Meta-politics and the deconstruction of Western aesthetics: re-reading Kant's Critique of Judgment according to Rancière and Spivak

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Immanuel Kant alerts us in the Introduction to his Critique of Judgment to the fact that a presentation to the faculty of the imagination that elicits aesthetic pleasure is 'un-intentional'1. More than the distinction between aesthetic pleasure and the power of desire that he sets out in the first moment of the Analytic of Beauty, he reminds us here of the non-human dimension of the aesthetic and signals the stakes of his claim to the necessity of such contingency. In a similar vein, one is reminded frequently by Kant of the tension that is fundamental to aesthetic experience. The beautiful elicits an active play between the faculties of the imagination and the understanding but that does not mean that the form presented to the imagination is harmonious in itself. On the contrary, as Kant observes in the 'stiff regularity' of form is adverse to the play of the imagination2. It is to the merit of the writing of Jacques Rancière that the particular qualities and significance of aesthetic experience has been re-asserted in contemporary discourse on art and politics³. His argument for a fundamental political dimension to the aesthetic has given particular significance to a reappraisal of the field. Yet it is to the work of post-colonialist theorist Gayatri Chakravorty Spivak, to which I first want to turn. In the past few decades she has also considered the political dimension of aesthetics, yet not in the ostensive manner of Rancière but instead as part of a deconstruction of Western philosophy, politics and culture.

Immanuel Kant, Critique of Judgment, trans. Werner S. Pluhar, Indianapolis and Cambridge: Hackett Publishing, 1987, p. 30; Second Introduction § VII.

² Kant, Critique of Judgment, p. 93; § 22.

There are three main sources that provide the basis for my discussion of Rancière's philosophy of art. They are: Jacques Rancière, 'The Aesthetic Revolution and its Outcomes,' New Left Review 14 (March-April 2002), pp. 133-151; Jacques Rancière, The Politics of Aesthetics: The Distribution of the Sensible, London and New York: Continuum, 2004; Jacques Rancière, Aesthetics and its Discontents, Cambridge: Polity Press, 2009.

The Aesthetic and its Foreclosure

For Spivak the 'aesthetic' is synonymous with cultural self-representation. It is an autonomous domain. And this autonomy, in her view, fundamentally aligns it with ideological production. For, as she explains, autonomy is only possible on the condition that it appears in isolation from its ideological frame. In a precise redefinition of this commonplace Marxist assumption, she asserts that the aesthetic domain of cultural self-representation covers over a discontinuity between a set of purportedly natural truths and what motivates and enables those truths to appear as selfevident. It is this structure of the aesthetic that Spivak identifies in her reading of Kant's Critique of Judgement, which she questions for an implicit axiomatics of Western imperialism.

In her reading there is a fundamental distinction between two types of nature, or more precisely, a split in nature itself. She argues that the aesthetic —natural or artistic beauty and the judgement thereof— is essentially an affirmation of a culturally inscribed nature. Although, admittedly, she does acknowledge that 'art allows the ungrounded play of the concept of nature,' as we shall see with respect to the sublime, this play is always an affirmation of the subject in their cognitive comprehension and moral engagement with the world'.

The Critique of Aesthetic Judgment, the first of part of the third Critique, and the Analytic of the Beautiful, are in Spivak's view the proper concerns of Kant's enquiry. This, she contends, reiterating an assumption central to German Idealism, is because it provides not only a completion of the critical system but also a full outline of modern subjectivity. Yet it is to other sections of the book that Spivak turns in order to question the nature of the aesthetic subject.

Of fundamental importance to Spivak's reading is a moment in the text where Kant, she contends, transgresses the limits of the legitimate use of judgment in his own explication of the argument. This moment occurs in the Critique of Teleological Judgment, the second and final part of the book, where the discussion concerns the interplay between two types of judgment.

In the critical system Kant distinguishes between two kinds of judgment: determinative judgment, which is the essential component of knowledge, where a universal rule is applied to a given phenomenon, and reflective judgment, where a rule is sought for a particular phenomenon. Aesthetic and teleological judgment, which are the particular types of judgment under consideration in the third Critique are particular cases of reflective judgment.

