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'Wild above rule or art': Creation and Critique

Alistair Welchman, Department of Philosophy, University of Warwick

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Summary

This thesis is an interrogation of the viability of transitive production, which I associate with the Aristotelian term *hylomorphic*. The central axiom of hylomorphic production that will be targeted for critique is that the agent of production must be distinguished absolutely from the product. The thesis follows the thought of production primarily—but not exclusively—in its characteristically modern instantiation in the Kantian transcendental. The argument seeks to demonstrate that the productive aspect of the operator of transitive production is incompatible with the transcendental element, and that Kant was himself increasingly aware of this problem. The *Third Critique*, under the rubric of an aesthetics, it will be argued, manifests this awareness in its problematic of a manifold of empirical laws. That this constitutes a difficulty for transcendent idealism means that the transcendental operators of the *First Critique* have failed to constitute experience in a relevant and important way. Furthermore, it is possible to see in some of the famous slogans of the *Third Critique*, an indication of another mode of production which is immune to the difficulties of the axiom of transitive production. In conclusion I suggest that the consequences of this new mode of intransitive production, associated with materiality, is destructive of the thought of the axiomatic otherworldliness of production operators. Production is not *operated* at all. Some suggestions are then made as to the explanation of the error embodied in the axiom of transitivity.

Abbreviations and References

Four texts by Kant will be referenced under the following abbreviations:

Critique of Pure Reason: first *Critique* Apage;Bpage, where A and B pages refer to the pagination of the first and second editions.

Critique of Practical Reason: second *Critique* Ak. vol:page, where Ak. refers to the Prussian Academy edition pagination.

Critique of Judgement: third *Critique* §number, where §number refers to the numbered paragraphs; except in the case of the first introduction, which will be referenced by its individual sections (§) and then the Ak. pagination.

Prolegomena to any Future Metaphysics etc.: *Prolegomena* §number, where §number refers to the numbered paragraphs.

Other notations will be explained in the text. Full bibliographical information is contained in the Bibliography. I have attempted as much as possible to use reference codes that are common to all or most editions.

Chapter 1: Introduction

The sun, I think you will agree, not only makes the things we see visible, but causes the processes of generation, growth and nourishment, without itself being such a process. ...

The good therefore may be said to be the source not only of the intelligibility of the objects of knowledge, but also of their being and reality; yet it is not itself that reality but is beyond it, and superior to it in dignity and power.

Plato, *Republic* 509b

With this masterpiece of Socratic logic, a certain thought of production is introduced into the West. This thought may be summarised by the following quite simple axiom: the condition of x is not an x . The sun is the condition or cause of the processes of the world, but it is itself not such a process; the good is the condition or source of objects, and yet is not such an object. Production is importantly theorised as *transitive*, and the operator of this production is specifically differentiated from what it produces.

There can be no doubt that one extremely important instance of this thought of production is the God of Christian monotheism. In accordance with this, the world is thought as the set of created things, and God as the creator. God is therefore the name for the operator of a production, which operator must be conceived—if possible—as absolutely different *from everything*. The dominant part of the Western tradition can be represented as merely the attempt to think through the rigor of this absolute difference from everything. In the modern era such thinking centres around Kant, whose notion of the transcendental was designed to show how naive it had been to think that one had represented absolute difference as God. God had, in the Scholastic tradition, for instance, always been thought simply through the *infinetisation* or perfection of worldly predicates. But *worldly* predicates could not possibly do justice to absolute difference from the world. More recently, even the conceivability of the operator of transitive production is regularly called into question. And on the basis of the axiom: as producer, the operator of production (naively identified with God) must also produce conceptuality. But it follows from the axiom that the condition of conceptuality cannot itself be a concept.

This thesis is an interrogation of the axiom of transitive production, which I associate with the Aristotelian term *hylomorphic*. It follows the thought of transcendental production primarily—

but not exclusively—in its definitive modern instantiation in the Kantian transcendental. The argument seeks to demonstrate that the productive aspect of the operator of transitive production is incompatible with the transcendental element, and that Kant was himself increasingly aware of this problem. The third *Critique*, under the rubric of an aesthetics, it will be argued, manifests this awareness in its problematic of a manifold of empirical laws. That this constitutes a difficulty for transcendent idealism means that the transcendental operators of the first *Critique* have failed to constitute experience in a relevant and important way. Furthermore, it is possible to see in some of the famous slogans of the third *Critique*, an indication of another mode of production which is immune to the difficulties of the axiom of transitive production. In conclusion I suggest that the consequences of this new mode of intransitive production, associated with materiality, is destructive of the thought of the axiomatic otherworldliness of production operators. Production is not *operated* at all. Some suggestions are then made as to the explanation of the error embodied in the axiom of transitivity.

These explanations draw on two hypotheses: one in Marx, and the other in Freud. The former is that of *exploitation*; the latter that of *narcissism*. According to the former a dominant class appropriates the productive energy of an exploited class and presents it as its own energy. According to the latter, a dominant mental agency (the ego) is constituted as a modification (under certain conditions) of primary productive (the id). My use of these theories is to argue that transcendental-theological operators are in the same position as the dominant class or the ego. Their productive energy *must* come from somewhere else, and this somewhere else cannot be productive in a way that reproduces the structure of transitive production.¹

Marx's theory is useful here also for a second reason, which directs the structure of the thesis. What distinguishes modernity, Marx argues, is that it is difficult to tell that energetic appropriation happens. Under feudalism, the dominant class, the aristocracy, appropriates surplus labour *directly* through the mechanism of serfdom: the serf is simply compelled to labour for the vassal lord for a certain proportion of the year.² Marx calls this the directly social nature

¹In chapter 7 I will suggest some shortcomings of Marx's account in the light of the argument about Kant.

²Although arbitrary and increasing proportion. See *Capital* Vol. 1 trans. by Ben Fowkes (London: Penguin 1976) pp. 347f.

of economic production. Under capital, however, the fetishism of the commodity makes it difficult to tell that energy is appropriated at all. Capital is *cunning*, indirect. Broadly, the fetishism of the commodity presents an exchange of equalities that is supposed, mysteriously, to be autonomously productive. This exchange structure, Marx argues, covers up the productive (and I would argue intransitive) base of capital. I suggest that the fetishism of the commodity may be aligned with the dominance of representation as the primary theoretical model of modern thought, and that it plays a similar role of covering up a profound complicity of modern thinking with primary production. Kant, again, can be seen as the most important apologist for the *coup* of representation theory, and its most important instance is the negativity of Kantian critique. According to this kind of critique, the exchange of equalities at the level of representation makes the representation of the unilateral and intransitive base simply impossible: as condition of equality and representation, the unequal and intransitive condition of representation is itself not capable of being (re)presented. The relation to the axiom of transitive production should be clear. Following this analysis of Marx's, I start the thesis with an account of a feudal energetic appropriation, that follows the same trajectory of decay from ideal hylomorphic production (creation) to material immanent production, but without the added difficulties introduced by representation theory. John Milton's epic, *Paradise Lost*, contains a relative disinhibition of thinking through poetry (itself not unimportant for Kant's account) which summarises and introduces the trajectory of descent that the rest of the thesis addresses in the work of Kant. The next chapters deal with the impact of representation on production (chapter 3); the importance of this for one selected recent example of neo-Kantianism (Saussure, chapter 4); Kant's own scepticism about his account of transcendental production (chapter 5); Kant's implicit alternative account of production (chapter 6); and the thesis concludes with a re-evaluation of the models of Marx and Freud in the light of the earlier analyses (chapter 7).

Chapter 2: Milton's Wilderness

Milton, who wrote *Paradise Lost* for £5, was an unproductive labourer.

Karl Marx, *Theories of Surplus Value*, Part I

Introduction

Plato's *eidōs* in fact contains two almost completely incompatible concepts of transcendence that feed into a Christianity equally imbued with two radically different Gods. On the one hand there is the originary thought of an absolute transcendence, the dream of an absolute stability, autonomy and independence: *autarkeia*. On the other hand there is the thought of productive efficacy. Plato makes the mistake of the West in trying to present these as one and the same: transcendence as the *ground* of production. Plato writes:

The Good differs in its nature from everything else in that the being who possesses it always and in all respects has the most perfect sufficiency and is never in need of any other things. (*Philebus* 60c).

And the thought is identical in Aristotle:

One who is self-sufficient can have not need of the service of others, nor of their affection, nor of social life, since he is capable of living alone. This is especially evident in the case of god. Clearly, since he is in need of nothing, God cannot have need of friends, nor will he have any. (*Eudemian Ethics* VII 1244b-1245b).

But the question is obvious: if God is self-sufficingly perfect, what need can He have of the world, escape from whose mire He represents? The more God's transcendence is valorised as a source of much-needed stability, the less can He be presented as the productive ground of just that world. Production, it seems, is about something else. The contradiction between these two thoughts is preserved through the Christian tradition in the notion of the transcendent but creator God.¹ Milton is in that part of the tradition that takes seriously the difficulties posed by this dilemma: he is under the influence of the Manichees, the Cabala, and the Gnostics. This chapter

¹Arthur O Lovejoy demonstrates this nervous co-existence of these two thoughts within Christianity, and especially in Augustine and Pseudo-Dionysius. His name for the second thought—of productive efficacy—is the 'principle of plenitude'. See *The Great Chain of Being* (Cambridge, MA: Harvard University Press 1936 & 1964), especially chapter 3.

shows that the standard theory of (God's) production—that it is both efficacious and transcendent (or in the vocabulary I develop here, efficient and *lucid*)—is subjected to an interrogation that becomes increasingly intense as Milton passes from his official theology to his poetic theology.

Irresponsible Creation

It seems obvious, theologically at least, to suppose that if God is the creator of the cosmos, He creates responsibly. Responsible production is indeed the canonical formulism of ideal production theory. The aim of this section is to show Milton makes the responsibility of God's production severely problematic. To define terms: a 'responsible act' is one that is simultaneously efficacious and lucid. That is, it is an act performed by an agent in which the consequence of the act is directly intended by the agent. In other terms, more reminiscent of Kant, the responsible act is concept-bound or rule-governed. The primary model for this type of action is evidently jurisprudential: one is responsible for those actions which one intentionally carried out.

Paradise Lost abounds with events which can only be described as irresponsible; that is to say, events which are not both lucidly intended and actually effected by the same agent. It is no coincidence that the first signs of disruption in the production theology of Milton's *Paradise Lost* come with Satan.² Satan engages in three irresponsible activities. The first is the birth of Sin:

All on a sudden miserable pain

²*Satan's* irresponsible actions are significant because Romantic readings of *Paradise Lost* have consistently suggested that Satan is the hero of the epic. Blake's comment in 'The Marriage of Heaven and Hell' (at Plate 5) that Milton was "a true Poet and of the Devils party without knowing it" (in *The Complete Poems* ed. Alicia Ostriker [London: Penguin 1977], p. 182) is only the most extensive of valorisations shared by, for instance, Shelley and Hazlitt. This romanticism is nevertheless an ambiguous move: on the one hand it records the efficacy of evil; but on the other it anthropomorphises the indifference of evil and matter. In effect I argue here that Chaos is the hero of the epic (although the term is clearly inappropriate by this stage). Satan's *individuality* and subjectivity, his anthropomorphic character, has often been remarked by Marxist critics (see e.g. Catherine Belsey, *John Milton: Language, Gender, Power* [Oxford: Blackwell 1988] pp. 85f.). chapter 7 shows that to the extent that subjectivity is at issue at all with Satan, it is the *unconscious* rather than bourgeois subjectivity that is at stake. See below pp. 182ff.

Surprised the ... till ...

Out of thy head I sprung. (II 752-8)³

she reports.⁴ Satan's surprise registers this as a production not governed by him and not intended by him. The second instance of irresponsible creation is the construction of the bridge across Chaos after the successful seduction of Eve. Sin and Death address Satan thus:

... these are thy magnific deeds,

Thy trophies which thou viewest not as thine own. (X 354-5)

In both of these cases, Satan is producing unintentionally (whether the consequence is welcomed by him or not); he is thus creating irresponsibly. The last similar case of such activity on Satan's part is more complex. It is the origination of evil: Satan is the "Author of evil unknown" (VI 262). This must have been unintentional since if Satan had known what he was doing in creating it would not have been "unknown".⁵ This is a more difficult case because it broaches the general issues surrounding the problematic of evil in Puritan theology, and especially the doctrine of the *felix culpa*. Nevertheless, one can at the very least say that it is irresponsible: Satan did not consciously intend to create evil, it is at best an unintended by-product of a responsible action: that of his more or less carefully planned rebellion against the tyranny of God.

This is the most unsophisticated, and today familiar, example of irresponsible creation: the unintended consequence. It is irresponsible, from the definition: the agent of the act has no definite concept of the product, the creative act is not subsumable under a general rule for the production of such objects, etc. But it decomposes into the unintended by-product of another action which *is* responsible. This is not the case for the second irresponsible agent of *Paradise Lost*: Milton himself.

³References to *Paradise Lost* are to the book numbers of the second (expanded and now accepted) edition, and then to the line numbers.

⁴Satan has actually forgotten these events; his memory is nudged by Sin's own recollections. See II 727ff.

⁵This is radicalisation of the problem faced by Adam and Eve in understanding the nature of the sanction of death for disobeying God's orders; paradisiac, they do not know what death is to be warned of it (IV 423, IX 282; 694).

Milton's irresponsibility is in fact endemic in the epic. His interventions in the narrative schema of the poem are complex and ambiguous, but here I want to focus on one such set of interventions, the invocations. These occur at the beginnings of Books I, III, VII and IX. In these he performs (among other things) a theoretical justification of the mode of production of the epic itself. The first thing to note about these passages is that they are traditional; but not in the sense of traditional Christianity; rather they represent a continuation of the *pagan* (classical) tradition of poetic inspiration.⁶ This causes the classically trained but equally Puritanical Milton not a few problems (see note 8 below). How can Milton appeal not only to a pagan system of thought—as he does in the invocations, but also, famously, almost everywhere else as well—but specifically to a pagan *muse* (whom he names in the third invocation as “Urania” (VII 1)? And this, moreover, in an epic not only devoted to Christianity, but even to the legitimisation of Christianity: to “*justify the ways of God to man*” (I 26)?

I want to note here first the general significance of the tradition to which Milton belonged; then to specify the advances that Milton makes within the general structure of this tradition; and then suggesting what consequences the attempted merger of the pagan and the Christian has in this context.

To begin, the general significance of the tradition is relatively easy to state. In terms of production theory, the tradition of musal inspiration is a case of irresponsible production. What the classical thought suggests (and this goes back at least as far as Plato's *Ion*) is that the author of the work of art does not lucidly, intentionally and efficaciously produce the product *qua* artwork. Instead, the author acts as the conduit for an intention which surpasses the apparent author, an intention located precisely at the level of the muse. Supposed authors, in an important sense and an equally important formulation, *do not know what they are doing*, in producing the work of art. This *is* important. It is, in fact, not just an instance among others of irresponsible production; it also embodies a significant theoretical element. The bare evidence of irresponsible creation is just the existence of an act performed by an agent (often otherwise lucid) the concept for which we cannot in this case justifiably locate in the consciousness of the actual agent. The ancient account of inspiration goes beyond this—and is to this extent theoretical—in supposing

⁶Of course the pagan is also at issue in Satan's irresponsible productions whose force is something like the *anagnorisis* of Aristotle's analysis of tragedy.

that the mere fact that artists cannot be held responsible for the work that they produce warrants the introduction of *another* agent who, whilst being the locus of the intention, actually *does* nothing. To describe this situation, I shall introduce the vocabulary of the supposed agent to refer to the physical locus of the act; and the virtual agent to refer to the newly posited (dare one say *fictional*?) locus of the fugitive intention or actual *creative capacity*.

We can briefly note that this is once again today a very familiar idea. The Romantic notion of the *genius* evidently has a strong connection to inspiration. Kant's theorisation of this thought for the German Romantic movement will be vital in the considerations of chapter 6 where the third *Critique* will be dredged for evidence of a suppressed materialist production theory. But also, it is far from clear that more modern theorisations of literary and artistic production have come fully to terms with this Romantic heritage. Marxist and Freudian readings of literary texts take this irresponsibility for granted; but even (post)modern theorists are operating with this classical dialectic of fugitive productive capacity. The structural movement locates the purported space of such creative capacity in linguistic structures (the structures of consciousness writ large, and hence unconsciously); and the negative critical impetus of deconstructive critique locates this capacity in a semi-impossible space of quasi-transcendental efficacy. The argument of this project will be to show that this theoretical impregnation of the bare evidence of irresponsibility, which starts with the notion of inspiration as deployed by Milton, is in fact, erroneous. The interpretation of irresponsibility made by the thought of inspiration is incorrect: there is no lost intention, and hence no need to posit either its displacement, or the locus for that displacement. There is still, one might say, a certain *nostalgia* for the loss of this intentional capacity, as if it could somehow, and perhaps only impossibly, be *made up*, on heaven if not on earth. But already the Platonic knot binding production to transcendence is beginning to loosen.

Given this general background, how then does Milton mobilise this theoretic of irresponsible creation? Milton's particular realisation of this idea is striking mostly because of the *extent* of Milton's abjection before the Muse. If the essential structure of inspirational irresponsible creation is that the apparent agent is the *tool* of the real agent, then Milton must have readily enjoyed being used and manipulated in this way. The final invocation in Book IX of *Paradise Lost* expands self-consciously upon the mechanism of inspiration (as well as describing a somewhat libidinal encounter):

...my celestial patroness, who deigns
Her nightly visitation unimplored,
And dictates to me slumbering, or inspires
Easy my unpremeditated verse (21-4)

In this depiction, Milton goes beyond a refined gesture toward a classical formalism of which he is nevertheless obviously fond. He achieves instead a kind of limit case of inspiration: the actual transcription of someone else's words. All inspiration is involved with the abrogation of responsibility for the product on the part of the apparent producer or agent. But in this instance, the abrogation achieves such an intensity that one can scarcely call Milton's agency that of an actor at all—whether real or apparent in the technical senses introduced above. It appears rather as agency in the sense of agent *for* someone else. The source of inspiration is thought as the location of the rule, factor or plan which governs the production of the work and which remains in a relation of *complete* exteriority to the apparently producing subject. This is evidently an example of irresponsible creation; but it also shares with the notion of inspiration the interpretation of irresponsibility which defers the supposedly missing intention. The absence of such a rule in the actually efficacious agent (even if introduced only through the conventions attaching to the classical epic form) is seen as demanding the positing of another in which to locate the rule. This is what restricts the producer to the role merely of the agent *of* the other. The transcription of another's words as the constitution of the production of art supposes such an utter submission of the supposed author before the will of that other that it becomes more than merely irresponsible, it achieves the rank of pure zombie-ism.⁷

The third aspect of Milton's account, the merging of the pagan and the Christian, is the most interesting. There has been much scholarly debate about the intertwining of pagan and sacred

⁷William Hunter and Steve Davies, in their article 'Milton's Urania: "The Meaning, Not the Name I Call,"' (reprinted in William Bridges Hunter, *The Descent of Urania: Studies in Milton, 1946-88*, London & Toronto: Associated University Presses 1989) describe this state as "dæmonic possession ... The Muse now possesses him as his automatic companion" (p. 37). Indeed Milton himself uses the model of possession in his personal papers. See James Holly Hanford, 'That Shepherd, Who First Taught the Chosen Seed', *University of Toronto Quarterly* viii (1939) pp. 414f.

references in the invocations.⁸ However, what is assured, and all that is necessary here, is that Milton effects a slippage from the classical muse to the monotheistic God. In the first invocation especially, where he does not specifically invoke Urania, the appeal is made directly to God in the form of the Holy Spirit. He writes of “the *heavenly* muse” (I 5), and addresses his orison thus: “chiefly thou O *Spirit*” (I 17, italics added).

This is problematic: Milton is going beyond a conventional analogy of the authorship of world with authorship proper, of the text.⁹ The assimilation he proposes provoked an outcry among contemporary critics who condemned “such saucy familiarity with a true God.”¹⁰ In fact the clear implication is that he is *identifying* the source of the creation of *Paradise Lost* with the source of the creation of the world, and directly imploring God to re-create in the epic of His creation. By eliding the Pagan and the Christian, by appealing to the Muse as God, Milton puts the creation of the epic on the same footing as the creation of the universe. One can see the interest of this. The conventional analogy, which has not been thought through enough, implies that the creation of the cosmos is, like that of the inspired classical text, *not responsible*.

This is evidently a very interesting result. But surely it is misplaced. The essential thing about the structure of the irresponsibility of inspired acts is that they are mediated. For there to be a distinction between the apparent and virtual agents of an act there must be two such agents. But in the creation of the cosmos, God is usually thought to have created directly and without mediation; only in the case of artistic inspiration does God create through an agent, and hence irresponsibly. This is, however, in Milton’s account, not the case. Milton clearly and explicitly makes cosmological creation share the same mediated structure as artistic creation. And thus, the

⁸See for instance Walter Schindler *Voice and Crisis: Invocation in Milton’s Poetry* (Hamden, CN: Archon Books 1984) who remarks on “a long tradition of anxiety about invoking a pagan muse ... among Christian poets” (p. 6); and ER Gregory (*Milton and the Muses* Tuscaloosa & London, University of Alabama Press 1989, pp. 94f) or Davies and Hunter (*ibid.*).

⁹The generalised—and rigorised—form of this analogy prompts Kant to treat aesthetics and teleology in the same work. See chapter 5.

¹⁰Davenant, cited in John B Broadbent *Some Graver Subject: An Essay on “Paradise Lost”* (London 1960) p. 67.

strong analogy stands. Amongst Milton's heresies is the Arian.¹¹ In its extreme forms this heresy was the denial of the divinity of the Son. Milton, however, held, and increasingly throughout his life, a reduced form of this which maintained the divinity of the Son; but asserted his separation from God the Father. This is very significant here because, in the epic, God delegates the actual production of the world—to the Son.¹² Thus the two creations—cosmological and artistic—are brought directly into contact with one another. In both cases God acts (if this is an appropriate word) *only* as the planner of the productions; in both cases there is another agent who involuntarily performs the activity. Milton and the Son: God's pair of zombies. Both creations are, in this extended sense, irresponsible. The irresponsible creation of the world is a thought pregnant with consequences. It is the first hint of an alternative mode of production which comes to infest even the core of theological presumption.

William Empson, in his fine pagan and Oriental book on *Paradise Lost, Milton's God*,¹³ argues that Milton's Arianism is motivated by a basic moral concern. The danger which Milton faces, and which makes him see the project of justifying the ways of God to man as a project, is that God turns out to be wicked. For Milton to think that *God* needs (moral) justification before man *contra* the tradition of man needing to be justified before God, demonstrates that Milton thinks it is at least possible that God is evil. Where Empson emphasises the *moral* aspect of responsibility, I want to do the same with the productive aspect. Thus Milton tends, on Empson's

¹¹It is notoriously difficult to classify Milton's heresies; they were worked out (like those of many of his contemporaries) in the exciting vacuum of the Interregnum, taking advantage of the absence of ecclesiastical authority, and the flourishing of ancient heretical doctrines whose history is opaque; and, in good Protestant (*sola scriptura*) spirit, often from basic exegetical work on the Bible. The results do not fit the established categories of traditional heresy. Perhaps Milton is not an Arian exactly. What is clear, and *apropos* here, is that the Son is not essentially one with God that and the Son is the instrument of creation. See *The Complete Prose Works of John Milton* under the general editorship of Don Wolfe, 8 Vols., New Haven, London & Oxford: Yale University Press & Oxford University Press, 1956-82 (references in the text are to page numbers of volume 6, edited by Maurice Kelley which contains a translation of the *Christian Doctrine* by John Carey), p. 88.

¹²“And thou my Word, begotten Son, by thee / This [the creation] I perform; speak thou, and be it done!” VII 163-4.

¹³London, Chatto & Windus, 1965.

view, toward a separation of God the Father and God the Son in order to deprive God of a moral responsibility which would make him both ugly and culpable; I shall argue that Milton's Arianism is motivated by an uneasiness with the possibility that God be responsibly productive at all, and in particular, a scepticism about whether God can be simultaneously lucid and active. It is, however, not at all clear that Milton can solve the problem of the productive modality of the creation by appealing to the theoretical structuring dictated by the analogue with artistic creation. The basic problem is that it looks like a logical regression. In the case of the artist it is at least feasible to interpret theoretically the evident failure of the artist to be responsible for artistic productions as the displacement of the locus of such responsibility onto the muse (or God). In the case of *the* creation, this move is not so easily made. If God is the creator, then He must create *everything*. And this, *prima facie*, at least, includes the Son. Thus the possibility of God engaging in a fully lucid and efficacious (that is, responsible) act of creation devolves onto the creation of the Son.

This is made particularly problematic since, although Milton's private theological writings (which were not published until modern times) indicate that he was an Arian at the time of writing *Paradise Lost*, the intricacies of Restoration politics made it impossible to be clear about this in the published epic itself.¹⁴ However, there are evidently only these two options: that the Son be created or not. The created option is itself unstable.¹⁵ *If* He were created, then what was the mode of *that* production? *If that* mode were fully responsible, i.e. God had both the concept for the Son *and* produced Him out of His (God's) own creative power, then the whole problem

¹⁴When Milton begins the second invocation in Book III with: "Hail, holy Light, offspring of Heaven firstborn, / Or of the Eternal coeternal beam", he is clearly equivocating. The first line argues the producedness of the Son; the second denies it.

¹⁵This argument degenerates into an arcanum on a heresy. Perhaps this is the point: by shifting the important moment of the argument onto something as seemingly irrelevant as the mode of production of the Son; Milton can evade, rhetorically at least, having to deal with it. The evidence that exists in the epic suggests that the Son, if created at all, is created irresponsibly. This evidence is the triple analogy between Satan's production of Sin (irresponsible), Zeus' production of Pallas Athene (irresponsible again) and God's production of the Son (analogically irresponsible). This in fact tends to indicate that God is Himself, in His only now directly productive act, the agent of another (this is the model of irresponsible creation).

collapses into God *qua* responsible creator. And then, of course, one has to wonder why Milton made the separation in the first place. That is, this option generates no *motivation* for Milton's Arianism.¹⁶ If, on the other hand, this too is an irresponsible creation, then it too must have been mediated; and this clearly generates a regression which, if it is not to be infinite, must break down into a fork where the mediating agent of the irresponsible production is itself uncreated.

If the Son-creator (or whatever mediating agent is left; the Son evidently inherits His creative power from this agent and not from God) be uncreated, then we are left with a God in the somewhat compromised position of full lucidity combined with omni-impotence; a God who can think everything, but actually *do* nothing. Furthermore, the Son begins to be something of a rival to God. No longer properly the Son, not having been created, this Being would be a separate power from God, rivalling Him in the manner of a Manichean dualism. In fact this Being would be the *only actual power*, and God—this virtual God—would be incessantly dependent upon Him for the sullied capacity to perform. The fleshy incarnation of the Son would then become His prime characteristic. The new Son would be the representative of a corporeal or material capacity to create, lacking only the ordering potential of the Father. This new Son would be the first representative of active matter; thought, initially, perhaps, as unformed activity.

I want here to suggest another option: that the whole interpretation or theory of irresponsible creation, lodged in the model of irresponsible authorship is itself wrong. The two options above would then have the status of being two forks of a triple *reductio ad absurdum*. If the irresponsibility of creation is to be thought on the model of a displacement of responsibility then *either* God is unable actually to *do* anything; *or* the regression of agency would be unlimited—infinite regression. If these two forks are unacceptable, then the premise must be false. Therefore production-creation cannot be thought according to the displacement of an absent intention.¹⁷ If

¹⁶This holds as much for Empson's version of responsibility as for mine.

¹⁷Perhaps in fact an infinity of displacements of intentional transitivity is a sort of asymptotic way of understanding the intransitivity of creation-production: an infinite regression tending in a calculus-like manner toward the intransitivity of fully and blankly irresponsible creation. This suggestion might be compared with the proliferation of *archontes* in Gnostic theology, which remove God so far that at the limit He disappears altogether. Freud comments on the notion of endless series: "We have learnt from psychoanalysis ... that the notion of something irreplaceable ... frequently appears as broken up into an endless series: endless for the reason that every surrogate nevertheless fails to provide the desired

Milton is on to something in proliferating examples of irresponsibility through the epic; if this is responding to some implicit problematic around the notion of *the* creation, then perhaps the theorisation of irresponsibility as a *lack* of conceptual lucidity which must be made up elsewhere, in another posited agent, the virtual agent, is only an approximation for something else. Rather than supposing that *our* incapacity to explain what is going on in certain situations—our *need* for a concept, rule or intention where there does not appear to be one—demonstrates that we just have not yet *found* the intention (and that therefore we must posit it in another place), we might instead suppose that creation *does not happen consciously at all*. This nostalgia for something lost is, as I have suggested above, still prevalent today. As yet, this something else can only be thought negatively: creation without concept, rule intention and so on. One might call this *blank* irresponsibility. In fact, the characterisation of this is not completely negative. It already comes across as power or force, some actual efficacy (as opposed to God's lonely and transcendent isolation). The next section will take another of Milton's heresies and use it to start to fill out a positive characterisation for this efficacy, or mode of production, through the notion of materiality.

Creation and the ex nihilo

Milton denies that God created the world *ex nihilo*, out of nothing; and hence introduces a concept of prime matter into his heretical theology. The argument is simple, and Milton's discussion of it speaks for itself. He writes:

... it is certain that neither the Hebrew verb *bara*, nor the Greek κτίζειν, nor the Latin *creare* means "to make out of nothing." On the contrary, each of them always means "to make out of something."... It is clear then that the world was made out of some sort of matter. For since "action" and "passivity" are relative terms, and since no agent can act externally unless there is something, and something material, which can be acted upon, it is apparent that God could not have created this world out of nothing. (pp. 304-5; 305; 307).

So far Milton is not necessarily registering any novel move: the Aristotelian input into Christianity had dictated not just a general adherence to hylomorphism (the doctrine of form and

satisfaction." ('A Special Type of Choice of Object made by Men: Contributions to the Psychology of Love I' PFL 7:236).

matter), but also had led even Augustine to think of the prime matter of the universe as at least a problem. What *is* novel is Milton's reliance on the general—grammatical and structural—transitivity of creation. This deprives him of Augustine's solution (which is also the traditional one) to the problem: that is Milton can no longer easily argue that this prime matter was simply created by God at some earlier, and unspecified, point.¹⁸ If creation is *essentially* transitive then the creation of this prime matter of the creation of the cosmos would itself demand the prior existence of yet another matter out of which the first matter must be created. The danger of an infinite regress is obvious; and Milton was aware of this difficulty. However, the most obvious solution, that matter exists co-eternally with God, comes dangerously close to Manicheanism; and this was also unacceptable to Milton. Thus Milton has to steer his thinking between a rock and a hard place. He does it thus:

Since, then, both the Holy Scriptures and reason itself suggest that all these things were not made out of nothing but out of matter, matter must always have existed independently of God [i.e. dangerously close to Manicheanism], or else originated from God at some point in time [i.e., on the face of it, have been itself *created* at an earlier point]. That matter should have always existed independently of God is inconceivable [i.e. Manicheanism is heretical and must be rejected]. ... But if matter did not exist from eternity it is not easy to see where it originally came from [!] [i.e. it could not have just been created, since the argument would demand a regressive type of proto-matter etc.]. [Thus] God produced all things not out of nothing but out of himself [i.e. matter is, substantially, one with God] (pp. 307; 310).

Milton's solution to the dilemma of course pretty much vitiates the point which led him there in the first place, the point about the transitivity of creation: if the matter out of which the creation proceeds is *the same thing as God*, then it is really unclear that this creation still counts as transitive. Nevertheless, this solution is not without interest. Its relation to Spinoza's God is engaging, as is the implication of atheism which such a similarity provokes. Here I want to note two things. First, there is a similarity in the *problem* which Milton faces concerning matter with the structure of the problem he faced over the apparent irresponsibility of creation analysed in the previous section; and second, that Milton, in the poetry, and especially, *Paradise Lost*, contests the solution provided in the theology.

¹⁸Augustine's argument comes in the *Confessions*, Book XII, §22.

First: the structure of the problematics that Milton responds to in both these cases is strikingly similar. *If* he is to do justice to the (concealed) demands which motivate these problematics, then he is forced into accepting grave limitations on God's creative-productive power. The first case, that of the irresponsibility of the creation, forces Milton into thinking the Son as an autonomous area of efficacy (and God himself as little more than an infinitely efficient manager who delegates all actual tasks onto the Son). The only other solution is to push back the problem of the essence of God's creation onto the creation of the Son; and this in turn breaks down into a regression if this creation is itself irresponsible, or into a denial of the problematic if this creation is itself responsible (why not just make the creation itself responsible? see above). Similarly here, Milton is forced into acknowledging the threatening presence of a prime matter independent of God. To make this matter created evidently just pushes the problem back into a regress which can only be stopped by an *ex nihilo* creation or by a prime matter. Milton's own solution, in so far as it is forthcoming at all, is, in neither case, particularly compelling.

Furthermore, the problems intersect actually and not just structurally. God appears to be limited crucially from both ends: He is on the one hand faced with an intransigent materiality whose opacity escapes Him, and on the other with a power or capacity to act (presumably on this very materiality) which is itself both independent of Him and autonomous. Power and matter both being fugitive to God, His presence recedes into a virtual space of pure consciousness and utter ideality as incapable of acting as of acting *upon* anything. This is a profound insight into the nature of ideal production on Milton's (implicit) part.

Second, concerning the relation of Milton's poetry (or poetic theology) to his (prosaic) theology, I have already disregarded Milton's theological suggestion for the solution to the second dilemma (of materiality). But it is not clear that it is even his preferred solution. I would like here to reiterate the importance of a distinction between prose and poetry. Prose, or theory (here theology) is the domain of a thinking constrained, almost transcendently, by an ideal rigor, of logic (the principle of non-contradiction, for instance) which renders it *inhibited* in the face of the unknown. Poetry is, although not in a complete or necessarily thorough-going way, an attempt at disinhibition in the face this danger. Thus, the original presence of materiality could not be proclaimed propositionally in his theology: it would have amounted to Manicheanism; and that was one heresy too far for Milton. But prime materiality *is* present in his poetry. This materiality

goes under the various names of (Eldest) Night, the vast abrupt, the abyss, and most often of all, under the name Chaos. Moreover, Milton writes this of base matter in *Paradise Lost*:

... the wide womb of uncreated night
Devoid of sense or reason. (II 149-151)

Here everything is said at once: the context is exploratory, Satan is setting off on his voyage across Chaos to the 'New World' (this one—but the resonance is obvious), into the unknown; matter is presented as the origin of nature (I will discuss this later). Matter is unreasonable, and, most important here, uncreated. The materiality which traverses and transects the pages of the epic is not even pretending to be that of Milton's theological tract, at one with God's (ideal) substance; this matter is explicitly, although poetically, *aboriginal*. It, like the Son (or agent of God in general) vies with God explicitly: in the beginning, God is not alone.

Milton's Wilderness

In this section looks more closely at materiality and production in *Paradise Lost*. The aim will be to demonstrate that Milton's thought of matter is indeed a productive one (in both senses).

Further, its mode of production is that of the blank irresponsibility indicated as a line of thought in the first section. This section will, then, attempt to *synthesise* the thoughts of irresponsibility and materiality which were the problematics of the previous two sections.

Before doing this, however, it is vital to recognise the heterodox constitution of such materiality. Matter has been, at least since Aristotle, merely the absence of form; as such it was already an abstraction. Milton carefully deploys the traditional hylomorphic distribution of labour between form and matter in his prosaic theology: form is active (in creation); and matter is patient. This traditional formulation has already been under attack: how far is God actually active if he is merely a planner, an *intellectual* labourer? Nevertheless, this conception of materiality is an extremely common and powerful one, extending from Aristotle through Pascal into Kant and beyond. Nor is it absent from Milton's poetry (poetry does not *need* to be consistent). Milton writes in *Paradise Lost* of "the void and formless infinite" (III 12); "the formless mass, / This world's material mould" (III 709-10); "Matter unformed and void" (VII 233). I shall introduce the technical term dead matter to refer to this traditional conception of materiality.

There is, however, another kind of matter which infests the epic. A startling introduction to this is made at the beginning where Milton glosses briefly (in the course of the first invocation) the

first verses of Genesis. The register is that of the sexualisation of hylomorphism (itself utterly immersed in the tradition; it is the first ‘metaphor’¹⁹): spirit, ideality, form, and God are male in their apparent activity; and matter is gendered female in its apparent passivity. This distinction is troublingly dislocated when Milton writes of the Spirit that it:

Dove-like sat’st brooding on the vast abyss
And madest it pregnant. (I 22-3)

Here the “vast abyss” is the representative of matter; and “Spirit” is the formative principle and subject of the citation. But within the space of only two lines the genders are confused: Spirit is obviously masculine and matter feminine in the impregnation of the last line, but the dove “broods”,²⁰ which is already both to conceive or meditate and also to nurture an already teeming matter. The bizarre implications of this last are made clear in the next Book. There the preliminary confusion of the division of creative labour is converted into a complete vitiation: in Book I God has to impregnate unformed matter with Its (His) form, to make it (her) pregnant; but by Book II It (He) discovers that it (she) is in fact already pregnant: “All these [elements] in their *pregnant* causes mix’d” (II 913, italics added). This scene of God’s cosmic cuckoldry is dramatically as well as cosmologically compelling. It points to the notion of active matter.

Actually, the notion of cuckoldry here is only approximate. It is not that God has been duped, and one of His peers (Lancelot-like) has impregnated matter, rather than that God Himself performed the impregnation of matter, as it were, conjugally. This would be no more interesting than a substitution of operators. Instead, the point is that matter is itself imbued with an activity which *has nothing to do with form*. There has been no cuckoldry, then, in which the terms of masculine activity and feminine passivity remain, with only the operator changing. Instead what has occurred is an unseating of the structure of hylomorphism and its attendant sexualised division of creative-productive labour which has been replaced by what amounts to a parthenogenic seizure and reconfiguration of the means of (re)production.

¹⁹Plato, *Timaeus* 50.

²⁰Milton is referring to Genesis 1.2 and correcting what he regards as a mistranslation in the Authorised Version with reference to the Vulgate *incubat*. At VII 234-5, in the section of the epic depiction of creation corresponding to this passage of Genesis, he makes the allusion evident: “... but on the watery calm / His brooding wings the Spirit of God outspread”.

These gender dynamics of materiality provide, however, only Milton's first revelation of active matter. There follow a number of others. The first, and most extensive, is in the scene of Chaos that Satan faces in his heroic explorations at the end of Book II. A second, and what one might call *intensive*, intervention is in the wilderness. I shall take these in order.

First, let us take the presentation of Chaos. Between lines 889 and 1037 of Book II, Milton gives a precise and extended description of Chaos and old Night, the primary representatives of active matter in the epic. The passage is based on the opening of Ovid's *Metamorphoses*, and has its ultimate ancestor in Anaxagoras. It borrows from Ovid a martial register: "endless wars" (897) whose protagonists are the elements themselves ("Hot, Cold, Moist and Dry" 898). The locus of this war is fluid: an "illimitable ocean" (891) through which Satan must fly (928). However, Milton is sensitive to the problem of the constitution of a locus which presupposes the combatants (the elements): the space in which this battle occurs cannot be itself fluid when the elements themselves *constitute* fluidity. Milton pays attention to this by citing the indeterminacy of the space for the combat: "neither sea / Nor good dry land" (939-40). However, the difficulty is evidently more radical than this. The elements themselves are not quite elemental. In a departure from Ovid who references them as "things [*rei*]", they take on Milton rather the dimension of forces, or as Milton writes: "causes" (913). Even this does not go far enough: they are rather pre-forces: "embryon ... causes mixed / Confusedly" (900; 912-3). And in the end Milton is in fact compelled to deprive them of even this solidity: "neither Sea, nor Shore, nor Air, nor Fire" (912).

Similarly, the character of the war at issue here must be removed from concerns of territorial gain (there is no territory); and even from the (rational-technical and teleological) notion of gain itself: the proto-combatants "Swarm populous" (913) and factional victories are essentially unstable: "To whom these most adhere / He rules *a moment*" (906-7, italics added). Milton here accelerates the teleological presuppositions of warfare to such an extent that the very thought of a *goal* of warfare becomes absurd. He presents us with a speeded-up film, generated though time-lapse photography of the aristocratic warmongering of Early Modern Europe, which thereby loses the meaning it has at a slow anthropomorphic pace. To be doubly anachronistic, it is a militarism lodged more in Sun Tzu than in Clausewitz.

What is at stake in this confusion (which Milton deploys apparently consciously)? The problem that Milton is facing here is that of (characterising) radical materiality. Chaos (which is a term for prime matter) is a materiality which is more material than the empirical (here represented by the term Nature); more, it is beyond even the *terms* of nature, beyond the field or site on which Nature plays itself out. Milton elaborates: Chaos is

...without bound,

Without dimension; where length, bredth, and highth,

And time, and place, are lost; where eldest Night

And Chaos, ancestors of Nature, hold

Eternal anarchy ...

The womb of nature, and perhaps her grave (891-4; 910)

Chaos, prime and active matter, is prior (in some sense) to nature. Indeed, one might go so far as to describe this priority as a transcendental one; both in the sense of Kant's noumenon, exterior to nature *qua* phenomenon; and also as *condition* of nature. Chaos exemplifies therefore the notion of material condition. This explains the movement of Milton's vocabulary: he is avoiding reducing this active matter to the dead matter of the tradition which is inscribed abstractly in the ambit of nature. Most particularly here, he attends to the fact that the mode of production of Chaos or active matter *cannot be that of natural production*. This is an important point: natural or empirical production is, as a part of the empirical, a consequence (of a certain type) of Chaos whose mode of production or activity cannot therefore be the same as that of the natural. In this characterisation of the wars of the elements in Chaos, Milton achieves a more rigorous, although still paradoxical, theorisation of the interrogations of irresponsible creation.

To summarise: Milton's characterisation of Chaos in *Paradise Lost* unites the characteristics both of irresponsibility in active creation and of prime, that is pre-natural, materiality, which were the subjects of the preliminary investigations of the problematics of artistic production in its relation to the creation and the theology of the *ex nihilo*. There is no hint, in the prose theological writings, of this move. Matter there is seamlessly and uniformly thought as dead, passive. What I hope to have demonstrated here is not only that Milton has a preliminary characterisation of the activity of this matter in the poetry, but that he has one which does not even reduce active matter to unformed activity. The deformed military vocabulary of the depiction of Chaos demonstrates at once the pre-empirical materiality of Chaos, and its auto-morphogenic capacity. Matter, *qua*

Chaos, is not just active, but also demonstrates mobile traits of semi-formality, fluid coalitions of radical elementalities which coalesce and disperse in a proto-morphic manner. The objectality of nature is dispersed, but not broken up in a pure nothingness. The accelerated swiftness of these transitions approximates to a conception of becoming which aims, intentionally or teleologically, at no particular outcome, but which nevertheless acts and produces.

It follows rigorously that the mode of production of the pre-empiricity of Chaos cannot be modelled on a form of natural production (whether casual or teleological-intentional). But this would be a merely negative formulation. From the start, Milton resists such negativity. Even in the interrogation of irresponsible creation, he demands that irresponsible production be thought positively. His venture there at positivity, however, comes down to a desperate attempt to find some acceptable space for the fugitive intention, which, it is assumed, must be there, for there to be action at all. (One might present this as a consideration in the need at all for a God: site of supposedly lost intentions). The consequence of this is, as we have seen, that this space, God, turns out not to be able to act at all. But Chaos presents a further positive characterisation which appears to demand no intention. There is no lost intention, no intention at all; and yet, there is activity, production. To conclude this discussion on another anachronistic note: Milton's Chaos bears more relation to what recent science has designated by the term, than what is commonly designated: Chaotic activity is precisely the site of production of formality, and not its lack. There is no lack in Chaos.

To take the second positive characterisation of materiality and its mode of production: the full extent of the infestation of active matter—both its conceptual innovation and its prevalence in Milton's text—can best be demonstrated by an analysis of the *wilderness*. The wilderness in general occupies a double positioning in the cultural theology of the frontier, especially in the minds of the early American Puritan settlers. It is on the one hand the Atlantic ocean, the space of trial, test and temptation through which the settlers travelled in order to reach the new promised land; but it became, on the other, that land itself: the densely forested regions of New England providing an analogue for the ancient Northern European forests, the annihilation of which was always the primary condition for European culture.

