teleological Idea. And these seem to be the only alternatives he has to offer. It appears that nothing is left and it seems that Kant is perfectly happy with this result. As Kant describes aesthetic judging it must be a recognition that objects are “merely subjectively purposive” where this seems to mean that the object occasions a harmony of the faculty of sense with the faculty of concepts (rules) but somehow without using any rules:

If pleasure is connected with the mere apprehension (*apprehensio*) of the form of an object of intuition, without a relation of this to a concept for determinate cognition, then the representation is thereby related not to the object, but solely to the subject, and the pleasure can express nothing but its suitability to the cognitive faculties that are in play in the reflecting power of judgment, insofar as they are in play, and thus merely a subjective formal purposiveness of the object. (KU 5: 189–90, 75–76)

The problem is that it is very difficult to understand what sense there is in claiming that aesthetic contemplation is a kind of “judging” without rules when the very definition of judging in the Kant lexicon is that of a rule-governed activity.

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There have been attempts to save Kant from the problem cited above. One rescue attempt turns upon a reading of “mere subjective purposiveness” and the strictness of the “no rule” requirement. There are some portions of Kant’s text that suggest that while a free harmony is rule governed without a rule, the crucial notion of “without a rule” should be understood in what might be called an “abstractive” sense. Specifically, when Kant claims a “free” harmony is a harmony without rules, perhaps he should really say that the manifold is rule governed but when we engage in aesthetic appreciation we do not care which rule it is. And in this sense, we are only interested in the “formal” quality of mere “rule governedness.” We are only concerned subjectively that the manifold is rule governed. We are not interested in what rule prescribes the order of the manifold. The following passage would seem to support such a reading:

Now, if the determining ground of the judgment on this universal communicability of the representation is to be conceived of merely subjectively, namely without

a concept of the object, it can be nothing other than the state of mind that is encountered in the relation of the powers of representation to each other insofar as they relate a given representation to cognition in general. (KU 5: 217, 102)

On the basis of such passages, it could be argued that the problem of interpreting free harmony or purposiveness without purpose can be gotten around. We can talk about a manifold being rule governed (which seems to be a requirement of any version of “judging”) and yet insist that the harmony of the faculties is free in the sense that aesthetic judging abstracts from the specific rule employed to unify the manifold. Perhaps, we are only concerned with the closeness of fit between manifold and rule. Such is suggested by Kant’s claim in ¶21 that a free harmony is also one that is “optimal for the animation of both powers of the mind” (KU 5: 238, 123).

Although the above would be a way of solving the puzzle of a “free harmony,” it is a route that Kant should not take. This solution cannot avoid Kant’s deeper arguments against utility and perfectionism. To say that an object occasions a “free harmony” in the abstractive sense entails that we can specify a rather precise formula for beauty: An object is beautiful if and only if there is a closeness of fit between a manifold of imagination and a rule specifying a reflective idea of utility or a rule specifying an empirical concept. At the very least this position is seriously inconsistent with Kant’s rejection of perfectionism. The theory of perfectionism would also seem to subscribe to a “closeness of fit” criteria since there is no hint in the theory that an object is beautiful only if it measures up to some particular paradigm—rather, any paradigm will do. One must assume, then, that the measure of “perfection” would be how well an artwork fits the paradigm concept it is intended to represent. Nor, do I think Kant would want to subscribe to a closeness of fit criteria in the case of ideas of utility. If such a criteria were adopted, again we would seem to be able to formulate some precise standards for the creation and evaluation of beauty—a possibility antithetical to Kant’s enterprise.