In § 67 Kant defines the limit of teleological judgement's application in relation to the internal form and extrinsic purposiveness of the things of nature. Kant argues that in response to an organised form of nature, that is, on the basis of its internal form, we may judge it according to the concept of a natural product, and this leads us to the idea that the whole of nature is a system. But this idea guides us only in our reflective judgement and does not allow us to decide whether there is an intentional purpose operating in nature. Here he draws a fundamental distinction between reflective and determinative judgement. He argues that it would be a mistake in response to an organised form of nature, such as a blade of grass, to use our judgement to make a claim about the extrinsic relations of the organised being. Such a judgement, which could provide an explanation of the existence of nature, would require a determinative judgment of the final purpose of nature, which according to Kant's critique is beyond the limits of human knowledge. In the passage that is significant for Spivak, Kant states that 'Grass is needful for the ox, which again is needful for man as a means of existence; but then we do not see why it is necessary that man should exist...²⁵ He then parenthetically adds, decisively in Spivak's view, that 'a question which is not so easy to answer if we cast our thoughts by chance... on the New Hollanders or the inhabitants of Tierra del Fuego.'6 Then returning to his main point he states that 'such a thing is then... not even a natural purpose; for it (or its entire species...) is not to be regarded as a natural product'7. Spivak argues that in this passage Kant transgresses the limits of his own distinction when he remarks upon the aborigi-

⁴ Gayatri Chakravorty Spivak, A, Critique of Postcolonial Reason: Toward a History of the Vanishing Present, Cambridge, MA and London: Harvard University Press, 1999, p. 10.

Spivak, A, Critique of Postcolonial Reason, p. 26

Spivak, A, Critique of Postcolonial Reason, p. 26.

⁷ Spivak, A, Critique of Postcolonial Reason, p. 26.

nal, for although we cannot explain the existence of a thing or a person on the basis of external relations with regard to the aboriginal Kant does just that, speculates about providing such an explanation. This crosses over from the legitimate use of reflective judgement to a querying but nevertheless determinative judgement.

This is a decisive moment in the text Spivak contends, because reflective judgement is shown to be in want of a law and this lack is supplemented by the appearance of the aboriginal as the heteronomous element for determinative judgement. To this extent Spivak refers to this passage as the singular example of the effect of what 'a legally adjusted and grounded determinant judgement' would produce8. What this assertion implies is that the remark that Kant regards as still legitimate produces a non-place in which the foreclosed subject is situated. The aboriginal is neither a subject nor an example of a natural product. The foreclosed subject is named but does not hold a position within either nature or culture.

This moment can be understood as an example of supplementation in the sense that Jacques Derrida uses the term. As Spivak explains reflective judgement, which serves itself as a principle, is inadequate or lacking in that it requires a law or concept. This lack is supplemented by what is heteronomous in a determinative judgement. And it is heteronomous because it must adjust itself to the laws of the understanding which, in a further assertion by Spivak, are heterogeneous to themselves. What is essential to Spivak's reading of these two types of judgment is that the seeming autonomy of the aesthetic judgment is inverted and shown to be dependent. Its autoaffection, the pleasure felt in response to beautiful form, is in fact a hetero-affection, in which alterity cathects the autonomy of the feeling of pleasure but deprives it of the characteristics of determinative judgement and reason9.

It is to another section of the Critique, namely, the Analytic of the Sublime, that Spivak turns in order to delineate the structure of supplementation, to which the aboriginal will later appear as a supplement. This is significant in Spivak's reading, because, unlike the analysis of the aesthetic judgment of the beautiful, it offers a direct connection with moral action or, in broader terms, the transition from nature to culture. It is in the structure of supplementation, as well, that Spivak identifies the foreclosure that occurs with the establishment of the subject.

The sublime, and in particular the dynamic sublime, is an example of aesthetic judgment in which one experiences the limit of our capacity to apprehend a phenomenon. It is through this experience of a limit that the demand of Reason and our super-sensuous vocation is announced. In this context Spivak refers to Kant's well-known discussion of the Savoyard peasant who in face of sublime nature feels only terror rather than an aesthetic response. As such, a distinction is drawn between a cultivated and un-cultivated attitude to the phenomenon. In an argument, which Henry Allison comments is seemingly uncharacteristic for Kant, Kant places the basis of our response to the sublime in 'human nature.'

"Reason exerts a power over sensibility in order to intend it adequately to its proper realm (the practical), and to let it look out upon the infinite, which is for it an abyss... But although the judgement upon the sublime in nature needs culture... it is not therefore primarily produced by culture... It has its foundation in human nature... in the tendency to the feeling for (practical) ideas, i.e. to the moral¹⁰."