In Milton similarly the thought has a double valency; although one which can only be approximated by the problematic elision of means and end which troubled the settlers. *Paradise*

Regained is located, according to tradition, in the wilderness and it is treated as a (meta)physical space. In *Paradise Lost* however, the wilderness is most evident operating in an adjectival way, closely bound up with a set of other irruptive adjectival terms supplementing and distorting the biblical and barbarian localisations and connecting the vocabularies of external and internal topology: wild, wanton, waste, outrageous, extravagant. The two uses correspond to the contrast between the desert and the forest; and more generally between the space, or realm, and the non-spatial or adjectival frontier. The difference between the wilderness as desert and as forest, is the difference between Christian and pagan, is the difference between dead and live matter.²¹

Chaos is the matter out of which the civilised church must be formed or created; it is the universal wilderness. It is therefore unsurprising that chaos merits (repeated and prolonged) description as wild: it is “a wild abyss,” “Dark, waste, and wild;” “chaos wild;” “Outrageous as a sea, dark, wasteful, wild;” the “waste / Wild, anarchy of Chaos, damp and dark.”²² Nor is it particularly shocking that Hell should be a “dismal situation waste and wild” (I 60). Indeed, it is the wildness of these which informs the unconstrained activity that itself increasingly threatens to deprive God’s creation of its power. But it is more provocative that every other cosmological and mundane *topos*, including the interior one of the brain²³ should also be depicted from the same range of vocabulary. Thus “There is wild work in heaven” whose obvious ascription to Satan’s rebellion is vitiated by the “extravagant and wild” dance which even the elect angels perform (VI 698; 616). And, most interesting of all, the prelapsarian state of Eden is one where:

[Nature] Wanton’d as in her prime, and play’d at will
 Her virgin fancies pouring forth more sweet,
 Wild above rule or art. (V 295-7)

Wild above rule or art: the luxuriance of nature partakes of the same unbounded activity as that of “the womb of nature” (II 911), chaos. Milton immediately refers to Eden as “Earth’s inmost womb” (V 301), recalling the exact formulation of his description of Chaos. The running to wild of this garden produces free formations of growth which are not incompatible with the mobility

²¹For all this see Roderick Nash *Wilderness and the American Mind* Revised Edition (New Haven: Yale University Press 1973).

²²II 917; III 424; V 577; VII 212; X 282-3. This does not pretend to be an exhaustive list.

²³*Paradise Lost* V 100f.

and flexibility of the elemental surges of chaos; it is imbued with modulations of the extravagance of the wild which are of relative intensity and not of type (as between form and matter). And, what is most to the point, this mode of activity is precisely that of *Nature*: nature does not act in accord with natural (responsible) production. This is the significance of the adjectival, counter-territorial character of the wild(erness): this mode of activity infests everything, even the loci from which it is supposed to be absent. This is a particularly interesting result. We start out from a model of natural or empirical production, specifically here that of responsible intentional creation. Next we find that this mode does not explain creations which are, in a set of significant instances, irresponsible. Then we find that even the recuperation of responsibility in the displacement of the supposedly fugitive intention onto another, virtual, agent, does not work either; instead we find that there is a pre-empirical materiality which demonstrates both irresponsible production and *needs* no further locus added on in thought to explain what is going on. Now, finally, we find that nature (or the empirical) itself, the supposed model for production is not natural either; that is to say, nature demonstrates, in this instance, the mode of production of Chaos, of the pre-empirical.

The phrase ‘Wild above rule or art’ requires particular attention. The wild(erness) is that specific type of (material) activity which transcends (in the everyday sense) both the rule or concept of active production—that is to say, the intention—and cannot be reduced to *art*. Thus the mode of activity of the wild(erness) is precisely a mode of *irresponsible* activity which does not presuppose the positing of such an intention in the mind of an equally posited entity who would recuperate the irresponsibility (converting it ultimately into an automatic zombie-ism) by being the implied or virtual subject of the action. This is an extremely important passage. In fact I am going to treat it as the definition of the wild(erness).²⁴ It demonstrates that Milton has a concept of production which is explicitly unimpeded by intentionality and responsibility, and one which he also explicitly states is above the artistic mode of production, i.e. is not reducible to the action of a displaced intention. The ubiquity of this mode of action (or production) ought to provide the resources not only for explaining the other modes of activity, and hence of solving the regressive problems with which Milton grappled more or less openly, and which are here given weight; but also, and here, more importantly, for explaining why they went wrong in the first place: why,

²⁴Indeed, in the same passage, Milton calls Eden the “wilderness of sweets” (V 294).

that is, Milton suggests a problematic of creative regression, especially at the material end, but also at the ideal end (God). The wild(erness) represents, then, a more adequate interpretation of the irresponsibility of artistic production-creation; and therefore warrants our substituting blank irresponsibility as the appropriate character of this mode.

God's only even possible role had already been reduced to that of mere manager, a senile old chief executive officer palmed off with the trappings of office; but this definition of material activity appears to deprive Him even of that: the presupposition of intentional deferral, that, given a putative instance of irresponsible production, one must somehow account for it with an intention, by deferring the locus of the refractory concept, is no longer necessary. There is another mode of production which is counter-conceptual in a strong sense: it requires no intention at all, rather than lacking one which must be made up elsewhere, by displacement. God has finally been made redundant, overtaken by a production which had *seemed* to pertain to Him, irresponsibility, but which turns out to be the mode of production of radical materiality.

Territorialisation

This is the position: we have demonstrated that God, posited as the locus of displaced concepts on the ground of the unintelligibility of conceptless production, was assailed by a matter which exceeded Him, and by a productive force which was not His. We then noted that this conceptless production is actually instantiated in the poetic texts of Milton, in the wild(erness) as the mode of activity of Chaos. It is true that one must from this draw the conclusion that God is redundant, is unnecessary for production; but nevertheless, is there not something else going on? What, for instance is the relation between the two types of matter, dead and alive? And if God is not the active agent of production, then: what is He doing? what is He even presented as doing? if He is not *doing* anything then what is His role in the conceptual economy of production? This section will attempt to answer these questions; and to make another theoretical advance in the model offered as a result.

What God does can be answered by referring to the passage in *Paradise Lost* where the creation (of this world) is actually depicted: the pivotal Book VII. To this end, the notion of the territory is instructive. Eden is a walled garden; heaven, a "kingdom," "impregnable," "bounded" (II 131); Hell, a "region" and a "territory" (I 242). Only chaos occupies no readily assignable

spatio-temporal and sealed position; and has no lord but only, in Milton's quaint neologism, the miserable "Anarch," Chance (II 988). Chaos is no land but is an

Illimitable ocean, without bound,
Without dimension, where length, breadth, and height,
And time and place are lost. (II 892-4)

This distinction—between the spatio-temporal allocation of discernible and at least relatively stable objectivity, and the pre-spatio-temporal ocean characterised by flows of indiscernability—is vital. One must add that this is a radical distinction. It operates between the pre-empirical and the empirical, it is not contained or bounded (this would presuppose the territoriality of the empirical which is at stake here) by the empirical itself. So the fluidity of the ocean is the wildness of the wild(erness): it is prior to the constitution of something which flows, it is even pre-elemental, *pure* flow or immanent transition: the auto-production of meta-stable states.²⁵

So, what *does* Milton's God—or rather his appointed representative—actually do at the creation? So far only the early appearance of prime matter in the description of Chaos as *Satan* travelled across it has been subjected to analysis. What happens in the creation, in the passage in Book VII, which parallels the beginning of Genesis?

On heavenly ground they [God and the Son] stood; and from the shore
They viewed the vast immeasurable abyss
Outrageous as a sea, dark, wasteful, wild,
Up from the bottom turned by furious winds
And surging waves, as mountains, to assault
Heaven's highth, and with the centre mix the pole.
Silence, ye troubled Waves, and thou Deep, peace,
Said then the Omnifick Word; your discord end!
Nor staid; but, on the wings of Cherubim
Uplifted, in paternal glory rode

²⁵This distinction is a clearly Kantian one: in the first *Critique* he distinguishes the territory of experience from the ocean of the noumenon (A 396). In the third *Critique* (Introduction III) he develops a whole categorisation of the de-limitations of the vocabulary of the territory. The ocean also makes a set of interesting and ambiguous interventions in the account of the sublime (§§ 23;29). See below chapter 7 pp. 176f.

Far into Chaos, and the world unborn;
 For Chaos heard his voice: Him all his train
 Followed in bright procession, to behold
 Creation, and the wonders of his might.
 Then staid the fervid wheels, and in his hand
 He took the golden compasses, prepared
 In God's eternal store, to circumscribe
 This universe, and all created things:
 One foot he centred, and the other turned
 Round through the vast profundity obscure;
 And said, Thus far extend, thus far thy bounds,
 This be thy just circumference, O World!
 Thus God the Heaven created, thus the Earth,
 Matter unformed and void: Darkness profound
 Covered the abyss: but on the watery calm
 His brooding wings the Spirit of God outspread (VII 209-230)

Here the relation between the oceanic flux of pre-empirical Chaos and the stability and security of the territory becomes clear at the same time as God's actual function does. Milton's God's role, the only one that remains to him, is peculiarly restricted. It is that of "circumscribing / The universe" (VII 226-7), of simply containing and setting bounds to the ocean, of converting it into a reservoir. In his account of the Biblical creation Milton has God perform an act of binding upon the active materiality of the "outrageous ocean" whose *product* is dead matter, the matter of the tradition: the "matter unformed and void". And this is the "watery calm" (229) over which the spirit may now, and only now, impudently, move. The essence of Milton's heresy is that for the creation even to appear to occur responsibly, there must, as condition, be a pre-creative move which serves primarily to repress, stunt and constrain the irresponsibly morphogenetic capacity of the wilderness / ocean. It is only then that the creation may proceed according to the plan laid out in Genesis, and be provided with its now lethargic and receptive dead matter. The creation is less an act of production, than an act of (attempted) hylecide.

The relation between the hitherto incompatible and ambiguous types of matter—the dead matter of the tradition and the active matter of chaos—thus becomes clear. The primary action of hylomorphism has a presupposition. The two types of matter, dead and alive, are ordered and

distributed into a closed hierarchical series. First, matter must be prepared, scientifically, to receive form. Live matter must be assassinated; a process of blanching, the induction of anaemia, devitalisation. There is thus a product of this process of pre-formation of matter—the corpse of chaos. It is this that spirit, bloated with the life-blood of its victim, an impudent and necrophilic vampire, may then impregnate.²⁶

There is a whole repressed history of matter in this short account of the actual process of Milton's God's creation. Active matter is primary, signalled by an automatic morphogenesis that makes formality redundant. Dead matter is *produced*—or rather, *pre-produced*—by a process of the extraction and aggregation of all traits of mobile formality, and their condensation into a unique locus of *pure* formality: God, the concept, intentionality. The two types of 'empirical' production—mechanical cause and teleological or intentional desire, responsible creation—mutually imply each other. Once active matter has been assassinated into dead matter, then a space of pure formality is necessary for matter to *do* anything at all. The *morphe* and the *hyle* of hylomorphism are *necessarily* connected with each other. They bi-imply each other like subject and object: grammatically, *transitively*.

Production by means of lucid concepts (God's mode of production, but also that of transcendental idealism)²⁷ is therefore only problematically an empirical production. The real issue is that of the construction of a zone of pure form (lucidity) which responds to matter thought as void of activity. Intentional production, responsible production, artisanal models of production, *and* transcendental production are *all* responses to this problematic. Once matter has been killed, natural production is exhausted by mechanical causation. The operation of the pure *morphe* on this matter in hylomorphism looks unnatural only because matter has been previously impoverished to the point of mere mechanism. Much of modern philosophy has been characterised by an increasingly vain meditation of the rigor of a thought of a production which is no longer natural. This has the effect of continuing the trajectory of theological production into transcendence. The demand for a production whose product is natural production (cause)—and which therefore cannot be identical with natural production—leads—in the absence of an interrogation of nature itself—to a thought of *unnatural* production (God's production). The

²⁶This vocabulary is a reference to Marx's theory of exploitation. See below chapter 7 pp. 183.

²⁷See below, chapter 3.

mistake of the West is repeated: the dirty task of production is welded to the thought of transcendence.

But the importance of a mode of production that is specifically distinct from empirical productions is not that it is more unnatural than natural production, but that it is outside of the scope of *both* the empirical-mechanical production of dead matter, *and* of the spiritual, logical, lucid, teleological, intentional production which is the direct correlate of dead matter (hylomorphism). Such a production is itself natural, Milton's Chaos, Milton's wilderness once again, differentiating itself through its repetition. Such a production is also *intransitive* in that it takes no objects and has no subjects. Transitive production is the result of a paralogism which illegitimately hypostatizes (or in some way refines out of matter) what matter can do, and separates matter from its capacities.²⁸

God's redundancy is therefore marked with a positive sign. He is not even represented as producing, but rather reducing the surging energies of proto-formative matter to its abstract and dead concomitant. But where could He get even the energy to this, given the earlier arguments about His (in)efficacy? This energy must have its origin in the very base matter which He constrains. The notion of active matter indicates primarily the immanence of chaotic morphogenesis to prime materiality. The result of God's intervention is to present this immanence transcendently: He (appears as if He) simultaneously appropriates the energetic aspect of prime materiality, and precipitates out the dull residue of dead matter. It is a corollary of the production of dead matter out of active matter that all activity is thenceforth the province of the ideal, of God (etc.). God's act is that of primal and illegitimate partition (in a juridical-territorial sense): dividing the immanent efficacy of materiality into a spontaneous (but as we have seen nevertheless impotent) ideality and a receptive materiality whose only function is to provide the resting place for the formal. Such a move is evidently and interestingly illegitimate since its performance presupposes that God has an energy which He can only have after the move is completed. This is a rigorous definition of transcendence or illegitimacy: that an activity

²⁸Deleuze's account of Nietzsche's thought of reactive forces is "force separated from what it can do." See *Nietzsche et la philosophie* (Paris: Presses Universitaires de France 1962) trans. by Hugh Tomlinson as *Nietzsche and Philosophy* (London: Athlone 1986).

(a synthesis) is applied legitimately only if it does not already presuppose its own application.²⁹ It is the residues of this illegitimacy, the impossibility of formulating ideal production, which we have been following up to now. Clearly, although God's actual performance is repressive rather than creative, even this repression cannot legitimately be attributed to God's autonomous power. *Any* power is rather predicated upon just this move. One is compelled to broach a thought of repression that does not presuppose a dualism of forces.³⁰

This section has attempted to show that the best way of understanding the creation is in terms of repression. The fundamentals of this are evident from Milton's account. It obviously involves the suppression of the activity of Chaos; a suppression whose result is the God / dead matter couplet of the tradition. The inadequacy of this view has already been demonstrated. The further contention has been that the only way to think even this residue of activity on God's part is on the basis of the auto-repression of active matter.

Conclusion

This chapter has aimed primarily to establish a notion of material production which operates according to procedures different from those of the ideal responsible production attributed to God. I have named this thought *active matter*. The consequences of this excavation are enormous: not only is God marked by a certain inefficacy as a result, but His (residual) activity can best be accounted for in terms of repression; and further, this repression does not presuppose a conflict which demands a fundamental dualism of forces, not even that residual force of the subject required for repression.

But this is not to be taken to imply that one must just leave the subject—or representation thought, or God—out of the discussion once their redundancy has been demonstrated. Rather, there is not a little pleasure which can be taken backwards, so to speak, in perversity, through beholding the extent to which subject-thought—dependent as it always is on a theory of production—twists itself out of itself into the novel space of active materiality. It is not just the case that subjectivity, representation, God and Man (state, ego etc.) are constituted as specific, though odd and eccentric and ultimately rather unimportant, configurations of wantonly synthetic

²⁹This is Deleuze's and Guattari's definition of (il)legitimacy in *Anti-Oedipus*, trans. by Robert Hurley, Mark Seem and Helen R Lane (London: Athlone Press 1984) e.g. pp. 68f.

³⁰This thought will be addressed later in chapter 7.

productive activity (as in Lyotard's 'Deduction of the Voluminous Body' from the uniplanar Moebius band);³¹ instead, *starting* from this domineering backwater one always finds it disintegrating into joyous fields of immanent intensity, the orphans and statistics of intransitive, non-linear, exponential production. This is the central contention of the project here: through the central conception of production which traverses the non-distance between representation and wild(erness) one can demonstrate the intransigent necessity of the slippage from intention, causality and abstract object to auto-configuring urge.

Starting with chapter 3 I will go on to demonstrate the extent to which a similar thought can be found in Kant. Not only does Kant deploy a theory of the production of the object (i.e. of the external world) in the transcendental part of transcendental idealism (chapter 3); but, I will argue, the third *Critique* marks, in a manner somewhat similar to Milton's poetry, an aestheticisation of the problematic of transcendental and ideal production which persistently puts the emphasis back on the productive efficacy of intuitions and not concepts (chapter 6). This emphasis responds to a disquiet with the thought of ideal production which Kant outlines in the parts of the introduction to this work concerning the unity of empirical natural laws; but it opens out onto a more general unease with the *capacity* of transcendental production to control to manifoldness of the manifold of intuition (chapter 5). Kant's unhappiness with the outright conceptual production model of the first *Critique* manifests itself in the *Third* in a way which is provocatively similar to Milton's accounts of the wild(erness) and Chaos. In both parts of the critique Kant outlines the necessity for a thought of production which is productively morphogenetic but for which there is no rule or concept or *telos*.

However, Kant's deployment of the ideal in his production theory is not only theological, but *privatised*. This privatisation makes production something explicitly (although ambiguously) *human*. This reduction of God to human size signifies both a vast over-valuation of the human and at the same time a reduction in the grandeur of God. The essence of this over-valuation (similar to Freud's account of the over-valuation of consciousness) is the transcendental idealist thesis, most baldly stated by Schopenhauer, that the world *is* representation. This is the sense in which 'we' produce: as representation. The privatisation of theology into a humanism inextricably welds together the thought of (ideal) production with representation. It is this bonding that causes all the problems: not only do transcendental conditions become *par*

³¹*Économie libidinale* (Paris: Minuit 1974), pp. 31 f.

excellence what cannot be represented, but also everything which cannot be represented becomes a transcendental condition. Philosophy becomes little more than an impossible and always essentially preliminary meditation upon the ever-fugitive conditions of this presentation: an activity which never actually *does* anything. By appealing to a pre-critical production theory (theology) and demonstrating the inadequacy of ideal production theory, I have introduced the central concept of active material production, without having to be interrogated *per impossible* as to the valid grounds for the representation of this concept. In the chapters that follow, though, I will try to show that privatised ideal production theory is just as inadequate as its public cosmological predecessor.

Chapter 3: Privatised Production: Negative Theology

Kant did not know capital.

Jean-François Lyotard, *Political Writings*

Introduction

Foucault begins his text on the penal system, *Discipline and Punish*, with a famous piece of *tableau* writing in which he sets up a vivid contrast between the feudal and the modern. He quotes a wrenching description of the public torture of Damien the regicide, and then a mundane catalogue of the day's activities at Léon Faucher's "House of Young Prisoners." A public, spectacular penal glory is *rationalised*.¹ A generalisation of this insight about the difference between feudal and modern—that the public, the festal, the spectacular are subjected to rationalisation—is given in authors as otherwise disparate as Weber, Heidegger and Bataille. It not too far-fetched to suggest that *a fortiori* God undergoes a similar transition. Neither He—nor His enemies—are any longer majestic, splendid, cosmological and sublime. They too have become 'rationalised'.

Within this decline the discourse of early modern philosophy merits a particular attention: the rationalisation of God is concomitant with the philosophical regaining its autonomy from the church. God more and more comes to play the part of a concept (one among many, subject to possible refutation, in need of proof, performing a delimited role in a particular system etc.) within the lexicon of a rationality which exceeds Him. At least three of the canonical early modern philosophers tended more or less explicitly towards atheism (Hobbes, Hume and Spinoza²). Among those who continued to talk about anything even mildly resembling the pre-modern God, His function is very strictly limited. God does not even any longer *pretend* to the cosmological.

In Descartes, for instance, God has no role other than that of telling the truth (not allowing us to be deceived). He does not have, importantly, any *productive* function to perform vis-à-vis the

¹*Discipline and Punish: The Birth of a Prison* (New York: Vintage Books 1979) trans. by AM Sheridan Smith, pp. 3ff.

²Spinoza's 'God' rapidly became a slogan for his own non-existence (something presupposed by the Lessing controversy and Kant's intrusions therein).

world at all.³ In Berkeley, God features simply as a magnified representer, and his role is little more than to solve a problem—the problem itself redundant and the solution contradictory—with the mere phenomenality of the world as representation: that of the necessity of the spatio-temporal continuity of objects that are left unconstituted by being unperceived.⁴

Doubtless this transition has some internal relation to the development of Protestantism. The God of Calvin is the most archetypal God of modernity—a God so vacuously glorious that the mere thought of access to Him would be blasphemy. And Nietzsche is surely correct to observe that in a sense Protestantism is no longer a religion (*Gay Science* §122).⁵ Luther and especially Calvin, were the most intense initial markers of this shift. Its achievement of dominance was not however either immediate or evenly spread. But *once* dominant, the trend, irreversible once it has started, brooks no return except under the head of a nostalgia whose presence merely reaffirms the impossibility of regression by being its parody. Milton was one of the last exponents of a departed theologico-poetic power preserved in a patch of uneven but inexorable development which can be signalled by the motto: the hegemony of negative theology.

This diminished role for God—broached in section 2—appears to vitiate the project of a continuing analysis of production in complicit conjunction with theology. How could God, or

³Of course, the epistemological problematic of the *Meditations* is logically compatible with a creator God, about whom Descartes is evidently not very interested. The point is that the *functional role*—within the lexicon of philosophy—that the thought of God is actually called upon to play is no longer that of a productive agent, but a propositional underwriter.

⁴The problem is redundant because it is no more absurd than Berkeley's original hypothesis of empirical idealism to suppose that objects are constituted discontinuously. Not only does it follow from empirical idealism, but it seems to demand an illegitimate realist assumption to suppose that it is a problem at all. The problem is contradictory because it reproduces the problematic that urged Berkeley to empirical idealism in the first place. To suppose that objects are constituted continuously by being perceived by God raises precisely the same issues of (our) access and evidence as the disjunction between real objects and perceptions. And this latter was what motivated Berkeley's empirical idealism in the first place.

⁵The relation is not however simple: Catholicism, for instance, has had its pietist—and hence essentially Lutheran—movement; and Milton, of course, was a Protestant (salvaged by his poetry, his paganism and his treatment of Puritanism merely as a liberation from the Church Fathers).

anything to do with God, be conjoint with production however construed, when God appears to have no *philosophically* productive role to play? Sections 3 and 4 begin to answer this question by showing the extent to which production becomes increasingly important for early modern (and especially empiricist) philosophy in general (section 3), and then for Kant in particular (section 4). This production is, however, at first, to be thought of as operated not by the theological, but by the *subject*—a *privatised* production.

It is tempting to suggest that the relation of this privatised production to theology constituted a privatisation of theology (along the lines of the relation of Protestantism to Catholicism). Section 5 nuances this reading arguing that privatising production has two important consequences. First, that it increases the intensity with which philosophy confronts the problems of production and, second, that it subjects production to an increased intensity of repression. Subjective representation-theory forces an intense confrontation with the problematics of production because the production of the world thought as representation must be absolutely distinguished from empirical production. Privatised production is compelled to countenance the thought of a production that is distinct from empirical production, and does this with more rigour than theology, with its ancillary hypostatisations. However, representation-theory also and at the same time represses this thought of a new mode of production by assimilating difference from empirical production with transcendent inaccessibility. This implies a different set of relations between representation and theology. As God is negativised into transcendence (the result of Kant's critique), the new operator of production (the transcendental subject) decomposes into a transcendence that is indistinguishable from that of negativised theology.

Kant's Declension of God

In Kant God's decline is not only accelerated, but achieves both its most sophisticated theoretical apology: a systematic logic for the resignation of the theological. This logic not only subdues God and acclimatizes Him to His new position, but definitively locates this position in a structure which makes impossible His escape. If we are to believe Kant's own reports on critique, the critical system is oriented architecturally toward the placement of God: the destructive impetus of the first *Critique* is aimed only at clarifying the space that may be legitimately allotted to the thought of God in the second *Critique*.

To summarise the indignities to which God is forced to submit: His putative causal relation to the world, as prime mover, first cause or actual creator is deprived of any real causal status at all in the first antinomy (which is resolved so that both thesis and antithesis are false). His elevation out of the realm of empirical causes is attested by the fourth antinomy (resolved so that both sides are true). God's relation to the world becomes primarily *moral*.⁶ But Kant is equally clear that morality stands in no direct need of God. Thus, to use Kant's own rubrics, God *qua* creator God, is theoretically merely a regulative concept which should not be taken as constitutive of the real in any way; and God *qua* locus of moral authority, although constitutive and determinative for purely practical purposes, is in fact otiose. Morality can—must if it is to be autonomous and therefore moral—be able to get on without him. Indeed the diminution of God's possible cosmological responsibilities is evinced with some clarity in Kant's rigorous separation of the cosmological ideas—in which God no longer features directly and as such (although this was his traditional realm)—and the theological ideas proper which amount only to the refutation of the traditional *proofs* for the existence of God. All cosmic grandeur having departed from him, God is left in the merely theoretical-theological position of the object of his own (inadequate) proofs, and in a real relation only to practice, of which he turns out to be merely an adjunct, a supplement, one of the *adiaphora*.

Kant's argument for this is the core of this critical attacks. Concepts are deprived of legitimate constitutive application if there is no possible intuition that could be associated with them. They are not thereby deprived of meaning; but in Kant's striking metaphor, are blind (A51; B75).⁷ Thus, whilst there is a concept of God, there is no application for it within the field of possible experience. Hence the concept of God is theoretically and at best merely regulative. This bulldozing of the ancient, mystical and visionary cosmological God of the feudal era, the destructive component of critique, is of course matched by God's recuperation at the level of the practical and the moral. But it is important to realise that this safe recuperation of the theological at the level of the transcendent is purchased at the price of utter recession. Kant's negativised

⁶Kant uses the phrase “moral Author of the universe” at third *Critique* §87.

⁷The inference that (the concept of) God is ‘blind’ is a compelling one. Its Schopenhauerian resonances are not at all too far-fetched. Kant explicitly contemplates the possibility of a God driven (blindly) by an instinct not under His control at §85 of the third *Critique*.

God is ineffectual both in theory and in practice. The narcissism of this structure will be important later.

(1) In the first place, at the theoretical level, Kant is repeatedly and absolutely clear that there is no room at all for an argument from design. That is, *all* attempts to go from nature and the phenomenal to God, the supersensible and the noumenal are doomed to failure, and worse to fanaticism. In the first *Critique* this is particularly obvious. The regulative function that God is supposed to perform is that of the ultimate account of the unity of experience. But this function is actually performed not by God at all, but by the transcendental unity of apperception and its objective correlative, the unity of the transcendental object.⁸

How problematic this function actually is does not become clear to Kant until the third *Critique*. Once the problem has been set up, as in the third *Critique*, so that the regulative idea of God actually has something to do, one realises quite how futile his theoretical function in the first *Critique* really was. In the third *Critique* God's role is relatively expanded. He (or His cognates and correlates) become entrenched in a difficult argument about the possibility of the experience of organised products and the constitution of experience as *nexus finalis*. The argument is that such products, and such a conception of experience, are possible, for us, only on the basis of an *intelligence* (of some sort). But even here, where, in contrast to the first *Critique*, one can see *some* role for the regulative and theoretical (by the third *Critique*, the *reflective*) conception of God; even here Kant firmly and insistently recoils from the supposition that God is somehow thereby *demonstrated*. He continues to argue in §§85-91 of the *Critique of Teleological Judgement* that arguments from design are useless. What is authorised by reflective judgements of teleology is significantly weaker.

(2) This suggests what is obvious from the text of the third *Critique*, and equally demanded by the argument, that the moral proof of God is still the only one that works according to Kant (§85 and ff.). This is the second, practical, case. The argument is probably the most famous of the critical works: one defrocks the theoretical God of the barbarians, in order to make way for the

⁸The singular importance of the argument of the Paralogisms is discussed below pp. 56f. See also Theodore Adorno and Max Horkheimer *The Dialectic of Enlightenment*, trans. by John Cumming (London: Verso 1979) from *Dialektik der Aufklärung* (New York: Social Studies Association Inc. 1944), trans. p. 10: "... the identity of the spirit and its correlate, the unity of nature."

rational God of morality. But even here it is far from clear what role God actually has left to him to play. Of the practical postulates (the freedom of the will; the immortality of the soul; and God himself) one can see why the first can be construed as a condition of moral action. The last two are somewhat more opaque. The rational *autonomy* of morality is the fundamental argument of the second *Critique*. But Kant's argument suggests that one needs the last two postulates in order that one be able to think the possibility of reward for the just.⁹ Since, however, the moral is, of course, categorical (i.e. autonomous) the thought of these possibilities can evidently not enter into the performance of an action in accordance with duty as an *incentive* because that would compromise the whole basis of the autonomy of the moral and convert the whole thing into that ugly accountancy of salvation of which Luther—and Kant—so disapproved. Kant in fact makes this point quite baldly and in the very opening words of this book on religion:

So far as morality is based upon the conception of man as a free agent who, just because he is free, binds himself through his reason to unconditioned laws, it stands in need neither of the idea of another being over him, for him to apprehend his duty, nor of an incentive other than the law itself, for him to do his duty.¹⁰

Similarly, in his discussion of Spinoza in the section of the third *Critique* concerning the moral proof for the existence of God, he admits that Spinoza was the embodiment of the moral being who stood in no need of a God.¹¹ There is nothing for God (even the idea of him which is all that is left) to *do* here which would not compromise the very (moral) basis of what was supposed to be his proof. In Kant's jargon, the idea of God (or the immortality of the soul, or the kingdom of ends etc.) cannot determine the will for it to remain free. God is therefore a *consequence of* morality. He remains *at best* a problematical theoretical or reflective idea and a determined and non-autonomous consequence of a certain type of (autonomous) action.

⁹This is psychologically of particular necessity for Kant since he explicitly and theoretically identifies the moral with the accretion of pain: "Virtue is only worth so much because it costs so much ... it is in suffering that [it] shows itself." (second *Critique* Ak. 5:157).

¹⁰See *Religion within the Limits of Reason Alone* trans. by Theodore M Greene and Hoyt H Hudson (New York: Harper Torchbooks 1960) first Preface, p. 3.

¹¹§87. Kant is forced to appeal to incentives to make what is left of the argument appear to go through: he invokes the "one wide grave that engulfs all—just and unjust, there is no distinction in the grave."

God is theoretically just an idea; and practically, a postulate correlate with morality, but hardly necessary, a *scholium* to the practical. This is his diminished status. But at the same time, this status is not *just* invoked, or a (merely) nostalgic or pragmatic utilisation of a dated terminology. Rather God is defended in his role as synonym for the supersensible as such. His incapacity to be represented, his transcendent location, is the result of the fact that He (is) the supersensible. Freedom (which is the key) has a special status of being a supersensible and transcendent concept which nevertheless emerges as a “fact” in the empirical world.¹² It is freedom which grounds the admission of the other practical postulates (God and the immortality of the soul). These two are evidently correlate as the God without and the God within. And God is thereby the name for the (merely regulative) cognitive level corresponding to—and correlatively also completely subordinated to—freedom as it is revealed in the purely practical field of actual activity in the world.

The position which this God occupies and exhausts is one which, as Kant never fails to emphasise, is merely negative.¹³ This is just a restatement of the critical analysis: predicates are all sensible; God is not sensible; therefore God cannot be determined by any predicates. An argument worthy fully of Meister Eckhart. This revival of negative theology, in fact this take-over of the entire philosophico-theological lexicon by negative theology, is not at all co-incidental. The transcendence of God, which had always been allowed, and which attested to his greatness, is radicalised into a God transcendent. God’s glory is now kept intact at the infinite price of his now theoretically completed recession from the world into a forever inaccessible realm of which he is not just the ruler merely in name, but *of* which he is merely the name (all his consequences in the practical realm being subordinated to the autonomy of the individual’s practical revelation). It is impossible not to recognise here the structure of a theoretical narcissism¹⁴ which

¹²This “fact,” along with its uniquely curious nature, is discussed for instance at third *Critique* §91.

¹³This is the great clarion call of Kant’s own critical enthusiasm, and requires little textual demonstration. But one particularly significant deployment of the negative argument occurs in the section of the first *Critique* entitled ‘On the Regulative Employment of the Ideas’ (A460ff.; B668ff.).

¹⁴Kant enthuses that “Pure reason is in fact occupied [*beschäftigt*] with nothing but itself, and can have no other vocation [*Geschäfte*].” (translation slightly modified). first *Critique* A680; B708.

retracts the fortress of greatness (to an extent so enormous as to be merely thinkable) to an inextensive point which gathers the virtualities of the projected space of the supersensible.¹⁵

The Retention of Production

But if God's productive relation to the world has been so thoroughly compromised, then where is there room for a production theory? Does representation simply obliterate production? In the face of the developments of manufacturing capital in Europe, this hardly seems likely. Indeed Horkheimer felt compelled to write the following about Kant:

Kant taught that the thing-in-itself—that is, being as it exists in eternity, apart from human or animal perspectives—furnishes the subject with the matter for cognition, with the sensible facts, out of which the intellect, with its ordering functions, produces the unitary world, just as a machine processes raw material into the finished product. This concept of transcendental apperception, with its power and its 'file boxes'—the head office, one might say, of the intellect—was modelled on factory and business management. The intellect manufactures something conceptually solid out of the flux of perceptions, as a factory produces commodities.¹⁶

This seems a remarkable claim. And yet it is correct to suggest the rigor with, and extent to, which Kant made use of a production theory. Although in the long run the vital issue here will be what *mode* of production is intervening, it is nevertheless provisionally important to suggest that there is any sort of production theory at all in the midst of the pair of negative theology and representation theory, and that production is even central to representation-theology.

Production is no longer thought through God. Kant does indeed have a production theory—and it is in fact central to his claims—but it does not pass through God. It is the (transcendental)

¹⁵Kant employs the term *focus imaginarius* of the regulative use of the ideas of pure reason, see e.g. A644; B672. The term 'fortress' is drawn from Schopenhauer's description of representational solipsism: "[The ego is] a small frontier fortress. Admittedly the fortress is impregnable, but the garrison can never sally forth from it, and therefore we can pass it by and leave it in our rear without danger" (*The World as Will and Representation* 2 Vols. trans. by EJF Payne [New York: Dover 1969] Vol. 2 §19). Freud's use of similar vocabulary is probably itself drawn from Schopenhauer. See 'Inhibitions, Symptoms, Anxiety' chapter III, PFL Vol. 10 pp. 249f.

¹⁶*Critique of Instrumental Reason* trans. by Matthew J O'Connell *et al* (New York, NY: Seabury Press 1974), p. 70.

subject who operates *this* production. The production (and this is something which Horkheimer does not go far enough toward emphasising) is however fully theological in its scope: it is nothing less than the production of the empirical world, of the universe, as such. There is thus a sense in which to start to connect theology and Kant one does not go by way of God; not, perhaps especially by way of Kant's God. Kant's theology is a dead end in attempting to establish Kant's initial and fundamental relation to the productive theology which preceded him. Rather it is Kant's status as an Enlightenment thinker, and hence the very centre of his thought, the transcendental itself which constitutes Kant's theology. In this sense: that the creative capacity of God, God the creator, is now rendered as Man, in a complex of transcendentalism and anthropology. Where God had created; now there stands Man.

This is not a completely new thought. Modern philosophy was inaugurated in Descartes by assigning decisive importance to the thought of a break or caesura—between the pre-objective and the objective—to be overcome. This labour of overcoming is in Descartes still theoretical and propositional.¹⁷ But the thought of the break between the immediate presentation of the object (which is not yet an object) and the mediate or processed presentation of the object spins out into the British empiricists. The tradition culminates in Hume's distinction between impressions and ideas. Clearly, the thought of the object can even pretend to drop out of the picture completely (as in Berkeley); but the caesura, and the concomitant thought of a labour of perception never does. The gesture of representation thought is an injunction to work to overcome the abyss which yawns between what is given (which is no longer enough) and what must be produced. The economics of (epistemic) scarcity infest the modern with an engagement in production.

Like its commodity counterpart, this relative epistemological scarcity is itself produced; and this production is what engenders the intensification of the problem of production itself. The more

¹⁷It is impossible to escape the, admittedly somewhat bizarre, conjecture that Descartes has some secret connection to Gnosticism. The *Meditations* can be read as an attempt to refute Gnostic cosmology: the hypothesis of the book is that the empirical world is the creation of an evil demon. This is the primary postulate of Gnosticism (the demon was traditionally identified with Jehovah, e.g. by Simon Magus). Descartes conclusion is that the world is *not* the creation of the genie, but of a veridical and beneficent, a *true* God. This is, of course, an orthodox Christian position. One can only imagine what might have been motivating Descartes to defend orthodox Christianity against Gnosticism.

emmiserated the real becomes, the more one needs to make up that lack at another level. The denuding of the empirical to the point of Newtonian mechanics positively *demands* the spiritual as a source of formal enrichment. And at the same time, it make the thought of the spiritual increasingly difficult.

The cognitive success of Newtonian mechanics was unprecedented. It posed a serious problem; demanding, as Kant suggests a response from philosophy.¹⁸ Under Newton, mechanical causation is in a position of cognitive hegemony as the only legitimate locus for production. But it is utterly indifferent to form or order: the impoverishment of the real. The success of Newton's mechanics installed dead matter not only as a useful postulate, but as an assumption of the most assured piece of new knowledge possessed by humanity. Newton himself suggests that the origin of formal ordering of systems is incompatible with mechanism.¹⁹ The universality of mechanics made naiveté about spiritual or formal causes difficult in proportion as such causes were now themselves necessitated: a *universal* mechanics leaves room for nothing other than mechanics, precisely at the point where mechanics itself has most rigorously excluded any account of creativity (morphogenesis). This makes the production of order a very extensive difficulty. Not only can it not be produced empirically (that is by mechanical causation), but any type of spiritual cause which is *modelled* on the empirical will also be inadequate. To the extent that such a spiritual cause is thought empirically, then it too will be subject to only mechanical causation. A deistic God imbuing a determinist system with initial motricity does nothing to solve this problem of morphogenesis. Such a God is just an empirical projection masquerading as spirit.

The displacement of God into an internal theology of the subject responds to these difficulties: an emmiserated real is worked up into the world as representation by a cognitive process located

¹⁸Kant remarks pointedly on the scandal of the success of natural science—and most importantly Newtonian mechanics—in comparison with the bickering stasis of metaphysics (*Prolegomena* Preface; §§4; 40; 60f.).

¹⁹Newton's basic argument is that the existence of ordered arrangements of matter demonstrates the existence of an intelligent creator: the argument from design. He therefore actually bypasses the singularity of modernity in which production is devolved onto philosophical subjectivity. See Newton's 'On Universal Design: From a Manuscript' cited in Sir David Brewster *Memoirs of the Life, Writings, and Discoveries of Sir Isaac Newton* 2 Vols. (Edinburgh 1850) Vol. 2 pp. 347-8.

outside of both that world, and its raw material. Subjective production is *more* refined than theological creation; but ultimately, the only resort of this refinement is to complicate the notion of spirituality out of subjectivity and beyond the empirical altogether.

The need for another type of causality or production than the mechanical was already presupposed by Milton; Newton's formalisation of mechanics only exacerbated this need. The model for other-than-mechanical causation was a spiritual hylomorphism itself modelled importantly on artisanal production or what I shall call desire production: production by means of concepts. The contribution of Kant's transcendental idealism is to suggest that the spiritual has itself not been thought spiritually enough.

The epistemological problematic of (especially empiricist) early modern philosophy is a function—and often an explicit function—of the hegemony of Newton's mechanics. An impoverished real is subject to re-processing by human cognition. What marks Kant out within this trajectory, and makes him the definitive apologist for the break into representational and anthropologic production is both that he takes seriously the thought of production and that he begins to take seriously the *problems* which attach to this production.

It is, in this context, suggestive that Kant's (empiricist) impetus for critique came through an investigation of Hume's account of mechanical causation that is, empirical production.²⁰ Hume's move constituted the boldest philosophical attempt at the denuding of the real yet. Descartes' inauguration of the epistemic caesura of representation was still in a binary mould. It effected the dramatic lesion of experience as representation from the object, but only in the fashion of a simple distinction between the veracity (or non-veracity) of the presentation with respect to the object. Under the impetus of the success of Newtonian mechanics the British empiricists utilised some of the achievements of Newtonian science, and in the case of Locke, Boyle's hypotheses about the constitution of the real in terms of corpuscles, as a way of driving more than an abstract wedge between representation and real. Thus Locke lays much store by the distinctions between primary and secondary qualities, and between real and nominal essences. Science was able to formulate an account of the real whose difference from lived experience (at the level of representation) demanded the intervention of specific cognitive production mechanisms. While

²⁰This is the substance of the dogmatic slumber account, and is to be found in the *Prolegomena* Preface and §50.

the subject is able directly to perceive the primary qualities of gross objects, the secondary qualities of objects are not present as such at the level of the object itself. They are rather the result of a process of production on the part of the subject which *renders* the primary qualities of the microscopic constituent particles of gross objects *as* secondary qualities for the subject which do not exist as such in the real. Colour, for instance, is the result of a perceptual production process taking as its input constitutive particles whose only qualities are solidity (impenetrability), extension, figure, motion (or rest) and number.²¹ The real for Locke is therefore constituted exhaustively in terms of substrata and the *primary* qualities which inhere in the substrata. This is not the world of lived experience which is a compilation both of primary and secondary qualities. Secondary qualities are able to intervene only on the basis of a production by the subject out of primary qualities. The distinction is therefore more appropriately thought as that between primary and secondary industrial sectors, with the first directly extracting its raw materials from the real; and the latter performing secondary process of production on this original raw material.

Hume, under the aegis of the guiding weapon of critical destruction—the distinction between impressions and ideas—was able to add considerably to this set of specific production processes (although not in quite the same way as Locke), which now included such metaphysical enormities as the self, causation, God and aesthetic and moral values. Hume's intervention is therefore significant for two reasons. First, he follows Locke in specifying the points of rupture between presentation and the real, which points are the nodes of cognitive processing capacity that make up the deficit between formal object and dead real. Second, Hume attacks with indiscriminacy, and thus includes for interrogation and remorseless renunciation, precisely those large-scale features of experience that have survived previous interrogation. Amongst these, the concept of cause is most problematic. Hume makes (implicitly) problematic the notion of the exteriority of objects, whose only relation to the subject at the point of impact of the impression, could only be itself causal (this is a problem which will, again, somewhat implicitly, tax Kant). Hume's substitute concept, that of habit, or of the mind's tendency to spread itself over the world, or

²¹This list is from *An Essay Concerning Human Understanding* Book II chapter VIII (an abridgement, selected and edited by John W Yolton [London & Melbourne: Dent 1977], pp. 56ff.) which also contains a discussion of the distinction between primary and secondary qualities. The distinction between real and nominal essence occurs in Book III chapter VI §§3, 6 (*op. cit.* pp. 231f.; 232f.).

projection, functions to raise the question of the production of cause, the production of production. Again, this is a problem which will tax Kant; and is interesting not least in demonstrating that the dialogue with Hume extends beyond the relatively scarce number of passages (although important ones) in which Kant nominally engages with Hume on the problem of causation, into the very centre of the critical apparatus, in the deductions themselves, that is, in the distinction between the productive and the reproductive functionings of the imagination.

Kant and Production

Production infests transcendental idealism in a line of direct descent from the British empiricists; it shares with them the use of cognitive processing in the subject as a response to the definitive deadening of the real undertaken by emergent natural science. The very initiation of the critical enterprise, the first words of the introduction to the first edition of the first *Critique* invoke the theory of production:

Experience is without a doubt the first product that our understanding produces, in which it processes the raw material of sensible impressions. [Erfahrung ist ohne Zweifel das erste Produkt, welches unser Verstand hervorbringt, indem er den rohen Stoff sinnlicher Empfindungen bearbeitet] (A1, translation modified)

and in the B edition, the substitution of *verarbeiten* for *bearbeiten* draws if anything more attention to the industrial register:

[the activity of the understanding] manufactures out of the raw material of sensible impressions, a knowledge of objects that is called experience. [(die Verstandestätigkeit) den rohen Stoff sinnlicher Eindrücke zu einer Erkenntnis der Gegenstände zu verarbeite[t], die Erfahrung heißt] (B1, translation modified)

Perhaps the most compelling piece of textual evidence of Kant's fundamental commitment to a theory of production comes in the First Introduction to the third *Critique* (at ¶11). There Kant erects a series of tables which purport to summarise the structure of critique. The fourth and definitive table has four columns. The first three are entitled (1) the powers of the mind; (2) the higher cognitive faculties (3) *a priori* principles. They detail the faculties of knowledge, the feeling of (un)pleasure and the faculty of desire; the understanding, the power of judgement and Reason; and lawfulness, end-orientedness and obligation respectively. The fourth column contains merely the three words: nature, art and ethics. This column is entitled *Produkte*. There

can be no more significant and extensive textual testament to Kant's commitment to production in his thought: he is stating that every domain of possible object of critique—nature, art and ethics—be thought of as a *product*.