But beyond the charge of inconsistency, the abstractive interpretation would promote some very odd paradigms of beauty and ones that Kant explicitly rejects. If free harmony is taken to mean “closeness of fit to a rule” (regardless of which rule), then well-drawn geometrical figures would be first-rate artworks, for example, a well-drawn square. A well-drawn square is an object with a high degree of conformity to a concept (the “square rule”) and as such would be an excellent artwork. Yet, it is just such cases that Kant explicitly rejects because they are lacking in “freedom.”⁹ Similarly, if we assumed that “free harmony” should be understood in the abstractive sense and specifically abstracting from teleological ideas (instead of determinant concepts) we would fare no

better. On a teleological reading we would now have to admit that a well-designed wrench (the perfect water-pump pliers) is an excellent work of beauty. We appreciate that it fits well the orderliness required of a pair of water-pump pliers even though, of course, we not interested that the orderliness appreciated is “water-pump plier” orderliness. But here again, apart from the fact that such paradigms are unacceptable to us, it is very difficult to reconcile this position with Kant’s claim that objects must be purposive but without purpose. It would seem that under this reading, it turns out after all that beauty really has to do with what Kant calls “objective purposiveness.” Objects suit our “subjective” purpose of harmony of the faculties only by living up to some version of “objective” purposiveness. Again, if this is what Kant has in mind, his position is difficult to distinguish from the claim that aesthetic goodness can be reduced to either the goodness of utility or perfection.

There is, however, another alternative sometimes pursued.¹⁰ From the remarks in ¶9 and ¶21 of the “Analytic” it could be claimed that Kant has a quite different way to recognize a “harmony” between the two faculties. That is to say, the problem we have had is one of understanding what a harmony between the imagination and understanding could be where there is no rule to account for the harmony. One answer to this question, suggested at ¶9 and ¶21, is that unlike usual cognition where recognition is achieved by the application of a rule, we recognize “free harmony” by means of a “feeling.” We simply “feel” the fit of the two faculties:

The powers of cognition that are set into play by this representation are hereby in a free play, since no determinate concept restricts them to a particular rule of cognition. Thus the state of mind in this representation must be that of a feeling of the free play of the powers of representation in a given representation for a cognition in general. (KU 5: 217, 102)

There are difficulties with taking this interpretation. First, were we to attribute to Kant the view that we can simply “feel” rule governedness without applying a rule, it would be a position quite unique to the critical philosophy and may well contradict some of the more important arguments in the *Critique of Pure Reason*. Specifically, it seems to be important to the Transcendental Deduction of the Categories that every manifold of representations be united by a rule.¹¹ But even if we could admit such an unusual activity as “feeling” a conceptual fit without using concepts, there are problems with this position intrinsic to the “Critique of Aesthetic Judgment.” As most commentators agree, to get any version of the arguments of paragraphs 9 and 21 off the ground, Kant

must argue that free harmony is a mental state very much like mental state of ordinary cognition. Discussing free harmony Kant says:

. . . for we are conscious that this subjective relation suited to cognition in general must be valid for everyone and consequently universally communicable, just as any determinate cognition is, which still always rests on that relation as its subjective condition. (KU 5: 218, 103)

Roughly, Kant wants to argue that if ordinary cognitive states are universally communicable, then so is free harmony. Kant seemingly wants to argue here that, short of skepticism, we must assume that ordinary cognitive states are “universally communicable” and since a free harmony of the faculties is sufficiently similar to a cognitive state, then it must be the case that free harmony is also universally communicable. This line of reasoning is thought to be crucial to Kant’s larger argument to show the universal validity of judgments of taste. But if free harmony and ordinary cognition are as radically different as the present account supposes, then Kant’s inference about universal communicability is clearly weakened. As Ralf Meerbote has convincingly argued, Kant is saddled with a nasty dilemma.¹² Either he holds that free harmony is literally a harmony devoid of concepts, in which case he cannot draw a close parallel with cognition, or he admits that aesthetic judging uses concepts, in which case he loses the sense of “freedom.”

Perhaps, as yet another possible interpretation one should understand free harmony not as abstracted from concepts or, somehow, simply devoid of concepts, but go in quite a different direction and claim that a free harmony is one whereby we can apply several different concepts to a manifold. This is what Paul Guyer has recently called a “multicognitive” interpretation of free harmony.¹³ Presumably, the sense in which a relationship of the imagination and understanding is suitably “free” of concepts is if it is free on any *one determinate* concept to pin down the order of the manifold. Instead we are free, as Guyer puts it, to flit between a “multiplicity of possible concepts.” In addition to the problems that Guyer finds with this interpretation, let me add a couple more. This interpretation, like others we have seen in the aforementioned, will likely generate some odd paradigms. It would seem that a good candidate for an aesthetic object on this accounting would be one so constructed to make it easy and natural to conceptualize it under different concepts. One cannot help thinking that Wittgenstein’s duck-rabbit would come across as a prime candidate of an aesthetic object. However, as entertaining as “duck-rabbit” games are, few would put them forward as excellent aesthetic objects.