What Spivak questions here is the propriety of nature in this case. She describes Kant's assertion as an 'inscription of a judgment programmed in nature,' the implication being that a sense of nature is here dissimulated and foreclosed. Because

Spivak, A, Critique of Postcolonial Reason, p. 26.

This structure which broadly outlines the essential premise of Spivak's argument is first made by Jacques Derrida to whom Spivak's argument is significantly indebted. As he asserts:

[&]quot;The entirely-other cathects me with pure pleasure by depriving me both of the concept and enjoyment. Without this entirely-other, there would be no universality, no requirement of universality, but for the same reason, with respect to that entirely other, there is no enjoyment ... or determinant or knowledge concept. And mothering theoretical or practical yet. The most irreducible heteroaffection inhabits – intrinsically – the most closed autoaffection ... (Jacques Derrida, 'Parergon,' in *The Truth in Painting*, Chicago and London: The University of Chicago Press, 1987, p. 47)"

Spivak, A, Critique of Postcolonial Reason, p. 12. Spivak quotation covers several paragraphs in §29 and thereby underplays the context of Kant's argument. To be clear the infinite in this passage is an abyss for sensibility. This is stated in the second paragraph of the section. In the third paragraph Kant is making a comparison between judgements about the beautiful and the sublime in order to establish a distinction in the importance of culture for the two judgements. This contrast is employed in order to make a claim about the different basis for the modality of the judgements.

definition of Western subjectivity.

a geopolitical differentiation of the subject that

reiterates an axiomatics of Western imperialism,

which in this case is the seeming 'truth' that the

'raw man' is without speech and absent to the

the judgement of the sublime is held between

needing culture and not being produced by culture she concludes that '[i]t is not possible to be-

come cultured in this culture, if you are naturally

alien to it'11. This discussion takes place in §29

Aesthetics and a Divided Nature

Although Spivak is reading the text from a postcolonial perspective and regards the aesthetic as
complicit in ideological production, structurally what she argues with respect to the foreclosed 'raw man' is consistent in many ways with
Rancière's aesthetic politics. Like Spivak, Rancière sees a division in 'nature' as fundamental to
the definition of aesthetics. However, aesthetics,
in his view, is an interruption and suspension of
the normal co-ordinates of sensory experience
and as such an interruption or dissensus of the
material and symbolic social divisions that define
society as the embodiment of a supposed common, 'human' 'nature' 15.

In a strikingly different type of example than that found in Spivak's reading, Rancière has in the past decade repeatedly turned to Friedrich Schiller's account in the fifteenth letter of his On. the Aesthetic Education of Man of a sculpture of Greek divinity, the Juno Ludovisi. It is through this example that he has elaborated what he sees as the originary relationship between aesthetics and politics. Fundamental to this definition, is a simultaneous tension between resistance and promise. The sculpture as a manifestation of a divinity is said to be an instance of 'free appearance,' by which is meant that it is not in want of anything, it is beyond all volition or desire. As a work of the art, the sculpture participates in the particularity of this 'free appearance.' That is, it belongs, Rancière tells us, to 'a particular sensorium, foreign to the ordinary forms of sensory experience'16. In this respect, the spectator who contemplates the sculpture is also said to be in a state of 'free play.' The two are bound in a profound state of inactivity. Rancière affirms here the full sense of Schiller' famous concept of the play-drive. Schiller asserts that play is the very essence of humanity, man in his full state of possibility17. For Rancière play is not simply a state of contemplation, however, but is distended between the promise of a resistant form and

Spivak, A, Critique of Postcolonial Reason, p.12.

¹² Immanuel Kant, Critique of Judgment, p. 124 (Kritik der Urteilskraft, 265).

¹³ Spivak, A, Critique of Postcolonial Reason, p.13.

¹⁴ Spivak, A, Critique of Postcolonial Reason, p.14.

¹⁵ Rancière Aesthetics and its Discontents p. 25

¹⁶ Rancière, Aesthetics and its Discontents, p. 27.

⁹ Rancière, Aesthetics and its Discontents, p. 28. Schiller's exact words are "...Man plays only when he is in the full sense of the word a man, and he is only wholly Man when he is playing." Friedrich Schiller, On the Aesthetic Education of Man, trans. Reginald Snell, Mineola, New York: Dover, 2004, p. 80.

the actualisation of its plenitude through what he refers to, following Schiller, as an 'aesthetic education.'