In the *Prolegomena* he makes abundantly clear what is at stake in the notion the category *qua* transcendental condition of the possibility of experience. He writes of experience:

... as the product of the understanding out of the materials of sensibility. (§34)

Similarly, for the negative part of the critical project, in discussing Hume's attacks upon religion, Kant demonstrates the extent to which this same theoretics of production are at issue in the thought of the transcendent (and not just the immanent):

We have no available material for defining the supersensible seeing as we have to draw that material from the things of the world of sense, and then its character would make it utterly inappropriate to the supersensible. (third *Critique* §90)

Here Kant specifically deploys the vocabulary of hylomorphism, of matter, form, process and product not only to account for the (legitimate) production of experience in an immanent fashion where concepts whose validity has been demonstrated are the formal agents of a process of production whose material is sensuous (either sensation or intuition), but also to account for the (illegitimate) attempt to produce determinate concepts of the transcendent. Legislation alone is not able to perform the task of constituting experience; production is always implicated. And it is implicated at a more basic level, since the division of productions into appropriate and inappropriate always presupposes the productions themselves. The general case (of which the above discussion of the pointed special case of empirical causality was a privileged instance) demands that all synthetic *a priori* concepts (and intuitions) are explained as being the formal and subjective conditions of possibility of all experience which experience is then of *appearances*. Such formal components equally presuppose material elements which function as the input to the productive process overseen by forms themselves.

Production is implicated *from the moment* that one envisages the synthetic *a priori*. It is the problematic and not necessarily the solution which contains all the originality. Once formulated in terms of the synthetic *a priori*, a production theoretics become inevitable. Such a theory is already embedded in the thought of a *synthesis*, and careers out into the rest of the critical and transcendental system. Indeed the process of production itself is simply re-duplicated several

times through the mass of the analytic: sensations provide the most nearly raw material for formation by the pure forms of intuition; the resulting intuitions (and the special case of the pure intuitions themselves) provide the pre-processed material for the application of the pure concepts of the understanding via the schematism as process itself; and even the manifold of concepts is (although in a more problematic way) subject to a completed unification (albeit a merely virtual one) under the ultimate processor: reason. Far from being just a casually deployed model, production-theory in Kant achieves the status of well-differentiated and multi-sectored industrial-bureaucratic economy.²²

More than this even, the thought of production pans out into the great dichotomies of the critical system: it is mobilised in contrast to the *reproductive* in characterising the transcendental activity of the imagination in both the A and B deductions (a contrast about which more will be said below); Kant's specific term for the activity which is associated with the faculties as loci of transcendental production is *spontaneity*, a word which stands in persistent contrast to the receptivity of the lower faculties, and a distinction based in production therefore includes the most fundamental dichotomies of the critiques between concept and intuition and between understanding and sensibility; and the correlate terms of activity and passivity in general serve as markers of Kant's relation to the Enlightenment itself.²³

What then is the relation of this production theory to the cosmological theology of the creation which preceded it? One can make a case for a *certain* structural isomorphism of theological creation with Kant's system of production-relations. The key term in such an analysis would be *hylomorphism*. Kant's theory shares with its predecessor a crucial distinction between the formal

²²In contrast to the retarded state of Germany's actual economy at the end of the eighteenth century in comparison with the rest of Europe and Britain in particular. Germany over-compensated theoretically for its actual economic backwardness. Marx suggests in his Introduction to 'A Contribution to the Critique of Hegel's *Philosophy of Right*' that "it was only Germany which could produce the speculative philosophy of right—this extravagant and abstract thought about the modern state, the reality of which remains in the beyond (even if this beyond is only across the Rhine)" (*Early Writings* translated and edited by TB Bottomore [New York: McGraw-Hill 1964] p. 51)

²³In his discussion of the *sensus communis* at third *Critique* §40, Kant alludes to his primary maxim of the Enlightenment ('*Selbstdenken*') and describes this as 'Die Maxime einer niemals passiven Vernunft.'

and the material, attributing, with the tradition, but in a radicalised way, all activity to the former, and a sheer passivity unknown in the pre-critical thought of materiality, to the latter.²⁴ It would be a simple consequence of this that the mode of operation of the production would be equally transitive. Both theories have the same—and theological—scope: the world itself.

Production and Decomposition

This account of the relation of cosmological-theological production and the implicitly novel production which Kant introduces is, however, inadequate. It is inadequate not least because of its invocation of the notion of a structural similarity operating across difference. This fails to attend to the novelty introduced by the variation of the apparent operator of production as transcendental production: the subject. Although this seems built into the notion of structural comparison (as the element of difference which mediates the possibility of naming this a naturalised or privatised production), in fact, the effects wrought by this privatisation and by the subjectivisation of the production of the empirical are more severe and disruptive; and the relations between privatised subjective production and public theology as cosmological production are in the end more complex than a structural analysis will permit to be made visible. Kant is committed to—but does not always acknowledge explicitly the consequences of—another mode of production than that of nature. The nature that Kant seeks to legitimate is that of Newton: one whose productions are exhausted by mechanical causation. Indeed, in the ‘Analogies of Experience’ mechanical causation plays a pivotal role in the construction of Kant’s arguments for transcendental idealism. Kant treats the legitimisation of nature as the project of accounting for its production (and not taking it as given). The production of nature cannot therefore be by the same means as production *within* nature. Transcendental production is not mechanical production, is not causation.

Neither the idea of—nor the necessity of the idea of—anti-natural production is new: both were present in pre-modern theology. What is new is Kant’s *argument* for this necessity, and the potentially unlimited refinement of his thought of anti-nature. The argument is uniquely

²⁴Kant does not use the term ‘hylomorphism’, but in the ‘Deduction’ of the first *Critique* he writes the following: ‘... experience contains two very dissimilar elements, namely, the *matter* of knowledge from the senses, and a certain *form* for the ordering of this matter ... from pure intuition and thought.’ §13 A86; B118.

interesting because it does not refer the problem of order to particular ordered products within experience (the argument from design), but to the constitution of ordered experience of objects itself. The unlimited possibilities for the refinement of this suggestion emerge immediately. This anti-natural production (and its operators) must be outside of *the whole range of experience*, of the world. Kant was the first to begin really to think the difficulties of the project of thinking an extra-mundane without tacitly referencing the mundane. From the start, Kant's impulsion to think another mode of production than that of the empirical—transcendental production—is connected with the impossibility of attaining to its absolute differentiation from the empirical that it conditions.

Kant's transcendental production is problematic. The most rigorous interpretation one can give it is the following: an account of the production of a possible object critique is legitimate if the application of that critical production does not presuppose its own products. This is, I think, the most cogent account of Kant's critique of Hume's analysis of causality. The argument goes like this: causality understood as necessary connection of mechanical causes is an object of critique. Hume, following the epistemic caesura of British empiricism, argues that it is not possible to know that the real contains causes. This is an application of the emmiseration or impoverishment of the real that defines the epistemic caesura. Modern scepticism—the result of centring philosophical problematics exclusively around epistemology—impoverishes the real. All there is in the real—Hume supposes—is constant conjunction and temporal contiguity (and not necessary connection).²⁵ Hume argues that although we are not therefore entitled to any notion of *necessary* connection on the basis of the evidence (impressions, the real), we do nevertheless have an impression of causation which derives from habit, custom, the imagination or in general, from the 'tendency of the mind to spread itself.' We therefore obtain an impression (and hence an idea) of causation that is built up by—produced by—subjective processing from a raw material of conjunction and contiguity.

Kant's point may be put like this: what is the mode of this production? If it is itself empirical (causal), then the mode of production that Hume uses to legitimate the idea of causation

²⁵David Hume, *Enquiries concerning Human Understanding etc.* edited by LA Selby-Bigge (Oxford: Clarendon Press 1975), Section 7, pp. 60-79.

presupposes the prior application of just that mode of production.²⁶ For the mind to be able to operate according to custom, habit etc., is for it to be *caused* to act. As Hume suggests, conjunction and contiguity ‘lead the mind’ to form an idea of the effect given the cause. If this ‘leading’ is causal then it presupposes that the idea of causation has already been legitimated. But this is precisely what is in question. The mode of production of causation cannot itself be simply causal. The transcendental is the name Kant gives to that mode of production that produces mechanical production (causation) without being itself causal.

What is Kant’s alternative mode of production? It is crucially split. First, insofar as transcendental production in Kant has a model, that model is of hylomorphic desire production. To this extent Kant is *entirely* traditional: the exhaustion of nature in causal mechanism must be made up at the level of the spiritual, of production by means of concepts or intentions.²⁷ In the same passage (introducing the deductions) in which Kant suggestively refers to Hume’s account of causation as the problem, Kant also explicitly contrasts mechanical production with a transcendental production that is only with difficulty to be distinguished from desire. He writes that transcendental production, whilst it is production by means of concepts (i.e. desire) “does not produce its object in so far as *existence* is concerned, for we are not here speaking of its causality by means of the will [which *would* just be desire production]” (A92; B125). But two paragraphs later, he rebukes Hume (in the B Edition):

since it never occurred to him that the understanding might itself, perhaps, through these concepts [the categories], be the *author* [*Urheber*] of *experience*.” (B 127, italics added)

Second, however, the notion of transcendental production—and of the transcendental—is an important refinement—but equally importantly a refinement operating in the same trajectory—of an artisanal creator God-subject. Kant *is* right to suggest that transcendental production is distinct from mere desire production. Transcendental production is the production of the *possibility* and not the existence of objects of experience. Kant’s sensitivity to the problem of the production of order was heightened by his reading of Hume’s scepticism, especially that

²⁶This is the definition of transcendence given in chapter 2, cf. p. 17 note 31.

²⁷Kant’s definitions of desire are to be found in footnotes: second *Critique* (Ak. 5:9 note) and third *Critique* (§1 note).

concerning causation. The tradition (including Newton) took it that dead matter accounted for *something*, but perhaps not much: the real organisation of matter must be referred elsewhere than matter. Kant takes it that the rigorous account of dead matter given by Newton *itself* represents a huge ordering, and therefore *itself* stands in need of something other than that account.²⁸ This hyper-sensitivity to the need for order leads Kant not to contest the *position* of traditional ordering agents (who were, like God, based in hylomorphic desire forms of production), but only their efficiency. Put succinctly, his point is that such agents have just not been thought as outside of nature with sufficient rigor.

This, I argue, makes it difficult to distinguish transcendental and transcendent.²⁹ Take, for example, the Paralogisms. They are uniquely significant amongst the objects of critique in the dialectic in that Kant quite explicitly suggests that the dogmatic result of paralogistic reasoning may be directly replaced with an immanent concept from Kant's own architectonic. The substantial soul of rational psychology is a hypostasis of the 'I think' that must be able to accompany all representations, of the transcendental unity of apperception. The two are in a relation of functional equivalence: both are there to secure the ultimate unity of experience. The scholastic hypothesis of a *subjectum* underlying and unifying its accidents, in the rational psychology of the soul,³⁰ is evidently a transcendent hypothesis. Kant demonstrates this in detail in the Paralogisms. However, even within the Paralogisms, Kant accedes to the theoretical necessity of the problems which this hypostatisation of the subject is supposed to solve.³¹ And

²⁸Kant was, of course, at a later stage impressed ordered products of a more traditional kind (organisms etc.). See below Chapters 5 and 6.

²⁹Gillian Rose makes this argument out both in general and in particular in *Hegel contra Sociology* (London: Athlone Press 1981) pp. 3-4: "[In general] it follows from a transcendental account of experience that certain necessary features of the explanation [i.e. transcendentals] are themselves transcendent" and in particular the transcendental unity of apperception.

³⁰The modern avatar of the *subjectum* makes it a subject rather than the underlying substratum of the object. See Heidegger *What is a Thing?* trans. by WB Barton Jr. and Vera Deutsch with an analysis by Eugene T Grendlin (South Bend, IN: Regnery / Gateway 1967), pp. 105f.

³¹Of course he also takes seriously the *other* problem which the rational psychology of the soul was supposed, but inadequately, to solve, that of immortality. But this he solves at the level of the practical and not the theoretical.

Kant has his own replacement for it, under conditions of legitimacy: the transcendental unity of apperception, which responds more adequately to the *same demands* for unity of accidents (or thoughts in Kant's vocabulary here) in the *subjectum*. The unity of experience is misunderstood if it is thought to reside in any substance. Substances, like the empirical production of Hume's attempts to underwrite the casual unity of experience, is too empirical. Unity is a form and not a substance.³²

It is therefore true that Kant's transcendental production is not the same as desire production (although it *is* production by means of concepts). But the two are not thereby very distant thoughts. Transcendental production is like desire production in both its role (as guarantor of order) and in its tendency (toward anti-nature); it is unlike desire production only in that it is of an even more refined order of spirituality than desire production. Similarly, the dialectical idea of the world in the cosmological antinomies functions as the direct correlate of the soul of rational psychology. It then would also have an immanent counterpart in the analytic: the transcendental object, or the bare thought of the object in general.

Kant's account of transcendental production is split between a traditional hylomorphism—bearing an important relation both to theological creation-production, and to empiricist cognitive-subjective production—and a thought of the transcendental which makes *any* characterisation of this mode of production at worst illegitimate, and at best merely a provisional empiricity. Kant transcendentalism means that he is, strictly, neither a traditional theologian, nor a traditional empiricist.

Properly hylomorphic production involves the synthesis of a pure form (as concept) with a matter (or representative of matter) given in intuition and is regarded as legitimate. Improperly hylomorphic production which *takes itself to be of the same type* as hylomorphism, but for whose form no matter can be given, is regarded as illegitimate. Thus the formal is distributed between two exclusively disjunctive and specifically distinct classes: forms pertaining to the understanding (legitimate; categories) and forms pertaining merely to reason (illegitimate; ideas). The world, become representation to a subject, is properly constituted only as the hybrid of form

³²... consciousness in itself is not a representation distinguishing a particular object [i.e. a hypostatised substance], but a form of representation in general." (A346; B 404). Kant even alludes, in the B edition version of the Paralogisms to a certain functional equivalence of dogmatic and critical accounts (B 407).

and matter, and what is not such a hybrid is no longer presentable, and hence no longer world. It is, as Kant says, the Unknown (*Prolegomena* §57).

Improperly hylomorphic production familiarises the Unknown by attempting to construct it out of material which is already known: the sensible. This deprives it of its status as beyond experience, i.e. beyond the world as such. But the point is that transcendental concepts are in the same fundamental state as the God of the newly privatised and negativised theology is in. That is, we illegitimately approach the absolute whole of the world and the soul as substance by thinking them as empirical parts of the world. They are not; they are governing concepts, *transcendental* concepts. To think them empirically deprives them of their transcendent status and reconceives them, along the lines of a barbaric mysticism, as derivative from empirical objects. This is precisely the content of Kant's critique of superstition: God will be misconceived if thought of with empirical predicates, He is too great for that. The same argument works with all the regulative ideas, and it follows also, for the concept of the prime matter which is implicated by the deployment of a hylomorphic production theory as the ground for legislative distinction. This matter too must be thought as independent of sensible predicates. This generates a seemingly universal compatibilism. Not only are God, the more unexceptionable regulative ideas (like the size of the world) and matter all in the same relation to the sensible world, it seems further as if they must be identical: deprived of all positive terms of characterisation, they are all negatively *the same*: the *supersensible*.

Once the world has become representation, the *other* world becomes more radically unknown than under its previous reputedly anthropomorphic grandeur: it partakes of nothing sensual and is theoretically utterly inaccessible. Simultaneously, though every(thing) which is inaccessible is in principle indistinguishable from this other world. Everything is permitted just because nothing is. Given that all presentation, and hence all world and actuality, have been removed it is only the bare logical condition of non-contradiction which pertains to the transcendent. Thus we can think God as at the same time the most spontaneous of all forms, and the most material of all matters. It is indifferent (for theoretical purposes) which. Kant makes room for an orgy of concepts whose production, a free wheel in the mechanism of production processes, is theoretically unlimited. In speculation, which, disabused of the need to make any productive contribution, proceeds without fetter, Kant not only makes room for an account of traditional concepts of theological metaphysics, but for, in principle at least, for any (non-contradictory) concepts whatever. In

combating the delirious enthusiasm [*Schwärmerei*] of the sensual mystics of the dark ages, Kant opens up the realm of a negative enthusiasm [*Enthusiasm*] for the transcendent, one which, if anything contains greater possibilities for heightened stimulation than the mundane could ever have offered.³³

The last point to be gathered from this new set of relations obtaining between God (as general term for the supersensible, although any other will do just as well now) and the world *qua* representation is that this relation itself is still thought as one of production. The Unknown, the real, God are thought as having a relation of causation (taken in the broadest sense) to the known, the actual and nature. Kant spends a lot of time on this issue, but the general result, or at least the general problematic of the result, is clear enough:³⁴ however one thinks the supersensible, whether as the radicalised matter of the noumenon constituting the final reference of sensation in experience, or as the radicalised spontaneity of the Author God, the *relation* between supersensible and sensible is always one of production. In the first case (of the supersensible thought as matter) the relation is that of the famous problem (which provides the starting point for much of the work of the immediate post-Kantian idealists) of *Affektion*;³⁵ in the latter case (of the supersensible thought as spirit) the relation is that of the traditional idea of the transcendent creator God. What is common to both cases, and most important here, is that, irrespective of the solutions which Kant provides (or fails to provide) to the problems, the space which such solutions must occupy is given beforehand: the mode of production of the

³³Kant suggests that there is “no more sublime passage in the Jewish law than the commandment: Thou shalt not make unto the any graven image” which alone can explain the **Enthusiasm** [*Enthusiasm*] of the Jewish people for their religion. He suggests further that far from it being a worry that this transcendence will appear “cold and lifeless,” it is rather the reverse, “there would be need of tempering the ardour of an unbounded imagination to prevent it rising to enthusiasm [*Enthusiasm*].” The “childish devices” of sense are positive hindrances to this new emotion; delirium is simply not delirial enough. This is indeed an insight. (third *Critique* §29, General Remark).

³⁴He broaches it in the solutions to the final antinomy (A559ff.; B587ff.); in the Ideal of Pure Reason (A567ff.; B595ff.); in the *Prolegomena* §57f.; and it is the problematic, in a renewed form, of the whole of the *Critique of Teleological Judgement*, see below, chapter 6.

³⁵This problem is broached by Kant at A68; B93; but the residues its effects on his thought are registered in his choice of vocabulary all over the critical works. See below p. 114.

supersensible with respect to the sensible must be different from *any possible mode of empirical production*. This is in fact *all* that one can say about it. The delimitation of the space of the answer *is* the answer. This would follow from Kant's argument about the illegitimacy of the representation of transcendent *entities*. Thus, all there are, are empirical modes of production, and the *relation* of the transcendent supersensible to the sensible must rest as indeterminate as the supposed subject(s) of the supersensible (God Himself, that is).

The articulation of transcendental production onto traditional theological production is only a suggestive first phase in understanding the relation of privatised production to its (now rigorously negativised) predecessor. The second phase demands that account be taken of the absolute primacy of the moment of legitimacy and legislation in transcendental production *even over itself*. This is a phase which might appropriately (and with some, not unjustified, paradox) be named that of the reverse articulation of negativised traditional transcendent production back onto what appears as its condition: that is, transcendental production.

This systematic conjunction denotes several important things. To summarise the results up to this point. God's amputated state has been characterised, his enforced taking up of the divine life on a new and lower level which is thought, in Kant, under the confinements of a purely negative theology. This diminishment is not correlate with any diminution of interest in production in general, however. Instead, a heightened interest not only in production but specifically in the production of the world is theorised in the new thought of the transcendental. Thus production appears, to a great extent, to by-pass God, and instead be channelled through the subject as the ultimate locus and agent of productive efficacy.

What is the relation between these two, the transcendent negative theology of representation and the transcendentially productive hylomorphism of experience? In the first place, the legislative proprieties of the (il)legitimate representations of theology are themselves dependent on the prior constitution of experience as product or representation, since it is this which warrants the distinction between transcendental and transcendent. In the second place, the residue of Kant's God's productive power raises the issue of a production that is not empirical and is merely negative (as would follow from negative theology in general) which is *simultaneously* the outcome of a decomposition of the properly transcendental. The legislative confinement of concepts to legitimate usage only within the bounds of a possible experience is articulated *back*

onto the production theory which had seemed to be its ground, so as to make the mode of that production itself into a transcendent, and thus, in the night of negativity, into God's production once again.

The scope of this decomposition cannot be over-emphasised. Is it possible even to *think* the transcendental-transcendent without surreptitiously borrowing materials for the constitution of the thought itself from the illegitimate empirical realm? With the advent of the ubiquity of language as a transcendental operator (its own questionable status notwithstanding) this possibility becomes irresistible. Language is that transcendental which conditions the possibility of both thought and experience equally through the critical interrogation of the pre-critical relation of nomination between signifier and a supposedly pre-existing signified (this move will be analysed in chapter 4 below). It is thus that thinking can come to install itself in the liminal space between an unsustainable dogmatic *naïveté* of the empirical and an impossible critical sophistication of the transcendental. At least one thing needs to be noted about this already obvious labour of the negative: that the legislative inaccessibility of the transcendental (which is at the same time categorically demanded) effaces even the possibility of thinking the difference between material and ideal conditions. All conditions³⁶ recess into a blank negative theology of representation which is itself indistinguishable from negative theology as such as well as from the pathological original source of material sensation which, as outside (ultimately one could say the same of intuitions even) is identical with the supersensible space whose name is always God. The outside of the world as representation is just and only that.

The Paradoxes of Negative Critique

Now we are in a position to see the inefficacy of thinking the relation of Kantian negative theology with the majestic cosmology of its predecessor as simply a structure (of, for instance, hylomorphism). Theological production is privatised into a subjective production just as theology is converted in the negative of representation. But the transcendental nature of this subjective production means that it too is thought as the other of representation, and is, strictly, unrepresentable. Thus the two meet up again in the indistinction of the transcendent.

³⁶One may make out the whole decomposition argument is with the etymology of condition: *bedingen*, to en-thing is a transcendental process of bestowing thinghood which cannot itself be either a thing or any-thing empirical (causation).

Transcendental production—which must be specifically distinct from all empirical production—is yoked up to negative theological transcendence: Plato’s two God’s again. This institutes a rupture both in the thought of production and in the thought of theology. The mobilisation of a subjectified production in order to ground a legislative relation or correlation between (un)representable and (il)legitimate is followed by the reverse articulation of that very legislation back onto production itself. This generates a situation in which the necessity of thinking another mode of production than the empirical becomes superimposed upon the illegitimacy and impossibility of doing so. In this way even Kant’s hylomorphism becomes evacuated: it serves as a first move (to open up the spaces of the transcendental and the transcendent) only to be itself repudiated in the reapplication of legislation onto it. How can transcendental production be hylomorphic when hylomorphism is the name form an empirical production? Both the formal and the material elements of Kant’s hylomorphism are too much for this thought, and they recede, insofar as they are legitimately transcendental and not illegitimate applications of the empirical to the transcendental, into an indistinction of conditions. The compression of the production of the empirical into the production of representation combines with the legislative and the territorial to squeeze all exteriority into impossibility.

This deployment, *après-coup*, of legislation onto production—identified so clearly by Chapman’s engraving with a narcissistic fantasy of auto-consumption³⁷—bears an important relation to the fundamental investments of the critical enterprise itself; a relation that demonstrates the motivations of negative critique. Kant is famously clear about what is at stake in the apparent critiques of God, the immortal soul and heaven:

I have therefore found it necessary to deny knowledge in order to make room for faith
(first *Critique* B p. xxx)

Critique is envisaged by Kant not as an instrument of destruction, but as an immunological injection which submits what is to be critiqued to a reduced dosage of an infection which could

³⁷*Circa* 1812; it is reproduced on the front cover of the Macmillan edition of Norman Kemp Smith’s translation of the first *Critique*, and portrays the great sage within the distended upper portion of a figure-of-eight delineated by a snake consuming its own tail. The image is an old one; and probably Gnostic in origin; see Jacques Lacarrière *La Cendre et les étoiles* (Paris: André Balland 1970) pp. 88 ff.

otherwise do real damage, but which in this instance, introduced in dosages of an almost homeopathic negligibility, rather serves to strengthen the resistance of the object of critique precisely to any further critique.

The important term therefore in the legislative vocabulary of critique is not the *legitimate* but the *il-legitimate*. God is rendered absolutely transcendent (and in the technical sense of the term) only so that being thus he can be indiscernibly compatible with all those supposedly illegitimate empirical and anthropomorphic characteristics which he had always displayed. This is the primary paradox of critique when it is construed in a relation of identity to the representational and legislative theses of transcendental idealism. Critique operates only in an *apparently* critical manner, in fact, a cunningly *dogmatic* manner. Critique criticises its objects in order to foreclose the possibility of further critique of its objects which it then re-locates to a domain which is (or can become, or rather tends increasingly to become) definitively immune to objection because immune to everything (empirical): this domain is named the transcendent. Take God out of the domain of the empirical in order that he be unreachable by empirical concepts and in principle unobjectionable. Once there God may *safely*³⁸ be invoked in another context, the practical, where bodies, unities and energy can be controlled in an increasing mute immanence, the intensity of which control increases in proportion to its muteness: one cannot negotiate with the categorical. The rearticulation of the legislative and representational components of critique back onto its productive foundation has the effect of forcing the assimilation of the transcendental to God and the transcendent. The paradoxes and sophistication of the decompositional tendency therefore share much with the hypocrisy of the critical program itself. The decompositional impulsion—and its generation of the results of delicately counter-conceptual paradox—will be lodged *and in a prior manner* within the strategic and speculative disinvestment of the transcendent whose result is the infinitised reinvestment at another level of the very same objects. From which it follows that the intensity of the paradoxes of the recession of conditions (transcendentals) from what they condition (experience) is strictly secondary and dependent upon the primary paradox of a critique which, far from destroying, far even from bringing into question, makes its objects the stronger.

³⁸This thought of safety—an incomparably complete, a transcendental safety—is clearly important for an analysis of the sublime; and will be addressed in this context in chapter 7 p.176.

The critique of production which is at stake in the constitution of critique, is therefore—like Kant’s critiques of World, Soul and God—not carried through. This is the evident result of the collapse of transcendental into transcendent. Critique utilises the distinction between transcendent and immanent to open up a narcissistic space of reason which is not just remote from experience, but specifically different therefrom, and which is therefore universally and eternally secure from any assault launched from the this side. The identification of the transcendental with the transcendent will do just the same for the transcendental. The mode of production of the transcendental will remain uninterrogated and presupposed, although removed to the purely negative region of indiscernibility from God himself—in fact *because* so removed. It is not just that thereby the mode of production of the transcendental is not questioned; it is also and more disturbingly dogmatically that it is simultaneously assumed and then rendered incapable of further thought than that of bare assumption. The hylomorphic and ideal structuring of the thought of the mode of production of transcendental is assumed as the occluded productive basis of the legislative and representational counter-move which renders it transcendent. Without any further interrogation, this mode of production can be disclosed only illegitimately through its empirical models, or at the most sophisticated levels, through the bare thought of the empirical model as such. So equally the virtual operators will be assumed with the mode of production, since empirical productions of all kinds are homogeneously transitive (cause divides its efficacy between itself and its effect; desire is of an object)³⁹ and any theory of production which invokes them needs to be thought in the traditional tri-partite structuring of production: agent of production, product and hence transitive mode of production. The structure of hylomorphism will therefore have been already invoked, protected from further investigation and assumed to have adequate transcendental efficacy in the productive base, before any of the rest of the argument concerning the inaccessibility of transcendentals can even start.

The ‘difficulty’ of this move is grafted onto the reversal of the polarity of critique in Kant’s resuscitation of the objects of critique through critique itself, and the two come to form a reactive unity. This happens in the following way. The invocation of the proprieties of subjective representation under the banner of the law serves to inoculate the mode of production of the

³⁹See also Husserl’s axiomatic transitivity of representation in the slogan “all consciousness is consciousness *of...*”.

transcendental (now decomposed into the transcendent) from any possible further interrogation. This is then utilised not just, generally, to recompose reference to just this mode of production (etc.) in its indiscernibility from God as the general name for the transcendent—a discourse of perpetual de- and re-problematisation—but also to obliterate the *difficulties* of the retro-active effect of legislation upon production which is specific to the decomposed transcendental. Thus, the universal inhibition of further critique which is imposed upon the transcendent in general functions not just to render the supposed object of critique immune to further or any interrogation but also in this case, to block the possibility of the interrogation of the paradoxicality involved in the argument itself: that the transcendental nature of the argument paradoxically suspends the possibility of the productive base that constitutes its own ground. Just because the transcendental mode of production is made indiscernible with God and the supersensible (is inoculated) the mode of the relation of the transcendental to the empirical which it conditions is itself made transcendent and therefore essentially paradoxical. Thus the fact that it seems like a type of *petitio princeps*—or even a *paralogism*—to apply the result an argument retro-actively to the premise is, in this instance, just made into a special case of the general difficulties attendant upon the inevitably compromised attempts to characterise the transcendental when all that there are at the level of the empirical is the empirical. Not only is the mode of production of the transcendental immunised from further critique by its relocation into the inaccessible (and therefore uncriticisable) domain of the transcendent, but also the impossibility of the *relation* which this production maintains with the decomposition is itself removed from the range of any further interrogative criticism.

The transcendent (illegitimate) is therefore the characteristic concept of Kantian critique. It permits the relocation of the objects of critique into a safe h(e)aven which preserves them in atrophied pure formality and prevents further interrogation of them. The decomposition of the transcendental into the transcendent relocates the thought of transcendental production as it is presented (that is as ideal and hylomorphic) into the same (non)place and prevents *it* from being interrogated. In this case, however, it also permits the argument from decomposition to occlude its own problematic and paradoxical presupposition of the efficacy of a (now immunised) production which it implicitly mobilises and then relocates into the safe position of the transcendent. The key here is that presupposition and dependence of the decompositional argument on the uncritically appropriated dogmatic base of a mode of production whose

reactivity is preserved by being made transcendent. All the spurious problematisation and argumentative sophistication which the decompositional argument makes possible is *subsequent* to this primary paradox of presupposition and critical-uncritical occlusion of production. It does not matter to what extent this type of thinking *makes claims* at being free from presupposition, at not deploying simply transcendental arguments, at not deploying a theory of production (which would, of course, be something simply, or indeed not so simply, empirical), at not referencing *any* part of the history of philosophy, or any part of history at all, or anything at all, in a *naive* manner, but always with a cautious awareness (and often it cannot be any more than a mere awareness, a trembling, a *feeling* and that for reasons of *principle*); it does not matter to what extent these moves are made or even only alluded to, because all such moves are the *subsequent result* of the argument which consists precisely in the re-mobilisation of the transcendent decomposition of the transcendental in a problematising occlusion of this very mobilisation. One always *starts* from transcendental production; and only then is one able to say how difficult it is, how elusive, how complex, how irreducibly and infinitely remote or even how close (but still inaccessible) or even the former as a result of the latter.⁴⁰ It does not matter.⁴¹

Some of the original texts of the critical program can, of course, be read so as to support this type of argumentation. (What texts could *not*?) Take the aestheticisation of the transcendental in

⁴⁰“Viewed ontically, we are closest of all to the being that we ourselves are, and that we call the Dasein; for we are this being itself. Nevertheless, what is thus nearest to us ontically is exactly farthest away from us ontologically.” (Heidegger, *Die Grundprobleme der Phänomenologie* [Frankfurt: Klostermann 1975] trans. by Albert Hofstadter as *The Basic Problems of Phenomenology* [Bloomington: Indiana University Press 1982], p. 220; trans. p. 155).

⁴¹Even the complexities of Derrida’s second (half)move whereby the indistinction of the transcendental from the empirical is thought as the inevitable infestation or pollution of the empirical by the transcendental is subsequent. On the face of it this is obvious. To differentiate himself from the merely dogmatic and pre-critical attempt to name the transcendental empirically (anthropomorphism, as Kant says of pre-critical theology) Derrida must go through a transcendental phase. All such ‘phases’ must invoke transcendental production. At the end of his essay on Levinas therefore, Derrida is able (with a textual straight face) to invoke a *certain* empiricism; the ‘certain’ is the trace of the transcendental which saves him from (mere) dogmatism. See ‘Violence and Metaphysics: An Essay on the Thought of Emmanuel Levinas’ *Writing and Difference* trans. by Alan Bass (London: Routledge & Kegan Paul 1978), pp. 79-153, especially pp. 151f.

the third *Critique* for instance. By referring transcendental efficacy ultimately to a *feeling* (something essentially remote from conceptuality), one can easily see how the transcendental itself becomes identically remote from concepts. This furnishes a sort of evidence (as if any were really needed) of the decomposition of the transcendental into not only the unexperiencable transcendent, but further into the unthinkable transcendent of the beyond of concepts. In §59 of the third *Critique* Kant develops a thought of symbolism which bears the same relation to transcendent ideas as the schematism does to immanent ones (and as *examples* bear to empirical concepts). The argument is designed to demonstrate that beauty is the symbol of morality, but the symbol is nevertheless entirely general. It effects the presentation (“indirectly ... [by] analogy”) of an intuition for a concept which strictly does not or (in the case of transcendent ideas) could not possibly, have one. The interesting thing is that not only does this symbolism refer to transcendent ideas, but also to transcendental ones: Kant himself directly gives the example of substance, and his other examples, dependency, logical deduction (flow) and ground, are themselves not without transcendental interest. The result seems to be that Kant is envisaging the *symbolic* constitution of the transcendental itself, that is, the elision of the transcendentals with the transcendent in their capacity only to be presented *indirectly* (by means of symbols). This is true, but the effect is also, and more pointedly here, that attention is drawn (and in specific cases) to the *illegitimacy* of even *thinking* these (transcendental) concepts, because they appear to be, essentially and in their mere thought, polluted with an empirical referent. How, one might ask, can one even think the concept of substance aside from (physical) support? that is what it *means*.

Most popularly of all, the notion of sublimity as it is theorised in the third *Critique* also appears to authorise a direct intrusion of the supersensible at the level of the aesthetic which mediates between the conceptual impossibility of the recession of the transcendent and its transcendental necessity. The subject of the feeling of sublimity take itself to be superior to the destructive vast of nature because a residual intuition of the transcendental argument of the first *Critique* demonstrates that although nature can reduce the empirical self to dust, nature is simultaneously the transcendental product of that same self construed transcendently. The sublime is the theorisation of the untheorisability (unthematizability) of the transcendent(al): it is responsible for the Kantian authorisation of the counter-conceptual nature of the possibility of presentation

of the supersensible under the general head of its aestheticisation. The plethora of current work on the sublime attests to this form of reading.⁴²

Conclusion

The decline in the grandeur of the pre-modern God in no way signalled a decrease in the importance or significance of production for thinking. One clear—albeit oversimplified—way of understanding this change is to regard production as being predominantly undertaken by (transcendental) subjectivity rather than by God. Such a (quite traditional) model has the advantage of stressing the extent to which modern subjective production has the same scope and aspiration as its theological predecessor: the world itself is what must be produced. But it has the disadvantage of glossing over a twist, in both the notions of production and of theology, with a structural homology. In fact the declension of God—in for instance Kant's theology—answers to a reconfiguration of both production and theology at the same time. Subjective production treats the world primarily as *representation*. God's extra-mundane status makes theology a name for the study of what is *unrepresentable*, and therefore makes purely negative theology a dominant cognitive strategy. At the same time, (transcendental) subjectivity—in virtue of its conditioning or productive relation to the world as a whole—is also liminal with respect to representation. Thus, subjective production is theological, but in a sense of theology which has itself been specifically modernised.

This very broad picture can be filled out a little more by considering some of the effects of the vastly increasing cognitive power of the material sciences, culminating in the unprecedented success of Newton's dynamics. The impetus of such researches was towards an economy of explanation whose ontological correlate was the impoverishment of the real—as consisting ultimately only of particles in motion. Moreover, the astonishing achievements, particularly of

⁴²This project is carried out by a large number of recent French investigations of Kant's aesthetics, and especially of the sublime. See most notably Lyotard's essay 'Complexity and the Sublime' in *ICA Documents 4* (London: ICA 1986), pp. 10-12, and also his *Leçons sur l'Analytique du sublime* (Paris: Galilée 1991) as well as the collection of articles *Du Sublime* ([Paris: Editions Berlin 1988] trans. by Jeffrey Librett as *Of the Sublime: Presence in Question* [Albany, NY: State University of New York 1993]) which contains similar arguments—or ones starting from the same premise—in the essays by Lyotard, Lacoue-Labarthe and Jean-Luc Nancy. This topic is broached below in chapter 7, pp.173ff.

Newton, lent enormous weight to the supposition of an impoverished real. The discrepancy between this real and ‘lived experience’—the epistemic caesura—reconfigured the structural role that an agent of production could perform. No longer was a creator God required to execute a cosmological creation of a world viewed ontologically, but rather a knowing subject equipped with cognitive processing mechanisms was demanded to persecute an epistemological production of the world viewed as representation.

A phenomenology—of Lockean secondary qualities for instance—is however not the only problem raised by the epistemic caesura. It also tables a much more general problematic of *order*. The newly revealed dynamics of nature were—as Newton himself admitted—incompatible with any notion of the origin of the *organisation* of matter. The success of dynamics is also its weakness: a predictable and regularised nature is purchased only at the cost of presupposing *conservation* (of momentum, of force, and ultimately of ordered organisation). Because of the startling accomplishments of mechanics—and its universal scope—the problem of morphogenesis becomes increasingly stark: if the *whole* of nature is dynamic (and hence inimical to *changes* in organisation), then there is nowhere natural where the processing mechanisms that imbue nature with order can be located; there is nowhere for the subject to be. There is indeed—as Kant showed—a great deal of difficulty in locating the conditions of the production of even the minimal ordering capacity inherent in dynamics itself.

The subject is therefore the (impossible) name for an ordering agent that cannot rigorously be thought as belonging to the universe at all. Kant’s account of productive subjectivity as transcendental is central to this understanding. In one sense the transcendental subject (or the transcendental unity of apperception) is in a direct line of descent not only from Cartesian subjectivity, but even also from Platonic ideality. This is the sense in which the subject can be thought of as a homologue of God. But in another sense, the notion of the transcendental marks a definitive shift. The thought of the transcendental is that of the unlimited critique of attempts to model the origin of ordered experience from within that experience; to model the transcendental on the empirical. The effect of this—as this chapter has shown—is to decompose the transcendental in the Kantian transcendent, and thence to ensure the negative identification of transcendental (subjectivity) with the also recently modernised and negativised theological.

The most primary model for subjective production is that of desire—production by means of concepts or artisanal production. The transcendental turn enables this model—hylomorphism is its most general name—to be deployed with a principled ambiguity. On the one hand, it is the only way of thinking the possibility of ordered products; on the other it is clearly inadequate—the world as representation is, at the very least, not produced *consciously* by the subject. The assimilation of transcendental to transcendent permits this ambiguity to remain uninterrogated by arguing that ultimately the mode of production of the transcendental is unknown (transcendent), but that it is at the same time an unknowable limit case of a trajectory of refinement of something that *is* known: desire production. Thus desire production is affirmed as the only alternative to natural or mechanical production (in keeping with the tradition) whilst at the same time any actual identification of this mode of production with desire is treated as dogmatic and naive. This is the structure of Kant’s redemptive or negative critique of theology. Applied to production it argues the necessity of thinking another mode of production, but by negativising that mode it allows the old dogmas to be reproduced, modifying them only to the extent that one must always add that they are indeed dogmas.

In the terms which are of interest for this project, such a move contemplates, and then botches a new thought of production. Novel production is broached by applying the arguments concerning transcendental subjectivity to its productive relation to the world. This relation—transcendental production—cannot be itself empirical, for then it would presuppose the prior constitution of its product (the empirical itself). But this thought is botched because a production which does not presuppose its products is then negatively identified with the transcendental itself, and hence becomes indiscernably correlate with God and the subject once again. The rhythm of this argument—inevitable empiricisation of the transcendental, cadenced by refined acknowledgement of its illegitimacy—has many resonances with contemporary thinking which will be briefly readdressed in the next chapter, and again in chapter 6.

Chapter 4: National Production—A Note on Saussure

Introduction

Before returning to Kant in chapter 5, I would like to address briefly a more modern version of critique in its subordination to representation. Clearly the vocabulary and tendency of chapter 3 have been oriented to developments in the 20th century; and I would like to make one of these references fully explicit. In particular, I would like to address a form of positive critique, associated with the structural movement, which needs to be rigorously distinguished—despite certain limited advances associated more with Saussure’s text than with the general movement—from the further arguments about Kant and positive critique in chapters 5 and 6. I want to suggest here the extent to which this form of ‘positive’ critique (‘naive’¹ positive critique) is based in the fundamentally negative critical moves made out in the previous chapter, before going on to address Kant’s *own scepticism* about transcendent idealism in chapter 5. In short, the substitution of language for concepts as primary transcendental operators does not arrest the decomposition of transcendental into transcendent.

Ferdinand de Saussure’s *Cours de linguistique générale*,² reconstructed from the notes of his pupils at Geneva in the years before the outbreak of World War I, is an inordinately influential text:³ it initiated a revolution in linguistics which is comparable in extent with Kant’s revolution in philosophy. And after World War II, Saussurian—or more broadly structural—linguistics became the model for a whole range of intellectual activities in the (by then) hegemonic French academy. Claude Lévi-Strauss’s anthropology, Jacques Lacan’s psychoanalysis, Louis Althusser’s Marxism and Roland Barthes’ literary criticism represent only the hard-core of

¹Derrida suggests this term: “C’est pour éviter de retomber dans cet objectivisme naïf [of structural linguistics] que nous référons ici à une transcendentalité...” (Jacques Derrida, *De la grammatologie* [Paris: Minuit 1967], p. 90).

²Paris: Payot 1962; trans. by Roy Harris and edited by Charles Bally and Albert Sechehaye with the collaboration of Albert Redlinger as *Course in General Linguistics* (La Salle, IL: Open Court 1983). Subsequent Payot editions retain the pagination of this edition, which is in addition reproduced in the margins of the translation. Unflagged references in this section also refer to this pagination of the *Cours*.

³And is often compared with this. See the introductions to the cited editions.

convergent structural re-readings that find their ultimate base in Saussure's work; Saussure's dominance also spreads—although in a more contested way—to characters as disparate as Michel Foucault and Julia Kristeva.⁴

This chapter argues that it is not only the extent of Saussure's sphere of impact that can be helpfully compared with Kant, but that his work is fundamentally a re-configuring of Kant's transcendental production theory. In this perspective, Saussure is even more significant than his explicit influence suggests. Saussure's key move is to re-naturalise transcendental conditions, making them empirical once again (although not thereby intending to remove from them a fully transcendental efficacy). Saussure's empiricism of choice is language: language as an object capable of empirical study, and—*qua* the condition of thought and therefore experience—language also as transcendental condition. But this move is clearly not necessarily restricted to a choice of empirical transcendentals ordered around linguistic structures and structures explained on strict analogy with language.⁵

The attraction of such naturalised transcendentalism rests on the possibility not just of characterising the transcendental, but of putting empirical disciplines to work in that characterisation (without losing the sense of transcendental production). Perhaps, therefore, the most general case of the application of this thinking (that it is still possible to say that Saussure started) is the social construction of reality. This hypothesis (quite often rather ill-defined) is common in contemporary American cultural studies.⁶ Its relation to the objectives of Kantian

⁴Of course, many of even the inner circle of the structural movement were quite critical of Saussure, looking rather to Jakobson for their linguistics; this in no way reduces the importance of Saussure without whom Jakobson's—perhaps more rigorous—brand of linguistics would itself not have been possible.

⁵Lévi-Strauss' kinship patterns for instance. See Chapters II-IV of *L'anthropologie structurale* (Paris 1958) trans. by Claire Jacobson and Brooke Grundfest Schoepf as *Structural Anthropology* (New York: Anchor Books 1967).

⁶See, for instance, Gayle Rubin 'Traffic in Women: Notes on the "Political Economy" of Sex' in Ranya Reiter (Ed.) *Toward an Anthropology of Women* (London & New York: Monthly Review Press 1975) pp. 156-210. The suggestion is usually politically motivated. The axiom is that if something is socially produced (as opposed to 'naturally' given), then it is open to political contestation. Thus theory is oriented towards uncovering the produced status of what has previously been taken for given

transcendental production is evident: the real (the empirical-phenomenal) is constructed, that is to say produced. The agent in this case, the social as such, invokes the entire range of the social sciences as its naturalised transcendental operator.

This tendency to re-introduce the empirical at the transcendental level constitutes a sort of positive critique. In it, the tendency of the transcendental to decompose into the transcendent is (temporarily) arrested, and a certain space for the positive characterisation of transcendental operators is opened up. To distinguish this mode of positive critique or attempted transcendental empiricism from the view I am defending here, I call it naive positive critique. Because it fails to interrogate the *mode* of production of the transcendental, and therefore more or less implicitly retains the organisation of transcendental production to be found in the first *Critique*, it is wide open to strong objection.

Naive positive critique responds to the inadequacy of even (especially) the most refined forms of transcendental spirituality. It responds to a naturalising tendency; but it does so badly. By retaining the transitive mode of transcendental production it takes the terms of its naturalisation from transcendental idealism, and merely re-imposes phenomenality on the transcendental.

Transcendental efficacy, or at least reference, is retained only through the suggestion that the linguistic operator *produces reality*. This operator is itself clearly a part of just that reality. This chapter argues that naive positive critique sustains itself only with much bad conscience between a transcendentality whose sole rigor lies in the negative, and an empiricism crushingly vulnerable to transcendental critique.