There is, however, a deeper problem with the “multicognitive” interpretation that is internal to the argument of the “Critique of Aesthetic Judgment.” As mentioned above, many commentators interpret Kant as offering an argument for the “universal validity” of aesthetic judgments on grounds similar to the “universal validity” of ordinary cognitive states. Roughly, in order to account for shared cognition we assume that everyone conceptualizes manifolds in the same way—that is, everyone who is confronted with a Fido-like manifold sees that it is a dog-ordered manifold. Everyone, Kant seems to argue, must recognize orderliness in the same way. But, a free harmony denotes a kind of orderliness. Thus, presumably, if I recognize free harmony with a feeling of pleasure and I have a right to assume everyone must recognize orderliness in the same way, then I can assume that others will feel pleasure in free harmony as well.

Again, we will have much to say about such an argument. But for now, notice how the multicognitive interpretation will make a mess of an argument like the one above. If by a free harmony of the imagination and understanding Kant means that for an appropriate aesthetic object we are “free” to see the object as displaying any number of “orderings.” But if this is the case, I have no reason to believe that anyone will share my recognition of order in an aesthetic object. And, thus, a key feature of the analogy between free harmony and cognition is broken—a feature that was intended as a cornerstone of Kant’s argument to the universal validity of aesthetic judgments.

There is one further interpretation that deserves close attention. Henry Allison in his recent book offers an interesting interpretation of free harmony that, if successful, will avoid the dilemma previously cited by Meerbote. To construct an argument for the “universal validity” of free harmony from paragraphs 9, 21, and 38, we must assume that appreciating a free harmony and applying a concept to a manifold are quite similar activities. Both are a matter of finding order in a manifold. Although both involve a kind of “harmony” between our cognitive faculties, there is an important difference. When we recognize the rule orderedness of manifold by the application of a concept, we do not simply appreciate an object’s rule orderedness; we also assert that the manifold shows a rule orderedness similar to that of other objects. It is on the basis of this similarity that we classify an object as a certain kind. Appreciation of beauty, however, is not a matter of classifying objects by finding a common rule. We are only concerned, as Kant says time and again, with in the “subjective purposiveness” of objects. Subjective purposiveness can now be understood as an interest in orderliness for its own sake, not as a concern with the order an object may share in common with others.

Henry Allison, following Carl Posy, interprets Kant as claiming that when we engage in aesthetic contemplation “the normal concerns of cognition are

suspended.”¹⁴ That is to say, free harmony judging is indeed looking for rule orderedness of a manifold but since our “normal concerns of cognition” are suspended we do not follow through by applying concepts. We are not concerned with comparing an object’s rule orderedness to other, similar objects. This position seems to avoid the dilemma above. Aesthetic contemplation and ordinary empirical judgments are similar in that both are concerned with finding rule orderedness in a manifold. The difference between the two is that aesthetic contemplation is concerned with orderedness per se while an empirical judgment is further interested in determining a similarity with other objects. Having made this distinction, presumably, we can claim that free harmony is not conceptual and yet it describes a rule-ordered manifold. Paul Guyer has dubbed this type of interpretation a “precognitive” interpretation of free harmony since it considers a free harmony a recognition of an orderly manifold that is logically prior to conceptualization.¹⁵

I believe that there are yet problems with this attempt to free Kant of the difficulties of free harmony.¹⁶ I suspect that this interpretation puts too little distance between a “free” harmony of the imagination and understanding and an ordinary, rule-governed conceptual judgment. Consider the judgment “Fido is a dog.” When I make such a judgment I notice that the manifold of imagination I am presented with possesses a certain order. It is the order defined by my concept (rule) “dog.” When I make the judgment I recognize that my manifold has a certain order *and* that this order is common to manifolds presented on other occasions—this is the sense in which dog functions as a class concept for me. My judgments define a class of objects in terms of common rule orderliness of their manifolds of perception. Aesthetic appreciation is presumably different from this. When appreciating an aesthetic object I “judge” the manifold to be orderly but do not compare this manifold’s orderliness to that of other similarly orderly objects, if there are any. This seems to imply that we could very well say that an aesthetic object displays a rule orderedness; it’s just that we are not concerned as to whether or not that rule is instantiated anywhere else. For all we know or care, the “rule” could be uniquely instantiated in the case we are presently observing.