Rancière points to the fact that Schiller's concept of play originates in Kant's aesthetics, specifically in the 'free play' between the faculty of the imagination and the understanding that occurs in aesthetic experience. For Rancière, Kant's aesthetics is principally a case of what he calls a 'twofold suspension,' which is to say that the aesthetic experience is defined in a very real sense by what it puts out of action. As Rancière states it is 'a suspension of the cognitive power of the understanding that determines sensible givens in accordance with its categories: and a correlative suspension of the power of sensibility that requires an object of desire'18. The autonomy of aesthetic free play is therefore established by its distinction from and suspension of determinative judgement and the power of desire, or more broadly, knowledge and sensibility. He adds to this a further qualification by contending that before the statue the spectator's will is withdrawn. In this respect, it is not simply the power of desire -sensibility- but moral determination as well that is suspended. This provides the essential structure of the aesthetic which Rancière succinctly describes as a structure of 'neither... nor...' In terms of Kantian aesthetics I think that it should be noted that this definition is set out in the first moment of the Analytic of the Beautiful, signalling the pre-eminence of Schiller's reformulation of the Kantian aesthetics in Rancière's account. This is evident in the attempt to conceive of the aesthetic as a division within sensibility itself and as fundamentally bound between intelligence/reason and sensibility19. This involved a different idea of what aesthetic was. As Dieter Henrich has commented for Schiller 'beauty

These are instances of the relations of domination that characterise society and, moreover, exemplify the way that society may be understood, to borrow Rancière's term, as a 'distribution of the sensible.' Politics and art each in their own way is a reconfiguration of this 'distribution' which in Rancière's words 'defines the common of a community,' introducing 'into it new subjects and objects,' rendering 'visible what had not been,' and making 'heard as speakers those who had been perceived as' incapable of speech or articulation within the common realm22. In politics this occurs when those who are excluded. what Rancière calls 'the supplementary part' or the 'the part of those who have no-part,' 'disconnects,' as he says, 'the population from itself by suspending the various logics of legitimate domination'23.

The distinction between men of culture and men of nature certainly recalls the example of the Savoyard peasant in Spivak's reading. And, furthermore, the logic of exclusion that Rancière sees as central to politics bears comparison with Spivak's 'raw man.' However, whereas Rancière considers this division in 'human nature' as definitive of aesthetic politics, Spivak contends that the aesthetic actually forecloses a 'raw nature,' which

is freedom in appearance²⁰. Nevertheless, it is Schiller's philosophy and not Kant's that is decisive in outlining the political dimension of aesthetics. This is because Schiller translates the terms of Kant's transcendental enquiry into anthropological and political assertions. In particular, the duality of the faculties is translated into a division between classes seen as separate embodiments of innate 'natures.' As Rancière remarks '[t]he power of 'form' over 'matter' is the power of the class of intelligence over the class of sensation, of men of culture over men of nature'²¹.

Rancière, Aesthetics and its Discontents, p. 30.

As Dieter Henrich observes 'Schiller took over this dualism of faculties and made it the basic schema of his theory of subjectivity'. Dieter Henrich, 'Beauty and Freedom: Schiller's Struggle with Kant's Aesthetics, in T. Cohen and P. Guyer (ed.), Essays in Kant's Aesthetics, Chicago and London: The University of Chicago Press, 1982, p. 250. Although Schiller was committed to Kantian aesthetics, it is widely recognised that he departed significantly from fundamental aspects of the critical system. Other relevant discussions of Schiller's work for this paper are: Paul de Man, 'Kant and Schiller,' in Aesthetic Ideology, Minneapolis and London: University of Minnesota Press, 1996, pp. 129-162; Sabine Roehr, 'Freedom and Autonomy in Schiller,' Journal of the History of Ideas, Vol. 64, No. 1 (Jan., 2003), pp. 119-134.