The specific difference of transcendental and empirical requires that operators of transcendental force not be empirical; but Saussure clearly asserts that transcendental operators *are* empirical

‘naturally’). The relations to transcendental idealism of the theoretical gesture are clear. The notion of production however is evidently subordinated to a technical-intentional notion—i.e. it is equated with what Kant calls *desire*—which identifies what is produced with what is capable of political re-engineering. A more recent intervention suggests, with some wit, that today one would be in a better position to have a political programme to change something if in fact it turned out to be natural, on the ground that, for instance advances in the technology of bioengineering make such ‘facts’ rather more tractable to politics than the great instances of social production (patriarchy, capital etc.). See Eve Kosofsky Sedgwick ‘Axiomatic’ from *Epistemology of the Closet* (Berkeley: UC Press 1990). It is noteworthy that this latter suggestion comes from the domain of queer studies.

(in his vocabulary, the objects of a *science*). The more one emphasises the empirical-phenomenal elements in the constitution of the real, the more the position seems to regress to that of Hume's empiricism, and therefore cries out for a critique analogous to that Kant gives of Hume. As empirically accessible, the supposedly transcendental operators are a part of the product that they are supposed to produce. This force of this objection has been analysed in detail in chapter 3 as an application of critique to the structures of Kant's own architectonic. There I argued further that respect for the specific difference of transcendental and empirical tends in the direction of the fully negative, which denies *any* empirical basis for the transcendental, and therefore identifies the transcendental with the Kantian transcendent, in being just the other of the empirical.

This chapter therefore attempts first to show the extent to which Saussure's account of linguistics is dependent on Kant's philosophy, and specifically on the re-deployment of a paralogism of substantiality on language. This redeployment involves an implicit acknowledgement of the *productive* nature of linguistic structures. Second, I argue that the productive-transcendental base of structural linguistics is effaced by dominant use of another economic term: exchange. Interestingly, this method of repression itself is of Kantian origin. Lastly I argue that the attention paid by structural linguistics to the synchronic part of Saussure's text itself downplays the extent to which Saussure was conscious of the problems of the naturalised transcendental. This consciousness obtrudes most strikingly in the longer part of the book devoted to diachrony, to the material pressure of time as historical decay. Chronological decay provides a hint about the construction of a production theory that is positive, like Saussure's, without being subject to the problems of re-naturalised empiricism

The Paralogism of the Substantiality of Language

The echoes of Kant's terms, vocabulary and interests reverberate across all of the *Cours*: linguistics searches for the universal (20; 44); requires the self-delimitation of a terrain of legitimacy (20; 118); is conditioned by unity (145; 166; 249) and is defined by a "faculty" (25). Most pointedly, Saussure often polemics against the 'given'. This term refers to the pre-critical state of linguistics in which etymological knowledge is accreted in haphazard form, with no machinery for yielding general laws of the functioning of language. It is of no little importance that in Saussure, illegitimate empiricity is tagged as historical, temporal and diachronic. The

Cours is characterised by insistent calls for the eradication of the given. Saussure writes: “in linguistics natural givens have no place” (116, translation modified). This movement is centrally Kantian, and critical: it contrasts a critical account of the production of what appears, to empiricism, as merely given. Structural linguistics even has its own forms of the dialectic. There is a dialectical “antinomy” between synchrony and diachrony (129, translation modified; 251-2). Most importantly there is a paralogism of substantiality “*langue* is a form and not a substance”. And all the errors of linguistics stem from this “presupposition” whose “involuntary” character attests to a Kantian *necessity* of paralogistic illusion (169, translation modified). There is even a properly Heideggerian setting for this issue when the editors’ notes claim “*langue* is not an entity” but that ‘ontic’ metaphors are inescapable (19 note). Lastly, there is the standard correlate of Kantian production theory: a thought of unformed matter: a “*masse informe*” (55). This matter (equally the object of linguistics before Saussure’s critique and the bi-zone of white-noise white-thought) is:

a confused mass of heterogeneous things without ties between each other ... an amorphous and indistinct mass of thought .. chaotic by its nature ... nebulous ... plastic matter. (155-6)

The founding distinction of Saussurian linguistics is that between *langue* and *parole*.⁷ *Langue* is the systematic unity of *parole*, differentiating it from the unformed mass of statistical white informational noise. *Parole* is something like everyday speech. Said simply, *langue* is the transcendental condition of *parole*. Saussure argues compellingly that the base units of language are not positive entities at all, derivable from the wave-formal composition of sounds. Rather, linguistically significant phonological units (phonemes) are determined as differentiated by means of the imposition of the structure of *langue* on the unformed mass. Differences of dialect between what count as identical phonemes can be objectively more extensive than objective differences between what count as different phonemes. It is *langue* that formally structures the unformed phonological mass, and which makes possible *parole* by investing certain arbitrary differences with meaning, what Saussure calls value. The formal structuring capacity of *langue* produces the possibility of *parole*. The emphasis on the fundamental activity of formal

⁷No really satisfactory English equivalents have been found for these; and I will simply retain the French terms.

structuring as one of differentiation⁸ makes Saussure appeal to a vocabulary of primary articulation (26, 156f). Articulation is evidently, however, a form of production: *langue* produces meaning through the articulation and differentiation of the mass. As Saussure writes: “difference produces value and unity” (168, translation modified); or in an obviously Kantian register: “the accumulation of all these details has no value on its own; only the synthesis matters” (77). The capitulation of Saussure to Kant’s transcendental complication of theology in this production theory is explicit enough for Saussure to resort to a biblical echo: “In each [synchronic] state, spirit [*l’esprit*] breaths itself into a given matter and vivifies it “ (122, translation modified).⁹ The correlation between (transcendental) production, hylomorphism, theology and a thought of matter as dead could not be clearer.

For Saussure, the accession of linguistics to the mantle of an autonomous science depends upon the (itself transcendental) delimitation of its proper object as a unity (16; 25). Closely following Kant’s distinction between the historical and systematic elements of a science,¹⁰ Saussure suggests that this object is *langue*, and that it has never been isolated in its purity by any previous linguistics (25). Saussure undertakes a critique of linguistics. This critique takes the form of a paralogism. Pre-critical linguistics treats *langue* as a substance and not a form, just as for Kant, pre-critical rational psychology treats the *ego* as a (pneumatic) substance and not a (transcendental) form:

The importance of this truth cannot be overemphasised. For all our mistakes of terminology, all our incorrect ways of designating things belonging to language originate in our involuntary supposition that we are dealing with a substance when we deal with linguistic phenomena. (169, translation modified)

The unique status of the Paralogisms among the elements of the dialectic in the first *Critique* has already been noted.¹¹ The Paralogisms establish a relation between pre-critical rationalism and critique; the rest of the dialectic demolishes equally dogmatic rationalism as dogmatic empiricism. In the Paralogisms, Kant suggests that the rationalist thought of the *ego* merely needs sophistication or complication from the thought of substance or *res* into the thought of

⁸The emphasis is obviously important for later French thinkers about Saussure.

⁹Ezekiel 37:5.

¹⁰First *Critique* ‘The Architectonic of Pure Reason’ A832f.; B860f.

¹¹See chapter 3 pp. 56f.

transcendental formality in general. Saussure's demonstration that pre-critical linguistics depends on a paralogism of the substantiality of language evidently has its core in Kant, but its precise relation is treated ambiguously, and in an important way.

Saussure presents this linguistic transcendental as having no relation its experiential precursor—referent is not a term drawn from his vocabulary; but a later grafting.¹² This, however, is something of an evasion since representations are only and primarily made possible on the basis of the transcendental activity of *langue*. The pre-critical or Augustinian picture of language which “supposed ready-made ideas to pre-exists words” (97) must be subjected to a critical interrogation. This follows the same train as Kant's critique. In pre-critical linguistics, ideas are taken as given, and language construed as merely pointing toward these givens. In pre-critical metaphysics, objects are taken as given, and representations as merely pointing to these givens. In critical linguistics ideas are themselves produced in language; in critical metaphysics, objects are themselves produced by representations.¹³ It seems inescapable that Saussure's analysis of the conditions of language be in at least *some* relation to the traditional arguments of transcendental idealism.

The two possibilities might be thought diagrammatically. In the first case there is a quadrilateral of proportion between Hume and Kant on the one side and Augustine¹⁴ and Saussure on the other:

(Hume : Kant) : (Augustine : Saussure).

Thus Hume supposes that the object exists prior to its representation in the subject; and Kant performs the critical or Copernican revolution in arguing that the conditions of representation necessitate the production of the object. The object is produced in the representation of it, and

¹²Benveniste performs this grafting by arguing that Saussure's *arbitraire du signe* should be thought as operating not between signifier and signifier, but between sign and referent. See Émile Benveniste, *Problèmes de linguistique générale* 2 Vols. (Paris: Gallimard 1966-74).

¹³This is the gist of Kant's “Copernican revolution” in philosophy. See first *Critique* B xvii; xxiii note.

¹⁴Or any pre-critical linguistic theory. Augustine's is discussed by Wittgenstein at the beginning of the *Philosophical Investigations* (trans. by GEM Anscombe [Oxford: Blackwell 1963]) in a way that bears interesting comparison with Saussure's Kantianism. See Part I §§1f. (pp. 2ff.)

can have no (phenomenal) existence prior to the representation. So, in a proportional relation, Augustine writes of meanings which pre-exist their linguistic (or verbal) expression:

For when I tried to express my meaning by crying out and making various sounds and movements, so that my wishes should be obeyed, I found that I could not all that I meant to make myself understood by everyone whom I wished to understand me. So my memory prompted me. I noticed that people would name some object and then turn towards whatever it was that they had named. I watched them and understood that the sound they made when they wanted to indicate a particular thing was the name that they gave to it. (*Confessions* I.8)¹⁵

And Saussure's point is that the articulation of a meaning or value is dependent upon the conditions of linguistic representation; that the meaning is produced in the process of articulation, and in no way pre-exists it as something to be expressed indifferently.

Alternatively, to mark out the continuity of the two projects with each other, the extent to which Saussure merely *stretches* the critical representationalism, and does not just transport the critical skill onto another, discrete, object of critique, one might present a line of representation-hierarchy:

object—condition of object (representation)—condition of representation (*langue*)

Here the model is one of increasing sensitivity to conditioning. In the first place, objects are taken as given (pre-critical empiricism), and representation is thought as ancillary. In the second place, objects are thought as produced, and representation is thought as the *condition* of the object. In the third place, representation is thought as being essentially conditioned, and itself no longer just given. Representation takes place only in language. The consequence of this would be that *langue*, as the direct condition of representation, is also the mediate condition of experience (of objects, or referents) which themselves are only possible on the basis of a representation thought as linguistic. This in turn has the important consequence that Kant's distinction within representation between (mere) thought and experience is effaced. For Kant the outside of representation was thinkable, but only that. With the linguistic turn, even the thinkability of the outside is made impossible. Empty or transcendent concepts, just as much as any others are conditioned by the transcendental activity of *langue*. One is entitled no longer even to the *thought*

¹⁵trans. by RS Pine-coffin (London: Penguin 1961), p. 29.

of the outside. Even as Saussure inaugurates a form of regional positive critique, he vastly raises the stakes of negative critique.

It is wrong to suggest that Saussure is engaging in a cover-up through this ambiguity (although he could have been more explicit about his Kantian heritage). The first interpretation—that Saussure’s move is merely an application of Kant to a new domain—correlates with the formation of linguistics as an autonomous scientific discipline. The second interpretation—that Saussure implicitly *extends* critique—corresponds to an awareness of the consequences of this for philosophy. Saussure himself was—in spite of the breadth of this influence—a quite specialised student of linguistics, and had no obvious aspiration to draw any excessive conclusions from this closely delineated goal. Saussure himself is not strictly ambiguous about the two possible relations to Kant, he is simply not interested in the second one. Nevertheless, it is true that this facilitates a marginalisation of the primary issues of the confrontation of transcendental linguistics with the problems of its neo-Kantian heritage.¹⁶ Saussure focuses on the professionalisation of a regional discipline. This sites his relation to Kant—and hence the production theory that he takes over from Kant—as one of regional appropriation (the first model above). He takes himself merely to be using critical instruments from Kant, and applying them strictly to a different, and smaller area: the constitution of the *object* of linguistics as a science.

The result of this transportation of critical techniques, however, is more widespread, and corresponds rather to the second model above. The conclusion of the critical paralogism of language is that *langue*, as form and not substance, is irreducible to either signifier or signified¹⁷(concept). Instead, *langue*, as transcendental, conditions *both* signifier *and* signified. This transcendental argument resists a pre-critical rationalist linguistics, which would compromise the scientific autonomy of the discipline by risking its reduction to concepts (signifieds). And it also resists a pre-critical empiricist linguistics, that similarly compromises the

¹⁶A marginalisation that persists in many of the authors influenced by Saussure. Some of the strongest thought in post-World War II France was not undertaken by philosophers, but by thinkers who, whilst by no means unphilosophical, were nevertheless representatives of other disciplines: anthropology, psychoanalysis, Marxism, linguistics etc.

¹⁷*Signifiant* and *signifié* in Saussure’s French. The translators use ‘signal’ and ‘signification.’ I have opted to retain the more familiar ‘signifier’ and ‘signified’ even if these are technically less appealing.

autonomy of linguistics, but this time by reduction to phonetics (signifiers). *Langue*, to be autonomous and transcendental, must condition both signifier and signified:

Linguistics, then, operates along this margin, where sound [phonetics, signifiers] and thought [conceptuality, signifieds] meet. *The contact between them gives rise to a form, not a substance* [i.e. nothing reducible to thought or sound]. (157)

Signifier and signified, therefore, cannot be prised apart. They are, in Saussure's famous phrase from this section of the *Cours*, like the *recto* and *verso* of a single sheet of paper (156). This clearly entails that all thinking has its primary condition in the structures of *langue*. And this, equally, clearly locates structural linguistics in a line of *extension* of Kant, and not (just) a regional, professional transportation of some of Kant's critical machinery.

Saussure attempts to limit the scope of his production theory by sealing it up in a local discipline. This enables him to evade the difficulties of this sort of positive critique. *Langue* may be the condition of the object of linguistics properly conceived, but it is evidently also a fully transcendental condition: it makes possible conceptuality, or thought, and therefore experience or objects as such. The obvious problem that attends the naturalisation of transcendental conditions is: how can this be distinguished from a pre-critical empiricism open to standard Kantian transcendental objections akin to those advanced by Kant against Hume? In this case, how can transcendently active and productive *langue* be specified so that it is different from the concepts it makes possible? This problem is particularly acute with the choice of language as naturalised transcendental operator. If *langue* is the transcendental condition of conceptuality, and therefore distinct from conceptuality, it follows that it is no longer a concept—and therefore no longer even thinkable as such, let alone the object of a possible science. Although the machinery that made possible such a move was already constructed in Kant, Saussure made this explicit, and raises the stakes of negative critique—negativising it to counter-conceptuality—in his attempt at positive critique.

Market and Factory

In Volume 1 of *Capital*, Marx suggests that the phase transition to capital is not fully achieved until the means of production have been revolutionised by capital.¹⁸ For Marx, the single most

¹⁸“It by no means *suffices* for capital to take over the labour process in its given or historically transmitted shape, and then simply to prolong its duration. The technical and social conditions of the

important evidence of the completion of this transition is the development of the factory. Prior to this, while capital is still self-assembling, Marx suggests that other, not essentially capitalist, means of production can co-exist with the development of capital understood as the form of the fetish of the commodity in the market.¹⁹ In the period in English history that Marx calls ‘Manufacture’, an essentially feudal structure of production—notably the guild system—is retained even through the increasing capitalisation of markets.²⁰ Similarly, slavery in the southern US was not abandoned until the pressures of the European cotton market demanded a revolutionisation and not just an exacerbation of the means of production.²¹ Exchanges on the market, in a sense, temporarily *mask* the future destruction and revolutionisation of the means of production by capital.

Marx generalises this in his account of the fetishism of the commodity, whereby production, and importantly, the *history* of production, is *always* covered over by the functionings of the market in commodities.²² Today this is an increasingly significant argument. The internationalisation of the division of labour and the globalisation of capital increasingly concentrates intellectual labour in the core, whilst maintaining productive labour in the periphery. The

process and consequently the mode of production itself must be revolutionised” Karl Marx *Capital* Volume 1 trans. by Ben Fowkes (London: Penguin 1976), p. 432, italic added.

¹⁹“... [C]apital subordinates labour on the basis of the technical conditions within which labour has been carried on up to that point in history. It does not therefore directly change the mode of production.” *op. cit.* p. 425; “But capital ... is at first indifferent towards the technical character of the labour process it seizes control of. At the outset, it takes it as it finds it.” p. 358.

²⁰“With regard to the mode of production itself, manufactures can hardly be distinguished ... from the handicraft trades of the guilds.” *op. cit.* p. 439.

²¹Marx also analyses the retention of the *corvée* system in the Danubian Principalities *op. cit.* pp. 345f.

²²This is an important point for Marx, it determines his structuring of the text of *Capital*: beginning with an account of the commodity and its fetishism, and only then going on to deal with the revolutionisation of the mode of production under capital. He guides the reader from the realm of exchange and property relations into production thus: “Let us therefore, in company with the owner of money and the owner of labour-power, leave this noisy sphere [of exchange], where everything takes place on the surface and in full view of everyone, and follow them into the hidden abode of production on whose threshold there hangs the notice ‘No admittance except on business’. Here we shall see, not only how capital produces, but how capital is itself produced” *op. cit.* 279-80.

embourgeoisification of the core proletariat is a correlate of the proletarianisation of periphery. Compounded by a racist problematic of the invisibility of the Other to the West, the masking of production (which occurs increasingly only in the periphery) by a core increasingly devoted to exchange and consumption (to the loops of the market that are fetishistically divorced from production) has achieved the dignity of the theoretical. Not only do bourgeois economists regularly efface production, but even Marxist-influenced social theorists (early Baudrillard, for instance) now suggest a re-orientation of Marxist theory away from production and toward exchange and consumption. Indeed, large segments of what is sometimes called post-modern theory seem to be dominated by this concentration on the economics of exchange and consumption as against production. There is similarly a whole real history of the construction of the thought of matter that can be brought into relation with Marx's analyses here; the thought of matter as dead and essentially the object of sciences of conservation (or exchange).

Even in Kant, the centrality of production to whose thought has already been demonstrated at some length, this very centrality is compromised and repressed by appeal to a structure of exchange.²³ In Saussure's neo-Kantianism, this tendency toward the suppression of production in favour of and by a theory of exchange is exacerbated in preparation for the theoretical reconfigurations of late capital. As in Kant, the productivity of transcendental forms is characteristically subordinated to a process of reciprocal exchange. In fact the very efficacy of the transcendental operator in Saussure is in its role facilitator of exchange. *Langue* is the "intermediary" between signifier and signified (156) and at the same time—in virtue of its wholesale position—productive (157). Saussure envisages the site of production of language (experience) as simultaneously a site of exchange between the transcendental (concept; 'mental image') and empirical (intuition; acoustic image) facets of the sign. Similarly, in Kant the

²³Kant argues that it is time as a common form (of medium of exchange) between concept and intuition that enables them to be brought into contact. The notion of a productive exchange, essentially mercantilist, achieves even greater prominence in the third *Critique* when imagination and judgement, faculties occupying intermediary positions and exercising exchange functions, take on much of the transcendental work-load of constituting experience. Heidegger's 1927 reading of Kant (*Kant und das Problem der Metaphysik* [Frankfurt: Klostermann 1973] trans. by Richard Taft as *Kant and the Problem of Metaphysics* [Bloomington and Indianapolis: Indiana University Press 1990]) demonstrates at some length the transcendental primacy of the imagination. See chapter 6.

imagination of the schematism in the first *Critique* increasingly becomes the primary locus of production of reality in the third *Critique*. Factory is improbably reduced to market. And Saussure is as coy as Kant in designating the potency of the exchange / production as “somewhat mysterious” (156); Kant writes of it that it

is an art concealed in the depths of the human soul, whose real modes of activity nature is hardly likely ever to allow us to discover (A142; B180-1).

Whilst the vocabulary of transcendental commodity production is not so manifest in Saussure as it is in Kant, the attribution to Saussure of a founding theory of exchange is not limited to his reproduction of the structures of Kantian thought. He is explicit not only about the significance of the theory of exchange, but also about its origin in the economics of capital.

Saussure in fact draws an exact parallel between the sciences of semiotics and political economy because, “as in political economy one is faced with the notion of *value*” (115). This parallel is thought in terms the identity of the mechanisms of exchange under capital:

it is a question of a *system of equivalence between things of different orders*: in the one labour and wage, in the other signified and signifier (115)

This approximation of signifier to wage and signified to labour refers us to the analysis carried out by Marx in the first chapter of volume 1 of *Capital*; and to Baudrillard’s semiotic reading of this.²⁴ Baudrillard’s semiotisation of use-value had, in effect, already been performed by Saussure himself. Saussure establishes a relation of exchange and hence equalisation which substitutes for and masks relations of transcendental production which must underlie the pretended transcendental efficacy of exchange.

The consequence of Saussure’s use of the vocabulary of exchange is to disable *any* possible interrogation of the functioning of those relations of production, and of the mode of production. The mystery associated by Saussure (and by Kant) with this productive exchange is clearly self-imposed: exchange is *used* to make production mysterious and thereby immunise any critique of its constitution.²⁵ Saussure’s appeal to the economics of exchange is a form of transcendental

²⁴See Jean Baudrillard, *Pour une critique de l'économie politique du signe* (Paris: Gallimard 1972) trans. by Charles Levine as *For a Critique of the Political Economy of the Sign* (St. Louis: Telos Press 1981), chapter 7.

²⁵This is Marx’s argument *op. cit.* e.g. pp. 139, 149, 164.

mercantilism: envisaging production as occurring merely through exchange.²⁶ Horkheimer's casting of Kant as a theorist of the factory becomes Saussure's naive escape into a merely merchant-capital past. This mercantilism does, however, have a point of internal decomposition. The mere need for equalisation signals a problem that Kant attached much importance to over several of his later texts: that of the difficulty of getting the transcendent to be productive at all, of getting the transcendental to make productive contact with the empirical, from which it is specifically different. Saussure raises this blandly with his mention of "things of different orders" (115), but only pursues its difficulties when the orders concerned are systematic synchrony and time or *history*.²⁷

History

There is a point of breakdown of Saussure's circle of reciprocal exchange; a point which is symptomatic of the larger breakdown of transcendentalism. Saussure matches economics and semiotics as co-sciences of value in order to effect a radical disjunction in both—as sciences of value—between the synchronic and the diachronic.²⁸ A science of value for Saussure is characterised by its transcendental constitution. Value is the general term for the object of transcendental argument, or critique in general. Value has its genesis in a transcendental operator, *langue* in the case of linguistic value, and the economic monetary system in the case of fiscal value. Value cannot be accounted for empirically, because the constitution of the empirical realm (*parole*) is possible in the first place only on the basis of the transcendental operator. The argument is that of Kant against empiricism: it is impossible to account for the production of the empirical if one presupposes its constitution in the mode of production of the empirical. History is the irrational action of *parole* (the empirical of language) *on* the system of language itself (*langue*). Since *parole* is produced *by* *langue*, to suppose that *langue* has its (causal, historical, empirical) origin in *parole* is to beg the question. One cannot give a causal, that is to say historical, account of language as a system of values; the causal historical genetic question "is

²⁶Marx, *op. cit.* p. 651.

²⁷For Kant time was the medium of exchange, and therefore not an item capable of being exchanged. The problem did therefore not arise for Kant in the same way as for Saussure, although the reference to system in Saussure makes a compelling comparison.

²⁸This is the context of the quotes from pp. 114f.

not even a question to be posed” (105), there is no “rational norm” from the perspective of which one could even frame the question (106).

Saussure presents synchrony as a time-slice; but this is not strictly accurate. Synchrony, the transcendental locus of *langue*—being a “form and not a substance” (169)—is not actually within time at all. This transcendental argument is marked, defined, by a central and apparently insoluble antinomy. In Saussure’s case this is ultimately just the re-statement of the transcendental argument itself and the eruption of the point of collapse of the system of exchange:

The radical antinomy between evolutionary and static facts has for its consequence that all the notions relative to one or the other are to the same extent irreducible to each other (129, translation modified)

This point is one of the *failure* of exchange, none of the concepts relating to one side may come into contact with any of the concepts relating to the other. This failure is the basis of the transcendental manoeuvre, its presupposition. It is only by the rigorous segregation of the two areas of transcendental and empirical that the argument can propel itself; and one which releases an insoluble (analytic as opposed to dialectic) antinomy.

The analytic antinomy of production in Kant is that the relation of empirical production to its transcendental counter-part is unthinkable in the frame of an empirical production governed by the fetishism of the commodity and the dominance of the market. Even in Saussure empirical causation is still “one of the most difficult problems of linguistics” (202), and one which leaves an awkward sticky “residue” (196) of indigestible semantic efficacy. The effect of Saussure’s linguistic transcendentalism renders impossible the location of organisational potency at the level of consciousness (Saussure’s term is more properly *l’esprit*) and compels a thought of the impersonality of form. But this forces *langue* out from the speaking individual to appear only as tradition, which in turn makes it seem to depend upon history:

Langue is necessary in order that *parole* be intelligible and produce all its effects; but the latter is necessary in order that *langue* establish itself; historically, the fact of *parole* always precedes (37, translation modified)

And we must add that transcendently *langue* must always precede *parole*. Empirical and transcendental production operate in opposing senses, that is against each other. (See below, chapter 7, pp. 178f.)

Saussure attempts to resolve this problem, as does Kant, by providing a fictive-repressive dialectical antinomy which he regards as transcendently soluble. In fact the solution is, in Saussure's case, provided by his editors. The antinomy numbered third in Kant's organisation, between freedom (the characteristic of transcendental causation) and determinism (that of material causation) is reproduced in Saussure as one between the mutability and immutability of the sign. The editors comment is:

One would be wrong to reproach F. de Saussure with being illogical or paradoxical in attributing to *langue* two contradictory properties. By the striking opposition of two terms he wanted only to emphasise the fact that *langue* transforms itself without there being subjects having the power to transform it (108 note)

It is as a "blind" (127; 209) or "unconscious" (127) force that Saussure invests the historical.

The most intensive instance of this force is the historical function of agglutination. Saussure describes this as "*processus*" and not "*procédé*" because "the latter word implies a will, an intention, and the absence of will is just the essential character of agglutination." (244). This synthesis "is a mechanical process [*processus*], in which the assemblage constitutes itself" (244; 177) and the synthesis is unconscious—belonging to "a whole latent system...held in reserve" (179).

This is the real specificity of the linguistic turn which Saussure did much to inaugurate. It is not just that the turn raises the stakes of negative critique by effacing the distinction between thought and experience. It is rather that the staking out of a transcendental ground that does not merely include time (and hence temporality and history) as merely phenomenal. The mysterious power of the noumenon in Kant can now erupt again into thought as a fundamentally historical power; but only on condition that it appear in a naively (as opposed to transcendently) empirical way and that as such it should, by virtue of its empirical nature, be rigorously excluded from consideration: "The intervention of history can only falsify ... [the linguist's] judgement" (117).

This thesis is not completely parochial; it does not apply only to Saussure. To take a single example, the use of history in Foucault's work up to the later volumes of the *History of*

Sexuality, far from contesting the dominant structural Saussurianism, rather reinforces it. In both authors history appears as the master of the irrational, irrupting into the relative stability of what Saussure names synchrony, and what Foucault (when he refers to it explicitly) names as *episteme*, and disrupting it. The difference appears in the celebration with which Foucault greets this in contrast to Saussure's tight-lipped attempt to remove history from consideration.

Just as pre-critical empiricism in general gives a clue for understanding transcendental empiricism; so the effect of history as a factor of annoyance for the transcendental in Saussure may provide a similar clue for the understanding of the problems that might be faced by an unrepression of history.

The most primary role of the historical is again at one with that Foucault ascribes to it; at least in the late essay on (Kant on) the Enlightenment where he admits the immersion of his thought in Kant's practice. There Foucault describes the function of history as an interminable process of disessentialisation: it disperses givens. Foucault is describing the movement of primary critique, accounting for the production of what is dogmatically taken as given.²⁹ Saussure writes, in his apparently more limited mode:

The action of phonetic change is unlimited...it is puerile to think that the word can only transform itself up to a given point as if there were something in it which could preserve itself. (208)

But also, more generally, "permanence is an effect of chance" (306). The full implications of this remark are usually overlooked. Saussure thinks of the motor of linguistic history as an indefinite and impersonal procedure of decomposition of language; even to the point of its self-obliteration:

In effect the system of *langue* rests on the irrational principle of the arbitrariness of the sign which, applied without restriction, would end up in a state of the utter chaos; but spirit [*l'esprit*] attempts to introduce a principle of order and of regularity in certain parts of the mass of signs, and this is role of the relatively motivated. (182, translation modified)

This double movement is initiated by "the two opposed currents which partition the movement of language". The system of *langue*, "naturally chaotic" only becomes systematic through "a limitation

²⁹Foucault's method does not, however, identify what is produced with what can be the object of a molar politics (see above note 6).

of arbitrariness” (183). The force of history is always primarily that of alternance which tends toward the completely lexicological, the severing of all relations between words on which the systematicity of the system is based. It is only the attempt, on the part of *l'esprit*—through the importantly Kantian mechanism of analogy—to control and regulate this infinite division that enables *langue* to be a system at all. It is in this context that Saussure resorts to the biblical echo already mentioned to confirm the theological model to which he adheres: “In each state *l'esprit* breaths itself into a given matter and vivifies it “ (122).

Langue tends toward the breakdown of its system; which is at the same time a tendency toward its complete unrepression. The eradication of system is the eradication of “the whole latent system” (179) of associative relations, the unconscious of *langue*—and this process is held up only by activity of the egoic system, *l'esprit*. It is the same with the system of languages. The multiplicity of languages “tends toward an indefinite fragmentation” (268) whose end point would be the end of language, its privatisation to the point individual singularity—aptly named as idiolects. This process too is retarded, and this retardation is another condition of language, by a counter-operative force which Saussure names, benevolently enough, “literary language” (267f); but by which he means both civilisation itself (268) and the paranoid colonial mechanism by which civilisation, in its paradigmatic form of the nation-state, is able to arise.

Saussure in fact performs the same manoeuvre as does Freud with his “two opposing currents of mental life”; that is he reduces them to modes of the same force. He posits initially “force of intercourse and a spirit of closure”. Clearly the apparent distinction of type between force and spirit is important; the two are also distinguished as nomadic and sedentary (280); and “contagious” versus isolated (283). But the course of the discussion renders the dual hypothesis, as in Freud’s theory of narcissism, otiose.³⁰

One can refer everything to the single unifying force without the intervention of the spirit of closure, the latter being nothing other than the force of intercourse appropriate to each region...only the intensity of their action varies. (285)

The reference to unity here is obfuscatory. The more salient character of intercourse is its capacity for contagion; for contact has the effect of accelerating the singularising of phonetic change. In all three cases the spirit which reimposes order on the always collapsing tendency of language itself emerges

³⁰See below chapter 7, pp. 179ff.

from that tendency. Closure is openness or intercourse between appropriately distinct entities or territories; it is a secondary repressive symptom. The single force of exploration appears as a function of two already adequately distinguished entities or territories. Thus one of the effects of contact is the production of relatively discrete units between which empirical contact may take place. This is dependent on a prior and primary repression of the force of contact which makes no such presupposition. The same is true of the other two effects of history: in each case the repressive capacity of spirit is conditioned by the potency of the impersonal and deterritorialising historical force which it purports to repress (as a condition of civilisation etc.). Spirit borrows its forces; or rather it is predicated upon a violent colonial appropriation of forces for itself; after which it can present itself as a pre-condition for the very history from which it borrows.

The critical fold of philosophy in upon language retains its fierce hold on thought only to the extent that it elides and forgets the difference between its extension of the ideal dimension of the Kantian project and its transportation of the critical algorithm to a new domain. By excavating a new ancillary condition for thought it constitutes merely a modish version of Kantianism. But by a process of selective forgetting of this fully transcendental origin, by attending to the weight of the new axis which is provided by language, it manages a reintroduction of the power of temporality which was obliterated by the traditional accounts of time as form of the phenomenon in Kant.

This re-emergence of history is strictly incoherent: it is reduced to the level of an empiricism that it cannot possibly inhabit if the transcendental status of language is to be respected. Nevertheless it guides the possibility of a properly materialist theory of time. Saussure's theorisation of time as a drive toward death, the death of language and thought, implies that its only mode of contact with spirit must be through the agency of a repression. Exchange is counted out from the start. The non-linearity of the relation demonstrates the involvement of the exchanges which constitute and produce language with a non-exchange. The orientation of the non-reciprocity toward death denotes time not as a medium of exchange as in Kant, not as, in general, reversible as the scientific jargon has it, but as irreversible.³¹ It is not capable of travelling indifferently in either

³¹See Ilya Prigogine and Isabelle Stengers *La nouvelle alliance* (Paris: Gallimard 1979), 2nd edition with preface and appendices, 1986, 1st edition partially trans. and somewhat rewritten by the authors as

direction—but insists upon a unidirectional sense; an entropy. This conception of unilateral temporality is the correlate of transcendental hylozoism or intransitive production. It is that time in which the productive causality peculiar to hylozoism may operate. Its articulation comes in Deleuze's thought of the "life proper to matter itself ... dissociated by the hylomorphic model."³²

Conclusion

The structures of structuralism are the categories writ large. The supposed antinomy in French thinking before 1972 (the publication of *Anti-Oedipe*) between a more or less humanist phenomenology very obviously derived from Kant, and a more or less anti-humanist structural movement less obviously derived from Kant, is a completely false one. In both cases a transcendental production is implicated which is determined as hylomorphic. The domain of the *morphe* remains substantially unchanged through the switches from cosmology (God as form) through apparent privatisation in Kant (supposedly subjective categories) which could never be thought as such (the subject is transcendently indiscernible from a negative God) through re-nationalisation again into ambivalently social or linguistic transcendental structures.

What the succession of modifications of the *morphe* does achieve is a raising of the stakes of hylomorphism. Saussure, for instance, prepares a path toward a rigorous negative critique by drawing attention to the inescapability of (linguistic) representation, and obliterating what little was given by Kant in his distinction between experience and thinking. This effect makes the appeal to a phenomenal investigation of transcendent(al) structures the more brittle. The actual processes of production and history are therefore almost completely sunken under the weight of a concentration on an exchangist surface which is only mysteriously productive and on the regional

Order out of Chaos: Man's New Dialogue with Nature (London: Heinemann 1984) especially Chapters 4ff.

and disciplinary nature of the claims. History itself, though it preoccupies Saussure himself, is thinkable only as the irruption of the irrational: chaos.

³²Gilles Deleuze and Félix Guattari *Capitalisme et schizophrénie: 2. Mille plateaux* (Paris: Minuit 1980) trans. by Brian Massumi as *A Thousand Plateaus* (Minneapolis: University of Minnesota Press 1987), p. 411.

Chapter 5: Transcendental Sclerosis

The theologians, by assimilating God to a pure spirit, have betrayed that they have no feeling for the process of creation, of doing in general. Spirit as such is ill-equipped for production; it plans, but to execute its projects, there must be an impure energy which comes to put it into motion. It is spirit, and not the flesh, which is feeble, and it becomes strong only when stimulated by a suspect thirst, by some condemnable impulsion.

Émile Cioran *La Chute dans le temps*

Introduction

This chapter discusses the deployment of Kant's increasing scepticism with respect to the efficacy of hylomorphic production, a scepticism that cuts away the productive base from the arguments of negative critique. A short note on law demonstrates that even when Kant attempts to make the transcendental legal rather than productive, the same scepticism is in evidence; although it is of a rather mitigated variety.

The discussion of the third *Critique* centres on the relation of the problematics of the third *Critique* and their performance in the body of the text. This chapter aims, in this respect, merely to prepare the way for the analysis of the third *Critique* in the next chapter by emphasising the importance and the difficulty of the suggestions Kant makes in the introductions (and especially the First Introduction).

Kant's scepticism about hylomorphic production is manifest in the two major formulations of the problem that Kant makes in the introductions to the third *Critique*: the problem of system; and that of the capacity of judgement. In both cases the content of the third *Critique* is in a difficult and sometimes opaque relation to its explicit problematic. This difficulty sometimes leads (even in the case of Kant himself) to an underestimation of the full, indeed transcendental, scope of the problems.

System

From the start Kant's problem presented itself as the guarantee of stabilities and unities in the face of the disaggregation of flows.¹As early as the *Observations on the Feeling of the Beautiful*

¹References back to Milton's, and forward to Freud's analyses of fluidity are clear.

and the *Sublime*, in a marginal note hand-written in his personal printed copy, we find Kant expressing the investments that were later to be those of critique:

Everything goes past like a river and the changing taste and various shapes of men make the whole game uncertain and delusive. Where do I find fixed points in nature, which can not be moved by men, and where I can indicate the markers by the shore to which he ought to adhere?²

By the time of the first *Critique* and the initiation of the critical project, Kant had exorcised this Herakleitan river from the interior of the continent of political and epistemological stability, and definitively delineated a continuous coastline of experience within which knowledge was secure, and without which there is nothing (*nihil*) but an unknown ocean of transcendence.³ Critique takes the specific form of a transcendental rationalism—combating the sceptics⁴ who had raised him from rationalist dogmatism—and reconfiguring the investments in stability and order (both political and epistemological) at the new, and far more sophisticated, level of the transcendental. As the *Prolegomena* makes clear, the aim of the positive phase of transcendental idealism is to underwrite and guarantee the stable forms of knowledge of geometry, pure mathematics, and Newtonian mechanics. Kant’s hylomorphic production theory betrays its rationalist and theological origins here. Transcendental conditions rethink the old guarantors of unity (God and the soul primarily) as formal agents of production necessarily presupposed by the construction of nature as experience.

The introductions to the third *Critique*, and especially the First Introduction, make *prima facie* devastating claims against the efficacy of Kant’s transcendental production theory and its capacity to underwrite the unity of nature. There Kant re-invokes a distinction from the end of

²*Sämmtliche Werke* ed. Hartenstein (Leipzig 1868) VIII, p. 625; cited in Paul Arthur Schilpp, *Kant’s Pre-Critical Ethics* (Evanston & Chicago, IL: Northwestern University Press 1938), p. 73.

³At A396 Kant invokes the Pillars of Hercules at the boundary of the rigidly delimited zone of immanent knowledge, the “continuous coastline of experience,” in which is inscribed the *nihil ulterius* gesturing toward the “shoreless ocean” of the transcendent.

⁴“A species of nomads despising all *settled* forms of life, [breaking] up from time to time all civil society” (A ix) and hence hardly committed to the project of securing integral unities either in cognition or civil society. Given the stakes of Kant’s rejection of Hume as a sceptic, the consequences of Kant’s own scepticism about transcendental production must be very serious indeed.

the first *Critique*, and re-invokes it with extreme scope. The distinction is between unity conceived as an aggregate [*Aggregat*] or more often *mere* aggregate, and unity as system [*System*]. In the first *Critique*, and especially in the section entitled ‘The Architectonic of Pure Reason’ (A832-851; B860-879), this distinction is set up between two types of knowledge, ordinary knowledge which is an aggregate, and science which is system. The knowledge of pure reason is the paradigm of the system. Kant defines system like this:

By a system I understand the unity of the manifold modes of knowledge under one idea. This idea is the concept provided by reason—in so far as the concept determines *a priori* not only the scope of its manifold content, but also the positions [*Stelle*] which the parts [*Teile*] occupy relatively to one another. (A832; B860)

This abstract definition is however supplemented by a series of metaphors drawn from the organic stratum: systems are “like an animal body” (A833; B861) and also—moving backwards through the stratum—a “germ” (A834; B862) and finally—reaching the end point of the origin of life itself:

systems seem to be formed like worms [*wie Gewürme*], through a *generatio aequivoca* from the mere confluence of assembled concepts. (A835; B863, translation amended)⁵

This notion of system responds to the requirement that reason be the peak of the increasing unification of structures (from sensation, to intuition, to imagination and judgement, to the understanding and finally to reason). This thought is traditional in both scholasticism and early modern rationalism, as well as a commonplace of the faculty psychology of the eighteenth century. Kant thinks it in particular through his transcendental version of the scholastic thesis of hylomorphism:

Just as the understanding unifies the manifold in the object by means of concepts, so reason unifies the manifold of concepts [of the understanding] by means of ideas (A644; B672, italic added)

The understanding works up the raw material of intuition (the manifold) to produce objective experience of nature; reason, in its turn, works up the manifold raw material of objective

⁵The use of organic metaphors to characterise the system of pure reason becomes increasingly problematic in the third *Critique* where organisms themselves become transcendental problems. See below chapter 6, pp. 155.

concepts supplied by the understanding into a system. These productive processes are nevertheless quite crucially different: whereas the categories produce objective nature, the ideas of reason produce no object at all, but only an imaginary point of unity behind experience⁶ and to which access is rigorously forbidden by critique. This distinction is the basis of Kant's critiques in the negative dialectical part of transcendent idealism: of reason in general, and the transcendent ideas of the immortal soul, world and God.

The notion of system seems then to be relegated to a description of the activity of reason, and therefore has apparently no role to play in the production of experience. The force of Kant's critique however is not *just* to reject the transcendent use of ideas of reason, but also to find for them an immanent use which will recuperate for them some of what had been the glory of rationalism, save them (as well as the thought of system) from complete decrepitude, and immunise them against further critique.⁷ This immanent use of ideas of reason is somewhat different from the immanent use of pure concepts of the understanding. The latter are used immanently if they refer to the domain of natural objects as conditions of possibility of nature. Ideas of reason are without any reference to experience, and can have no such immanent use. Instead, ideas are used immanently when thought *regulatively* rather than constitutively.

This regulative use of the system of ideas of reason (which does not receive much attention in the first *Critique*) decomposes into two quite different sets of propositions. Kant summarises these two (regulative) uses:

[The] function ... [of] the systematic unity of the manifold of knowledge as prescribed by reason ... is [1] to assist the understanding by means of ideas in those cases in which the understanding cannot by itself establish rules, and at the same time [2] to give to the numerous and diverse rules of the understanding unity of system under a single principle (A648; B676)

⁶Kant uses the term *focus imaginarius* at A644; B672.

⁷Kant saw such further critique (that of explicitly atheist empiricism in Hume, or materialism in the radical French enlightenment) as an undermining of all epistemological and political stability. See, for instance, John Zammito's account of the Spinoza controversy in *The Genesis of Kant's Critique of Judgement* (Chicago & London: Chicago University Press 1992), pp. 140-1.

[2] is readily comprehensible in terms of Kant's architectonic, it suggests that reason provides the ground of unity of concepts of the understanding (and, *a fortiori* of the unity of the categories). [1] however is more complicated. It can be understood by broaching a second distinction that Kant makes rather more implicitly. There are two sections in the first *Critique* that deal with the immanent use of transcendent ideas, 'The Regulative Employment of the Ideas' and 'The Final Purpose of the Natural Dialectic of Human Reason.' They are the last two sections of the dialectic. In the latter section Kant discusses the transcendent ideas that had been at issue in the rest of the dialectic (soul, world, God); in the former (from which the above citation is taken) however Kant treats not these ideas but rather a set of contemporary scientific and scholastic maxims that were—to a certain extent—guiding research, but which seem not to have any essential relation to the transcendent ideas that Kant has spent several hundred pages critiquing.⁸

One thus has on the one hand the actual transcendent ideas of the dialectic, whose utility as hypotheses of regulation is often difficult to grasp; and on the other a set of hypotheses whose regulative utility is at least relatively clear (although of course contestable), but whose essential relation to the system of pure reason being described is, to say the least, opaque. The two types of systematic unity that reason mobilises—on the one hand integrating concepts of the understanding, and on the other supplementing the understanding where it fails—can be best understood by supposing that the transcendent ideas fit the description of [2] above, that is they are all high level conditions of unity that are clearly not derived from experience. The maxims provided in the previous section would then rather correspond to [1]. They are heuristic principles that guide the empirical investigation of nature and supplement the understanding. These principles are also not grounded in empirical investigation since to provide empirical

⁸He gives the following examples: ideal-type empirical concepts or pure elements (A646; B674); the empirical universality of gravitational force (A649f.; B677f.); Occam's razor ("*entia praeter necessitatem non esse multiplicanda* [entities should not be multiplied without warrant] " A652; B680); the "law of specification ... : *entium varietas non temere esse minuendas* [the variety of entities should not be diminished without consideration]" A656; B684) and the law of affinity which itself decomposes into law of the continuity of natural form ("*non datur vacuum formarum* [there is no gap in forms]... *datur continuum formarum* [there is a continuity of forms]... nature does not proceed *per saltum* [by leaps]" A657f.; B685f.).

grounding for them would presuppose the same or similar or at least *some* heuristics guiding that investigation of nature that results in the first heuristics.⁹

The principles that Kant cites make this suggestion more plausible. He groups the specific heuristics into the general thought of making scientific knowledge simultaneously as unified as possible (Occam's razor) and as broad as possible (principle of specification) so that the investigation of nature proceeds asymptotically toward the unrealisable goal of a super-genus encompassing everything on the one hand, and, on the other, toward micro-species that themselves tend towards the impossibly minute conceptual specification of individuals (haecceity, in the scholastic terminology).¹⁰ The principle of affinity permits continuous variation between these extremes: allowing that every general concept can always be made *more* general, and symmetrically that every specific concept can always be made *more* specific. To make science proceed in this double direction, one must *presuppose* that nature is so constituted as to allow it. Since this presupposition is universal (increasing generality and specificity cannot be assigned any limit in principle), it can be lent weight by empirical research, but never *proven*.¹¹ Such principles are therefore, in some sense, transcendental, and precede experience.