This interpretation is fine as far as it goes, but there are problems. Consider again my experience of Fido. In an ordinary, empirical experience of Fido, I recognize that the present manifold of sense exhibits an orderliness shared with a certain class of objects (dogs). This is also to say that I recognize that Fido exhibits the “dog rule” shared by all “dogs.” Experience of Fido is rule ordered and it is rule ordered by the determinate dog rule. On the present interpretation, aesthetic appreciation of an object is very much like our Fido experience. Presumably, empirical experience and aesthetic appreciation are

alike insofar as both involve the recognition of the rule orderness of the manifold of sense. Both the experience of Fido and the aesthetic appreciation of the Mona Lisa (for example) involve the recognition that the manifold of sense under consideration is ordered by a specific rule. The difference is that in the Fido case we also focus on the fact that the Fido rule has multiple instantiations whereas in the Mona Lisa case we do not concern ourselves with instantiations.

If my understanding of the above interpretation is correct, then the distinction between free harmony and determinate judging is not a difference between a rule-ordered manifold (determinate judging) and a manifold that is not rule ordered (free harmony). Rather the distinction is between our recognizing a rule-ordered manifold that has multiple instantiations (determinate judging) and our recognizing a rule-ordered manifold but without reference to instantiation (free harmony). But if this is the difference, it is hard to see that it is much of a difference. Or, perhaps, it is difficult to see that this difference cannot be overcome. It seems entirely possible that we could consider any object “aesthetically” and that any object could suit Kant’s free harmony requirement.¹⁷ I see no reason, in principle, why we could not consider Fido for the rule orderness of its manifold in abstraction from our knowledge of whether this rule is multiply instantiated or not. To consider an object in such a way would, I take it, suit Kant’s injunction that we consider an object merely for its “mere subjective purposiveness.” That is to say, we are concerned only the extent to which an object is rule ordered, we are unconcerned whether this rule shows up elsewhere in our experience. But if it is possible to consider dogs and all manner of objects as aesthetic objects, Kant loses the distinction between ordinary objects and special aesthetic objects that the free harmony criteria seems to establish. Additionally, if any object could be considered aesthetically, in the fashion suggested, it is not obvious how one would distinguish between good aesthetic objects and those not so good. If we could make a distinction in kind between objects that were free harmonies and those that were not, then the distinction between aesthetic and nonaesthetic objects would be clear. But this is not the case.

There is another attempt to resolve the dilemma that free harmony presents that is rather similar to the Alison/Posy solution. Hannah Ginsborg sees the free harmony issue bound up with an even larger problem in the Kantian philosophy.¹⁸ Kant has an account of empirical concept acquisition that is, unfortunately, rather sketchy.¹⁹ As we have seen, Kant regards all concepts as rules describing a certain order of perceptual elements in an experience. Further, his official position as to how we come to form a new empirical concept is by way of comparison, reflection, and abstraction. Kant gives an example:

I see, e.g., a spruce, a willow, and a linden. By first comparing these objects with one another I note they are different from one another in regard to the trunk, branches, and leaves, etc.: but next I reflect what they have in common, trunk, branches, and leaves themselves, and I abstract from the quantity, the figure, etc., of these; thus I acquire a concept of a tree. (*Logik*, para. 6, Ak IX, 94–95; 592)

The problem with this account is that it seems one already needs a concept (rule) of tree in order to single out spruce, willow, and linden as appropriate candidates to engage in a process of comparison, reflection, and abstraction. If we did not already have something like a “tree rule” in mind, it seems unlikely that of all the objects in the world we would pick these individuals to work our concept-forming labor upon. To put the matter differently, if we did not already have some rough concept of tree we wouldn’t have picked out a spruce, willow, and linden as appropriate objects to hone our formal concept of tree.