²⁰ This distinctly Schillerian conception of aesthetics is derived, Henrich suggests, from the re-eminance of morality in the philosopher's work. Henrich expresses the point succinctly when he states that Schiller:

[&]quot;tried to deduce the inwardness and fullness of meaning of the beautiful directly from practical reason, from the moral essence of mankind. In all of his writings, as remarkably as they may diverge from one another on particulars, Schiller's definition of beauty runs as follows: beauty is freedom in appearance. (Dieter Henrich, 'Beauty and Freedom: Schiller's Struggle with Kant's Aesthetics,' in T. Cohen and P. Guyer (ed.), Essays in Kant's Aesthetics, Chicago and London: The University of Chicago Press, 1982, p. 244.)"

²¹ Rancière, Aesthetics and its Discontents, p. 31.

²²Rancière, Aesthetics and its Discontents, p. 25.

²³ Jacques Rancière, 'Ten Theses on Politics,' *Theory and Event*, Vol. 5, Issue 3 (2001).

is essentially un-subsumable within the very frame of Western aesthetics. It would seem, therefore, that we are dealing with related but nonetheless incompatible positions. However, the manner in which Rancière articulates the aesthetic can be seen as potentially entailing the alterity or heterogeneity that is fundamental to Spivak's argument.

Through its suspension of the relations of domination the aesthetic experience can be understood as promising an unprecedented 'freedom and equality of sense'²⁴. It is an aesthetic dissensus that interrupts the given order of society, suspending, Rancière remarks, 'the rules by which human nature is accorded with social nature' and promising a 'humanity to come'²⁵. Structurally this open-ended promise is synonymous with the lack or rupture riven in an assumed 'human nature.'

Such a paradoxical relationship is definitive of the aesthetic. Moreover, this does means that we do not find a separation between an autonomous art, on the one hand, and a politically engaged, on the other. On the contrary, as Rancière asserts there is 'the autonomy of a form of sensory experience' and 'it is that experience which appears as the germ of a new humanity, of a new form of individual and collective life'26.

This may most easily be understood by considering again the example of Juno Ludovisi, and the distinction between autonomy and heteronomy. Rancière describes how the 'free appearance' of the sculpture 'is the power of a heterogeneous sensible element'27. Heterogeneity in this respect describes the statues withdrawal from all forms of volition and utility. And it is in this 'radical unavailability' Rancière argues that the sculpture 'bears the mark of man's full humanity' and holds out the promise of its potential realisation28. At the same time, we can consider Juno Ludovisi in terms of autonomy. The idleness or inactivity of the statue, its autonomy, may be understood as the simple expression of the community from which it came. This is to see the statue not as a work of art but as the expression of a communal life. And specifically a community whose lived experience is not divided into separate spheres of activity.

The forms of autonomy and heteronomy are interdependent in this logic of the aesthetic. Insofar as it is an artwork, and thereby an object of a specific experience, the statue institutes a specific, separate common space. This may be understood in terms of the autonomy of aesthetic experience and the distribution of the sensible. Insofar as it is not an artwork it expresses a way of life that has no experience of a separation into specific realms of life. This stands in profound contrast to the specificity of aesthetic experience and yet speaks of potentiality of plenitude announced in 'free appearance.'

Rancière's fundamental concern is to mark out this paradox as the originary tie that delimits aesthetic politics. Rather than merely an affirmation of an already culturally inscribed nature, the cultivation of aesthetic experience, or more specifically, our 'aesthetic education' is the very movement that seeks to transform the promise of aesthetic resistance into a new principle of collective life. There is in his account neither simply resistant form nor the realisation of its promise but rather the tension and relationship between the two.

The bind between autonomy and heteronomy sets up an expansive conceptual frame with which to think about the terms of aesthetics. From this perspective, Spivak's argument about a foreclosed nature can be seen not at variance with the aesthetic but rather as an essential element of it. For, in particular, Rancière's Schillerian definition of aesthetics entails not only the judgment of the beautiful but also that of the sublime; as he remarks '[d]issensus, i.e. the rupture of a certain agreement between thought and the sensible, already lies at the core of aesthetic agreement and repose'29. In principle, the very terms of Spivak's reading are therefore incorporated in the broad spectrum of Rancière's argument. The foreclosure that for her underlies and is withheld from the cultivation of aesthetic experience may be understood from Rancière's perspective as another instance of the inherent resistance of the aesthetic.

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²⁴Rancière, Aesthetics and its Discontents, p. 32.

²⁵ Rancière, Aesthetics and its Discontents, p. 14.

Rancière, Aesthetics and its Discontents, p. 32.

Rancière, Aesthetics and its Discontents, p. 34.