They cannot, however, be thought as constitutive of experience, since what they address is the unity and variety of *empirical* laws. Empirical lawfulness is something the categories must remain silent about, concerned as they are with the establishment of the possibility of lawfulness as such within experience. If therefore, one was to try to fit them into the architectonic of transcendental idealism, the space of regulative ideas would probably be about the best.

This is not, however, to say much. Kant seems clearly to be operating a rhetorical fallacy of equivocation here. The account he gives of the heuristics is the most convincing way of thinking the regulative nature of ideas (and it is this notion of conditions of scientific research that is most

⁹This is a familiar paradox of empiricism (addressed, for instance, by Bas Van Fraassen): that *empiricism* itself cannot be derived from experience. Kant makes the argument at A645; B673: "These concepts of reason [the heuristics he is about to list] are not derived from nature; on the contrary, we interrogate nature in accordance with these ideas."

¹⁰Kant's terms are the securing of maximum unity and extension of system (A655; B683).

¹¹This is a standard transcendental argument in Kant: universality and necessity can never be proven empirically, since the empirical warrants only *generality*.

often used to explain his thought of regulation). But these ideas have made *no appearance* in the dialectic until this point. The ideas that actually do appear in the Paralogisms, antinomies and the attack on rational theology (soul, world, God) on the other hand, make a lot of sense within the dialectic, but do not have anything like the same efficacy as heuristic hypotheses in scientific research programs. Kant's need to recuperate the dogmatic thought of a creator God responds to other concerns than the delineation of the appropriate methodologies for science. Similarly, one can understand what it is to hypostatise the soul, a first cause, and God (and what is illegitimate about it); but it is very difficult to understand what the hypostatisation of the heuristic principles would be. And even if one could invent such a hypostatisation, Kant never addresses it in the text of the first *Critique* as one of the natural paralogical tendencies of reason. Kant's critical destruction of dogmatic theology works for the ideas he attacks in the dialectic; but his reconstruction of regulative usage works rather for the heuristics that he introduces seemingly just to gain credibility for *some* notion of regulation. The whole argument is dependent on the slippage from (destroyed) ideas to (reconstructed) heuristics, and these two seem to be completely different sets of thoughts.

The implications of this for the concept of system are important. The bifurcation of the ideas of reason into two groups—those guaranteeing the unity of concepts and operating at the productive interface between understanding and reason; and those underwriting scientific research, and operating implicitly at and *below* the level of the understanding—also bifurcates the notion of system. Two, on the face of it quite separate, systems are at stake: the system of rational ideas critiqued in the dialectic, and culminating in the mirror image reflections of self and world,¹² and what seems to be a novel thought of the unity of experience itself *independent* of the action of the categories. In the latter case—which is of greatest interest here—what Kant means by system is best brought out by considering his account of the contrast case of the non-systematic aggregate of nature. He writes the following:

If among appearances which present themselves to us, there were so great a variety ... that even the acutest human understanding could never by comparison of them detect the slightest similarity (*a possibility which is quite conceivable*), the logical law of genera would have no sort of standing; we should not even have the concept of a genus, or indeed any other universal concept; and the understanding itself, which has

¹²The image is from Kant at A644-5; B672-3.

to do solely with such concepts, would be non-existent. (A653-4; B681-2, italics added)

This is an extremely important passage; and one that initiates the problematics that the third *Critique* was to take up. It is vital to remember two things about it. First, how radical is Kant's characterisation of what experience would be like as an aggregate (without the supposed heuristics governing its systematisation). It is not just research that would be jeopardised by this possibility, but perception, and hence experience, themselves. He envisages the complete absence of conceptuality, and therefore of *any* classification; an 'experience' consisting exhaustively of disconnected and irrecoverably singular haecceities. This anti-experience recalls the famous passage in the A deduction on the possible variability of cinnabar (A 100-1), a possibility whose rejection precisely demanded the transcendental deduction of the validity of the categories in the first place:

Appearances might very well be so constituted that the understanding should not find them to be in accordance with the conditions of its unity. Everything might be in such a confusion that, for instance, in the series of appearances nothing presented itself that might yield a rule of synthesis. (A90; B 123)

But, and this is the second point, this radically disconcerting possibility is *supposed to be compatible with* the construction of experience undertaken by the understanding, and theorised in the transcendental analytic. This discussion is *simply* about the role of the regulation of experience by (strictly) transcendent ideas of reason so that experience be a system, and therefore is supposed to leave intact all the argumentation of the analytic.

Kant does not fully establish the necessary conceptual machinery to state the problem fully until the third *Critique*. Nevertheless, just before this characterisation, in the context of a discussion of the example of 'powers' he does briefly suggest what is to become the vocabulary of the problem in the third *Critique*. There he writes that

...reason presupposes the systematic unity of various powers, on the ground that particular [*besondere*] natural laws fall under general laws. (A650; B678, translation modified to fit with Meredith's conventions for the third *Critique*)

This notion of particular, and therefore *empirical* laws, is the crux of the matter. It makes sense of the passage above on the breakdown of nature. What Kant is suggesting is that the analytic

provided the necessary laws of experience (which are necessary precisely because they produce experience); but that this does not unify experience, which has, crucially, *empirical* laws as well. The understanding is of course the faculty not only of transcendental laws and concepts but also of empirical laws and concepts. That is why Kant can say the understanding would have disappeared without (what we can now call) empirical law. It should not be taken as suggesting that Kant is talking about some state of the elements prior to the constitution of experience according to the pure laws and concepts of the understanding. Rather, and this is its extreme importance, it is a condensed *critique* of the capacity of the categories to constitute anything *properly* unified at all.

I think it is right to be extremely surprised at this contention of Kant's. Indeed, had he not gone on to devote the attention of a whole further critique (the third *Critique*) to the problem, then it would be difficult—from such a short passage as this—to draw the excessive consequences that one can in fact draw from the third *Critique*. Ultimately, Kant here is suggesting that the mechanics of the analytic of the first *Critique*, the program of hylomorphic production of nature that he there undertakes, has failed to guarantee the unity of experience. The concept of system is what allows this condensed critique. Whilst taken as referring to the unity of the categories, and hence to the productive relation that obtains between reason and the understanding (analogous to that between understanding and sensibility), system does not intervene directly in experience, and whatever the theory of system at issue, it would not impact upon the efficacy of the analytic. However, as we have seen, Kant's deployment of the thought of system is equivocal. This equivocation initiates this *quite new move* in the critical program under the guise of finishing up the destructions of the dialectic with a limited and extremely modest position for the immanent use of transcendent ideas. The other sense of system is applicable rather to the interface between the understanding and the manifold of intuition, and has to do, as we have seen, with the possibility of the empirical lawfulness of nature.¹³

This notion of system undercuts the analytic by surreptitiously reconfiguring what is at stake in the guarantee of unity—Kant's prime investment in transcendental idealism. From this it follows that the analytic has failed to produce *relevant* unity; and from that, that any possible solution

¹³This ambiguity of position is played out in the third *Critique*'s account of judgement that operates both between reason and understanding, and between understanding and intuition.

must occupy the space of the transcendental (or, rather more significantly, suitably re-configure that space). This is indeed what Kant admits. The previously cited passage concludes thus:

If therefore the logical principle of genera is to be applied to nature ... it presupposes a transcendental principle [of homogeneity of the manifold] ...; for in the absence of homogeneity, no empirical concepts, and therefore no experience, would be possible.
(A654; B682)

Whatever principle—and the third *Critique* expands on the paucity of solution in the first *Critique*—can be found to produce nature as system *must* be transcendental; without it there would be no experience. Clearly, in the context of a discussion of reason, Kant has to go on to suggest that any such principle is not *really* constitutive of experience (if it were it would become obvious that the categories had been incomplete), and that what objective validity it does have is very strictly circumscribed.¹⁴ Again, however, part of the necessity for Kant to do this emerges from the equivocation about system and regulation: the full-blown transcendent ideas (soul, world, God), operating between reason and understanding are clear candidates for (mere) transcendence and lack of objective validity. The heuristics, if they were merely principles of research, would be good candidates for regulative hypotheses. When these latter are thought of as being responsible for underwriting the *transcendental* unity of experience, their regulative status becomes much less clear. If they remain merely regulative *and* have real transcendental work to perform in the constitution of experience *qua* unity, then Kant has merely relapsed into dogmatic idealism, by making something that is clearly constitutive of the unity of experience itself simply, and on his own terms, transcendent.¹⁵

This problem of the system of empirical nature in the first *Critique*—and its ambiguously transcendental functioning—is taken up again in the introductions to the third *Critique* as its main problematic. To understand this the First Introduction (written around May 1787) to the third *Critique* is the key text. There Kant suggests with far more force than in the first *Critique* just how devastating for the general project of securing unity the absence of empirical law would be:

¹⁴In the first *Critique* this is described as “indeterminate objective validity” (A663; B691); in the third *Critique*, the problem is made more complex by the intervention of the new distinction between reflective and determinant judgement.

¹⁵That is, transcendent independently of the decomposition argument advanced above.

empirical laws might be so diverse and heterogeneous [...es könnte die *Mannigfaltigkeit und Ungleichartigkeit der empirischen Gesetze so groß sein...*] that ... we could never bring these empirical laws under a common principle. We would be unable to do this if ... these laws, as well as the natural forms conforming to them¹⁶ were infinitely manifold and unequal and manifested themselves to us as a raw chaotic aggregate without the slightest trace of a system [*die Mannigfaltigkeit und Ungleichartigkeit dieser Gesetze, imgleichen der ihren gemäßen Naturformen, unendlich groß wäre und uns an diesen ein rohes chaotisches Aggregat und nicht die mineste Spur eines Systems darlegte*] (§4, Ak. 20:208-9)

[there might be] disturbing boundless inequality [*besorgliche grenzenlosen Ungleichartigkeit*] [of empirical forms and laws] (*ibid.*)

For suppose judgement to stumble at random about among [*herumtappen*] natural forms...¹⁷ (§4, Ak. 20:210)

in relation to the manifoldness and inequality of particular laws, [nature] is free of all the restrictions [*Einschränkungen*] of our legislative cognitive faculties (*ibid.*)

... boundless manifoldness [*grenzenlosen Mannigfaltigkeit*] (§5, Ak. 20:211-2 note)

and also in the Second Introduction:

particular laws and the wealth of at least possible variety and heterogeneity [might] transcend all our powers of comprehension (§6)

¹⁶Kant here reasserts the identity of transcendental law and form that is at the base of transcendental idealism, but which he had problematised briefly at the end of the dialectic of the first *Critique* (A653; B681). The retraction of form from law probably responds to Kant's attempts to keep the lid on a fundamental problem, and could only be admitted again when he (thought he) had worked out a solution in the third *Critique*.

¹⁷Kant describes the failure of speculative metaphysics to find a method in the same terms in the first *Critique* (B vii); and in the *Metaphysical Foundations of Natural Science* at Ak. 4:478. This latter work, and the famous 'gap' in the critical system also witness the increasing difficulties Kant experienced in getting the transcendental into contact with the empirical in a productive way. See Eckart Förster 'Is There a "Gap" in the Critical System' *Journal of the History of Philosophy* 25:4 (October 1987), pp. 533-555.

Kant's use of hypothetical vocabulary here (itself very problematic)¹⁸ makes it clear that Kant supposes this breakdown of nature to be entirely compatible with the transcendental constitution of nature as it was outlined in the analytic of the first *Critique*: that very nature (itself supposed definitively to secure unity) *could* turn out to transcend all possible attempts at classification in the heterogeneity and diversity [*Mannigfaltigkeit*] of its empirical laws and forms. In short, the transcendental analytic (with its transcendental hylomorphic production theory) fails to generate the unity of nature, fails to yield the transcendental conditions of the possibility of nature as experience. As in the first *Critique*, Kant draws something very close to this conclusion, and very rapidly:

Experience ... must constitute a system of possible empirical cognitions ... ¶ But it does not follow from this that nature is ... a system that the human cognitive power can *grasp*, ... and hence [it does not follow] that experience itself, as a system, is *possible for human beings* (First Introduction ¶4, Ak. 20:209, final italics added)

It is tempting to think, on the basis of the systematic distinctions that Kant introduces into critique in this fragment, that the categories constitute *mechanical* nature (nature as mere aggregate) and that nature as system is restricted to an extension of such a merely Newtonian nature in the direction of a biology (systematic nature is nature *qua nexus finalis*). This is however to misunderstand the structure of the procedure by which Kant intends to combat the problem of system (or its lack). Very briefly, that structure¹⁹ is to establish some transcendental credential for appraising purposiveness (an argument that occurs largely, but not exclusively, in

¹⁸If what is at stake is the constitution of experience, then he is not entitled to *presuppose* that experience is *actually* constituted already (given) as *not* manifesting such terrifying heterogeneity. To do so, and hence to be able to think of this heterogeneity as a *possibility* within an already constituted experience, would vitiate Kant's distinction between analytic (taking what is to be proved as given) and synthetic (constructing what is to be proved) methods; and would also therefore vitiate Kant's most fundamental critical insight, that critique accounts for the production of what dogmatism takes as given.

¹⁹It is probable that this only became Kant's argument somewhat *after* the beginning of his work on the 'Critique of Taste,' around the time of the First Introduction. There can be little doubt that the extended period of composition of the text, and the number of very substantial changes to its fundamental direction, do not make it easy to extract this structure. See Zammito *op. cit.* on the history of the production of the third *Critique*. He extracts three separate phases of composition with radically different problematics at e.g. pp. 6ff.

the Teleology section), *and then* to treat the purposiveness of nature as a whole for human cognition as a special case. This latter purposiveness cashes out in terms of the ‘fitness’ of the manifold of empirical laws for the understanding, that is in the systematicity of empirical law. And this is what is at issue in the problematic of system. Beautiful objects, on this analysis, provide a kind of aesthetic validation of the system of nature. Such a structure implies that the thought of purposiveness is not *at all* to be restricted to the organic stratum. In fact, the general purposiveness of nature underwrites *even* mechanical nature. Kant writes:

Thus we see that earths, stones, minerals, and so on have no purposive form whatever, and are mere aggregates, and yet are so akin in their inner character ... that they are suitable for a classification of things under empirical laws in a system of nature, even though they do not *individually* manifest the form of a system [as does the organic] (First Introduction ¶6, Ak. 20:217)

and he even suggests that Linneus’ classifications of rock types would be impossible without system (and hence purpose Kant will argue) “all he could ever hope to find would be single things” (¶5, Ak. 20:217 note), intractably counter-systematic haecceities. The problem of system is not therefore, despite some appearances, capable of being pushed into a corner of experience, but concerns the possibility of experience as such, the possibility of *unified and stable* experience and therefore also concerns the very basis of critique.

To recap: the setting up of the problematic of the third *Critique* in terms of system follows a number of hints in the first *Critique*. There Kant radically and problematically diverges from his official account of the transcendence of the ideas of reason proper (God etc.) and raises, briefly, another set of ideas of reason that support his conception of regulation rather better than the ideas of God, the world and the soul that *ought* (architectonically) to be regulative. These ideas, drawn from rationalist appropriations of scholasticism, however, far from being merely regulative, instead, seem to tend towards a quite fundamental reappraisal of the capacity of the understanding to form nature at all. In the third *Critique* this same difficulty is acknowledged, and definitively tied to the thought of empirical law and form (system) which appear to be conditions for the possibility of experience in any sense that preserves Kant’s profound investments in the securing of stability, and which yet bypass the transcendental efficacy of the understanding. Kant’s attention to this problematic constitutes a deep *scepticism* about the power of his transcendental hylomorphic production theory.

The idea that there should be empirical laws is so commonplace that it seems to demand some of the most outlandish eccentricities of systematic philosophy to convert this into a difficulty at all. But it must be stressed that for Kant this way of putting the problem is strictly not just a problem, but rather an oxymoron. Laws are universal and necessary (and hence *a priori*; this is the very first move of critique); anything empirical is *a posteriori* and hence neither universal nor necessary. An empirical law is therefore a *contradictio in adjecto*.²⁰ Kant's doctrine of purity makes the distinction between transcendental and empirical *far* wider than that between spirit and matter in the tradition. Spirit was after all (for Descartes) still thought as *substance*. The extremity of this distance is at the same time the mark of the impotence of transcendental forms. The greater their stability, their purity and transcendentality, the less they can account for any *actual* forms encountered within experience. At the limit, Kant can account for the possibility of legislation in nature, but cannot countenance *any* actual natural law.

Lastly, I want to point to the sheer extent of the problem of system in the third *Critique*. The thought of system covers not only the (oxymoronic) *system* of nature; but also, through the intervention of the pivotal term part [*Teil*], constitutes the condition of unity of the subject itself as a unique (unified) multiplicity of faculties.²¹ This is already an extremely ambitious potential extension of the destructive critical machinery to its own presuppositions; the attack on the account of the constitution of experience in the analytic of the first *Critique*. But it is further exacerbated by the fact that the faculty of judgement itself is already dependent on its own activity *qua Ur-teils-kraft* for its own constitution as faculty. The infestive problem of guaranteeing systematicity attacks not only the specific regions denoted by the content of the third *Critique* (aesthetics and teleology), and not only the much more general regions of law and form in the first *Critique*, but also the very formation of the primary presuppositions of critique

²⁰“These laws [of nature], being empirical may be contingent as far as the light of our understanding goes, but still, *if they are to be called laws*, (as the concept of a nature requires,) they must be regarded as necessary” (third *Critique*, Introduction, ¶4, final italics added).

²¹Kant deploys the vocabulary characteristic of systematic unity (system versus aggregate) with respect not only the unity of the faculties (third *Critique*, First Introduction, ¶1c) but also concerning critique itself (*ibid.*, ¶¶3-4; 11-12). The former point had already been broached (although in much reduced form) in the first *Critique* with the example of mental ‘powers’ as candidates for unification at A648f.; B676f.

in its transcendental idealist mode: the unity of the faculties of the subject, and ultimately the unity of critique itself.

To sum up: the problem of system is explicitly associated in the third *Critique* with the contradictory notion of empirical law and form (given the permanent association of law and form with the transcendental throughout Kant, one might say *empirical* transcendental). The suggestion that Kant increasingly makes is that the transcendental activity of the understanding thematised in the analytic of the first *Critique* does not produce a *unified* experience, and therefore does not produce experience at all. This is serious problem for all the mechanisms implicated in the production of nature there, and specifically, Kant's transcendental hylomorphism. The problem that he raises is of a fully transcendental scope and cannot be marginalised within the exigencies of an attempt to coerce a theory of aesthetics into the domain of critique. At least the *problem* is extremely broad. What the aesthetics and the teleology are *supposed* to correct is a fully transcendental breach in the capacities of the hylomorphic production theory of the first *Critique*'s transcendental conditions for the possibility of experience. The medium for Kant's solution to this problem is the faculty of judgement, to which I turn now.

Judgement—Regression

This section deals with the second locus of profound scepticism about the ability of transcendental hylomorphism: the faculty of judgement itself. The problem is that concepts seem always to require something counter-conceptual to get them into contact with what—in Kant—they are supposed to form. Any attempt to *formulate* this counter-conceptuality demands another intermediary. The problem therefore tends to an infinite regression.²² I want ultimately to suggest, as with the problematic of system, that the roots of this difficulty are to be found in the first *Critique*. The structure of the argument here will be to suggest (a) the similarity of the problems to be found in the two critiques; then (b) to draw attention to the differences that Kant thinks there are between the two, and finally (c) to demonstrate that in the end, the only real difference is that he is prepared in the third *Critique* to take the problem *seriously*.

The general problem of judgement is stated thus in the third *Critique*:

[Judgement] has therefore to furnish a concept which it can use as a rule only—but not as an objective rule to which it can adapt its judgement, because, for that, another faculty of judgement would again be required to enable us to decide whether the case was one for the application of the rule or not (Preface)

and like this in the introduction that precedes the schematism of the first *Critique*:

If understanding in general is to be viewed as the faculty of rules, judgement will be the faculty of subsuming under rules; that is of distinguishing whether something does or does not stand under a given rule (*causus datae legis*). General logic contains, and can contain, no rules for judgement. For since general logic abstracts from all content of knowledge, the sole task that remains to it is to give an analytical exposition of the form of knowledge in concepts, in judgements and in inferences, and so to obtain formal rules for all employment of the understanding. If it sought to give general instructions how we are to subsume under these rules, that is, to distinguish whether something does or does not come under them, that could only be by means of another rule. This in turn, for the very reason that it is a rule, again demands the guidance of judgement. (A132-3; B171-2)

²²Problems of infinite regression that recall Milton's two difficulties analysed in chapter 2. Such regressions are inevitable when intransitivity is glossed by means of transitivity.

These are clearly very important passages; and equally well known. And this argument *seems* both lucid and homogeneous between the *First* and third *Critiques*: there are rules, or concepts under which stand instances the specification of which is performed by the faculty of judgement; one cannot have concepts or (objective) rules which specify instances because for *these* rules in their turn to operate they would require another judgement of instances. And so on *ad infinitum* (and so this argument can be called regressive). It seems homogeneous also because Kant draws similar conclusions from it in both the *First* and the third *Critiques*; that the understanding, the faculty of rules, is capable of being schooled, but that the faculty of judgement (and its complex correlate, that of the imagination) is refractory and contumacious, and cannot. In the first *Critique* he calls unformulable and unruly (in the strict sense) judgement “mother-wit ... a peculiar talent which can only be practised ... a natural gift” (A133; B173); and the third *Critique* is of course famous for its intransigent emphasis on the counter-conceptuality of aesthetic judgement (the reception of taste) and genius (artistic production).²³

The scope of this argument, as it appears, is extreme.²⁴ Rules that are not sustained in their activity by a correlate faculty of judgement are incapable, and in principle, of *ruling* anything. This emptiness is of a different and more disabling kind than either the (properly empirical)

²³See e.g. §§43ff on genius and art; and §9 (the second moment of the analytic of the beautiful) on the general counter-conceptuality of aesthetic judgement.

²⁴The passage of Wittgenstein’s *Philosophical Investigations* that is known as the Rule Following Considerations seems to be precisely this argument: that the capacity of rules to rule is not, and can never be, rule-governed, and is therefore resistant to all intellectual grasp. Compare: “...understanding...is...the faculty of rules...General logic ...obtain[s] formal rules for the employment of understanding. If it sought to give general instructions how we are to subsume under rules...that could only be by means of another rule. this in turn, for the very reason that it is a rule, again demands guidance...Thus...judgement [i.e. subsuming under rules]...can be practised only...[it can be taught only] through examples and actual practice, adequate training for this particular act.” (at A132-134; B171-173) with “Can’t we imagine a rule determining the application of a rule?...We give one interpretation [of a rule] after another; as if each one contented us at least for a moment, until we thought of another standing behind it. What this shews is that there is a way of grasping a rule which is not an interpretation, but which is exhibited in actual cases...hence also ‘obeying a rule’ is a practice...I teach him by means of examples and by practice...I have been trained” (*Philosophical Investigations* §§ 84;198;201-202;208). The textual similarities are quite striking.

possibility that concepts can be formed that, as a matter of fact, have nothing which might stand under them (and be ruled by them); and equally different from the emptiness of concepts which cannot in principle be given an intuition (transcendent ideas). This is not a question of either the contingent and empirical or the necessary and transcendental lack of intuitions for concepts, but rather of the power of the concept to assemble the intuitions the condition of whose set (transcendental unity) it is supposed to be. Both empirically and transcendently empty concepts may, must, still be thought as concepts (in the same way that the empty set is still a set) on the ground that they are only *problematically* empty. This is obvious in the case of empirical concepts (there just may not *be* any of the relevant things); and coterminous with the negative impetus of critique in the second case (we may neither affirm nor deny anything with respect to God—to whom no intuition can in principle correspond—his concept is therefore paradigmatically problematic).

Concepts are rather infected with the dystrophy of regressing judgement in *virtue* of their conceptuality; they are deprived of their very capacity to be concepts, of the power or productive force of conceptuality as such that determines the concept as the grasp.²⁵ It is not *some* concepts that are affected with this malaise; but concepts as such. It is precisely when concepts become actual as concepts, when they try to reach the world and matter (whose proximal representatives are intuitions), when they de-virtualise, that they are struck down with an incapacity deriving from their very status as concepts. The scope of the restriction is entirely general: all concepts, in their conceptuality are marked with the feebleness of their activity. All concepts, not some subset, marked out by a criterion (which of course would beg the question of the regression of judgement), are imbued with this attempt at activity which defeats itself in its very performance, this, *reactivity*, this narcissism of a pure power with no purchase, this perpetual hesitation of the abyss of performance.

This problem is the more intense in Kant just because the power of concepts is given a new prominence in Kant in that concepts are the agents of his production theory. The regression of judgement can seem to be related only tangentially to the question of production when it is thought merely as the subsumption of particulars (and, of course, Kant *does* use this terminology); but this is inadequate in Kant where concepts are the determined locus of

²⁵*Comprehendere; begriffen* etc.

transcendental production, they are the *morphe* of hylomorphism. To deprive *these* concepts of their power is not just to deprive concepts of their conceptuality, but also to recognise the impotence of their production; and this is clearly of singular importance for the success or even the thought of critique.

This is not quite what Kant thinks is going on: he makes a large distinction between the problem as it is raised in the first *Critique*, and in the third *Critique*. The very general and extremely disabling and, dare one say, really critical, argument, occupies only the status of an introductory comment in the first *Critique*. And, to be exegetically fair, the argument is not performing quite the same function, nor in quite the same context, in its appearances in the *First* and third *Critiques*. To fill in the gaps: in the first *Critique* Kant introduces the problem of the regression of judgement merely concerning the concepts of general logic. It is merely an introductory comment because the purpose of the schematism, which it introduces, is just to show that within *transcendental logic the problem of the regression of judgement is not applicable*:²⁶

But although general logical can supply no rules for judgement, the situation is entirely different for transcendental logic. The latter would seem to have as its peculiar task the correcting and securing of judgement, by means of determinate rules, in the use of pure understanding ... Transcendental philosophy has the peculiarity that besides the rule (or rather the universal condition of rules), which is given in the pure concept of the understanding, it can also specify *a priori* the instance to which the rule is applied. (A135; B174-5)²⁷

The schematism, and the whole analytic of principles in the first *Critique* are the expansion of this supposed (and very necessary) capacity of transcendent concepts to specify what comes under them, and what they can thereby produce as unified.

²⁶The difficulties of this supposition—which is nevertheless grounding for the possibility of transcendental idealism in general, and especially the analytic of principles which the schematism itself is introducing—are evident in the necessity of appealing, once again, to a question of *application* which, *prima facie*, simply reinvokes the problem of judgement and its regression, even in delineating for it a restricted sphere of activity.

²⁷Similarly, although not so importantly, the activity of judgement in the assimilation of intuitions to empirical concepts is distinguished both from the problem of concepts in general logic as well as from that of transcendental concepts; cf. A141; B181 on the *image* in contradistinction to the *schema*.

The problem is also not (despite appearances, and despite Kant's use of such similar language) completely homogeneous between the *First* and third *Critiques*. In the first *Critique*, the problem is raised only to be immediately disposed of since it only applies to general logic, and only to that because the nature of general (non-transcendental) logic is just that it tells us nothing about the world, that it is analytic and not synthetic *a priori*. The regression of the possibility of conceptual judgement is just a consequence of the fact that general (as opposed to transcendental) logic is the mere form of thought and nothing besides.

In the third *Critique* the problem is clearly getting substantial attention.²⁸ What the third *Critique* shows is that the problem of judgement that was raised in the first *Critique* only to be immediately dismissed again as pertaining simply to general and *not* to transcendental logic, has become a wide-spread problem again. Whilst still accepting in the third *Critique* (in a more or less unconvincing manner) that the operating structure of the first *Critique* should be retained, Kant deprives it of its capacity to produce experience (which is now redefined as the *systematic* unity of experience).²⁹ The transcendental logic of the first *Critique* overcomes the general incapacity of judgement to specify rules only at the expense of not being the condition of experience. The problematic of judgement is re-activated in the third *Critique* at its entirely general level: how are concepts supposed to reach refractory pre-particulars that are different in kind from concepts, and so constitute efficacious conditions of the possibility of experience. The most cursory glance at the substance of the third *Critique* reveals the extent to which the solution indicates this problematic: the notion, for instance, of exemplarity is an attempt to negotiate the difficulties of a rule for the conditions of application of concepts which rule is itself unformulable.

In conclusion, it is clearly not just the case that Kant identifies new and ancillary domains of difficulty for the problem of judgement (those of the aesthetic and teleological). Rather, the analysis of judgement *vis-à-vis* the aesthetic responds to a general and transcendental problem

²⁸A whole critique in fact; one might think of the third *Critique* as a novel expansion of the section in the first on the schematism. It is certainly true that one must think the third *Critique* in relation to the theories of judgement and imagination in the first *Critique*.

²⁹This acceptance is purely nominal since it implies that the supposed supplement of the third *Critique* is really a fully transcendental condition of the possibility of experience (now construed as system). See above pp. 92f.

about judgement (like that of system). Thus the admission in the third *Critique* that judgement itself constitutes a general critical problem, and therefore has what one might call at least a relative critical autonomy, are supposed to be such that beauty *solves* the problem. Like the thought of system, which presents itself somewhat as if (and Kant appears to do everything to encourage this reception) it is supplementary to the results of the first *Critique*, but which is actually fully transcendental, and a guarantor of the possibility of experience at all; similarly, the problem of aesthetic judgement appears as ancillary, relating only to a small sub-set of possible judgements, those that are of beauty (or sublimity), whereas, in fact, it is clear from the start that the problem of the regression of judgement is also fully transcendental and required to be solved not for the mere completeness of a critique of *all* the faculties, but as a condition for the possibility of experience as such. In the schematism Kant already implies this by asking a transcendental question of transcendentals (the categories):

How, then, is the *subsumption* of intuitions under pure concepts, the *application* of a category to appearances, possible? (A137; B176)

Clearly, without this question receiving an adequate solution, Kant would have, ultimately, given no account of the condition of possibility of experience itself, since without *connection* of the transcendental and the pre-phenomenal, there would be no *synthetic a priori*, and thus no experience. The intransigence of the general problem of the regression of rules of judgement is a symptom of the difficulty in which Kant places himself through hylomorphism: which dictates a fundamental separation of transcendental and empirical (their specific difference); and then requires their impossible re-wiring in new (transcendental) circumstances.

Kant raises in the first *Critique* a somewhat summary, but on reflection extremely powerful, question as to what *pure* concepts can actually do. This question is the question of judgement. In the first *Critique* he thinks that the problem is completely soluble, and the schematism and analytic of principles presuppose this solution. By the third *Critique*, Kant has become aware again of the sheer scope of the problem of judgement, such an extent that it occupies the whole critique. This consciously re-activates the problem that was buried but still left traces in the first *Critique*. The problem is *entirely* general; more general even than the system problem, in that it deprives concepts of their productive power, their power to assemble intuitions and produce, transcendently, a unified experience.

Active Matter

To concede that matter has become increasingly and more radically unmanageable through the development of the critical enterprise and culminating in the third *Critique* must remain somewhat surprising. Why should matter be unmanageable? Form is pure spontaneity, i.e. pure activity; matter is pure patient, that which when acted upon by form (which is only activity) produces the phenomenal-empirical. Matter is patient like that precisely because it *lacks* form. This is the familiar structure of hylomorphism. Even if Kant subjects this structure to a proliferation by repeating it across multiple planes of application (form of intuition and sensation; concept and intuition etc.) in a neat modelling of the division of labour across industrial sectors, this does not seem to change the structure which invokes pure activity and pure patience at each stage despite the fact that the product of one manufacturing process is simultaneously the raw matter for another and higher process.³⁰ Yet from the very first this was not and could not have been the case. God's matter in for instance Milton's prose theological account of the creation (suspending the solution) could have been, theoretically (but not poetically), a pure patience. But this cannot be the case with the materiality that respond to the demands of privatised production.

Operating at what now of course seems to be the naive level of the cosmological and its degeneration into the pre-elemental and even the, hylomorphism was at least conceivable. When the operator of *morphe* has been privatised, the (sexualised) distribution of productive labour devolves not unsurprisingly onto the subject. Now one is not faced with the grandeur of ontological components facing one another off (aristocratically) in the structure of hylomorphism, but instead with the domestic relations of private faculties. So it is in Kant that the structure of traditional and pre-private theological production is re-mapped onto the interior domain of the subject: action and passion are now distributed across the spontaneous and receptive *faculties*.

This translation of hylomorphism is however obviously non-isomorphic. Whilst the apparent locus of production remains intact in the formative capacity of the higher spontaneous and cognitive faculties, the locus of the *hyle* is no longer the same as the matching component

³⁰“If the object of labour has been, so to speak, filtered through previous labour, we call it raw material ... Products are therefore not only the results of labour, but also its essential conditions.” Karl Marx *Capital* Vol. 1 trans. Ben Fowkes (London: Penguin 1976) p. 284.

translated from cosmo-theological production. The lower faculties are the paired terms in the distribution of labour into spontaneous and receptive; but the *hyle* is not a faculty. The receptive faculties are precisely not receptive *to* form, the *morphe*, but to the *hyle* which lies elsewhere, on the outside whose exterior exceeds determination by the spatial which is itself *morphe*. Indeed *all* the receptive faculties must in this sense be thought as containing occluded spontaneities: this is evident in the case of intuition which must deploy the forms of space and time upon sensation. This is most clear for the imagination in the third *Critique*; but it must even be so for sensation—the most receptive of the receptive faculties—because, even almost flush with the real, sensation is not identical with it.³¹ It therefore follows that some *operation* is performed on the prime matter of which sensation is the product.

And it follows from this that matter is from the very first *active*, and can be thought, although this is very preliminary, only as active. What is to-be-formed is, under the conditions of an oddly counter-anthropomorphic privatisation, that which the receptive faculties are receptive *to*, and therefore also that which *affects*³² those faculties. In the very same move with which Kant inaugurates the theorisation of privatised production he also is compelled to displace the terms of cosmological production-creation and accede to the activity of matter. This is at least part of what is at issue in the radicalisation of materiality which privatisation entails along with the increase in the intensity of repression. It explains the inevitability for the materialist counter-attack; curiously a function of the very act of suppression which is constituted in the privatisation of production. A privatisation which also generated the displacement of the structure of hylomorphism from its transparent and non-representational cosmological-ontological pre-modernism to the modern cleaving of matter as patient recipient of form from matter as exteriority to form. The former (form itself) is annexed to the faculties of subjective representation and the latter (matter) spun off into the wilderness of the sheer outside. One of the capacities of which matter is to *affect* the subject; and the subject's job, at least in the initial

³¹Kant nowhere intends the assimilation of the thing-in-itself with sensation, the latter is still clearly phenomenal, if pre-experiential.

³²Kant's use of this term (*Affektieren*) is a famous evasion of the problem of the specification of the mode of interaction of the non-spatiotemporal and hence counter-causal and equally non-exterior exterior with the subject. It's relation to sensation thought as *Affekt* is clearly important. See above p. 59.

stages, is to code this affect in order to prepare it for the reception of form at a later stage (affect as sensation).

Matter is already on a par with Freud's definition of the real as the site of an exogenous stimulation whose intensity requires paring down to the level at which internal (perceptual) quanta operate (the unascribed Q of the *Entwurf*). Epistemology, the *logos* of thought as representation, internalises and privatises the gendered division of cosmological hylomorphic labour, and as a consequence leaves an orphan or parthenogenic residue of universal exteriority whose status as the site of a further radicalised mode of production is made inaccessible by being constituted—for knowledge—only negatively, as mere exclusion.

This is only a preliminary excavation of materiality as threat for three reasons. First, Kant's disquiet and account of this disquiet do not directly concern the base materiality whose character is still only negative, but rather either its already coded representatives within the subject (sensation, intuition) or the faculties which ambiguously harbour and operate upon these representatives (judgement, imagination). Thus the activity of matter, and the re-thinking of this activity, its mode of production, which the threat of matter and the displacement of terms under privatised hylomorphism entail, are addressed at the level of representatives and faculties, most especially imagination. One can already see, however, that Kant is at least attempting to deal only with the conditions under which (and this is of course not without interest) the apparent negativity of prime matter is already, as it were pre-transcendentally, produced as appropriate for the reception of form. This pre-production is the transcendental correlate of Milton's God's act of creation-repression in Book VII of *Paradise Lost* (see above, chapter 2, pp. 30f.). Second, Kant's uneasiness with the capacity of transcendental formality to perform at all, is not expressed in the register of production, but of legislation, and in particular of judgement.³³ Lastly, the whole problem of materiality is effaced—like every other problem—by the merely negative thought of the transcendental in which the noumenon is merely another synonym for the supersensible or God. (see chapter 3).

³³More strictly the problematic is set up in terms which derive from legislative vocabulary, but the performance of the response engages rather more explicitly with the register of the productive.

Law

It is important to recognise that the transposition of materiality as threat does not result in the thought of a refractory legal matter (a case, *causa*) which poses a threat by being rebellious or proliferating illegalities. The movement is somewhat more subtle than that. *Illegalities* are precisely located within the law; that is what the law is *for*. The difficulty expressed by the problematic of the third *Critique* is not that of the insurgency of the *informe* against a legitimate but tyrannical master. It is rather of the incapacity of the judge to bring the facts of the matter, the *res facti* under the *res juris*, under jurisdiction at all, and therefore to constitute out of them a *realm*.³⁴ The problem of judgement is that not that of determining the questions of right and separating them from those of fact. Assume that this disengagement, announced in the famous passage introducing the transcendental deduction(s) in the first *Critique*,³⁵ and effected by the very structure of the first *Critique* itself,³⁶ has already been adequately carried through; *even then* the resistance of the matter to form a case remains untouched. This resistance is effective at an entirely different level: that of whether the matter can be brought under a legislative case at all.³⁷ In a legislative space which is theoretically utterly exhausted by the disjunctions of cases (*either this or this, or, if not, then this etc.*)³⁸ one finds that matter can be located nowhere: this is the problem of judgement; judgement as problem. The correct legal deduction of laws (and their correlate) forms is no *use*, if, as Kant increasingly suspects, there is no possibility of specifying them, that is to say, bringing them into contact with the territory over which they are supposed to have jurisdiction. Law under these circumstances is deprived of its *legal* function if it is impossible to bring cases under it. And the deprivation of this legal capacity is at the same time the deprivation of the capacity to act of concepts.

Whilst it is Kant's explicit use of and implicit appeal to production that is of most interest here, it is nevertheless worth observing that even couched within the terms of legislation, the attempt to

³⁴third *Critique*, Second Introduction, ¶2.

³⁵A84ff.; B116ff. = §13.

³⁶In the division into legitimate (analytic) and illegitimate (dialectical) parts.

³⁷And this is again clearly distinct from a Scottish verdict of not proven which merely determines and legally transcribes the indeterminacy of the matter of the case.

³⁸Kant, *Religion within the Limits of Reason Alone* trans. by Theodore M Greene and Hoyt H Hudson (New York: Harper Torchbooks 1960), p. 18 note.

foreclose the possibility of positivity is still a failure. The appeal to Roman Law which is all-too evident in the critical opus was a part of a more general movement in the Romantic period in Germany for the revival of Germany's nominal affiliations with Rome through the Holy Roman Empire.³⁹ Indeed Wolff and Leibniz were two of the foremost Roman Law revivalists.⁴⁰ Curiously, apart from the obvious legal application of the general Romantic tendency to identify contemporary Germany with the classical epoch,⁴¹ this was not a completely nostalgic and reactionary attempt. Specifically, the calls for the development of a rational (i.e. Roman⁴²) legal system for the German states was also compared by the protagonists with the development of common law in England and Wales.

The logic dictating this move, is on the face of it completely contradictory. Although all the Western legal systems can ultimately trace a line of descent from Roman law, the largest accepted sub-category within the complete unity of law is that between English common law⁴³ and the directly Roman systems.⁴⁴ The distinction might be glossed as that between a legal empiricism (in common or precedent law) and a legal rationalism (in Roman Law). Thus the development of an empiricist common law in England, and the attempted return to a rationalist Rome in Germany appear to be absolutely opposed. Nevertheless, their equation makes sense in the context of the development of capital.

Broadly speaking, the diffusion and decentralisation of legalisms in the Feudal era (the legal analogue of the diffusion of political power; a kind of bastard legal Feudalism) which proliferated conflicting rights and claims based not only upon an already highly diffuse

³⁹See James Q Whitman, *The Legacy of Roman Law in the German Romantic Era: Historical Vision and Legal Change* (Princeton, NJ: Princeton University Press 1990) especially pp. 66ff.

⁴⁰*Op. cit.* pp. 47-8; 75.

⁴¹*Op. cit.* p. 81 note 71 where Whitman reports the attempt to see Rome as ultimately German!

⁴²See Alan Watson, *The Law of the Ancient Romans* (Dallas, TX: Southern Methodist University Press 1970) for the prevalence of this association, e.g. p. 101.

⁴³In England & Wales, in the Federal law of the US, and in all the state legal systems except that of Louisiana.

⁴⁴Of continental Europe, Scotland and the State of Louisiana.

distribution of geographical power,⁴⁵ but also according to the differential and overlapping jurisdictions of lay and ecclesiastical courts, clearly inhibited the development of merchant and then industrial capital which demanded highly centralised and internationally enforceable rights of contract and fiscal restitution. In England and Wales the counter-acting tendency of the Feudal aristocracy to assert its ancient rights as a last-ditch stand against the revolutionising of the mode of production which would render them obsolete, was resisted, pragmatically enough, by the nascent merchant-bourgeois class (who, predictably, claimed to speak for the rights of all) appealing to the past universal, and in this case equally ancient, rights of the member of the common weal. In Germany, the same demand of capital generated (although in a retarded way) a conscious appeal to the universalism of reason represented in this case by Rome against the, rather more tenacious, last stand of the Feudal aristocracy.⁴⁶ This differential pattern of development which can be characterised by the philosophical differentiation between rationalism and empiricism which are both nevertheless species of modernity.

Kant here occupies a position whose importance can be seen by the reference to (legal) rationalism and empiricism which distinction, in its philosophical mode, the critical thought was trying to surpass (whilst always attempting to favour the rationalist). The jurisprudential trajectory of critique from the *First* to the third *Critiques* can be seen as a transition from a rationalist and exhaustively Roman conception of law to an internal contestation of that legal model by an empiricist precedent oriented one.⁴⁷ The pure rationality of Roman law to which the German states appealed in the Romantic and immediately pre-romantic eras was that of the counter-hermeneutic text. The law, in its ideal case, would be incapable of being interpreted, and the production of examples and commentaries strictly forbidden, there would be no *need* for such in a rational and non-parochial law which already specified all its cases internally. To specify it

⁴⁵Whitman notes the practice, which was widespread in the sixteenth century in the German states, of litigants demanding to be subject only to the specific laws which pertained by custom to the city of their birth (pp. 3-4; 7).

⁴⁶*Op. cit.* chapter 2.

⁴⁷The attention given by Kant in the third *Critique* to the autonomy of the *example* (that it exemplifies a principle that has no formulation independent of the use of the example) is clearly an instance of this transition and one that amply demonstrates the implicit appeal to empiricist, precedent and common law.

externally would be to subject it to a degeneration (and this was a historical thesis as well) which would risk the return to a legal incompatibilist particularity.⁴⁸ This aspiration of Roman law is clearly at one with the aspiration of the schematism in the first *Critique*, and the subsequent theses of time-determination: law here, in its most important intervention as transcendental law, provides not only codes (categories) but also, simultaneously and out of itself, their specification into the instances or cases which are experience.

Case or precedent law, legal empiricism, orients itself around the (more or less) refractory nature of the specificity of the case which remains essentially under-determined by the law under which it can only be seen to fall *after* the autonomous activity of judgement. In governmental (faculty) terms this autonomy of the judiciary (judgement) with respect to the legislature (understanding; reason) is clearly visible in the quasi-legislative interventionism of the Warren and Burger Supreme Courts in the 60s and 70s in the USA. Critical Legal Studies is the most extreme (but still legal) limit of this tendency: it suggests that codified (rational) law completely under-determines cases; and that therefore the study of law should be exhausted by the study of the empirical (institutional etc.) factors which influence a particular judge to issue a verdict (legal realism).⁴⁹ This failure of the (rational, codified, conceptual) law to produce its cases out of itself is one with Kant's problem of judgement. By the third *Critique* it has reached a pitch adequate to demand a critical attention which takes the form of an autonomous analysis of the faculty of judgement and its capacity to bring refractory particularity up to the level of, and therefore into contact with, reason and law. In Critical Legal Studies, the Wittgensteinian attempt to re-locate a stable ground (conceptually, if not politically) from which judgement can still operate misses the point somewhat. The external factors which are supposed to be determinative of the production of law are themselves open to the inspection understanding control and management of other-than-legal rationality (i.e. sociology).⁵⁰ This options are not open to Kant because there is no

⁴⁸Whitman *op. cit.* p. 55 on the aspiration toward hermetic hermeneutics in Germany; and see Justinian *Institutes* translated and with an introduction by Peter Birks and Grant McLeod (Ithica, NY: Cornell University Press 1987), introduction p. 12 note 19 for the same aspiration in early Roman law itself before the *Codex*.