To solve the problem of empirical concept acquisition Ginsborg admittedly goes beyond Kant’s text to suggest an account that he could have (should have) given. In order to make coherent Kant’s account of empirical concept acquisition he needs to make a distinction between two ways in which one could have and use rules for the ordering of an empirical manifold. Ginsborg’s suggestion is that initially when we consider objects like the spruce, willow, and linden we pick them out because we are using a process that is “exemplary of rules,” but only subsequently (by the process of comparison, reflection, and abstraction) do we come up an explicit rule that is the concept “tree.”²⁰ Ginsborg gives a useful analogy. Using the English language is a rule-governed activity in two senses. Simply speaking English is rule governed insofar as this activity is governed by “lexical rules and rules of grammar.”²¹ All of this is rather unstudied and even unconscious. However, this “exemplary” use of rules becomes the basis for subsequent, explicit rules of English usage. How we use English unreflectively allows us the ability to extract explicit rules of usage.

Ginsborg applies this analogy to empirical concept acquisition. Consider the first time a person runs across what we would now call a tree. On that first encounter our observer would not apply the conceptual “tree” rule to the perceptual manifold—no such rule is available. Nonetheless, claims Ginsborg, such a first encounter may yet be rule governed in a primitive sense. Presumably, we can find order in our first tree experience that will set the standard for any future tree encounters. Our first encounters with a tree are rule governed in a “primitive” way as opposed to subsequent experiences where we approach tree with the explicit concept well in hand.

The model of primitive, rule-governed experiences as a key to the account of empirical concept acquisition sets the stage for an interpretation of the no-

tion of a “free harmony” of the imagination and understanding in the “Critique of Aesthetic Judgment.” Recall that the central interpretative problem with a “free” harmony of the imagination and understanding is trying to figure out how the imagination could harmonize with the rule function of the understanding and yet do so without rules (concepts). Ginsborg’s primitive and exemplary rule-governed experiences seem to fit the bill. Kant claims that when we consider an object aesthetically we consider a manifold of imagination for its conformity to the rule-governed function of the understanding but yet without applying a rule. This may seem mysterious. But if Ginsborg is correct we do this sort of thing all the time in the process of empirical concept acquisition. When we approach a tree for the first time we must be able to appreciate the rule governedness of the manifold in order to be able subsequently to find other instances of a tree. But this is an ability to discern rule governedness without using a rule. And, Ginsborg holds, this is just the ability required in aesthetic cases of free harmony.

An additional bonus of Ginsborg’s account is that it adds coherence to what seems to be Kant’s central arguments justifying the universal validity of judgments of taste. As we have seen, it is commonly thought that Kant’s proof of the universal validity of judgments of taste crucially depends on the premise that the mental state of free harmony is sufficiently similar to a conceptually determined cognitive state that we can regard aesthetic judgments to be as “universally valid” as an ordinary empirical judgment.²² Under most interpretations of free harmony this similarity between free harmony and empirical judgments is difficult to explain. How can a nonconceptually determined manifold be sufficiently similar to a conceptual manifold such that we could draw inferences from one to the other? Ginsborg’s interpretation seems to help this inference. If Ginsborg is correct, then part of the story of empirical cognition (the part involving concept acquisition) requires our ability to recognize the rule governedness of a manifold prior to our application of an actual rule. Thus, Kant is justified in thinking that aesthetic appreciation depends on an ability we can assume to be shared by all.

Ginsborg’s account may in fact go a long way in helping to understand Kant’s account of empirical concept acquisition; however, as an interpretation of free harmony it suffers from difficulties similar to those found with the Allison/Posy interpretation. The danger with trying to argue a close similarity between free harmony and ordinary, conceptual cognition is that one may fail to distinguish adequately aesthetic appreciation from cognition. If, as Ginsborg seems to suggest, empirical concept acquisition requires us to experience the rule governedness of a manifold without applying a rule and that this activity is very much like (if not identical to) the experience of free harmony, then it would

seem that tree experiences are also aesthetic experiences. It would seem that we could approach a tree now and appreciate it as if we were experiencing it for the first time and did not already possess a concept of tree. And, if we could do such a thing, then experiencing a tree would be an instance of free harmony of the imagination and understanding. And, as such, it would be an aesthetic experience.