²⁸Rancière, *Aesthetics and its Discontents*, p. 34.

²⁰ Rancière, Aesthetics and its Discontents, p. 98.

As we have seen Spivak turns to the dynamic sublime because it is an instance inKant's text where the transition from nature to freedom explicitly occurs. Yet theaesthetic judgement of beauty also bears an important relationship to moralautonomy, which she does not consider. In Rancière there is a strong defence of theautonomy of the aesthetic but this is paired with the notion of an aestheticeducation as a transition and transformation of sensible nature by aesthetic freedom.

In conclusion to this paper, I would like to recall the centrality of the notion ofpurposiveness to Kant's definition of the aesthetic, since both readings devalue its significance in their arguments. In contrast to the concept of the autonomy of aesthetic experience, which suggests an immediate analogy with the autonomy of the will, Henry Allison has highlighted the fact that Kant coined his own term with which to distinguish aesthetic and reflective judgement, namely, the concept of 'heautonomy'30. In the Second Introduction to the Critique Kant defines this concept as a legislation or normativity that applies solely to judgment itself. As he states judgment 'possess an a priori principle for the possibility of nature, but one that holds only for the subject, a principle by which judgment prescribes, not to nature (which would be autonomy) but to itself (which is heautonomy), a law for its reflection on nature'31. Reflective judgment acts on principle in such a way that it encounters nature as if it is arranged in conformity with our faculty of judgement, that is to say, that it is purposive for the reflective activity of judgment32. Aesthetic judgment, in related but distinct manner, involves a subjective purposiveness. A defining

characteristic of the aesthetic judgement is its 'purposiveness without purpose.' Aesthetic dissensus/suspension in Rancière's terms delineates the structure of Kantian aesthetics but abandons the motivation for Kant's argument, and its defining characteristics and broader framework. The heterogeneity and autonomy of the aesthetic sensible are characteristics of the necessary contingency of the beautiful as defined by Kant. To state again, the beautiful in Kant's terms is a form that elicits the 'free play' of the faculties of imagination and the understanding and this free play is characterised by their mutual stimulation in which the imagination and understanding 'reciprocally quicken each other.' For Rancière, through Schiller's concept of the play, this is understood as art's promise of emancipation through the transformation of sensible nature. However, in Kantian terms, and especially in relation to natural beauty, the subjective purposiveness of the aesthetic judgment, that is, that beautiful form elicits the pleasurable and selfsustaining activity of the imagination and understanding, offers a primary sense of the potential amenability of the world to our comprehension and practical activity. Put another way, this is the sense that nature (or artistic media) is imbued with potentiality as a source for meaningful engagement33; its alterity or heterogeneity is in this instance its very potentiality34. At the same time, the contingency of natural beauty is a condition that both befalls us and calls forth our aesthetic response. In conclusion, then, I would like to suggest that this contingent relationship is surely an equal dimension of the aesthetic as what has been set out in the two accounts above. As Klaus Düsing asserts, affirming the irrevocable character of subjective purposiveness, 'in the world the beautiful remains contingent and at the same time in each instance is a surprising case of good fortune'35.

versity Press, 2001, p. 30

³⁰For a thorough account of the concept of 'heautonomy' see chapter 1, 2, 8 and 9 in Henry Allison, Kant's Theory of Taste: A Reading of the Critique of Judgment, Cambridge: Cambridge University Press, 2001. ³¹ Immanuel Kant, *Critique of Judgment*, p. 25; Second Introduction, § V.

³² As Henry Allison comments the purposiveness of nature is manifest in a reflective judgment in that 'the basic idea is that we look upon nature as if it had been designed with our cognitive interests in mind; though, of course, we have no basis for asserting that it was in fact so designed.' Henry Allison, Kant's Theory of Taste: A

Reading of the Critique of Judgment, Cambridge: Cambridge Uni-

³³ Jay Bernstein's discussion of Kantian and post-Kantian aesthetics is particularly helpful on this point. See his Introduction to J. M. Bernstein (ed.), Classic and Romantic German Aesthetics, Cambridge: Cambridge University Press, 2003.

In Kantian terms the heterogeneity refers to the heterogeneity of the empirical laws of nature, which by virtue of being empirical laws are contingent.

SKlaus Düsing, 'Beauty as the Transition from Nature to Freedom in Kant's Critique of Judgment,' Noûs 24 (1990), p. 83.