⁴⁹For a summary of these issues see James Boyle 'The Politics of Reason: Critical Legal Theory and Local Social Thought' *University of Pennsylvania Law Review* Vol. 133, No. 4 (April 1985).

⁵⁰The importance of a transcendental sociology is not limited to legal studies, see above chapter 4.

counter-legal rationality. Kant's problem is, as has been demonstrated, somewhat more radical than the politico-legal register will permit to be made visible: it involves not the failure of cases to be determined by the law; but of cases to be constituted at all by the law out of pre-legal (and hence pre-political) and pre-phenomenal matter. Nevertheless, it is important to mark the extent to which even the rigorously legal formulations of the problematics of the third *Critique*—which do not by any means exhaust it—demonstrate the failure of the law to be lawful (as of the productive forms to be productive) and equally important to signal the necessity for a move somewhere else.

It has already been suggested that the capacity of law to distinguish between transcendent (illegitimate) and transcendental (legitimate) cases is dependent on the structure of a productive hylomorphism which operates at its base and which distinguishes the two cases according to the (non)availability of matter for formation. The gradual slippage that Kant demonstrates between the *First* and third *Critiques* from a Roman rationalist conception of law to a degenerate empiricist conception of case and precedent demonstrates that even when one concentrates attention on the super-structural formations of legislation itself, the scepticism to which Kant increasingly subjects the assumed productive hylomorphism of the first *Critique*, is operative: that is to say even at the level of legislation. The incapacity of law to formulate cases as such is clearly a failure which precedes the division of cases into legitimate and illegitimate applications. This failure matches that of the production theory which Kant increasingly comes to see cannot perform the task assigned to it of the generation of nature as a system.

The distinction made in chapter 3 between the productive and the legislative accounts of the transcendental suggested that it is never possible for the legislative to overcome the productive because production is the basis of law.⁵¹ Whilst this is true, it simplifies the problem. Kant actually attempts to make legislation productive; that is, he does not systematically use two sets of vocabulary but rather tries to merge the two sets. This makes their separation the more difficult. Indeed, in the third *Critique* he specifically aligns law with a form of productive hylomorphism.⁵² The hylomorphism that he there invokes is in fact *inverted*. It is not that implied in the whole formation of the analytic of the first *Critique*, where the formal in its multi-sectored

⁵¹See below pp. 53ff.

⁵²First Introduction, ¶5.

interventions is forced into contact with the manifold of materiality; rather it reverses this formulation and regards the conceptual as a *matter* which is to be formed by its specification into genus and species, i.e. the conceptual as a matter is formed by what in the third *Critique* are the representatives of the uncontrollable refractoriness of prime materiality. Kant's identification of law with a productive hylomorphism therefore actually identifies the law with a hylomorphism which has nothing to do with the production-theory which is deployed in the productive base of the transcendental economy.

There is a fallacy of equivocation silently at work in critique which proceeds by identifying law and production through the middle term of hylomorphism without attending to the two types of hylomorphism thus mobilised. The inverted type which marks Kant's explicit identification of law and production is almost completely irrelevant. Thus, Kant can evade the problems of the real identification of law and production which is actually at issue, the equation of law and formality.⁵³

The degeneration of the rationalist Roman legal model of the first *Critique* into the empiricist model of the primacy of the unformulable rule of precedent correlates a failure of law to establish a juridical realm with the failure of form to produce at the level of a non-inverted hylomorphism which Kant is loath explicitly to acknowledge. The utility of the fallacy of equivocation over hylomorphism though is that Kant can present this failure in a mitigated form. Thus, the failure of the legislature of reason is compensated by the relative success of the autonomy of the judiciary which appropriates a quasi-legislative function. The scepticism about the functioning of one faculty is devolved onto an affirmation of another *faculty*. It would be possible to subject this faculty to a similar interrogation; but it is clearly far more important to go to the productive base itself: the economy. This is just what the vocabulary of legislation is intended to avoid. But the idea that the inefficacy of the legislature can be made up at the level of the judiciary when what is at stake is their mutual inability, not even to control, but to *be* the economy, is peculiarly risible. Whilst a certain and rather mitigated kind of scepticism is available even at the level of the legal, it is to production that one must turn for the possibility not only of a positive account of transcendental production (i.e. one which does not just

⁵³Kant uses this inverted form of hylomorphism, with the same intent of confusion, in his account of the genius. See below chapter 6.

assimilate it with negative theological production); but also for an account of the specificity of that mode which generates the possibility of presenting production as law under certain determinate conditions.

One might go as far as to say that the retro-active reapplication of law onto the productive base so as to render it immune from critique by being essentially illegitimate can be reformulated as the suggestion that the law itself is illegitimate. The paradoxicality of this response, is not much greater than the general appeal to paradox in decompositional argumentation; and it has the advantage of giving rise to a greater sense of the sterility of the operation of negative critique itself.

Conclusion

This chapter has provided a reading of the *problematic* of the third *Critique* which shows it to be engaged in scepticism toward the effective functioning of the immunised mode of transcendental production which representational decomposition presupposes. This scepticism is oriented around the problems of system and judgement. To have become problems for Kant these imply that the production mechanisms of the first *Critique* must be inadequate. Specifically, concept and matter cannot be brought into the contact that Kant needs to constitute the transcendental, but which is forbidden him by the necessity of the specific difference of concept and intuition. This scepticism undercuts the subsequent theoretical sophistications of negative critique, by attacking the efficacy of their productive base. The origin of this scepticism has further been traced to a consequence of the privatisation of hylomorphic production which makes a certain preliminary concept of active matter, somewhat surprisingly, inevitable. The next chapter will address the correlate of Kant's scepticism in the formulation of the problematics of the third *Critique*: the new theory of production which he introduces, and which serves as the belated *actual* critique of the previously assumed hylomorphic production theory of negative critical representation.

Chapter 6: Intransitive Production

Introduction

Critique (in its Kantian mould) is dependent upon the construction of a more effective exclusive disjunction between transcendental and empirical than had ever been achieved by dogmatism between spirit and matter. This is originality of the concept of the transcendental. Spirit is much too like matter; God altogether too personal, too barbaric, rather unseemly; the soul too psychological. But this move clearly generates an exacerbated species of the Cartesian interaction problem. The specific difference between concept and intuition¹ makes it increasingly impossible for them to interact. Yet, such interaction is the basis of the Kantian production theory that not only accounts for the production of the (empirically) real, but also underwrites the distinction between transcendental and transcendent. This is the problematic: that the transcendental must be located in a (non)space forbidding contact with the soiled space of the empirical and pathological at the same time as being the hylomorphic operator of a transcendental production program. It is this problematic that motivates the scepticism about the efficacy of the transcendental and hylomorphic production of the first *Critique* that is evident in the third *Critique*. This chapter shows that alongside the scepticism about production there is also a positive theory of production that responds to the inefficacy of the earlier account of production. Thus Kant not only invented critique, but also provided the tool-kit and instruction manual for disengaging critique from the useless gears of transcendental idealism.

The Structure of Production Arguments in the Third Critique

The problematic of the third *Critique* is that of the generation of order: morphogenesis. As has already been suggested in the previous chapter, this takes the form of an interrogation of the condition of possibility of the empirical legislation of nature. The formulation of this as a problematic seriously undermines the efficacy of the transcendentals of the first *Critique*, and hence the mode of production implicitly assigned to them: transitive production. Conditions of possibility in the earlier critical works were equated with the transcendental production of order. The 'I think' that must be able to accompany all representations and is the intrusion into the phenomenon of the ultimate condition of all, the transcendental unity of apperception. The 'I

¹Insofar as these are temporary sites for the general confrontation of transcendental and empirical.

think' is the mark of the necessary adhesion of experience to the unity of the subject. This reference to the phenomenological conditions of experience being 'had' by (owned by, perceived through) one *subject* answers to the somewhat plaintive desire that Kant had already described in the margins of the *Observations*, the desire for order and coherence within the phenomenon (cited above, p. 93). The satisfaction of this desire comes in the thought of the hylomorphically productive transcendental forms that construct an experience only as ordered by arguing from the unity of the subject to the unity of the experience had by that subject (the deduction[s]).

That transcendental production was being thought as an order that conditions the possibility of experience and of the empirically real makes the problematic of the third *Critique* a surprising one. Nature, the phenomenon, is no longer in order *despite* the activity of the transcendental production processes on the first *Critique*. This activity is therefore seriously in question: what remains for it to do if the third *Critique* has now appropriated the task of the condition of the production of order? But it is extremely important not to think that the vectors of the third *Critique* tending towards the production of a new theory of production (the extenuation of critique, rather than of transcendental idealism) can be simply plugged into the old structures (that is, transcendental idealism itself). Just as the displacement of God and His replacing by Man could not occur on the same matrix, so here a new theory of production changes everything, and cannot be inserted in the same machinery necessary for the old one. The new theory of production is a theory of the production *of* the (new) machinery.

Nevertheless, the first way of thinking the problematics of the third *Critique* must be in their relation to the first *Critique*. Thus, production in the first *Critique* is the process of the production *of an ordered product* (experience, phenomenon) from an order that itself *is given and not produced* (transcendental forms) and which order is therefore prior to what it produces (the synthetic *a priori*). In the third *Critique* however production is the *process* of the production of order. Thus (although implicitly and complicatedly) the production processes of the third *Critique* are the condition of possibility of the production of the very order (this would follow *a fortiori*) that was implied by the functioning of the transcendentals of the first *Critique* (although this production of *transcendent* order would only take place under certain conditions).

The strategy of the third *Critique* reflects this ambiguity. Kant is compelled to think a mode of production that does not entail presupposing order in the concept because he becomes

increasingly sceptical about the extent to which conceptual order responds to the order of the empirical. The third *Critique* is motorised by the idea of a counter-conceptual mode of production. Kant is, in effect, applying critique again to the mode of production of transcendental idealism as in the first *Critique*. However, Kant interprets the results of this counter-conceptuality as *even more formal* than the concept. He thus reproduces the relation of transcendental idealism itself to theology and rationalism. Transcendental idealism argued that the traditional spirituality of God (and the subject) were not inadequate because they were spiritual, but because they were not spiritual enough, not *formal*. Kant's counter-conceptuality argument in the third *Critique* follows the same path: if the formal is inadequate, it is not because it is formal, but because it is not refined *enough*. Kant wants his new 'solution' to be functionally equivalent to—but more sophisticated than—the old solution, implying that the extent to which the third *Critique* provides an account of morphogenesis, is simply plugs back in to the old account. It does so by suggesting that the manifold is capable of receiving form (the problem) because it has been pre-equipped to do this (counter-conceptually) by judgement. To be formed, matter must be *pre-formed*. The structure is similar to Milton's account of the creation. Of course, this argument merely exacerbates the problem: it was, as the last chapter argued, the refinement of transcendental formality that made its capacity to be productive so problematic. Kant's solution therefore merely exacerbates the original problem. And therefore one can legitimately be sceptical about the extent Kant is right to interpret counter-conceptuality in this way. *Not* to do so is to think the counter-conceptual as a mode of production that may account for order without presupposing it, and which therefore brings into question the equation—common in Kant— of order with *form*. Counter-conceptual production is *informal* production. Such production can in no way be simply plugged back into transcendental idealism. It *accounts* for order; but it *critiques* form—and especially transcendental form—as a hypostatisation of order.

It is quite difficult to make the argument actually presented in the third *Critique* answer to the problematic suggested in the introductions and the preface. In so far as it can, then the argument goes like this: the critique of teleological judgement creates a transcendental space for the assertion of judgements of objective (although merely reflective and not constitutive) teleology. That is, it argues for the position that we are entitled under certain circumstances to deploy concepts as the final conditions of objects. In the primary case of organic life, we are entitled to

do this directly. One cannot even *think* an organism except on the basis of it being a final end, an entity whose existence presupposes a concept that is responsible for its production. Clearly, the paradigm instance of the organism is the human being. In less the primary cases, of inorganic nature and of nature as a whole, one is still entitled, although in a more restrictive way, to think objects as ultimately teleological. The restrictions operate to avoid spurious teleological thinking that, for Kant, must not *substitute for* mechanical explanation, but must only direct substantive research that will always be mechanical.

The *Critique of Aesthetic Judgement* forms, on this view, a special case of the *Critique of Teleological Judgement* (but one with excessive consequences). The former *Critique* studies the teleological propriety of the world of nature *for* the human sensibility. But it is only on the basis of the arguments deployed in the *Critique of Teleological Judgement* that the thread of research in the aesthetics can be valid. Restricted manifoldness is guaranteed by the teleological conditioning of nature *for* human beings.

This fitness has other consequences (which are the ones that actually occupy Kant in the text): it is evidenced by the fact that there are beautiful objects. The beautiful directly manifests the fitness of the manifold of intuition for the transcendental and conceptual faculty of the understanding. A beautiful object is (to paraphrase somewhat) one the intuition of which in some way *tends towards*³ a concept (although without hitting on one completely, which would undermine the faculty of the understanding). The existence of beautiful objects in nature shows that the manifold of intuition in general (matter), is itself already pre-composed, in a teleological manner, so as to be coherent with the higher cognitive and transcendental faculties; (under-)nature is *for us*. In short, the existence of the beautiful *proves* that nature will be composed of a set of empirical laws whose unity itself will be law-like, will be a “systematic subordination of lower to higher.”⁴

This is the basic context within which Kant re-generates the concept of production left over from the first *Critique*. It has already been noted that the stakes of this context are high: what is at issue is the very *capacity* for productive activity of the spontaneous faculties. Such capacity for

³This phrase glosses (over) the mode of production at issue here; the rest of this chapter will be devoted to expanding this gloss.

⁴Third *Critique*, Second Introduction, ¶4, Ak. 5:180.

production is increasingly devolved from the fully spontaneous faculties (reason and understanding) to what had previously been only an executive agency: the faculty of judgement. This move towards the prominence of judgement is contained in the terminological shift between the *First* and third *Critique*. The old distinction between constitutive conceptual activity occurring in the domain of the understanding and merely regulative conceptual activity occurring in the domain of Reason is devolved completely onto judgement. Thus in the third *Critique* what had been regulative concepts of reason (most notably of course the treatment of nature as a *nexus finalis* for the purpose of empirical scientific research into the biological) are re-cast as reflective maxims of judgement.

The trajectory of terminological substitution from regulative ideas of reason to reflective judgements is of specific interest here. The locus of the new mode of production is initially in the faculty of judgement, and the faculty of judgement is a *sensible* or material faculty (albeit a higher one) in contrast to reason that is the paradigm of the ideal faculties. This is an important hint. The argument here will be that this mode of production is in fact that of matter itself. It is this mode of productive ordering—theorised in the third *Critique*—that is subjected to repression by Kant's attempt to equalise order and form. The equalisation of order and form is a *paralogistic* understanding of matter.

Kant's specific argument goes from the teleological to the aesthetic. Here though the thought will be traced in the other direction. The most clear statements of the production mode associated with the specific tasks of the faculty of judgement (and correlatively with the imagination) occur in the *Critique Of Aesthetic Judgement*. The *Critique Of Teleological Judgement* however represents the most interesting set of *applications* of this idea of production: to the material world.

Intransitive Production In The third Critique: First Slogan

The fundamental statement of Kant's new theory of production is familiar: it is the central contention of his aesthetics. It comes in his discussion of the distinction between beauty and perfection (one of several passages aimed at Leibniz⁵). He writes: "Beauty is estimated on the ground of a mere formal finality, i.e. a finality apart from an end [*eine Zweckmäßigkeit ohne*

⁵See for instance, the long polemic in the First Introduction to the third *Critique*, at ¶8.

Zweck].”⁶ A similar definition reoccurs in §17 in the statement of the 3rd moment of the analytic of the beautiful: “*Beauty is the form of finality in an object, so far as perceived in it apart from an end.*” This definition fits into Kant’s argumentative structure in that it secures the autonomy of the aesthetic. For aesthetics to exist at all, the argument runs, it must *be* aesthetics, and not a branch of something else. It must not be capable of being *reduced* to something non-aesthetic. The aesthetic must be *specifically distinct* (the phrase is used hard by the slogan at issue here, in §15). Kant has two contemporary (and the arguments are still relevant today) targets in mind: a rationalism associated with Leibniz and his school, and an empiricism whose origin was in the British empiricists, and whose most recent exponent had been Burke.⁷ Empiricism reduces the aesthetic to empirical sensation and pathological desire; rationalism reduces the aesthetic to the rational through the concept of perfection. The structure of the *Critique of Aesthetic Judgement* therefore follows the structure of the antinomy elaborated in its dialectic. The thesis claims the conceptlessness of the aesthetic (and, to uncritical minds, the *empiricism* of aesthetics). The antithesis claims the pure conceptuality of aesthetics (and reducing it to a species of the rational).⁸ The core of the resolution of this antinomy is clearly supposed to be contained in the maxim ‘conformity to an end without an end.’ One might, however, at this stage, suspect that this merely substitutes for the antinomic contradiction at the level of the proposition, a more compact contradiction at the level of the phrase: an oxymoron.

Kant clearly saw the empiricist option as rather less of a threat. This was on the one hand because his sympathies lay naturally with rationalism (empiricism *disturbed* him, he suggests in his famous image⁹) and the origin of the critical project defined itself by distinction from empiricism. On the other hand, it was because his theory was intended to defend a close relation between the aesthetic and the rational-moral, and it would therefore take more effort to distinguish his theory from rationalism than from empiricism. Of the four moments of the

⁶Third *Critique* §15. Meredith’s translation might be more accurately, if less elegantly, rendered as ‘conformity to an end without an end’.

⁷In his *A Philosophical Enquiry into the Origin of our Ideas of the Sublime and the Beautiful*, edited by James T. Boulton (Oxford: Blackwell 1987).

⁸The statement of the antinomy is at §56 of the third *Critique*.

⁹The image of the alarm-clocks is in the Preface to the *Prolegomena* (Ak: 4:260).

analytic of the beautiful,¹⁰ only the first addresses the problem of empiricism (claiming that the beautiful object pleases without interest i.e. not pathologically, on the basis of mere sensation). All the other three contain references to the *absence* of finality and conceptuality to which a rationalist ‘aesthetics’ would reduce the aesthetic. The non-finality of the beautiful object is therefore central to Kant’s aesthetics: it first opens up the space in which an aesthetics is possible.

Moreover, in a general way one can see that this autonomy of the aesthetic relates clearly to the central problematic of transcendental idealism as such. The mounting upon which the destructive armaments of critique are set is a thought—of the transcendental—which is irreducible either to empiricism or rationalism. I have already argued that this must be thought of as a mode of production irreducible either to the empiricist or the rationalist. The aesthetic is *also* similarly irreducible (see above pp. 62f.). If it can be shown that the aesthetic is a mode of production of a specific and characterisable type, then it will not be implausible to suggest that it represents the ‘filling out’ of recessive transcendentalism of the first *Critiques*. This would therefore be a kind of positive critique, responding to the scepticism that Kant entertained about the ability of the transcendental to perform the productive task assigned it.

Kant saw the transcendental itself as specifically distinct from both the empirical and the rational, from the *antinomy* of the empirical and the rational. But the internal mechanics of the transcendental (the details of its mode of production) ended up reduplicating, although displacing, the same dichotomies: this time between transcendental and empirical or, at the real battlefield, between concept and intuition. The real import of the attempt to compel aesthetics into the occupation of a site reducible neither to rationalism nor to empiricism, is that this site is more properly one irreducible to concept or intuition, irreducible to Kant’s transcendental versions of rationalism and empiricism. The polemic in the third *Critique* is as much about the difficulties Kant has generated for himself by displacing the dichotomies that he had sought to eradicate, to transcend, as it is about the school of Leibniz and the work of Edmund Burke. The polemical orientation of the critique towards rationalism reflects the fact, on this view, that the transcendental is a form of rationalism. It is therefore to be expected that the attempt to push

¹⁰Intended, not very successfully, to correspond architectonically with the four groups of categories.

critique further will be oriented towards attacking the reduplication and reproduction of the *rational* side of the dichotomy, that of the (pure) concept.

The autonomy of judgement and of aesthetics therefore answers not only to an attempt to refute contemporary *pre-critical* reductionist theories of aesthetics, but also to an internal attempt to refute—or at least refine—the related (but displaced) dichotomies of the transcendental idealism of the first two *Critiques* as well.

The first slogan—conformity to an end without an end—also fits into the more specific argument of the third *Critique*, that referenced in the introductions, and most important here: the problem of (the production of) order, or in terms a little closer to Kant, the production of formality. This is clearest in the First Introduction. There the grounding distinction of the third *Critique*, between reflective and determinant judgement is made out in just these terms. For the Kant of the first two *Critiques*, the destructive axe of criticism had been wielded against the thought that objects were given. He there, as has been demonstrated in chapter 3, instead gives an account of the production of objects. The ‘given’ which is opposed to production is then crucially displaced onto the very raw material of the Kantian pathological. In this First Introduction to the third *Critique* however, Kant now acknowledges that raw material is not the only factor of production that is given within the system of transcendental idealism. Judgement “is merely the ability to subsume under concepts given from elsewhere.” (§2, Ak. 20:202). This is clearly true; but only applies to determinant judgement. The new thought that is being introduced is that of *reflective* judgement. Kant characterises it—by contrast with determinant judgement—as the capacity to subsume (bring factors of production into productive contact) under concepts that are “not given” (*ibid.*). The association of the given with a dogmatic object of critique was established from the start of the critical enterprise, and one would expect that this distinction between a production that operates from given concepts and one that does not would be filled out in terms of the production of concepts or order.

This expectation is not disappointed. In the highly charged¹¹ §4 of the First Introduction Kant makes the distinction between determinant and reflective judgement like this:

¹¹So charged because it is where Kant explicitly addresses the consequences of a merely transcendental ordering, “nature as a crude chaotic aggregate without the slightest trace of a system ... [in which] we could only grope about aimlessly [*herumtappen*]” etc. This is one of the most important passages used

For judgement is not just an ability to subsume the particular under the universal (whose concept is given), but also *the other way round*, an ability to *find* the universal for the particular.

Clearly, ‘find’ [*finden*] here cannot be taken to mean looking around for something *already given*, for then the contrast would be vitiated, but must mean *made*. In the next section (§5), whose title is ‘On Reflective Judgement,’ this is made obvious. He writes, glossing the same contrast for a third time:

Judgement can be regarded either as merely an ability to *reflect*, in terms of a certain principle, on a given presentation *so as to make a concept possible*, or as an ability to *determine* an underlying concept.

Here the connection is not just made to a theory of the production of concepts (order), but right through to a transcendental constitution of order (which would have to be radically distinct from the transcendental constitution of the first two *Critiques*, in which concepts as the stores of form are *given* and *not produced*). The same provocative terminology re-occurs in the passages of the First Introduction concerned with teleological (or objective) applications of reflective judgement: these “make a concept possible” (§9). The terminology is preserved in both the Preface to the third *Critique*, where Kant writes that judgement “has ... itself to furnish a concept,” and in §4 of the Second Introduction where reflective judgement has “to find the universal.”

In fact, this broad gesture towards the persistence of a mode of production answering both to a scepticism about the transcendental production of the earlier critical works, and to a deconstructing of production away from transitivity is only provisional. It will be the task of the rest of this chapter to draw attention to—and to the significance of—a whole range of characterisations of production associated with judgement and the imagination in the third *Critique*. It is, however, important not to lose sight of the fundamental problematic of the third *Critique*—scepticism about the efficacy of transcendental production—and important therefore to think the various productions at stake in the third *Critique* in relation to this problematic. The provisional concentration on the production vocabulary of the Introductions focuses attention on this relation to the main problematic.

in chapter 3 to demonstrate the level of Kant’s fear about lack of order, and the extent to which he thought transcendental formality impotent in this respect.

A key passage at §12 of the third *Critique* brings together these points, introducing a specifically distinct mode of production—answering to the characteristic of intransitivity (or non-finality)—which is explicitly sited at the heart of the project of delineating the autonomy of judgement. In this passage Kant first outlines the modes of causality that the first and second *Critiques* respectively attempt to ground. The one is properly causal and *a posteriori*, the other a causation by means of freedom (i.e. pure desire) operating *a priori*. He then introduces a *third kind of causality*, what he calls “an internal causality [*eine innerlich Kausalität*]” specific to the aesthetic and to judgement. It is distinct therefore, he writes, both from “the pathological ground of agreeableness [i.e. a potential empiricist reductionism of the aesthetic]” and from “the intellectual ground of the represented good [i.e. a potential rationalist reductionism of the aesthetic].” This passage therefore directly associates the third *Critique* with *a new type of causality* that will negotiate the problems of the dichotomy of the rational and the empirical; and hence the problems of the transcendental rationalism propounded in the first and second *Critiques*. The new type of production is differentiated not only from the modes of production *grounded* as Kant says in the previous critical works, but also from the mode of production *that does the grounding* (rational transcendental production by means of [pure] concepts).

Kant’s explicit theorisation of an autonomous aesthetics emerges from the need to give an account of an empirical order (that of the hierarchy of natural laws) that cannot be referred to conceptuality or formality. The independence of aesthetics breaches the elision of form and order. However, in giving an account of the production of order, Kant raises the issue of whether the forms themselves might not be otiose. He might be taken as reapplying the critical axiom that objects must be produced and not merely given. In this case, the assumption of order in transcendental idealism is implicitly subjected to critique when Kant gives an account of the imagination suggesting that the imagination is morphogenic. The importance of this move cannot be easily over-estimated because it also raises the possibility of applying a second axiom of critique: that the objects of critique ought not to be sublated, criticised at one level, to be secured on another. The mode of production of the imagination—the immanent construction of arbitrary traits of order unassimilable to a concept—provides an eliminative account of the production of transcendental order, not a redemptive one. Formal order is a paralogistic misunderstanding of immanent order, which hypostatizes part of a product, and then posits that part as an independent factor of production: a *morphe*, a synthetic *a priori* concept.

Intransitive Production In The third Critique: Second Slogan

The first slogan, *Zweckmäßigkeit ohne Zweck*, pertains to judgement. The second pertains to the imagination. In the remark attached to §22 of the *Critique of Aesthetic Judgement*, but intended to refer to all the previous text, Kant writes that in aesthetic experience (and most particularly of *poetry*) the imagination manifests “conformity to law without a law [*Gesetzmäßigkeit ohne Gesetz*].” Reference to a mode of production here is explicit: Kant writes that the imagination here must be taken in its *productive* and not its *reproductive* guise. The productive imagination he then defines as “exerting an activity of its own [*selbsttätig*] (as originator [*Urheberin*] of arbitrary forms of possible intuitions).” This production occupies the zone not only of the transcendental aesthetic of the first *Critique* (the forms of intuition) but also the conceptual formality of the categories themselves. Kant contrasts the case in which “the imagination is compelled to follow a course laid down by a definite law” in which “the form of the product is determined by concepts” with that in question with the productive imagination operating *without* a law. Clearly in the contrast case, the imagination manifests an independent and autonomous tendency toward the production of concepts (without ever attaining to a definite one).

This passage is a dense one. To understand it one must first note that ‘freedom’ has undergone a shift of meaning. In another formulation of the second slogan from the same section Kant writes of the “*free conformity to law [die freie Gesetzmäßigkeit]* of the imagination.” This formulation could, as it stands, come from the second *Critique*, where free conformity to law is the essence of the moral.¹² It is, however, essential to Kant’s task here to differentiate this free conformity to law of the imagination from that of reason in the second *Critique*. The autonomy of the aesthetic depends on its differentiation from determinate conceptuality, formality or (as in the first slogan) conformity with ends. This differentiation is made the more difficult because Kant *still* wants to resolve the issue at the level of the formal. That is to say, Kant’s gloss on the meaning and significance of both the slogans under consideration here refers end (and law) conformity without end (or law) to the *form* of finality (end-orientedness) and law (see, e.g. §17). One can see the trouble particularly with the second slogan: this is precisely Kant’s solution to the problem of the heteronomy of law (pathology) in the second *Critique*. The law is itself autonomous only when it takes nothing for its object except itself, that is, when it is nothing but the *form* of the law. The

¹²In the First Introduction to the third *Critique*, but concerning the second *Critique*, Kant writes of “freedom *under* laws.” (§1).

form of the law would seem to be the formality of the formal, and therefore the epitome of the formal. Not only will this do nothing to achieve the autonomy of judgement, the imagination and the aesthetic that Kant intends, but it will clearly only exacerbate the problem of the condition of interaction of transcendental and empirical at stake in the problematic outlined in the introductions.

Kant's solution involves the curious disruption of the productive hylomorphic model (the disruption that has already been briefly discussed, see above pp. 120f.) to which he usually adheres. In §35 he appears to invoke the passage in the First Introduction (§5) in which, by way of comparison with a certain Roman legalism finding its root in Aristotle's *Metaphysics*, the concept is treated as the raw material [*roh Materien*] of a process of judgmental specification. In §35 he argues from the premise that "the concepts in a judgement constitute its content [*Inhalt*]" to the conclusion that "[taste] can only have its ground in the subjective formal condition of a judgement in general" via the premise that "taste is not determinable by means of concepts." The difficult move comes in the final piece of reasoning: "But, the subjective [formal, one is to suppose] condition of all judgements is the judging faculty [*das Vermögen zu urteilen*] itself, or judgement [*Urteilstkraft*]." The formality that Kant invokes in his expansions of both the slogans for the operation of judgement and imagination escapes from the usual identification of the formal with law, conceptuality and fully fledged transcendentalism in two of these moves. It does so first by the inversion of hylomorphism (which aligns materiality with conceptuality; and hence formality at least *not* with conceptuality); and second, by the appeal to the *faculty* or power itself (*Vermögen* or *Kraft*) as subjective form.

Kant goes on to make more specific and more concrete what he means by treating formality as faculty:

Taste, then, as a subjective power of judgement, contains a principle of subsumption, not of intuitions under concepts, but of the *faculty* of intuitions or presentations, under the *faculty* of concepts, i.e. the understanding, so far as the former *in its freedom*, accords with the latter *in its conformity to law*.

The redefinition of freedom is completed in this phase. The freedom of the imagination is no longer the same as the freedom of reason and concept. The latter is (as Kant himself notes) rather a "restriction [*Einschränkung*]" (§9) on the freedom of the imagination. All three faculties

(reason, understanding and imagination or judgement) can be said to be free. (In the case of the understanding this freedom is more properly *spontaneity*, the most general attribute of all the transcendental faculties, the higher faculties, activity.) And all can equally be said to be conformable to law, form or concept. But this conformity happens in quite different ways. Reason is freely conformable to law practically and with absolute purity from any passivity, receptivity, pathology or materiality. The understanding is free (or spontaneous) by contrast only insofar as it acts *on something else* (precisely proximal representatives of materiality, sensibility etc.). The imagination is free in its *non-subordination* to the concept, formality (understood in the usual Kantian sense) etc. which are thought as restriction. This notion of freedom is distinguished from the others in its use in the phrase “free play [*freies Spiel*]” as opposed, in the citation from §9 above, to “restriction.” This is an important departure because it characterises precisely the *productive*, i.e. spontaneous, activity of the imagination (not its receptive reproductive aspect), and therefore reconfigures the primary term of activity in Kant’s thought, the activity associated with the transcendental.¹³

However, Kant clearly intends—somehow—that freedom in this quite new sense (aligning with a new mode of production in the highly significant contrast of transcendental *labour* versus aesthetic *play*) should still be subordinated to the formal. This is his gloss on the slogans: intransitive production must be thought as *formal* production in the traditional transcendental sense, and not as the informal production of the formal (with all the attendant complications for the notion of the formal or order that this would entail). The argument demands some investigation and evaluation.

First it must be said that it relies on a fallacy of equivocation on the term ‘formal.’ His use of the term in §35 is derived from *inverted* hylomorphism. This is deployed specifically to generate a temporary contrast between concept and form that he can then go on to use it to legitimate a notion of formality that is still formal (or has the theoretical resources of formality) but which is simultaneously counter-conceptual.

¹³This redefinition is essentially Schopenhauer’s conception of freedom: freedom of the will *from* transcendental representation. See *The World as Will and Representation 2 Vols.* trans. by E.J.F. Payne (New York: Dover 1969), Vol. 1 §55.

Second, the attempt to reintroduce formality in his understanding of the mode of production of the imagination and judgement is a particularly difficult example of the general difficulty of the third *Critique*, outlined in chapter 5: regression. Analysis of this problem addresses the meaning that Kant is really attempting to attach to this equivocal formality. This regression has three aspects that will be investigated in the following section.

The Regression Problem

Faculty Regression

Taste is ‘formal’ insofar as it pertains to the *faculties*, that is to the “subjective formal conditions of a judgement in general.” (§35). Thus in taste judgement operates (and taste is the operation of judgement *as such*, when it acts *autonomously*) *not* to subsume particulars under concepts, but to subsume the *faculty* of particulars (or intuitions, the imagination) under the *faculty* of concepts (the understanding). This move is summarised in §36 with the suggestion that judgement is in this (privileged case, when it is most itself) “object as well as law.” This is a very difficult claim to understand. It, however, follows from Kant’s initial bid staking out the territory of the third *Critique*. There he argues, from a type of analogy, that if the schematism mediated between universal and particular, then the faculties must be in the same relation, i.e., judgement must mediate between understanding and sensibility.¹⁴

But one has to ask how it is that Kant thinks that a faculty can take itself (or another faculty)¹⁵ as an object? The difficulties appear almost insuperable: *faculties* are not the sort of things that can be treated as objects. They are not objects at all. The faculties are *transcendental*, as Kant is at pains to point out. The whole critique of Hume rests on this; Kant is not psychologist. The tendency of negative critique—which itself exacerbates the tendency in Kant to establish an increasingly rigorous specific distinction between transcendental and empirical—only makes this problem worse. The more rigorous one makes the distinction between transcendental and empirical, the more inept it seems to treat the transcendental capacity marked by the term

¹⁴He uses the analogy to argue further that judgement must have *a priori* principles. Kant’s conception of analogy is quite rigorous and will be analysed below in the section on the ‘as if.’ See below pp. 146ff.

¹⁵In the first formulation of this hypothesis (§35) Kant suggests that the faculty of judgement subsumes one faculty (the imagination) under a third (understanding). But in the next section (§36) Kant suggests that judgement takes *itself* as object.

Vermögen as itself an object manipulable by those very capacities. Kant is seeking here to exit peremptorily from the loop of regressions envisaged in the schematism and the preface to the third *Critique* (see above, chapter 5, pp. 107ff.).

This regressive series is a testing problem for the third *Critique*. Evading the regression of judgement and ensuring adequate contact between transcendental and empirical has become, by the third *Critique*, the central project of transcendental idealism. Kant recognised that the application of concepts could not itself be conceptual, that the application of rules could not be rule governed. But it *had* to be governed. Thus he instituted the distinction between objective and subjective rules, and the apparatus of *reflective* judgement that is governed but not in terms of explicit and determinate formality, conceptuality or rule-orientedness. Kant's aesthetics responds to this problematic by being the first to theorise what has become a commonplace today, that aesthetic judgements are neither fully arbitrary nor fully objective.¹⁶ These are the options, respectively of aesthetic empiricism and rationalism. But they go beyond the project of a critical aesthetics in clearly referring also the problem of judgement with the system of transcendental idealism itself. In this instance, the general one, the two options which aesthetic judgement must negotiate are those of the transcendental rationalism of the first *Critique*, and empiricism.¹⁷ The autonomous capacity of judgement to bring transcendental and empirical into contact—and resist the regression of the formal that is the symptom of their separation—through its privileged mode of action as aesthetic judgement is, however, complicated. Kant is, from the start, aware that aesthetic judgement is *difficult*:

[Aesthetic] judgement has to face unavoidable difficulties which do not face logical judgement ... [in the case of aesthetic judgement] subsumption may easily prove fallacious (third *Critique*, §38, remark)

One has to remember that this is not a minor difficulty associated with a special problem in a specific area of the architectonic of the system, but the problem *of* the system (see above pp. 92ff.).

¹⁶Kant might indeed be credited with the invention of the notion of inter-subjectivity.

¹⁷The lack of symmetry between the situations emerges from the fact that Kant does not explicitly contemplate a transcendental empiricism. The work of this chapter will be to suggest that he does so implicitly.

Kant theorises the difficulties of aesthetics through the distinction between objective and non-objective rule. But the difficulty is still acute. Kant repeatedly argues that the (merely empirical) difficulties of actually generating agreement on an aesthetic judgement in no way detracts from the universality (although not the objectivity) of the judgement:

If any mistake is made ... this can only touch on the incorrect application to a particular case of the right which a law gives, and does not do away with the right generally. (§38 remark, note)¹⁸

This is, of course, generally true for Kant. Legislation is transcendental, and not open to refutation by empirical instances. It would be a mistake of failing to recognise the specific difference between transcendental and empirical even to think that this were *possible*. But the autonomy of judgement itself is what is supposed to ground the *general* applicability of transcendental concepts to the empirical, and in that case it seems distinctly unreliable to require the ground of a use of judgement that is, as Kant admits, unstable, and for necessary reasons. The law that Kant invokes here is one whose capacity to be applied at all is in the process of being legitimated; but the grounds of the legitimisation require that it refer to a mode of application that is empirically unstable.¹⁹ Were the application of judgement *really* deducible from a formal law, then regression would be the result; this law too would require another law for *its* application. But to avoid this Kant has to appeal to some mode of application that is essentially dirty and unpredictable: aesthetics in part responds to this need. The very difficulty that Kant invokes (albeit briefly, and to be rejected quickly) is the solution.

We *would* be able to count on [universal] agreement [i.e., the legitimacy of the law] *provided* that we were always assured of the correct subsumption of the case. (§19; italics added)

“Correct subsumption of the case,” however, is *just* what is at issue, what Kant is trying to prove: the capacity of transcendental laws to construct the empirical, and therefore to be immune from empirical refutation, is exactly what is at issue in the aesthetics. Kant has set himself a dual

¹⁸Kant makes the same point at §8: “Such [universal] agreement it [judgement] does in fact [*in der Tat*] require from everyone for each of its judgements of taste—the persons who pass these judgements do not quarrel over the possibility of such a claim, but only fail, in particular cases to come to terms as to the correct application of the faculty.”

¹⁹Indeed it is the very instability of the ground that generates the legitimisation.

problem. On the one hand, it would appear (from the structure of the regression of judgement) that the contact between formality and materiality cannot be achieved on the basis of the formal. One cannot, without regress, establish a *rule* for the application of a rule. Judgement therefore appears as counter-conceptual etc.²⁰ *But*, it cannot be arbitrary.

Kant however attempts to recuperate the thought of judgement in terms of *another* formality. Judgement still operates *de jure* even though it is the *jus* that is at stake in judgement. The apparent intervention of a mode of production irreducible (except under special circumstances) to the hylomorphic and transitive—summarised in the two slogans—is interpreted as yet another intervention of the law formal production. This intervention is supposed to avoid the regress already suggested as the fundamental problematic of the late phase of critique. It does this by appealing to judgement not as the form of the relation of transcendental and empirical, but as the form of the relation of the *faculties* of the transcendental and the empirical (the higher and lower faculties).

The problem of how to get formal rules (concepts, laws etc.) into contact with what they must form is side-stepped in this argument of the third *Critique*. An evasion that is particularly awkward because the problem-generating formality *intensifies* as formality recedes into transcendence.

The problem of regression is not so easily foreclosed. The capacity of judgement to bring understanding and imagination into contact is *more* problematic than that of bringing concept and intuition into contact. This capacity could only be even begun to be understood in terms of the production theory of the slogans of intransitive production. Instead though, the meta-transcendental capacity of judgement to manage the faculties is presented by Kant as the *explanation* for these slogans, and as the reason the slogans should not be taken *productively* but *formally*.

²⁰“I stop my ears: I do not want to hear any reasons or arguments about the matter. I would prefer to suppose that those rules of the critics were at fault, or at least had no application, than to allow my [aesthetic] judgement to be determined by *a priori* proofs.” (§33)

Production Regression

The first *Critique* brought together the refractory transcendental components by configuring the interzone of judgement and imagination as a site of exchange. Since *all* representations are of inner sense, time was suggested as that which was common to both concept and intuition, and therefore that which could serve as a neutral medium of exchange between the two, readily converting concepts into intuitions through the process of subsumption, and ensuring transcendental liquidity. It has been suggested that the whole of the ‘Analytic of Principles’ can be seen as a third deduction (supplanting both others, and only questionably coherent with them). The constitution of experience is only finally consummated in the rigorous demonstrations of its time-determination through judgement as site of exchange.²¹

The problem with this strategy is that it permits the communication between the formal and the material to take place *only on the basis of the formal*, in this case, the form of inner sense. It is this presupposition of the formal, as the basis on which interaction between the formal and its representatives can occur at all, that Kant comes to see as increasingly problematic. It emerges as particularly important when Kant tables the objectives of the third *Critique*. In the introductions he suggests that transcendental forms, thought in the way of the first *Critique*, are *not* able to introduce that order into matter that would allow experience to be *constituted* at all. This scepticism about the efficacy of transcendental formality implicitly attacks the *basis* of the efficacy of the transcendental. This basis is in the doctrine of the schematism posing a site of exchange in and through which the privileged representatives of form and matter come into productive contact. Further, this site is itself based on the supposition that form and matter come into contact only on the basis of *form*. Form acts both as object of exchange (concept) *and* medium of exchange constituting a “common form” or currency²² operating between form and matter. If there is, in the third *Critique*, a critical interrogation of the production capacity of the formal, then this attack must be based in an interrogation of the ground of this production, the site of exchange that straitjackets becoming into formal exchange.

²¹Paul Guyer in his *Kant and the Claims of Knowledge* (Cambridge: Cambridge University Press 1987) argues that the thesis of time-determination performs a far more successful ‘deduction’ than the deductions themselves.

²²Kant makes the comparison between continuous magnitudes (most especially time) and money thought as independent from its instantiation in a particular symbolic medium at A170-1; B212.

What is role of this site of exchange? The material (or its proximal representatives) *must*—and this must is a transcendental one according to the arguments of the First Introduction to the third *Critique*—be marshalled appropriately by the formal, and it can only be so on the basis of *being already pre-constituted* as formal or formalisable. In the first *Critique*, this preformation of matter is associated with the gender characteristics of sensibility. Labour is distributed sexually throughout the first *Critique* according to a disjunction between male / female = spontaneous / receptive. The first *Critique* opens however with a problematic shifting of this the exclusive nature of the disjunction. The transcendental *Aesthetic* is the demonstration that *even* the lower receptive faculty of sensibility has formal characteristics. In many ways the aesthetic is one of the more compelling of the specific transcendentals Kant suggests, through its rigorous connection with geometry as synthetic *a priori* science. Nevertheless, the imputation of relative activity and spontaneity to the essentially receptive faculty of intuition, is paradoxical in view of the need for an rigorous specific distinction between spontaneous and receptive as representatives of form and matter, transcendental and empirical.

This paradox is, however, very necessary, because it performs the readying matter for its productive interaction with form enabling it to generate experience as a system (that is as experience at all). It is a form of *intuition* that smoothes out the edges of contact and lubricates the process of exchange by pre-submitting matter to form. This is the core of the issue: to *be* formed at all, matter must be *pre-formed*. This preconstitution of the material on the basis of the formal is itself the basis of the problem of regression.

Three things show that it was a problem how form and matter could come into contact at all. First, the need for the schematism in the first *Critique*. Second, the—possibly complete—rethinking of the deductions on the basis of a theory of formal time-determination of experience.²³ Third, the whole problematic of the third *Critique*. To the extent that this problem *is* a problem then it is not at all solved by suggesting that form must come into contact with

²³On Guyer's hypothesis. Guyer demonstrates that the time-determination thesis had been active in Kant's thought for some time, and was hijacked by the deductions only at a relatively late stage. One might also add that Kant's *Metaphysical Foundations of Natural Science* can be seen as performing even a fourth attempted deduction, this time using spatial-determinations (and getting closer to Newton).

matter at another (difficult) level before the primary contact can be thought. The first *Critique* glosses this issue over by demoting the problem from the status of an effective specific distinction to a sub-problem fit only for notes. It moves from the central transcendental distinction between concept and intuition to the level of a question of the internal constitution and differentiation of the faculty of intuition, itself a de-valorised faculty of sensibility, a 'lower' faculty.

The third *Critique* clearly acknowledges the failures of the first *Critique* in this respect by re-instituting an interrogation into the interaction of form and matter. But the solution that Kant attempts to give when he interprets the two slogans of conformity to end and law without end and law as representing the *form* of law and end, *is the same solution as the first Critique*. The question of prime interest—the resolution of the scepticism about the transcendental and production—is evaded again by proposing that form may be brought into contact with refractory matter on the basis of matter having been *previously* subjected to form. Kant writes in §22 (remark) of the third *Critique* that whilst in poetry the imagination enjoys complete freedom, in the plastic arts, which presuppose a given aesthetic object, it is to some extent constrained. He goes on to suggest that the objects of plastic art

may lend to [*an die Hand geben könne*] the imagination just such a form of the arrangement of the manifold, as the imagination, if it were left to itself, would freely project in harmony with the general *conformity to law of the understanding*.