Ginsborg is aware of this difficulty and tries to meet it.²³ To distinguish the mental activity of free harmony from the act of empirical concept acquisition, Ginsborg claims that while each act of acquisition requires the recognition of a rule governedness with a rule (like free harmony) such acquisition cannot take place without also, at the same time, applying our newly acquired concept in the process. As Ginsborg puts it, "(t)he act through which I acquire the concept 'tree' is at the same time my first act of judging something to be a tree."²⁴ This seems to distinguish free harmony from empirical concept acquisition. It cannot be the case that every act of empirical concept acquisition is also an aesthetic experience of free harmony since, Ginsborg holds, each act of acquiring a concept is also an act of applying that concept—unlike a pure free harmony experience. Also, apparently, once we have applied a concept to a tree experience we cannot approach a tree as if it were not a conceptually determined manifold. Presumably we cannot abstract the primitive act of recognizing orderliness from the final act of applying a concept.

Ginsborg's position does seem to get her out of the problems noted above. However, there are further difficulties here. Ginsborg's interpretation of free harmony depends on her admittedly speculative account of empirical concept acquisition—particularly the claim that such concept acquisition requires a primitive recognition of a rule governedness without rules. But even if we were to grant this, the further claim that each act of acquisition is inseparable from an act of application seems, at best, ad hoc. I see no reason, other than a mere assertion, why in a Kantian account of original acquisition we could not recognize a "something" (a tree) as rule governed at one moment and only later after acquaintance with other "somethings" (trees) we start applying the concept "tree." Nor do I see any reason in a Kantian position why we could not act as if we were seeing a tree for the first time and recreate, as it were, that original moment of appreciating rule governedness per se. But maybe Ginsborg is right. Maybe empirical concept acquisition is very different from aesthetic appreciation. Specifically, perhaps approaching a tree is so very different from approaching an artwork that the cognitive processes are very different. But if this is so, we fall on the other horn of the dilemma discussed earlier. If the processes are so very different, there is no reason to believe that any argument based on their similarity is going to succeed.

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There is, however, one portion of the “Critique of Aesthetic Judgment” where Kant has a solution to how a manifold can be both rule governed and free. The relevant discussion is contained in Kant’s description of how artistic “genius” can create works of art that express “aesthetic ideas.”²⁵ I want to argue: (1) the expression of aesthetic ideas gives a definite sense to the notion of a rule-governed manifold—it is governed by an aesthetic idea; (2) this sort of rule-governedness is compatible with the requirement for a “free” use of the imagination; and (3) more tentatively, that the expression of ideas is a general solution to the problem of free harmony (for both art and nature).²⁶

While Kant understandably stresses the role of originality in artistic creation, at least as important is his claim that the artist must also combine his or her creativity with some sort of organization (as usual without constraint of preconceived rules). The problem Kant considers in his discussion of artistic creation looks very like the one that has been bothering us: How can an artist create a work that is free and yet organized? Kant’s explicit solution in these sections is that the artist can achieve the proper organization for his work only if he or she creates a work that expresses an “aesthetic idea.” Thus, expression of ideas seems to play the crucial role of explaining, in the admittedly narrow case of artistic creation, how an aesthetic object can be rule governed. In fact, Kant goes so far as to argue that expression of ideas is not just a way of organizing a manifold to meet the rule-governed requirement, but the only appropriate way for artistic creation:

To be rich and original in ideas is not as necessary for the sake of beauty as is the suitability of the imagination in its freedom to the lawfulness of the understanding. For all the richness of the former produces, in its lawless freedom, nothing but nonsense; the power of judgment, however, is the faculty for bringing it in line with the understanding. (KU 5: 319, 197)