(translation amended).

This passage is a crucial turning point. From this account of maximally free art (poetry) Kant can go in two directions. First, he could go on to suggest the vital importance of the self-activity of the imagination in constructing forms of intuition with all the consequences this would have for the very idea of formal order. Second, he could go on to suggest that this formality is still given. It is the latter course that he takes. In the citation, it is the object that “gives” the order, but this is merely a special case of a specific art form. In general, the order is formally given as the form of the transcendental relation of the faculties (“free play”). In the case of the mimetic arts, the form of the object is given as just that form that the imagination (“in its freedom”) would have produced itself. In the case of the beautiful as such, the form that the imagination produces is (out of all the “arbitrary possible forms of intuition”) just that which is capable of

conforming to the pre-given law of the understanding, and therefore to transcendently ordered formality in general.

At the beginning of the analytic of the sublime Kant, contrasting beauty and sublimity, writes that:

Natural beauty carries with itself a conformity to ends in its form through which the object appears to be as if predetermined for our power of judgement (§23, translation amended)

The slogan for the activity of the imagination engaging automatically in this free production—in its counter-conceptuality—is rendered merely as a term for the preformed nature of matter.

The system of pure reason in the first *Critique* is an organism (see above pp. 92f.). By the third *Critique*, this system is explicitly the systematicity of an experience with an ordered hierarchy of empirical laws and forms, the possibility of such or any experience; and it has become a transcendental problem. The special character of the organism is stated, in the *Critique of Teleological Judgement* to be that it “first prepares the matter that it assimilates” (§64).

Transcendental production is underwritten by the preproduction of matter to make it amenable to the reception of form, as much in the third *Critique*, and in the first *Critique*.

This is, of course, just the structure of argument that emerged from the analysis of the creation scene in Milton’s *Paradise Lost* (chapter 2). The regressive tendency of the creation gives way to another implicit theory of production whose efficacy has to be *suppressed* in what passes for the creation and is rather a repression-destruction. There (as a summary) the argument went on to show the possibilities for explaining what actually goes on in creation; here the point is that even this preformation presupposes what is to be proved, *viz.* the effective activity of form in the hylomorphic model. Whilst an account *can* be given of what *does* go on in this process, it needs the support of a counter-hylomorphic production theory that Kant is on the verge of giving, but which he fails to acknowledge in the end. The later results of this chapter will be used to show for critique and its subjective privatised theology what Milton shows for pre-critical cosmological theology. Critique will then have provided the resources for the demonstration of *another* transcendental illusion.

Systematic Regression

The last regression that Kant's attempt at the formal recuperation of the production of the imagination involves is also the most general.²⁴ Judgement is the faculty that makes possible systematic division into parts: *Urteilstkraft*. As such, it oversees not only, as has already been argued, the constitution of experience (which Kant argues must not only be a unity, but a systematically or *organic* unity) but also several other even more significant parts of the architectonic of transcendental idealism. These include "philosophy as a system" (the title of ¶1 of the First Introduction to the third *Critique*) which must be divided into parts ("*einteilen*"). It also includes even critique itself, or "our faculty [*Vermögen*] to *cognise a priori through concepts*" as opposed to "doctrinal philosophy" (¶2). Kant is particularly insistent about this last point. In ¶3 of the introduction Kant directly suggests that an empiricist aesthetics, linking the parts of the mind with each other only empirically, would reveal that "the mental powers form no system but only an *aggregate*."²⁵ This vocabulary is very familiar throughout the third *Critique*, but especially so in the First Introduction. It usually pertains to setting up of the problem of *experience* as a system (and not as an aggregate) which demands the (apparently enclitic, but actually primary) action of judgement to be finally legitimated. For it to be used again in ¶3 makes it clear that the stakes are still higher than the replacing of transcendental conditions: judgement makes possible the systematic division of the powers of the mind, the system of critique and doctrinal philosophy.

Judgement acts autonomously (in aesthetic judgements), according to its own *a priori* principles, and in inter-articulation with the other faculties (between which it forms the link). This is equivalent to saying that judgement is, as the condition of possibility of division into systematically articulated parts, therefore the condition of possibility of the division of the mind into *its* transcendental parts. It follows *a fortiori* from this that judgement is the condition of possibility of its *own* articulated position in that division of the mind. The autonomous activity of judgement as a faculty with its own principles *presupposes* its prior activity in the constitution of the system of the mental powers. The activity of judgement in underwriting systematicity presupposes the prior activity of judgement in constituting the first activity. The operation of judgement presupposes its prior application.

²⁴This regression was broached briefly above p. 105.

²⁵The same vocabulary is repeated in ¶¶11-12 of the First Introduction.

Everything in Kant's account of the mechanism that aesthetic judgement deploys to effect contact between transcendental and empirical turns on his account of the guidance mechanism that is irreducible to concepts. We have already seen to what extent this mechanism fails to avoid regress by re-invoking formality at the crucial moment (of the interpretation of the production slogans); and in fact compounds the problem by misrecognising the nature of the transcendent and appealing to a faculty *psychology*. Things are, however, even worse than this. This very faculty psychology—even on the most charitable reading that makes the confusion of transcendental and empirical a necessary confusion—clearly requires the systematic interaction of the faculties as a pre-condition. This pre-condition itself presupposes the *prior* activity of judgement. It is just this type of presupposition that Kant critiques in his account of Hume.

Conclusion

The introduction of an informal mode of production in judgement and imagination is vitiated by Kant's attempt to re-enclose this production within the formality that caused the problem in the first place. The impossibility of this re-enclosure is manifested by the set of regressions (based on the primary regression of judgement) that it entails: regressions of faculty, production, and self-presupposition—regression of system. To re-submit judgement to the strictures of formality is to re-duplicate the hylomorphic structure of transcendental production that Kant himself came to mistrust by the third *Critique*.

It is worth noting Kant's attempts however because the tactic is a highly general one. In the analysis of the production regression above it was suggested that Kant's solution involved the substitution of a site of exchange for one of production, a market for a factory. As Marx has demonstrated, this movement is a historical one. There have always been markets and there has always been production; but they are fractions mixed in a variety of proportions. Marx recounts the movement into capitalism proper as one from a phase of manufactures that preserved feudal production techniques and whose main characteristic was increasing marketisation, to a revolutionisation of the means of production (in fact the institution of *perpetual* revolution) in an industrial-productive phase. The novelty of this phase—the novelty of its mode of production and of its perpetuation of revolution—is masked by its apparent continuity with manufactures and the feudal through the continuity of exchange. The market generates nothing on its own but

the fetishism of the commodity through which production relations are covered over by exchange relations.

Just such a fetishism is at stake in Kant. Kant effaces the novelty of the means of production—broached briefly in the two slogans for the *functioning* of judgement and the imagination—by referring it back to a site of exchange (the schematism or the *faculty* relations of judgement) that attempts to present itself as the paradoxical *source* of productive energy. Production is never successfully occluded in Kant's work; but it is restricted to a hylomorphism (corresponding to an artisanal mode of production most recently historically located in the feudal) that engenders an impossible regression of production into transcendent formality.

None of the productive problems that Kant raises can be solved by his attempt to shove the informal mode of production of imagination and judgement—that he is compelled at least to contemplate by the counter-conceptuality of judgement—back into the formal box of transcendent hylomorphic production. What then can be made of thinking the slogans for the activity of judgement and the imagination in terms of production, terms to which they clearly lend themselves?

The 'As If'

The encounter of the counter-conceptuality of imagination and judgement with production occurs under the aegis of the 'as if'. It is the 'as if' that negotiates the problematic attempt to think the mode of production of nature as system: nature must be thought *as if* it were an intentional product. The 'as if' therefore contains the whole thought of a mode of production that is morphogenetic and yet whose morphogenesis cannot be referred to an actual concept, existing as conscious intention (desire production). The 'as if' itself is guided by a more general theory in Kant, that of the analogy. This theory is well worked out (although subject to a series of distortions mapped in the following sections), and should not be reduced to the operation of an ambiguous literary tropism.

Analogy in Kant has to do nearly always with production. It is the thematisation of the limitation of Kantian critique: that transcendental production is never itself explicitly thought. Analogy determines that although the subject of a production may be unknown (even unknowable), nevertheless, the *relation* between the unknown and its product is still the same as the relation between some known (the analogon) and *its* product. This is to say that the non-empirical

(characteristically the transcendent, but I shall argue also the transcendental) may still be thought as having an empirical mode of production. The distortion of the theory of the analogy undertaken in the third *Critique* is an index of the extent to which Kant began to contemplate another mode of production than phenomenal production.

The Theory of the Analogy

Kant treats analogy as a rigorous determination of relations. He defines analogy in three places in the critical works. The most important comes in the section of 'Analytic of Principles' in the first *Critique* that derives significant transcendental results from the notion of analogy, the 'Analogies of Experience' themselves. There Kant distinguishes the philosophical analogies from the *more* rigorous mathematical analogies:

In the latter they are formulas which express the equality of two quantitative relation, and are always *constitutive*; so that if three members of the proportion are given, the fourth is likewise given, that is, can be constructed [*konstruiert werden kann*]. (A179; B222)

The point is simple: in a quadrilateral of proportion where A is to B as C is to x , x is exactly calculable. This has transcendental significance in that the first two sections of the Analytic outlined the functioning of two *mathematical* schemata (the 'Axioms of Intuition' and the 'Anticipations of Perception') that are constitutive in the transcendental sense, constitutive of experience. The Analogies (and the Postulates) however, are *dynamic*, and not mathematical, and hence are "merely regulative" (A180; B223). What is this regulative, transcendental and philosophical thought of analogy? Kant goes on to say:

In philosophy the analogy is not the equality of two *quantitative* but of two *qualitative* relations; and from three given members we can obtain *a priori* knowledge only of the relation to a fourth, not of the fourth member itself. (A179-80; B222)

It is not clear how Kant means to apply this to the case in hand ("Experience is possible only through the representation of a necessary connection of perceptions" A176; B218). The most plausible suggestion however is that the general logical unity of a concept is to what is contained under that concept *as* (in a qualitative sense) the unity of the transcendental schemata of a

categorical concept is to the manifold of intuition.²⁶ The same *relation* obtains between the pairs (and the relevant schema is necessary connection).

By initially contrasting the philosophical analogy with the (more rigorous) mathematical analogy, Kant risks giving the impression that the philosophical analogy is somewhat less precise. This is not at all the case. In the *Prolegomena* Kant specifically distinguishes his analogy from this less rigorous contrast class:

... knowledge *by analogy* ... means not, as the word is commonly taken, an imperfect similarity between two things, but a *perfect* similarity of *relations* between quite dissimilar things. (§58; italics added)

Analogy is therefore distinguished from proportion in that it is not a quantitative relation, and from mere inexactitude by the fact that it is not the dissimilar entities that are analogous, but the “completely similar” (§58 note) relation.

The argument here has, up to now, been that the third *Critique* makes the mechanics of the first *Critique* impossible to sustain. This is something of a heuristic. In fact the theory of analogy (which *is* nevertheless deployed in the third *Critique* in such a way as to create serious difficulties for the first *Critique*) makes the first *Critique* problematic even to itself. Guyer’s hypothesis of a ‘third’ or substitute deduction in the ‘Analytic of Principles’ (one reverting to Kant’s pre-critical thesis of time-determination) already suggests a scepticism on Kant’s part about the efficacy of the first deductions. What differentiates this ‘third’ deduction from the other two is that it no longer attempts directly to deduce the objective validity of the categories (and hence their capacity to be applied productively to experience) from the most abstract agent and ideal of transcendental managers, the transcendental unity of apperception. The time-determination thesis proceeds from the *lowest* level of transcendental formation: the form of inner sense. From the specific difference of concept and intuition (or more generally, transcendental and empirical) one could easily suppose that Kant is also sceptical about the extent to which the *categories* are able to interact with the empirical that they are to form. This supposition seems validated when Kant writes that

²⁶Kant writes: “we are justified in combining appearances only according to what is no more than an analogy with the logical and universal unity of concepts. In the principle itself we do indeed make use of the category, but in applying it to appearances we substitute for it its schema...” (A181;B224)

the category expresses a function *that is restricted by no sensible condition*.

(A181;B224, italics added).

More generally, the whole doctrine of the schematism can only be understood in relation to the rest of the first *Critique* as an add-on that effects the problematic productive contact, and without which contact would not be possible.

The theory of analogy however vitiates the capacity of the schematism to do this job. The analogy obtains between the schema / intuition relation and the concept / instance relation. Expanding Kant's account of analogy implies that although the relata are different nevertheless, the *relation* is "completely similar." In this case the relata are as different as possible: the analytic *a priori* of general logic, and the synthetic *a priori* of transcendental conditions, the specific difference constitutive of transcendental idealism. It is however just this relation that *cannot* be the same because empirical concepts *can* (so Kant argues) refer unproblematically to their instances, and transcendental ones cannot. Transcendental concepts need schemata to do this for them. However, if the relation between schemata and radical empirical of intuition is the same as the relation between general concept and particular, how can it help? Kant writes:

Appearances therefore have to be subsumed not simply under the categories [i.e. concepts] but under their schemata. (A181;B223)

The schemata can contribute nothing to this process if they are thought, as the rigor of the analogy dictates, as subsuming *in just the same way* as concepts of logic: they would themselves need *another* schematism for proper application. This is just the regression problem that Kant had used to introduce the necessity for the schematism and hence for the 'third' deduction; the regression problem whose extent is so vastly increased by the third *Critique*. It is important that even in this early instance of the use of the analogy, it fails. The analogy is Kant's attempt not to think transcendental production at all; and its breakdowns attest to the importance of such a thought.

In the third *Critique*—awkwardly, given the importance of the term, very near the end of the *Critique of Teleological Judgement*—Kant gives another definition of the analogy that summarises both the previous definitions as well as bringing out what was implicit in them; that analogy has to do with *production*:

Analogy, in a qualitative sense, is the identity of the relation subsisting between grounds and consequences—causes and effects—so far as such identity subsists despite the specific difference of the things, or of those properties, considered in themselves (i.e. apart from this relation), which are the source of similar consequences. (§90)

In the first *Critique*, the ‘Analogies of Experience’ are concerned with legitimating the objective validity of necessary connection, that is, with the (transcendental) production of empirical production as mechanical causation, that is, with the production of production. In both the *Prolegomena* and the third *Critique*, the definitions occur in the context of understanding the mode of production of God the creator, that is, the (itself strictly, although with Kant more problematically, transcendent) mode of production of the *transcendent*. In the *Prolegomena* Kant directly connects this with the ‘as if:’

When I say, we are compelled to regard the world *as if* it were the work of a highest understanding and will, I am really saying nothing more than: as a clock, a ship, a regiment is related to the artisan, architect, commander, so the world of the sense ... is related to the Unknown. (§57)

This is a provocative juxtaposition: *the same analogy* warrants *both* the connection between logic and schematism *and* that between God and artisanal desire production. It becomes very clear here to what extent the mode of production of the transcendental is modelled on that of production through intentional desire, and what some of the implications of that model are. The analogy (in all its rigorous definitions, mathematical-quantitative and philosophical-qualitative) specifies the *relation* of a known to an unknown = *x via* the identity of this relation with the relation of a known A to another known B. This is evident in the case of God’s production. It is less obvious in the case of the transcendental production of the unity of experience through the necessary connection of perceptions. Nevertheless, Kant is quite explicit: *even* in the case of the first *Critique*, the “fourth member” is neither given, nor can it be constructed from the other three members (this happens only in the quantitative instance). This fourth member is the (strict) analogue of the unity of the logical concept; it is transcendental unity, the “unity of experience” (A180;B222). The transcendental operator is itself transcendent *in just the same way* as God the creator must be thought as transcendent in his productive relation to the world of sense.

Distortion of Analogy in the third *Critique*

The third *Critique* makes this connection the stronger. There, the problematic of the first *Critique* ‘Analogies’, that of getting the empiricity of intuition into productive contact with the unities of the ideal, is transformed into the problem of underwriting a *system* of nature, i.e. nature as such. This is supposed to be solved with reference to an extended an on-going *analogy* between nature and desire. Nature *qua* system (nature as such) must be thought on the analogy of rational desire production, must be thought *as if* intentional. In the very first section of the First Introduction Kant writes that the technic of nature is that where:

We judge objects of nature *as if* they were made possible through art [*Kunst*]

In its initial formulations this ought to mean that there is something (the Unknown) that stands in the same relation to nature as the conscious intention stands to the product of a conscious intentional performance.²⁷ This expansion of Kant’s statement sounds too strong. He is, after all, very clear that judgement operates only reflectively here (and not in a determinative manner), that the compulsion is strictly subjective and not objective and that reflective judgements answer to merely regulative ideas, and not constitutive concepts. The strong result is however generated just by plugging in the theory of analogy to the ‘as if’. Kant does indeed use the terms synonymously in the third *Critique*: in the very same section as previously cited he is equally happy to make the point by saying that nature is judged “by an analogy with art [*Kunst*].” The analogy demands, provisionally at least, that its terms be thought in a quadrilateral of relation. In the case of the Analogies in the first *Critique*, Kant does not make much of the fourth term (Unknown = x). This is doubtless because it forces confrontation with the transcendent nature of the transcendental; but in the case of God, clearly one term (God) *is not and cannot be* known. The force of the theory of analogy that Kant uses is always in claiming that the relation may still be known—and may therefore be empirical—in the absence of knowledge of the primary relatum.

This view is however provisional; and Kant has good reason for introducing the problematisation marked by the distinction between reflective and determinant. The theory of the quadrilateral of analogous relations is subjected to a certain topological distortion and translation during the third

²⁷The later formulations are more complex because Kant clearly has a theory of art which is on the face of it irreducible to intentionality; a theory that is itself based on analogy.

Critique. These distortions range from instructive confusion to almost complete abandonment. One can see the necessity for these distortions from the association between the use of analogy in the first *Critique*, that in the third *Critique* (which marks an expansion of the problematic raised by the first *Critique*) and the guiding primary exemplar of the analogy: God. Kant maintains his 'critical' posture toward God through the analogy: God may not be sensibly determined, but God's (productive) *relation* to the sensible may, and it is artisanal. When the analogy is reapplied to describe *transcendental* production, in the 'Analogies' of the first *Critique*, this becomes unsustainable. The way in which transcendental and conceptual unity processes perception to become experience is supposed, if the theory of the analogy is taken seriously, to mean that transcendental production is of just the same type of logical production. The imposition of the formal unity of the concept of necessary connection (and especially cause and effect) is just the same as the formal unity of a logical concept. The only difference, on the theory of analogy, would be that the agent of transcendental unity would itself be fugitive (temptingly, transcendent). This clearly does nothing to address the specific difference between analytic *a priori* (and the subsumption of particulars under purely logical concepts) and the synthetic *a priori* (and the production of experience through the imposition of the transcendent[al] unity of the categories). It is difficult to think of a more foundational distinction for transcendental idealism: without the difference between general and transcendental logic, critique regresses to dogmatic rationalism.

In the third *Critique* it is the divine desire version of the analogy that is in question: nature thought as product of art or desire. Again, it is clear that the rigorous theory of analogy that Kant maintains will not do the job. If the theory of analogy is again applied in its rigor, one obtains the proposition that there is something unknown that stands in the same relation to the world (and most especially to its ordered parts) as and intentional agent stands to the product of acting upon that intention. There is only one possibility for such an unknown. It would have to be God. If it is God, then Kant has effectively regressed to the pre-critical: explaining not anything like the transcendental constitution of nature (taken either reflectively or determinately), but simply appealing to a God who is himself transcendent as the origin of order.

Instinct

This is not a result that seems much better than the attempt to make the mode of production of the transcendental that of logic; and Kant clearly wants to avoid it. The only way of doing this is to compromise the rigor of the analogy. Kant's first attempt to do this comes in his account of instinct [*Instinkt*], which, if not a central concern of the third *Critique*, does emerge at strategically significant moments; in the section of the *Critique of Aesthetic Judgement* entitled 'Art in General,' for instance. This account compromises and distorts the analogy by eliding the supposedly distinct members of the quadrilateral of agents and products:

By right it is only production through freedom, i.e. through an act of will that places reason at the basis of its action, that should be termed art. For, although we are pleased to call what bees produce (their regularly constructed cells) a work of art, we do so only *on the strength of an analogy with art*; that is to say, as soon as we call to mind that no rational deliberation forms the basis of their labour, we say at once that it is a product of their nature (of instinct), and it is only to their Creator that we ascribe it as art. (§43; italics added)

The instinctive production of form by animals other than the human is clearly an important instance of morphogenetic production without the ideality of concepts; an instance of production that conforms to an end (a morphic product) without an end (concept of that product) being present. Kant's account of it also accords with his general theory. We judge ("are pleased to call") the products of instinct art not because they actually are, but because we have the components needed for technical production (concept and product) although they are not distributed in the usual way. The agent of the productive act whose result is the ordered product *is not the same one* as that in which the concept (which alone makes this product artistic or technical) is located.

This move is, of course, just the one that Milton preformed in *Paradise Lost*: the recession of inefficacious concepts to a transcendent God coupled with the location of a blind efficacy at the sublunary (or empirical) level (see above pp. 11f.).

Kant's position is a little more difficult, and a little more sophisticated. In general, the theory of analogy is not going to be adequate to the task Kant assigns it because it leaves intact the mode of production between relata, whilst allowing one of the agents to virtualise (become transcendent). But it is the mode of production that is *precisely* at stake. Thus, the distortions of

the analogy. This first distortion makes a preliminary attack on the fundamental problem for Kant of the mode of production of the transcendental. Application of the analogy to instinct *ought* to have resulted in a quadrilateral in which some unknown (= x = God here) bears just the same relation to the product (of instinct) as a conscious agent does to the product of that conscious intention. This is not quite the case in the account that Kant actually gives. If the unknown = God were related *in just the same way* to the product of instinct as desiring agent to product, then God would actually produce the produce (this is the implication of the general analogy of God's production to intentional production). Here though, God does not *do* anything. The animal is the actual or effective agent; God supplies *only* the concept, and (to adopt the vocabulary introduced in the chapter on Milton) is merely the *virtual* agent of the action.

Whatever mode of production can eventually be ascribed to the relations in the second pair of relata in the analogy (God and the product) of the analogy, it is not and cannot be identical with that in the first pair (agent and product). The responsibility for production has been crucially split, as in Milton, between a transcendent manager providing the concept of the form of the product, but only that, and an immanent actor, blind, but actually productive.

The analogy is deeply implicated in Kant's response to the difficulties of specifying the mode of production of the transcendental. The existence of distortions of the analogy tells us that Kant has at last become sensitive to the inadequacy of leaving the mode of production the same. The specific distortion at issue here tells us that transcendental production is first to be thought as riven between an inactive formal component and an active informal component. As the transcendental marks out its specific ground, distinction from the empirical, it thereby gets proportionately more difficult to see how it could ever soil itself with contact with empirical to perform its formative labour. What has changed is that Kant is now explicitly addressing a mode of production that is irreducible to the (merely) empirical, *and*, if it is inadequate as yet, is not *merely* transcendent. Kant makes explicit here all the problems that had been implicit in his early formulation: that concepts are empty and intuitions blind. Kant's recognition of the problematic nature of the analogy is his recognition that transcendental production must be thought and not either reduced to another form of empirical or assimilated with the *a priori* analytics of pre-critical rationalism.

Nature as System: the Organism

The most extensive shift in this direction of interrogation of the mode of production of the transcendental, the mode of production of order in general, comes at the beginning of the *Critique of Teleological Judgement*. There Kant broaches the problem of the organism. The organism has been a constant and excessive difficulty for critique. It is the most striking instance of the sort of empirical order that holds Kant's attention increasingly as it becomes impossible to refer such order to the transcendental as its source.

It is also the primary register of vocabulary for describing the relation of reason to itself, and hence for the whole guiding conception of the system as opposed to the mere aggregate (see above pp. 92f.). After a long discussion about the mode of production of organisms, Kant is finally able to conclude that this mode of production can only be thought

by remote [*entfernten*] analogy with our own causality according to ends generally, [but that] ... [s]trictly speaking ... the organisation of nature has nothing analogous to any causality known to us. (§65)

This passage—at the point of the supposed explanation of the most intense of the problematics of (transcendental) order that Kant is addressing in the third *Critique*, as a result of his scepticisms about the efficacy of the forms of the first *Critique*—breaches the theory of the analogy completely. There is *no* analogue of the causality of the organism. There is *no* productive relation of terms (cause / effect; ground / consequent; intention / product; logical concept / instance) which relation is identical to the productive relation of the conditions the possibility of organisms to the organisms it conditions. Kant finally and explicitly rejects the suggestion, so crucial for critique, that the transcendence of a productive term does not mean that its *mode of production* is also transcendent.

The theory of instinct and that of the organism mark opposed limit-cases of the disruptions of the theory of analogy. In the former, a new mode of production is envisaged which merely splits the responsibility for morphic production between virtual and actual agents; in the latter a relation of the production of organisms to empirical production is denied. The more famous applications of the theory of analogy—especially the thought of nature on the analogy of art—provide a context for the more compelling positive characterisations of the mode of production of order already broached here in the slogans for imaginative production.

Judgements of Taste

The theory of instinct corresponds to what was named as irresponsible creation in Milton's *Paradise Lost*. It provides a starting point for the thought of a mode of production that is on the one hand differentiated from the models Kant has been using *via* the analogy to characterise transcendental production, but on the other hand, does not merely suggest that such a mode of production is unknowable. Instinct occupies an important position in the third *Critique* it is referred to not only in the theory in §43, but also in the context of God's production at §85 and is implicit in the whole account of artistic creation. Kant is aware of the difficulties. To relocate the concept in God, or indeed in the transcendent(al)—the formal as such—simply does not solve the problem of the capacity of form to act to be the guarantor of order. The whole impetus of the theory of analogy changes in the third *Critique* so that the insufficiency of the persistent relocation of fugitive concepts is broached. The demand to which the theory of the analogy now responds is that of thinking counter-conceptual production through the *inadequacy* of the analogy of art as desire production. The 'as' in 'Nature as art' means therefore that reference to a concept in the production of natural forms is strictly illegitimate, but that such forms can only be thought in this way if their traits of formality are to be accounted for at all.

We have already seen how the two apparently productive slogans of conformity to law and end *without* law or end are recuperated by a reduplication of a transcendental psychology of form. We have also seen to what extent this recuperation launches Kant back into the very difficulties that he had needed to solve from the first *Critique*. Conformity to an end without an end is thought as the *form* of end-orientedness; and form is thought as the relation between faculties, pushing Kant back into a psychologism that he had warned against in the first *Critique*. This move can only perform the task of recuperation by a slippage of meaning between merely psychological form (which the argument suggests) and fully transcendental form. The argument uses the first to gain superficial plausibility, but really needs the second to keep the reference to the formal. The second however engenders the regressive problems caused by the original identification of the transcendent with the formal. For Milton's (and the tradition's) account of the cosmological regress of concepts—which Kant himself addresses in the theory of instinct—he substitutes a more properly modern regress of psychological formality. This regress vitiates the novelty of the transcendental by boxing it up again in the formalist-psychological interpretation of the productive slogans. Given the inadequacy of both of these moves (even

within the terms of the problematic that Kant has set up: that of the empirical order) one is entitled to suggest the breakdown of the analogy. This breakdown marks the extent to which Kant attends to the novelty of transcendental production, and attempts the positive characterisation of this mode of production. Such a characterisation begins with the breakdown of the analogy in the core of the third *Critique*, in the theory of aesthetics and aesthetic production.

The slogans should therefore be thought not only as registering the impossibility of thinking empirical order on the basis of transcendental ordering (along with the resigned necessity of doing so), but also as suggesting a new mode of production, and hence a new thought of order disarticulated from formality. Thus the *productive* activities of what Kant names as imagination and judgement, encapsulated in the two slogans, should be represented not as a mysterious capacity to approximate to transcendent(al) law and end governed by a metaformality of transcendent(al) psychology—and invoking the necessary preformation of the manifold and the danger of regression. Rather they should be understood as references to a mode of production that is autonomously morphogenetic. Conformity to an end without an end describes a mode of activity that produces *immanent* morphic structuring and organisation which does not lack a formal concept of its order, but has no need of one.

Reversal: Artistic Production

This can be seen most clearly in the next distortion to which the theory of the analogy is subjected. The beautiful in nature must be regarded as art; the ordered in nature (that is nature *as* ordered) must be investigated as if it really *is* art. Using the analogy one would expect that this must be interpreted as suggesting an Unknown that has just the same productive relation to nature as the artisanal producer does to their product, even if this can be thought only reflectively. However, we have seen from the analysis of organisms and teleological nature that this mode of production is *not* the same as that of the artisan—though there Kant is blankly negative about what this mode of production might actually be. In the analysis of instinct we have seen further that one (in fact quite traditional) possibility is that the concept needed transcendently to guarantee order is sundered from its capacity to do anything. A mode of

production is therefore tabled within which productive activity is itself split between an inactive management and an executive activity that does not know what it is doing.²⁸

Kant treats the slogans for informal production (conformity to end and law without end or law) as expansions of the new mode of production whose presence he acknowledges in the breakdowns of the theory of analogy. To regard nature as art is therefore for the site of the production of nature (what Kant calls the imagination) to be the site of a mode of production that operates *without* a formal concept of order *and* without thereby being purely chaotic, in accordance with the slogans.²⁹ To the extent that the strictness of the theory of the analogy breaks down, the exact identity between this mode of production and that of art (= requiring a concept) is already flawed. That Kant is compelled to go right through to the productive interpretation of the slogans for imagination and judgement is made clearer by the next distortion (after instinct) that the theory of analogy undergoes.

When Kant ventures art or technics as the model for understanding nature he often appears to do so on the (implicit) assumption that both of these represent simple desire production: the production of objects by means of lucid concepts.³⁰ This assumption is however very clearly not carried over into the body of the text of the *Critique of Aesthetic Judgement*. There Kant has a justly famous and completely explicit theory—the theory of the genius—of the mode of production of objects of art that precisely *does not* involve lucid subjective desire production. Fine art, the art of the genius, as Kant puts it:

cannot itself think out [*ausdenken*] the rule through which it is to bring about its product [*nach der sie ihr Produkt zustande bringen soll*] ... Where an author owes a

²⁸One might easily take this for a definition of reflection: as Kant becomes increasingly aware of the problems of getting transcendental formality to (inter)act, the transcendental becomes increasingly thought *only* as reflective and strictly transcendent; and transcendental thought is left positing a transcendent space for the concepts of order thought as unity. A space from within which they not only cannot get their hands dirty, but cannot even perform the relatively clean task of managing. The take-over of transcendental idealism by reflection is the admission of its inability to account for order in terms of conceptual unity.

²⁹The contemporary term of art for this is *antichaos*.

³⁰This is done most often in the First Introduction (§§1;2;5;9;12) which has very little to say about the mode of production of (fine) art.

product to genius, he does not himself know how the ideas for it have entered his head, nor can he ... communicate them to others in precepts (§46, translation modified)

Given that the problem is that of the transcendence of formal and conceptual unity in producing formal traits, it is evident that it is this definition of art rather than that of lucid production that should be taken as the model for the mode of production of the imagination. To opt for the latter is not only to reduce the imagination to operating according to the theory of instinct, but will also bring with it all the problems of regression.³¹

One of the useful consequences of Kant's theory here is that he admits that the very problems he identified with pre-critical rationalism apply equally (or at least still apply) to his critical transcendental rationalism. Rationalism is, on Kant's reading, condemned to the analytic *a priori*, to saying nothing about the world by reducing sensibility to (confused) conceptuality. Variation, particularity and all the functions of a finite sensibility, in a word, the empirical, are all counted out. Kant's account of the *opposite* of genius, the "spirit of imitation" (§47) or mannerism, is an account of purely technical lucid desire production, production by means of conscious concepts. This means of production is the primary model of the mode of production of the transcendental, prior to the third *Critique*. It permits no *originality*, and gives no account of the empirical formal variety of nature. Without this account, the conceptual forms fail to do their job of underwriting the unity of experience.

More interestingly, Kant actually tries at the same time as attempting to recuperate the formal by way of the form of the faculties, to perform the exact opposite of the strategy of the theory of instinct. He refers the *rule* of the faculty of genius, the residue of formality, precisely *not* to the putative contents of the transcendent divine mind, but to *nature*:

Genius is the talent (gift of nature) ... which gives the rule to art (§46, translation modified)

³¹Kant, of course attempts a recuperation of this suggestion. Whilst the theory of instinct relegates the problematic concept of the order of the product to the avowedly transcendent space of the divine, the theory of the genius follows the more sophisticated (more 'critical') path of referring this order to psychological formality of the harmony of the faculties. The inadequacy of this has been covered in the account above of this harmony in the case of judgements of taste (reception not production).

Where the theory of instinct referred the formal guarantor of order *qua* unity to the transcendence of God's concept, the theory of genius refers formality, in a way that means that it can no longer be thought as equating order and unity, *back to nature*.

This is a complex thought in Kant. Nature is modelled on art. But art should be construed not as intentional and dominated by a concept of its product, but as counter-intentional (the work of genius). *But again*, the extent to which this mode of artistic production is governed at all is supposed to be the extent to which is natural *again*. Kant sums up the paradoxical movement of this argument by juxtaposing two aphorisms:

Nature proved beautiful when it wore the appearance of art; and art can only be termed beautiful where ... it has the appearance of nature. (§45)

Art is the analogue of nature *and* nature is the analogue of art. It is clear why Kant has to make this move. The terms of his aesthetics demand that beauty be reducible neither to empirical sensation nor to rational concept. This demand must evidently be satisfied whether the putative beautiful object be natural or artificial. However, this demand obscures some of the complexities of Kant's position. The beautiful is a special case of the *general* supposition that even the manifold of nature is produced in accordance with human cognitive powers. This supposition is necessary even in the perception of inorganic (and unbeautiful) nature. This general accord is thought on the basis of the teleological propriety of manifold nature for humans. Teleology is thought on the basis of desire production or art. The harmony of the faculties that determines the disinterested pleasure of aesthetic contemplation is at issue in *every* judgement of nature, and even in the very perception of nature. The *whole* of nature, not some specific part of it, must be thought on the analogy of art. The *production* of nature must be thought, reflectively, on the basis of art.

Similarly, the modelling of artistic production on nature responds to a whole set of 18th century aesthetic responses concerning 'naturalism' in art. Kant's theorisation is again more problematic. He is again constrained by theory to differentiate the production of fine art from merely conceptual production; and his only alternative seems to be nature. The juxtaposition of the two thoughts—that nature must be thought on the analogy of art, and art on the analogy of nature—vitiates *both* the terms of the analogy. The nature to which Kant appeals as the analogue of fine art is *already* art; and the art to which Kant appeals as the analogue of nature is *already* nature.

There is clearly nothing that could function in either case as the a strict analogue. There is nothing that stands to nature in the same productive relation as conceptual intention to product (artistic production) because art is itself not conceptual production. There is nothing that stands to products of art in the same productive relation as cause to effect (natural production) because nature itself is not only a causal nexus, but also a final nexus.

The use of the 'as if' in the third *Critique* has broken down the stricture of the analogy of the first *Critique*. Kant can no longer suppose that the transcendental turn may leave the productive relation of transcendental and empirical to be thought on the basis of phenomenal modes of production. *Some* other thought of production is necessary. The relation of transcendental to empirical can no longer be identical with some (analogous) relation of empirical to empirical.

In the case in point here, Kant is evidently attempting to juggle the only two modes of production that are permitted him: mechanical causation and desire production or teleology (God's desire production). The mutually question begging status of the double analogy between nature and art demonstrates that neither mode of production will suffice either for nature *or* for art. The only other options explicitly open to Kant are *either* to split the activity between the impotent managerialism of the concept and the active blindness of the agent (in the theory of instinct) *or* to resort to the blank negativity of the theory of the organism.

Neither of these options however suffices. The theory of instinct is useful for suggesting a first stage in the dissipation of the theory of analogy. It reconfigures the relation of transcendental concept to what it forms into a relation of eviscerated managerialism to senseless activity. One might easily say that God's concept *represses* the immanent activity of animal morphogenesis, guiding, controlling, canalising it into the form of the production of objects. Clearly though, the impotence of concepts cannot in all rigor allow them even a managerial role. What is more important, Kant specifically distinguishes the theory of instinct from the theories of the operation of reflective judgement and the productive imagination. In this he goes beyond Milton's analysis of irresponsible creation. Judgements of beauty, and products of genius, do not entail *any* reference to determinate concepts; not even to concepts that are epistemically inaccessible (God's concepts). The problem addressed in the production of nature and of fine art is incapable of solution at the level of the theory of instinct.

The second limiting option, the theory of the organism, specifically attacks the exteriority of the concept in the model of desire production. Until the account of genius in the *Critique of Aesthetic Judgement*, this exteriority was also an issue in the analogy of nature with art. However, after the account of the production of fine art as the art of genius, it becomes clear that the relevant analogue of nature is (problematically) not with technical or mannerist art, but with genius. The mode of production of genius is one that operates without concepts. Reference to art in the understanding of production does not therefore imply exteriority of the concept. The resignation of the theory of the organism holds only in the absence of Kant's theory of *fine art*. That there is no mode of production that can account for the production of organisms (and hence for systematicity at all) is true only if artistic production is restricted to technical production. Kant's own theory of art denies this. One must look again at the peculiar circle of analogies condensed in the relations of nature to art.

What Kant needs, both in the case of the production of nature as system and in the case of fine art, is a mode of production that is morphogenetic without subordinating morphogenesis to conceptuality and formality. It is the impotence of transcendental form that demands this thought of a new type of transcendental production. Kant, however, theorises *just such a mode of production* in his account of the activity of the productive imagination. The *Critique of Aesthetic Judgement* goes beyond the *Critique of Teleological Judgement* in that the former offers at least some tentative account of this mode of production. The subjective nature of the finality of nature for cognition allows Kant the structure within which to constrain this production to *mere reflection* and to attempt to recuperate it at the level of the subjective form of finality. We have already seen the extent to which this reproduces the problems associated with form that it was supposed to solve. It also, however, engages him in the positive task of characterising the productive capacities of the relevant faculties: imagination and judgement. To which list we may now add the mode of production associated with the genius. All three represent forms of production in which the origin of order is divorced from conceptuality; or, in the terminology Kant develops in the sections on genius, the rule for the production of order is divorced from a concept of that order (see §§46ff.).

It is genius that is the strongest of Kant's characterisations. The scope of imagination and judgement is always constrained by the faculty topology. Ultimately what judgement and

imagination do is *approximate* to the understanding and reason. The strategy of such constraint is doomed to reproducing the problem of formality, but with genius it is entirely absent.

Kant's account of genius is famously a compromise between the excesses of the *Sturm und Drang* school and the unoriginality of the mannerist school.³² But the mechanism of that compromise, the constraint upon genius, is a surprising one. It is not conceptuality that constrains genius.³³ Rather, it is *taste*. Kant's theory of taste is, of course, equally as counter-conceptual as his theory of genius. The immanently morphogenetic *production* of form is constrained only by the counter-conceptual *reception* of the aesthetic.³⁴ This suggestion that counter-conceptual production is capable of producing its own constraints is very significant, and will be dealt with later in chapter 7.

The theory of genius is the most developed of Kant's accounts of intransitive production. It remains, in contrast to the productive slogans of judgement and imagination, untrammelled by formal, transcendent and conceptual constraint. It is, more explicitly than imagination and judgement, an account of the production of form without concepts. It begins to complicate the thought of intransitive production broached in the slogans by opening it out onto a notion of auto-constraint. It is more definitively located on the side of the *material* than the faculties. In it, nature operates *through* the human.

³²Ernst Cassirer describes Kant's theory of genius as a "critical solution to the old conflict between 'genius' and 'rules'". See *Rousseau - Kant - Goethe: Two Essays* (Princeton: Princeton University Press 1945), p 87.

³³Kant argues that a concept is indeed required for the production of an artistic object (*a fortiori*, since *all* production of objects requires a concept §§46-8). He goes on, however, to suggest that this objective-conceptual form to which products of fine art are destined in virtue of being products at all *detracts* from their status as objects of *fine art* (§48). There is a similar passage on the reception of art at §16 in which he distinguishes free and dependent beauty, and argues that dependently beautiful objects (which have concepts of ends) are not aesthetic objects at all to the extent that they are dependent on concepts.

³⁴Kant attempts to ignore his own theory of taste when it is acting as a brake on genius. He goes so far as to suggest that taste "may belong to useful and mechanical art ... as a product following definite rules that are capable of being learned" (§48). This is in complete contradiction to his account of taste in the 'Analytic of the Beautiful.'

The Breakdown of Analogy

Transcendental idealism is a production theory. Nature is no longer given; it is a product.

Chapter 3 has already shown that Kant's critical account of empiricism is compelled to think a mode of production distinct from mechanical production. Kant went some way, in his critique of Hume's account of causation, to effecting this distinction. Transcendental production must indeed be specifically distinct from *any* empirical production. This chapter has shown the extent to which Kant's model of transcendental production is lodged in another kind of familiar production: desire production, production by means of concepts. The means by which Kant insulated transcendental production from critique was the analogy. The structure of the analogy constrains transcendent(al) agents of production into empirical productive relations with their products. This section has shown the breakdown of the theory of the analogy. This breakdown emerges in the third *Critique* from the reconfiguration of the analogy into the 'as if.' The breakdown of the theory of analogy is Kant's recognition that transcendental production must also be thought critically, and not modelled on any phenomenal production.

Kant's first attempts to think a mode of production outside the empirical scope of cause and desire-teleology oscillate between merely negative determinations (in the theory of the organism) and a traditional displacement of activity (in the theory of instinct); but the theories of imagination and genius are serious attempts at least to position an account of another mode of production, provided only that they are removed from the recuperative formalism that surrounds them.

Conclusion

From the start, the rigor of Kant's specific distinction of transcendental and empirical demanded the re-application of Kant's critical insights to the architectonic that Kant also developed. As the transcendental is at base an account of *production*, this re-application evidently tends toward a re-evaluation of the type of production that Kant uses in his delineation of the transcendental. Chapter 3 has already shown the extent to which this question of production can be effaced by attending to the exigencies of transcendental difference only in order (problematically) to equate transcendental and transcendent. On this argument, the transcendental is merely the impossible beyond of an experience or world conceived as homogeneously phenomenal. The impropriety of a transcendental production grounded in empirical models is similarly acknowledged only insofar

as it follows *a fortiori* from the general recession of the transcendental into the transcendent. This, I have suggested, can only cover up the presupposition of transcendental production; a presupposition equally at stake in the re-identification of transcendent and transcendental as in their differentiation.

In chapter 5, I showed that Kant himself was, from around the middle 80s, following another line of thought. This line was one of a general scepticism about the efficacy of the particular model of production that Kant had up to that point elaborated. What strikes Kant is a compelling double-bind: the more refined become the instruments of production, then the more problematic it becomes to explain how the instruments can perform at all in the depths of the sub-lunary, in the under-depths of the pathological noumenon. Kant here demonstrates an alertness to the alignment of the concept of the transcendental with the traditional theological thoughts of spirit, an alignment operating along a trajectory of increasing refinement. Thus, the limits of transcendental formality in producing an ordered product of nature are severely circumscribed in the problematic of the system of nature broached as the primary problematic of the third *Critique*; and the general necessity of the avatars of transcendental formality increasingly to delegate actual performance is shown in the problem of the regression of judgement.

The model of transcendental production that generates these problems for Kant is that of desire-production; the key issue, that of the origin of form, or as Kant would have it, stability. Just as the product of artisanal labour is formed by the concept of that product in the mind of the artisan (Kant's definition of desire), so the form of nature, or forms within nature, are produced by transcendental concepts that imprint their form on nature. This is hylomorphism. The order of nature is explained by referring to an isomorphic transcendental order at the level of law, concept and form, projected from transcendental subjectivity. The mode of production of the order of nature as product is artisanal. Kant specifically differentiates the mode of production of the transcendental from *mechanical* causal explanation only at the cost of the primary invocation of another familiar model: desire.

This chapter has shown that Kant's dissatisfaction with this mode of production led him not so much to capitulate to the identification of the transcendental with the transcendent, but to introduce another mode of production: intransitive production. This operates with a tendency toward morphogenesis without the *morphe* being determined by a prior mental or transcendental

concept, *and* without regression to a merely mechanical production. Clearly the potential of this thought for disruption of Kant's architectonic means that ultimately Kant tries to subordinate this thought to desire production. But this chapter has also shown that this can only happen through re-implicating production in the very formality that stimulated Kant's own scepticism in the first place.

To understand the significance of this new mode of intransitive production, two types of empiricism must be distinguished. So far I have followed the general pattern of argument outlined in chapter 3 by suggesting that Kant's appeal to empirical models for the transcendental begs the question of the transcendental. This is the way that critique can be re-applied to Kant's (uncritical) architectonic. This very general rubric covers two quite distinct tendencies. On the one hand there is the general assimilation of empirical with the world of objects, what Kant calls specifically the phenomenon. In this schema, the transcendent(al) is just the (effacedly productive) condition of the empirical (phenomenal, ontic), and is itself not empirical at all. The rigorous application of this axiom to Kant's work generates an identification of transcendental and transcendent, since the transcendental is *nothing* empirical, and the empirical is all that there *is*.