The point Kant repeats often in these sections is that genius (which Kant defines in part as the faculty to produce aesthetic ideas) is able to create fine art only insofar as it can provide a “rule” to the free fancy of the imagination (KU 5: 307, 186). This is required since without genius organizing an artwork in order to express an idea, we would be unable to account for the work’s rule-governedness. Kant argues in these sections that the “genius” who lacks the skill of organizing to express at best creates “original nonsense” (KU 5: 308, 186). Without such organization an artist cannot produce an artwork that “remains purposive” by “introducing clarity and order” (KU 5: 319, 197). Or more posi-

tively, the ability to present aesthetic ideas “is that which purposively sets the mental powers into motion” (KU 5: 313, 192).²⁷

The evidence of these sections seems quite conclusive. Kant holds that expression of aesthetic ideas is a requirement for artistic creation and it is required because it explains rule governedness. And while Kant offers this thesis as part of an explanation of artistic creation it takes only a slight extension of his doctrine to see how it would apply to artistic appreciation as well. The artist is saddled with the task of creating a work such that when properly appreciated it stimulates the imagination in such a way as to express an idea. This, Kant claims, requires “genius.” But, we can suppose something similar goes on during aesthetic appreciation. The person who properly appreciates a work of art (or, I would maintain, natural beauty as well) must be able to interpret the elements of the work in such a way as to “see” that they come together to express an idea. As such, both the artist and the art appreciator must be able to experience an object as stimulating a free harmony of the imagination and understanding in such a manner that we interpret the object as expressing an idea.

On the basis of these passages it might be granted that Kant can account for how aesthetic appreciation involves a rule-like harmony of the imagination and the understanding. Aesthetic appreciation involves our interpreting a manifold as organized in a way to best express an aesthetic idea. But perhaps it is more difficult to argue that expression of ideas is consistent with the restriction that the mental state of appreciation is “free.” Here I enlist the support of some important work on Kant by Paul Guyer. It has been argued, successfully I believe, that the mental state of appreciating an artwork that expresses ideas is one free from conceptual determination.²⁸ It is crucial for this interpretation to notice that Kant’s description of the process of either producing or recognizing an aesthetic idea is a description of a “free harmony.” That is to say, recognizing an artwork as expressing an aesthetic idea is a case of freely harmonizing a manifold of sense with the rule faculty of the understanding:

In a word, the aesthetic idea is a representation of the imagination, annexed to a given concept, with which, in the free employment of imagination, such a multiplicity of partial representations are bound up, that no expression indicating a definite concept can be found for it. (KU 5: 316, 194)

The sense in which the expression of aesthetic ideas involves a free harmony seems to be that, as Kant understands aesthetic ideas, they refer to something that cannot be literally described—they are notions of things too big for ordinary empirical description. Kant’s favorite examples are moral and religious notions (“invisible beings, the kingdom of the blessed, hell, heaven, eternity,

creation, etc.”) (KU 5: 314, 192). As a result, to express such an idea requires, Kant supposes, that we create works that stimulate the imagination to make all sorts of associations that substitute for a literal description of these elusive entities. And importantly, the process of expression is one that must be independent of all “concepts”—since no concepts can literally describe the notions involved. As Kant puts the matter, expression of ideas “can be communicated without constraint of rules” (KU 5: 317, 195).

I shall save for the next chapter a more technical description of the expression of aesthetic ideas; here I only want to suggest how expression is a mental state compatible with the restriction that aesthetic appreciation is one of free harmony. Expression of aesthetic ideas is a “free” harmony since expression must be unlike ordinary cases of conceptual determination. In ordinary cases (either empirical concepts or teleological ideas) Kant supposes that we come to objects with a well-formed notion of what the thing is either presumed to be or what function it is presumed to serve. Judging an object to be the expression of an aesthetic idea is quite another matter. Since there can be no well-formed concept of things like heaven, hell, and so on, we give free reign to our imagination in order to interpret an object as expressing an idea of such things. This is not a matter of judging that an object falls under a given concept or serves some purpose. Neither a well-formed idea of an end nor a determinant concept is possible for the objects that art can supposedly express. As such, art cannot be governed by rules or standards in the ordinary sense. Rather, Kant claims, the artist can be said to create a “new rule” as a result of his “free use of his cognitive faculties” (KU 5: 318, 195). Regardless of how the process of expression is achieved (and Kant thinks here that genius is a mysterious gift of nature—one which cannot be taught or learned), it cannot employ any “concepts” or teleological ideas (KU 5: 317, 194).

Moreover, expression of ideas, as others have pointed out, may even be compatible with what some regard as Kant’s unfortunate doctrine of perceptual formalism. That is to say, it could be argued that my interpretation comes dangerously close to claiming that all beauty must express ideas, and this interpretation seems to conflict with Kant’s supposed perceptual formalism. But, there need be no conflict here since Kant holds the plausible enough position that the artist’s job is to manipulate perceptual elements in such a way as to achieve an expression of ideas.²⁹ What Kant suggests is that formal unity of a manifold (even if this manifold is restricted to perceptible elements) can be achieved only if the artist works up his matter with some aesthetic idea in mind.³⁰

As mentioned above, the claim that recognizing aesthetic ideas as a mental state compatible with “free harmony” is a fairly well-accepted interpretation

of the “Critique of Aesthetic Judgment.” However, I want to claim something stronger than mere compatibility. Expression of aesthetic ideas solves the problem of interpreting “free harmony.” And further, if expression is the only way to make sense of a free harmony, then we may be forced to conclude that expression is a necessary condition for beauty. Indeed, there are passages where Kant claims that expression is criterial for beauty (KU 5: 320, 197). However, it could be argued that we should discount such passages on the interpretation that although expression of ideas may be compatible with the free harmony requirement, expression is only one species of beauty—whether an object expresses or not is quite contingent. However, if it is the case that expression is needed to explain the possibility of free harmony, then expression is far from contingent. And Kant’s pronouncement that all beauty is expressive can be taken more seriously.

To be sure, there are several problems left if we try to argue that expression plays the central role I attribute to it. In spite of passages like the one just quoted, sometimes it seems that Kant holds that expression of aesthetic ideas is a feature only of artistic, not natural beauty. Thus, expression could not be criterial for all judgments of beauty. Strictly speaking, trying to argue that expression is criterial for all species of beauty goes beyond the argument of this chapter. If I have been convincing that expression solves the riddle of free harmony (even if this riddle can only be solved for artistic beauty), I have completed my task. But a little can be said in favor of assuming that Kant intends expression to be a general criteria. First, there are passages where Kant refers to beauties of nature as expressive.³¹ Second, some think that calling nature expressive is an odd thing to do since with nature, unlike art, we cannot strictly attribute the sort of intentionality seemingly required for expressiveness. Of art, we may say quite truly that the artist expresses something in his work, but even if we may interpret a sunset as expressing grandeur, literally it does not. Yet, trying to force such a distinction on Kant will not work for the simple reason that even in the case of artistic beauty, the recognition of expression does not depend on actually attributing intentions to a creator.³² As we shall see in more detail in the next chapter, Kant holds that art is created by “genius” that acts unselfconsciously. Thus, Kant seems able to say that with both art and nature we interpret objects “as if” created with the intention of expressing an idea.

This leads to a more general point about Kant’s distinction between art and nature. For some time it was supposed that such a distinction was philosophically important to Kant’s aesthetics; however, this has been disputed recently in a number of ways.³³ I shall not rehearse the arguments here but only point to one passage where Kant makes the distinction in order to show its relative unimportance for the issue of beauty:

Beauty (whether it be of nature or of art) can in general be called the expression of aesthetic ideas: only in beautiful art this idea must be occasioned by a concept of the object, but in beautiful nature the mere reflection on a given intuition, without a concept of what the object ought to be, is sufficient for arousing and communicating the idea of which that object is considered as the expression. (KU 5: 320, 197)

Kant argues that for a work to be art it must be intended to conform to a “concept of an Object”—where this seems to mean that the artist must first represent something by his art. And subsequently, after representing some object the artist can express an idea (say, painting a picture of a woman that expresses sadness). Yet, appreciation of nature obviously short circuits this process (there is no sense in which nature represents). Of course, Kant can be accused of being just wrong in thinking that all art must represent, but on Kant’s own grounds the fact that an object does or does not represent is irrelevant to its beauty. This is part of the lesson supposedly learned in the “Analytic.” And if this is the important difference between art and nature, it is difficult to see the relevance of the distinction for aesthetic judgment. We shall look into these matters more closely in the chapter 3.