On the other hand, there is the argument that critique is an account of production, and that such an account fails in general if it presupposes its own products. Thus, Kant's critique of Hume can be simply summarised as saying that Hume presupposes the prior constitution of causation (in the *causal* tendency of the mind to spread itself) in his attempt to account for the production *of* causation. Or: Kant's account of the production of nature fails if and to the extent that such production is modelled on (and therefore presupposes) empirical products (of nature) that it is supposed to explain. Kant is well aware of the fact that transcendental production cannot be mechanical and goes some way to avoiding regression to British empiricism; the theory of the analogy demonstrates the extent to which he nevertheless felt that appeal to desire was appropriate in the contexts of transcendental (critical), transcendent (theological) *and* empirical (voluntary) productions.

In the first case—the alliance of representation theory and negative critical theology—the empirical is equated with the phenomenal and the transcendental is simply its impossible and impossibly conditioning other. According to this alliance, empiricism is simply the failure to

observe the (impossible) necessity of the transcendental, and is always naive and pre-critical. In the second case, it is the presupposition of products in the account of the production of those products that it is at stake. Where empirical nature or the phenomenon is the product, then the uses of phenomenal models for the production of nature *qua* phenomenon need to be rooted out. But where transcendental is equated with form, concept and law, the empirical is not at all exhausted by phenomenal products. The empirical is (also) the *informe*. There are thus two empiricisms: dogmatic pre-critical empiricism, that operates only at the level of the phenomenon, and critical or transcendental empiricism: materialism.

This is important here because of the differential trajectories of the two interrogations of Kantianism. I have already remarked at length how Kant's concept of the transcendental is in a line of refinement from the theological concept of spirit. The first line of development continues this process of refinement. Refinement of the subjects of transcendental theology however only exacerbates the problems that Kant finds with the efficacy of his transcendental production. The second line, on the contrary, sees this refinement as the source of the difficulty, and is confronted with the project of deciphering a production that neither presupposes its own products, nor operates in the vector of theological refinement.

The structure of neo-theological refinement is the presupposition of order. Empirical (phenomenal) order is explained by the 'hypostatization' of order at the level of the transcendental. The transcendental thus presupposes its products because its agents of production are distillations of phenomenal formality (the form of the phenomenon as such, or formed phenomena). Critique—not presupposing products in their production—thus involves simultaneously a mode of production that is not phenomenal, and one that whilst not itself formal produces form, is morphogenetic. The production of nature is the production of the form of nature in a sense that negotiates the space between the production of the form of nature as a whole (in a transcendental sense mobilised by Kant in the first *Critique*) and the production of form *in* nature (in the quasi-transcendental sense mobilised in the third *Critique*). The production of form makes uncritical presuppositions to the extent that the *production* of form is presupposed (derives from the product) *and* to the extent that the production of *form* is presupposed (distilled from the product).

This is the mode of production that Kant summarises in his accounts of the functioning of the imagination and genius. Their mode of production is not modelled on any phenomenal production; but nor are they refined transcendentals producing order in the phenomenon only by being pure order themselves. Not being based in the phenomenon here in no way implies recession into the transcendent (although Kant tries quite hard to put the imagination into a super-formal transcendental realm of faculty refinement). Kant always aligns such production with the more informal, with *sensible* faculties. Such empiricism can only be thought on the basis of a pre-phenomenal empiricity (rather than a phenomenal one), or as the re-configuration of the noumenon.

In this respect Kant is similar to Milton. Both start from a premise of materiality shorn of activity and morphic traits, only to end up compelled to think a kind of active materiality. In Milton's case the Chaos and wild(erness) of the poetry, as opposed to the dead matter of the theological writings; in Kant's case the spontaneously morphogenetic activity of the sensible faculty of the imagination in the aesthetic writings as opposed to the dead matter of the theoretical writings. It is Schopenhauer's great merit to have concluded from the structure of Kant's aesthetics a noumenology of the will.³⁵

Kant's objections to hylozoism (the tradition's name for active matter theory) can be understood in this context. Hylozoism is defective in that it attributes material activity to the *phenomenon*. This would clearly presuppose the constitution of the phenomenon in its own production, in the same way as modelling transcendental production on desire does. Kant is right to object to this. No such objection however functions against transcendental or noumenological active matter theory.

Clearly such a mode of production cannot produce a transcendently ordered and stable nature of the kind that Kant sought from the start to use transcendental idealism to underwrite: intransitive production cannot simply be inserted into the position previously occupied by transitive production in the first *Critique*.³⁶ This raises the question of accounting for and explaining the status of apparently stable structurings, and of their theorisations in

³⁵ Although Schopenhauer misrepresents the influence of Kant's aesthetics on his development of the concept of the will.

³⁶ This is something that Schopenhauer was perhaps *not* so attentive to.

transcendental idealism. Active matter or intransitive production must first subject itself to auto-repression to form the dead matter that in turn demands the spiritual or transcendental as a source of pure order, and which must then be applied to dead matter to underwrite stability.

Chapter 7: Conclusion: General Economy.

Production is intransitive when it no longer takes an object. What such production produces is not the object. It does not presuppose either a prior matter out of which to produce nor a prior form which is the operator of production. Intransitive production is that production which *is* the material. It is the production of the genius that *makes* law and form; laws and forms, which if they are followed instantiate only *reproduction* and not production. The laws of the genius are *for* only another genius that breaks them to make new forms. Intransitive production is the production of the imagination as material faculty, as the power of matter. The productive imagination is intransitive and hylozoist; the reproductive imagination is transitive and hylomorphic. Reproduction *presupposes* production. Transcendental idealism is reproductive. Transcendental production is intransitive production; it is wild or wanton synthesis.

Law and desire are from the first transcendently ideal. They already, even in their 'empirical' formulations as jurisprudence and intention, presuppose a spirituality divorced from the empirical whose limit case is the full negativity of the transcendent. Transcendental idealism is the truth of law and desire: the complication of theology operating in a trajectory of infinitised refinement. Transcendental production was only differentiated, in Kant's architectonic, from empirical production on condition that empirical production be thought as mechanical cause, and transcendental production modelled on desire production under the general rubric of production of objects by means of concepts and guided by the theory of the analogy. These thoughts of the empirical themselves presuppose a whole history of material production.

Production by means of concepts is a mode of production identical with that Milton characterised as responsible production: it is simultaneously lucid (conceptual) and efficacious. The transcendental faculties, as sources of concepts, suffer from the same incapacities as Milton's Socinarian God: pure lucidity of reason (emptiness) at the price of narcissistic loss of productive contact with the real or a productive efficacy increasingly devolved on a base faculty, the imagination, whose production is essentially akin to Kant's description of intuitions: blind.

The exacerbation of the tendency towards refinement marks out the modernity of Kant's manoeuvre: even an *impotent* lucidity is too much to hope for in the end. But equally, by the third *Critique*, the blindness of the imagination is no longer the result of a blinding which then demands vision from elsewhere (concepts, reason). It is, as we have seen, a *productive* blindness.

It is difficult to disengage this thought in Kant from his attempts to nullify it, and to re-introduce formality (desire) as the primary operator of production. To the extent that one can perform this disengagement, the result is that the notion of transcendental production that Kant sets up from the start as his problematic, is to be identified with the mode of production not of the understanding but of the imagination. But this has severe repercussions on the critical system. In Kant's aesthetic vocabulary, transcendental order is *mannerist*: it involves merely the *following* of rules, not their production. It is *reproductive*. An account of the production of rules, which does not just presuppose such rules or order at another level of refinement, refers order to a morphogenetic informality that can produce only levels of transience. Order is produced only so that it can be the raw material of *another* and new production of order: the audience for a genius is another genius.¹

This mode of production cannot underwrite just that transcendent formality after which Kant lusts. Insofar as this mode of production is the result of a critique of what Kantian critique leaves unproduced (formality), it cannot therefore be identified with Kantian critique. Kantian critique criticises ancient, cosmological and dogmatic attempts to underwrite stability; but it objects not so much to the attempt but to its naive execution. The soul, for instance, is subject to criticism only to have its function taken over by a pure form: that of the transcendental unity of apperception. This kind of critique *redeems* what it purports to critique, but at a higher level of sophistication. Critique of formality does not support transcendental formality, as a simple extension of critique, but attacks it. I propose that this critique be called *eliminative*² as opposed to *redemptive*.

Concepts are, according to eliminative critique, paralogistic understandings of the immanent morphogenetic capacity of matter, separating matter from what it can do. To put the point in another, but not less Kantian, way: pure concepts are a fetishism of exchange that presents media as productive by masking their industrial-productive base. Eliminative critique responds to the modern explanatory anxiety generated by the cognitive hegemony of mechanical causation—its incapacity to even notice complexity—*not* by repeating refinements of the argument from design,

¹See Gould, Timothy 'The Audience of Originality' in Cohen & Guyer (Eds.) *Essays in Kant's Aesthetics* (Chicago: University of Chicago Press) pp. 179-93.

²The term is intended to resonate with the analytic philosophical project of *eliminative* materialism.

but by *rethinking* the notion of the empirical. God and the concept are not recuperated at another level by this, but explained eliminatively. The importance of the critical notion of a production that does not presuppose the products it is supposed to constitute lies in the extent to which it brings Kant's formalist recuperation of theology into question. Hylomorphic production presupposes the formal or ordered constitution of nature that it is supposed to explain. It does this almost by its concept: the *morphe*. Clearly imaginative production cannot be identified with mechanical-causal production. But that is not the primary issue. From the start of Western thought, order has always been thought as concept: *morphe* or *eidos*. Kant does essentially the same: arguing from ordered products to a form lucidly and efficaciously responsible for that formality. This is barely distinct from the argument from design: God and the concept are merely the repositories for an order that cannot be assigned to nature.

Natura naturans worries Kant: it is the nature that threatens Kant's system, and provides the problematic for the third *Critique*. It is 'Nature wild above rule or art', Milton's paradisiac complexity. This nature cannot be God's nature, cannot be responsible, cannot be nature subordinated to the concept. The mode of production of this nature is that of the imagination: immanent morphogenesis. Kant points to some appropriately Miltonic exemplars in his analytic of the beautiful: most particularly the morphic but irregular nature of foliage.³ The history of the English garden—Milton's model for Eden a century earlier—is instructive in this respect.⁴ The requirement of a constant expenditure of energy for the maintenance of the classical horticulture of the 17th century is evident. Nature tends to decay away from externally imposed—

³"Flowers, free patterns, lines intertwining simultaneously without any intention—termed foliage—mean nothing, do not depend on a definite concept, but are nevertheless pleasing" (§4, translation amended).

⁴The example is by no means trivial. It has been argued that the history of English landscape gardening is a specific prolepsis of the general tendencies of European romanticism: "Landscape gardening ... seems a topic fairly remote from philosophy; yet at one point, at least, the history of [it] becomes a part of any truly philosophical history of modern thought. The vogue of the so-called "English garden" ... was after 1730 ... the thin end of the wedge of Romanticism. ... In one of its aspects ... Romanticism may not inaccurately be described as the conviction that the world is an *englisher Garten* on a grand scale." Arthur O Lovejoy *The Great Chain of Being* (Cambridge, MA: Harvard University Press 1936 & 1964) pp. 15-16.

transcendent—orderliness, but not in the direction of a simple and linear transition to a state of maximum entropy. Rather, the ‘decay’ of the garden in the absence of an effort to order is ‘chaotic’ *only* from the point of view of that order. The English tradition of landscape gardening harboured this notion of morphogenetic decay, especially in the grotto. Kant mentions precisely this aspect of the English garden in the important transition passage from the beautiful to the sublime. There he writes:

Thus the English taste in gardens, and fantastic taste [*Barockgeschmack*] in furniture, push [*treiben*] the freedom of the imagination to the verge of the grotesque—the idea being that in this divorce from all constraint [*Zwang*] of rules the precise instance is being afforded where taste can exhibit its perfection in projects of the imagination to the fullest extent. (§22 Remark)

Such gardens display a “...wild [*wilde*] and in its appearance quite irregular [*regellose*] beauty...” (*ibid.*) and manifest

...nature subject to no constraint of technical rules [*keinem Zwange künstliche Regeln unterworfen ist*], and lavish ... in its luxuriant variety [*Mannigfaltigkeiten*] (*ibid.*)

The suggestion is that a beautiful object displaying a formality or orderliness reducible to a *concept* of form, is the less beautiful. Corresponding to the slogan of purposiveness without a purpose, one must add the slogan of an order irreducible to form. Such order—immanent order—can be presented as homologous with transcendental order only in virtue of abstraction from change. Kant’s attempts to reconcile this mobile order with the demands of the transcendental order—that order “which is the constant requirement of the understanding” (*ibid.*)—have already been detailed. In fact he attempts not only a reconciliation, but tries to make the productive imagination—correlate with wild nature—the very *form* of formality. Having seen intricacies of the failure of that attempt, it is now possible to see how globally misplaced it is. This emerges particularly from the arguments of the analytic of the sublime, arguments that exacerbate the wilderness of nature addressed above in Kant’s comments on the irregularity of the beautiful.

Kant’s arguments in the sections on the sublime are scandalously inadequate, and betray further the inadequacy of his arguments about the beautiful. This scandal is only proliferated by the recent fashion of assigning the sublime the role of key-stone not only of Kant’s critical work, but

also of a painterly high modernism construed as an essentially stymied formalism.⁵ The scandal of the sublime is that it vitiates the *point* of the analytic of the beautiful. The point of the beautiful is to show that, and under what productive conditions, there is systematic order in the empirical contingency of natural laws. That there are beautiful objects demonstrates to us that the manifold is teleologically fit, final, for our faculties. Beauty is the unformulable but irrefutable evidence we have that science is possible and nature domesticated in our own hearth. The manner of this final fit is that beautiful forms in nature is that it stimulates just that resonance of unemployed (non-final) faculties that produces finality and conceptuality (order). But the sublime is, Kant says, the reverse of this. Far from being final for our faculties it is “contra-final” (§23 as opposed to just not final), it perpetrates an “outrage on the imagination.” (§23) The essence of the argument of the sublime is that *even in this case*—and it appears to be just the worst one possible—nature is final for our faculties: final in virtue of its very contra-finality.⁶

But Kant cannot have it both ways: *if* the analytic of the beautiful is to be doing something, is an essential and not peripheral part of critique, then it cannot be simply trumped by the sublime which appears to show that nature is final for us anyway, in the worst case scenario. And if the real argument is in the sublime—and this is very unlikely because sublimity is *merely* subjective, and not even reflectively subjective—then the beautiful is otiose. But if it is a real question—and elsewhere Kant certainly seems to think it is, in the introductions, Kant paints a viscous

⁵The notion of the sublime as the presentation of the unrepresentable (condition of presentation) was already a theme of Longinus, and clearly appeals not only to Kant, but to the extenders of negative critique. See Longinus *On the Sublime* trans. with commentary by James A Arieti and John M Crosset (New York: Methuen 1985) and, for example, Philippe Lacoue-Labarthe ‘Sublime Truth’ in Jean-François Courtine [et al] *Du Sublime* (Paris: Editions Berlin 1988) trans. by Jeffrey Librett as *Of the Sublime: Presence in Question* (Albany, NY: State University of New York 1993), pp. 71-108, especially p. 74: “the canonical definition of the sublime: the sublime is the presentation of the nonrepresentable.”

⁶Kant writes that: “the want of finality in our faculty of imagination is still represented as final for ideas of reason.” (§27). Similarly, the faculties, in the estimation of sublimity are “harmonious by virtue of their very contrast” (§27).

picture of what experience would be like without such finality, it wouldn't even be experience—whether nature is final for us, the argument of the sublime is extremely unconvincing.

The productions of the imagination cannot be *just* those forms which the understanding already harbours. If they were, they would not need to be produced by the imagination; and the aesthetic would be irrelevant. Kant admits this when he writes:

Self-subsisting natural beauty reveals to us a technic of nature that show nature in the light of a system ordered in accordance with laws the principle of which is not to be found in the range of entire faculty of understanding. (§23)

Kant can legitimate morphogenesis only on condition that the order he characterises is no longer that of the transcendental. But the importance of nature as imaginative art (that is as art without a concept) is greater than this. The contra-final effects of what in nature gives rise to the feeling of sublimity are described in terms almost identical with those that in the section preceding had described the mutations of the beautiful in the *englisher Garten*: “nature in its .. wildest and most irregular disorder [*wildesten, regellosen Unordnung*]” (§23). Nature as beauty and nature as sublime are in a *continuum*. The specific difference that ought to obtain between them (finality / contra-finality) obtains rather between the transcendental as such (the understanding) and nature. The understanding is order thought as transcendent formality. Nature as morphogenetic imagination is itself a capacity to produce order thought as immanent to nature. This order, even at its maximal extent, is irreducible to a transcendental geometry of form (from which concepts would be constructable); it is, as Kant shows in the comments at the end of the analytic of the beautiful, an always mobile order. This order descends smoothly to zero (the sublime) but is always positive: it is the intensive gradient of the fluid.⁷ Whatever frightens Kant in the sublime, is equally at issue in the beautiful.

⁷In §27 of the third *Critique* Kant argues that “in an aesthetic estimation of magnitude the numerical concept must fall by the wayside *or undergo a change*” (italics added, translation amended). This new notion of number had already been introduced by Kant in the first *Critique* where he argued that the real in experience (sensation) must be thought as an always positive continuous magnitude capable of graduated diminution to zero (‘Anticipations of Perception’ A166f; B207f). This continuity Kant names *intensive*. Its first association is with the dynamics of fluids, and most especially that fluidity that is time. (A170; B212).

The fluid dynamics of Milton's wilderness / ocean are therefore by no means absent from the critical works. In the first *Critique* Kant writes of the critical task that the *nihil ulterius* must be inscribed

on those pillars of Hercules which nature herself has erected in order that the voyage of reason may be extended no further than the continuous coastline of experience reaches—a coast we cannot leave without venturing upon a shoreless ocean which, after alluring us with ever deceptive prospects, compels us in the end to abandon as hopeless all this vexatious and tedious endeavour. (A 395-6)

The most enticing idea in this passage is the paradoxical one of an ocean which is at once shoreless and yet has a coastline accessible to us. Milton's Chaos is in a similar topologically impossible state, at once boundless, and yet with a gate on the hell-side and a safe vantage-point on the heaven-side. God and His attendants "stand on heavenly ground" and view the "vast immeasurable abyss" (VII 210-2). Critique, like Milton's God, is equally as hydrophobic as hylephobic. The fluidity of the material is anathema to the transcendent(al).

What is at stake in this phobia? Kant suggests that the disinterested and critically correct position from which to appreciate the sublime is one of *safety*: we may judge the sublime *wenn uns nur in Sicherheit befinden* (§28). This safety is properly transcendental: "a self-preservation of quite another kind [i.e. specifically distinct, i.e. transcendental] from that which may be assailed and brought into danger by external nature." (§28). But it is associated with that difficult interface between the empirical and the transcendental: culture. The necessity of culture for the proper appreciation of the sublime is a persistent motif of romantic thought. Kant cites the alpinist Saussure in the third *Critique*, who reports that his aesthetic appreciation of the wild mountainous scenery was derided as ridiculous, if not foolhardy, by those who actually lived in them, "the Savoyard peasants" (§29). This experience was repeated by the agents of European high culture on the expeditions to America in search of such aesthetic experience. De Tocqueville remarks in his *Journey to America* of 1831:

In Europe people talk a great deal of the wilds of America, but the Americans themselves are insensible to the wonders of nature and they may not be said to perceive the mighty forests around them till they fall beneath the hatchet.⁸

Kant notes therefore that “without the development of ... preparatory culture that which we call sublime would be merely terrifying” and this is what guarantees that “our own position is secure” (§28). One must be remote, by means of culture, from the pathologically interested condition of possible immersion in the wild; what the early puritan settler John Eliot called “wilderness temptations.”⁹

The ocean also features prominently and problematically in Kant’s account of the sublime in the third *Critique*. In §23 he asserts, categorically, “the broad ocean agitated by storms cannot be called sublime,” and reasons that “its aspect is horrible, and one must have *stored in one’s mind a rich stock of ideas* [culture in other words] if such an intuition is to raise it to the pitch of a feeling which is itself sublime”. But in §29 he asserts, equally categorically: “as to the prospect of the ocean, we are not to regard it ... with our minds *stored with knowledge* [culture again] ... as a *realm* of aquatic creatures or as a reservoir ... but as disturbed, as threatening to overwhelm and engulf everything.” Culture (“ideas ... knowledge”) but equally capital (“stock ... store”) is necessary for the experience to be sublime in that it ensures the repression of the terrible; at the same time it is a repression of the very sublimity of the sublime, in that it deprives the sublime of its terrible aspect and reduces it to the banal, the utilitarian, the “commercial.”¹⁰

One must be, like Milton’s God, away from the ocean, at a vantage-point, secure. Yet the very existence of such a position already implies the bounding of the ocean which must be “unbounded” (§27); which must be a sea without a shore, and opening out onto a coastline, a realm, reservoir. The topological ambiguity of both Milton’s and Kant’s oceans—that they be at once unbounded and bounded—responds precisely to this problematic. For there to be a space from which even the action of the transcendental God can be performed is for the act already to have taken place. That there is a safe place—heaven-side; on the Pillars of Hercules—on which

⁸ II p. 74; cited in Roderick Nash, *Wilderness and the American Mind* Revised Edition (New Haven: Yale University Press 1973), p. 23.

⁹ Cited in Nash *op. cit.* p. 29.

¹⁰ §29, and Kant adds, importantly, the *effeminate*.

Kant and Milton may stand is for the wilderness of the ocean *already* to have been circumscribed, preformed. The respective pre-formations of the material that Milton and Kant suggest—the circumscription of the universe and the delimitation of the territory from the ocean—already presuppose the efficacy of the action of the transcendent agents that is the result of the pre-formation.

Culture is the expression of this impossibility, as Kant's historical writings attest. Culture, or the Enlightenment as striving (perpetual task), is, effectively, the historical empirical story of the constitution of the empirical: the story of the transcendently unthinkable emergence of the transcendental from the wilderness, of the state from the state of nature. For Kant's history to be even possible, the transcendental opening must already, *a priori*, have taken place. Culture is the name for that which *is* transcendental, but which must appear, *per impossibile* as empirical. Time, history and change within the empirical are thus already subject to the concept. Culture elides between that which specifically differentiates the human animal (and is therefore the perquisite for the sublime) and that which is only an empirical manifestation of the transcendental (and therefore hinders the *fully* transcendental nature of the human over mere nature as such). The opposing currents of causality manifest in the notion of culture—between a transcendental causality associated with the concept or *telos* and an empirical causality—operate in different senses. The latter from past to future, the former on the outside of time that is both *arche* and *telos* simultaneously. The impossibility of reconciling two such accounts haunts Kant's history as much as Saussure's.¹¹ The empirical is *always* pre-formed for the transcendental; that pre-formation is the very pre-act of the transcendental.

This pre-emptive action of the transcendental has a whole real history inaccessible from the position of transcendental security. Milton's God's circumscription of the ocean and Kant's (God's) unthinkable teleological propriety of *natura naturans* for transcendental stability (guaranteed as much by its unfitness as its fitness, as befits the irrelevance of the empirical for a transcendental argument), are both instances of the pre-condition of ideal production: that it have first separated out (in thought, but obviously not *in re*) matter from its activity: transitivity. It is on the basis of this separation (witnessed by the vocabulary of purity) that the ideal is able at least to pose as the source of that energy that it has constitutively appropriated from the

¹¹See above chapter 4.

material. Although the problem has been at issue since thinking has been, it reached a particular pitch of intensity with Newton. Newton's mechanics definitively theorised dead matter; and the correlate of this mechanics was always the God of Abrahamic theology, even before Kant re-theorised this on the basis of the transcendental.

Two philosophical models are best suited to understanding this primary separation. The first is a version of Freud's hypothesis of narcissism. In the famous essay Freud interrogates his own presupposition of the dualism between the ego-drives and the libido.¹² The hypothesis of narcissism is that the former are strictly derivative, and not an original source of conflict. Rather the ego itself (as the locus of the supposed ego-drives) is constituted by a libidinal investment of a particular type to which Freud gives the name of narcissism (this would be the act of primary repression); and hence the ego-drives are themselves species of libidinal investment. The application here is that God, the representative of the ego, the space of the ideal, the domain of pure reason are constituted as a certain type of proto-matter. This provides a way of thinking the origin of the supposed efficacy of the ideal. It operates, as does the ego in a later formulation of

¹²The whole issue is a complex one basically because Freud's profound sense of conflict, it seemed to him, demanded a dualism of the instincts as its explanatory foundation. Thus, although he notes, in the paper 'On Narcissism' (1914) [*Pelican Freud Library* Vol. 11, p. 70] "A differentiation of libido into a kind which is proper to the ego and one which is attached to objects," these declarations of an effective monism are retracted as "speculative" (p. 69). However, when Freud had managed to develop *another* dualism (between Eros and Thanatos), he *was* prepared to say what had been at stake in the hypothesis of narcissism: in 'The Ego and the Id' (1923) he admits that "[Eros] comprises not merely the uninhibited sexual instinct proper and the aim-inhibited or sublimated nature derived from it, *but also* the self-preservative instinct, which must be assigned to the ego and which at the beginning of our psychoanalytic work we had good reason [to explain conflict] for contrasting with the sexual object-instincts" (*ibid.* p. 380, italics added). Ernest Jones draws attention to Freud's axiomatic reliance on the principle that conflict requires dualism in his *The Life and Work of Sigmund Freud* edited and abridged by Lionel Trilling & Steven Marcus (New York: Basic Books 1961) pp. 402ff. Even Jean LaPlanche's otherwise rigorously Lacanian reading admits that: "...toute sa [Freud's] théorie est fondée sur le conflit et que conflit implique dualité; il faut bien que quelque chose s'oppose à la sexualité, même si ce terme opposé est défini différemment à tel ou tel moment de la pensée freudienne..." *Vie et mort en psychanalyse* (Paris: Flammarion 1970) pp 46-7.

Freud's, *on borrowed forces*.¹³ But, more importantly, the very zone which is the ideal, is itself a torsion of primary matter. Consciousness (the ego) is an auto-induced modification of the unconscious: God and the ideal are an auto-induced modification of the wild(erness). Indeed, these are the same hypothesis; God is narcissism on the scale of the cosmos.

Deleuze introduces the vocabulary of synthesis to describe this hypothesis of Freud's: the automatically and immanently morphogenetic capacity of the unconscious is synthetic, but *passive* in that it has no transcendent operator. This corresponds with what Freud describes as *binding*. It is only the basis of this synthesis that the *active* synthesis of *the* ego is able to get started.¹⁴ It is not immediately clear that such a distinction can be made with propriety within Freud's texts, but a case—perhaps not quite as rigorous as Deleuze's—can be made. There is no question but that Freud considered the unconscious as *active*: there is no hint of dead matter. But often enough he views it as a pure chaos: that is he associates *all* organisation (synthesis) with the ego, and treats the unconscious as non-synthetic activity: “the repressed is now, as it were, an outlaw; it is excluded from the great organisation of the ego”¹⁵ This transcendental distinction between consciousness = organisation and unconscious = unorganisation is however never stable: Freud goes on, in the passage just cited to suggest that despite its status as *outlaw*, the unconscious is nevertheless “subject only to the laws which govern the realm of the unconscious.” The id is an outlaw nevertheless subject to its own laws, even “repression does not hinder...the unconscious from organising itself further, putting out derivatives, establishing connections...It proliferates in the dark.”¹⁶ This distinction corresponds rather to two thoughts of organisation: the one operated by the ego, and therefore subject to intentionality and the concept

¹³Itself borrowed from Schopenhauer who writes that the will is active; and reason is so only insofar as the “will imparts to it the activity that is not inherent in it” especially from the genitals (*The World as Will and Representation* 2 Vols. trans. by E.J.F. Payne [New York: Dover 1969], Vol. 2 §19, and see also §§4;8). Freud's comment comes in ‘The Ego and the Id’ (1923) *ibid.* p.364).

¹⁴See *Difference and Repetition* trans. by Paul Patton (New York: Columbia University Press 1994) pp. 96f. Deleuze is analysing Freud's *late* monism, when even the Eros / Thanatos distinction is on the verge of breakdown (from 1920), rather than the 1914 trauma.

¹⁵‘Inhibitions, Symptoms, Anxiety’ (1926) *op. cit.* Vol. 10 chapter X, p. 311.

¹⁶‘Repression’ (1915) *op. cit.* Vol. 11, p. 148.

(transcendent, active synthesis); the other, outlaw only from the point of view of the ego, having no operator and organising *itself* (immanent, passive synthesis).¹⁷

God is the apparent agent of a repression of prime matter (the real agent being prime matter itself, under certain specific conditions) whose result is rather akin to the world of stable consciousness and equally stable (genital) libidinal object investments: this is the world of the territory and not Milton's ocean / wild(erness). Indeed, the parallel goes right down to the basic level. Freud conjectures that the fundamental model for the narcissistic investment constitutive of the ideality of consciousness is that of the paranoid libidinal investment of the penis on the part of the male child under the threat of castration. It is commonplace amongst Milton commentators to pay close attention to the cluster of vaguely structural notions (high and low, up and down, rising and falling) surrounding the thought of the fall which recur throughout both the epic and its companion; it seems, however, that the spatial geo-semantics of this gesture neglect a primary inflection which might be put in terms of flaccidity and turgidity. That is to say that the primary contrast with the flabby weaknesses of the fallen in the epic is the erect-standing firmness of Jesus's resolve. Milton makes it clear: the loss, the fall is effected by "man's effeminate slackness" (XI 634), which is the fall(ing off); the regaining by "one man's firm obedience" (*Paradise Regained* I 4).

At the same time as the creation is made possible by the repression of an immanent energy whose name, Chaos, is only today—with the recent developments in mathematical theory—no longer a mere paranoia, and as it becomes evident that God's creative potency is derived, borrowed from the energeticism of matter at the moment when the ocean becomes reservoir, at the same time as this, the fall is presented on the absolutely primary model of Freudian narcissism: utter paranoiac libidinal investment of the penis, erection. What is feared: energetic, active matter and impotence,

¹⁷Of course it would not be possible for Freud to maintain the transcendent equation of unconscious = chaos, since the science of psychoanalysis is predicated on understanding the (immanent) laws of the unconscious. Most pointedly, the very organisation of the ego itself is just a "modification" of the id ('Inhibitions etc.' *op. cit.* p. 248), and therefore even its transcendent organisation is ultimately immanent to the unconscious. The merit of the Lacanian school is the rigor with which they deploy the search for the organisational capacities of the unconscious. Unfortunately, this rigor leads back to an assimilation of order to structure, and hence to a Kantian notion of transcendental organisation.

ultimately castration. God is there to provide the resource of an eternal erection against the teeming flows of the wild ocean on which it nevertheless depends for *its* support.¹⁸

It is not too anachronistic—bizarre as the hypothesis might initially seem—to attribute this thought of the unconscious to Milton. Milton has a theory of faculty psychology and its empirically (re)productive capacity *vis-à-vis* experience already alluded to. The ease, aplomb and tacit irrelevance with which Milton deploys what was to become the main axiomatic of modern thought attests primarily to an instance of unawakened paranoia: faculty psychology in Milton is simply not attached to the negative rigor of a theory of representation, it is just a modest part of the cosmos. Milton is still feudal enough that ontology stands without necessary reference to epistemology. These residual instances of faculty psychology and the (re)productive efficacy (or otherwise) of the subject are clearly nothing compared with the vast resources of Satan. As the Romantics have repeatedly emphasised, it is Satan who bears the full weight of nascent subjectivity. However, it seems to me that the examples of Satan's grand or ideological interiority tend rather in the direction of the unconscious. To take some instances of this great inside:

The hell within him, for within him hell
He brings, and round about him, nor from hell
One step, no more than from himself, can fly
By change of place (IV 20-3)

Which way I fly is hell; myself am hell (IV 75)

Hell heard the insufferable noise; hell saw
Heaven ruining from heaven, and would have fled
Affrighted; but ... (VI 867-9)

The hot hell that always in him burns. (IX 467)
... within himself
The danger lies. (IX 467)

There is *no escape*: this is just how Freud characterises the intensity of the unconscious drives (as opposed to exterior stimulation): “since it impinges not from without but from within the

¹⁸Milton's misogyny is a relatively asinine reproduction of his God's massive cosmo-patriarchy.

organism, no flight can avail against it".¹⁹ Moreover, apart from this, Freud's only theorisation is in terms (which he, irresponsibly enough, attributes to Fechner) of bound or freely mobile energy (a later development of the hypothesis of narcissism). Thus it is that he is able to specify the ego as "the great reservoir of libido" which should not be opposed to a reservoir elsewhere (in the id as Strachey has it) but rather to the ocean. This, the intra-energetic theory of narcissism, demonstrates what must already be perceived to be the case in Milton; that the ego (God) can only get its capacity for activity (even if that activity is mobilised only in order to delimit) from the unconscious: it operates, again, with "borrowed forces".

The ego is constituted immanently to the unconscious: it is, as Freud notes, in fact "identical with the id."²⁰ But the ego is subject to self-overvaluation which results in it *understanding* itself as specifically distinct from the id. On the basis of this differentiation view itself as the source and origin of activity and organisation. Thus the ego takes itself not only as exhausting all mental life, but, in the more general cases at issue here, as the model for form, order and stability.

Milton and Kant are even unusual in the tradition for the extent to which their infinitised consciousnesses (God and reason) are *explicit* about the necessity of a precondition to their action: the extraction of energy from material, which is then supposed to be re-imposed on the now dead matter as transcendentally formed. But the essential point is that the movement of extraction is self-presupposing in exactly the way that makes it the object of critique: the appropriation of energy by the transcendent *presupposes* that the transcendent is already energetic. This cannot be the case. The transcendence of formality is a philosophical error.

The second philosophical model for explaining the structure of the relation of the material imagination to the transcendence of reason, and to which allusion has already been made, is that of Marx. The model at issue is that of the appropriation of surplus (labour or production) by the dominant class. Under feudalism, this appropriation is simply obvious; and this motivated my choice of a pre-modern avatar of production theory with which to introduce my problematic.²¹

¹⁹ Freud 'Instincts and their Vicissitudes,' (1914) *ibid.*, p. 115.

²⁰ 'Inhibitions, Symptoms, Anxiety' (1926) *op. cit.* chapter III, p. 249.

²¹ Marx writes, for instance: "The wage-form thus extinguishes every trace of the division of the working day into necessary labour and surplus labour, into paid labour and unpaid labour. Under the *corvée* system it is different. There the labour of the serf for himself, and his compulsory labour for the

Under capital, however, this appropriation is masked by the fetishisation of the commodity, or more generally, the bilateral constitution of exchange, or, more generally still, by *representation*. It is by no means insignificant that the theoretical primacy of production is also masked—not least in Kant—by a set of processes that answer to the necessity of time-money as the form of exchange.

But Marx's theory is compromised for the purposes here. Marx's productive base line is irredeemably nostalgic, and, more saliently here, clearly hylomorphic: the artisanal labourer engaged in what Marx describes as "purposive activity aimed at the production of use-values. ... [T]he universal condition of the metabolic embrace between man and nature."²² If there is a concept in Marx's analysis that responds to the nature of intransitive production, it is not the gallant labouring of the proletariat, but rather the movement of capital itself. In terms famously derived from Aristotle's definition of *chrematistics*, Marx describes the flow of capital as the inversion of the C-M-C formula into the characteristic M-C-M' formula. (pp. 247f.) The former is lodged in production for use-value, and therefore in a bottom line of need, desire, teleology and metabolic hylomorphism; the latter produces without purpose—but not thereby without system—and therefore endlessly, *intransitively*. Marx writes that this movement is "limitless ... a boundless drive ... [and is] transformed into an automatic subject." (pp. 253f.).²³

In Marx, however, intransitive production (capital) is said to be itself essentially inert and impotent, and to get *its* energy from a form of transitive production (labour). In terms of the mobilisation of production theory, only one thing has changed in this view from Kant's view:

lord of the land, are demarcated very clearly both in space and in time." *Capital* Vol. 1 trans. by Ben Fowkes (London: Penguin 1976), p.680.

²²*Ibid.* p. 290, translation slightly modified. Reprising Kant's analysis, Marx points to a similar example: "What distinguishes the worst architect from the best of bees is that the architect builds the cell in his mind before he constructs it in wax." (p. 284)

²³Howard Caygill, in *The Art of Judgement* (Oxford: Blackwell 1989), suggests this through the intermediary of Adam Smith: "[Smith's] definition of beauty as the pleasure of perceiving the rightness or proportion of a means to an end apart from any consideration of the end—a phenomenon Kant later described as *Zweckmäßigkeit ohne Zweck*. The pleasure in a means apart from its end transforms itself into the drive towards endless accumulation of means characteristic of an expanding commercial civilisation." (p. 85).

(apparently) intransitive production is at least explicitly acknowledged as a problematic, and the victory of responsibility is postponed into the indefinitely receding future of the revolution. The consummation of hylomorphism is entirely virtual.

Marx indeed presents both these modes of production in quite traditional ways. Capital is treated as essentially dead matter (fixed capital = dead labour); and labour as the only ultimate *source* of activity (or value in Marx's equally traditional vocabulary) that there is.²⁴ But the autonomy of capital stares Marx in the face: he is unable to deny either the organisational effects of capital, or its actual incapacity to subordinate itself to proper responsible production. The "circumscription of the universe," the subordination of the wilderness-imagination to the concept, the production of dead from live matter, far from being pre-creative moves on which a hylomorphic structure is then able to pretend to appear, are, in Marx, little more than political dreams; in fact, the dream of politics.

Capital as a mode of intransitive and auto-organisational production does not appropriate its productivity from the transcendental dignity of the artisanal labourer. The concept of production that Marx uses as the basis for his critique—the autonomy of human intentional production; production by means of concepts—is itself evidently susceptible of critique. Marx is in a position analogous to Kant's. He activates a conception of intransitive production—arguably the most important one, capital—but demands that it be kept within the ambit of an essentially feudal mechanism of control, which control operates in the traditional hylomorphic mode of production. But it is rather the case, as the rest of this thesis has shown, even the thought of ideal

²⁴One might add that Marx is able to show that capital produces nothing (a *prima facie* bizarre hypothesis) only by driving an absolute (that is to say transcendental) wedge between price (empirical) and value (transcendental). This move is essentially Kantian. In the *Groundwork of the Metaphysics of Morals* trans. by HJ Paton (New York: Harper & Row 1964) Kant argues that "In the kingdom of ends everything has either a *price* or a *dignity*. If it has a price, something else can be put in its place as an *equivalent*; if it is exalted above all price and so admits of no equivalent, then it has a dignity. ¶What is relative to universal human inclinations and needs has a *market price*; ... but that which constitutes the sole condition under which anything can be an end in itself has not merely a relative value—that is, a price—but has an intrinsic value—that is, *dignity*." (p. 102). The inadequacy of the labour theory of value and the whole distinction between use- and exchange-value might be interestingly addressed in terms of this juxtaposition.

and responsible production is dependent on an irresponsible base. Moreover, as has also been argued here, the appropriation of energy by responsibility always fails.

Genius is that gift of nature through which *nature* gives the rule to art (third *Critique* §46). Art means production by means of concepts or rules. To say that nature gives the rule to art is to say that in the products of fine art, nature acts organisationally (is rule-bound) *through* a human agent (the genius); but it is also, further, to add that this rule or organisation is irreducible to concepts. The genius is an immanent modification of nature through which nature expresses self-organisational capacity irreducible to the transcendent organisations corresponding to the explicit rule or concept of lucid consciousness. The productions of genius are misunderstood by a kind of paralogism if they are subordinated to human technical capacity. Capital is that immanent modification of nature through which nature self-organises (gives the rule to) what appears (paralogistically) as human technical production. Economic organisation is not the result of a metabolic embrace in which nature is subordinated to the human; but a modification of primary nature effected *through* the human.

In this context, Marx's remarks on the constitution of capital as the "organised body of labour" (*Capital op. cit.* p. 466) deserve to be taken seriously, and not treated as either as merely metaphorical or read only through Marx's moralistic objections:

It is no longer the worker who employs the means of production, but the means of production that employ the worker. Instead of being consumed by him as material elements, they consume him as the ferment necessary to their own life-process. (p. 425)

The machine is similarly a:

vast automaton ... [a] self-acting prime mover ... [a] self-actor ... [an] automatic system ... a mechanical monster whose body fills whole factories and whose demonic power, at first hidden by the slow and measured motions of its gigantic members, finally bursts forth in the fast and feverish whirl of its countless working organs. (pp. 502-3)

"Human material is incorporated into this objective organism" (p. 517); machinery "asserts its independence of the worker" (pp. 526-7), and, most succinctly:

In handicrafts and manufacture, the worker makes use of a tool; in the factory, the machine makes use of him (p. 548)

Of course the situations are not directly homologous (and neither does Marx think they are): capital is not just another subject-organism writ large, it is not *just* “a productive mechanism whose organs are human beings” (p. 457). Capital is an *automatic* subject (p. 235). It is intransitive production, not production *for* use-value, nor production controlled *by* utility. Its organisation is paradigmatically immanent, and irreducible to either the metabolic embrace of human and nature or to the conceptual-bureaucratic control system of the state. Capital does not *use* the worker as the worker would a tool (indeed this is part of what Marx objects to) because capital does not operate according to the domination of the concept or end which is the definition of instrumentality.²⁵

The thought of fetishism is nevertheless still a sound one. But *contra* Marx’s explicit use of it, it denotes the attempt to constrain intransitive production within the form of transitivity. This process involves the intervention of a (formal) element that acts as mediator between incommensurables, the form of exchange: productive mercantile. Marx approaches with some irony the dim capitalism who supposes that the accumulative nature of capital should emerge merely from the exchange of equalities (p. 297). But the same thought is at stake in Kant’s attempt to use the “common form” of inner sense; in Saussure’s attempt to set up *langue* as a site of productive exchange; and in that bourgeois economics which supposes the clearing of markets as the primary economic phenomenon..²⁶

Ultimately, this move corresponds to that of the pre-formation of the material: matter is able to *be* formed hylomorphically only on the basis of a pre-formation that renders it impossibly commensurate with a formality designated as incommensurable. The operator of this pre-formation is just the form of equality: exchange. The impossibility of even this act can be theorised only through a version of Freud’s theory of the relation of narcissism. The theory of

²⁵Deleuze and Guattari suggest the term ‘technological vitalism’ to describe the self-organising capacities of technology under capital. See *A Thousand Plateaus* trans. by Brian Massumi (Minneapolis: University of Minnesota Press 1987) p. 407.

²⁶One might even compare Kant’s famous abyss-spanning bridge with that constructed by Satan in Book X of *Paradise Lost*.

exploitation—deprived of its attempted defence of hylomorphism—points to an important mechanism, and provides a useful heuristic for the investigation of the problems associated with hylomorphic production. But finally, even the power of *appropriation* (like that of pre-formation) begs the general question of the presupposition of production. Only the hypothesis of narcissism provides the possibility of both accounting for the paralogistic illusion of hylomorphic production, and detailing the particular modifications of primary production to which the illusion answers.

This brief excursus into the tools of active materialism is not intended to be a fully worked out argument. The drift of the thesis has been not to work from productive materialism upwards (synthetically) but to detail the *internal* decay of hylomorphic production. All this chapter has sought to establish is that the notion of transcendental production as imaginative production cannot be treated merely as a substitute for the transcendental production that Kant requires for his project. The imagination does not just provide the filling out of the very production that would be operated by the transcendental. Kant's transcendental production *always* presupposes the prior constitution of the products it is supposed to explain. Intransitive production must therefore be in a position not to provide a Kantian *redemption* for the transcendental, but must provide an *eliminative* explanation of the transcendental itself as paralogism. Marx, and especially Freud provide the theoretical materials that could organise into such an account.

The goal of that canonical strand of Western thought that leads from Plato through Christianity into transcendental idealism has been to refer the production of order (taken in the broadest sense) to the transcendent. Productive capacity is allied inconceivably with transcendence. In ancient thought, transcendence was primary, and the impoverishment of matter, reproduction and becoming were defined in relation to primary transcendence. In modern thought, the successes of the material sciences, and most especially the invention of dynamic modelling by Newton, meant that emmiserated matter was primary, and transcendence was defined negatively in relation to matter. The problem of morphogenesis was more acute for modernity, but the essential is that dead matter (the limit case of emmiseration) and transcendence imply each other. They are a part of the same system. With a materiality that cannot do anything, that has been paralogistically separated from what it can do, the only resort is an immaterial activity: the spontaneity of pure reason, occupied with nothing but itself. The burden of this thesis has been to show that the more productive capacity is distanced from the real, the more it becomes impossible to think of it as

prosecuting formative activity at all; and to argue that the impossibility of getting the atemporal, the formal, the conceptual etc. into productive contact with the matter they are supposed to control had the effect in Kant of forcing him to think a mode of production other than that of dead matter.

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