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The aim of the *SGIR Review* is to provide scholars in the History of Modern Philosophy with a source for in-depth discussion of scholarly works published within the last year. The *SGIR Review* will publish twelve critical reviews and author responses in our first volume, to be divided between two issues.

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Fred Rush

Irony and Idealism: Rereading Schlegel, Hegel, and Kierkegaard

Fred Rush. *Irony and Idealism: Rereading Schlegel, Hegel, and Kierkegaard*. Oxford: Oxford University Press, 2017. 272 pp. US\$ 85.00 ISBN 978-0199688227

Reviewed by Kristin Gjesdal, Temple University

Fred Rush's *Irony and Idealism* is a study of the romantic notion of irony as it weaves through and shapes the works of Friedrich Schlegel, G. W. F. Hegel, and Søren Kierkegaard. It deepens our understanding of philosophical romanticism as a historical movement, and, equally importantly, suggests how best to make good use of its insights today. As such, it is a timely and important complement to the existing scholarship in the field.

Rush's overarching argument is that Schlegel, Hegel, and Kierkegaard, different as they are, pursue a philosophy of human finitude and seek to develop forms of philosophizing that reflect the experience of a deep, historical contingency pertaining to all things human. While Kantian idealism is central to Rush's story, his focus also allows him to place the romantic program(s) in dialogue with Critical Theory, pragmatism, hermeneutics, and literary aesthetics.

To the extent that Rush's study offers a historical reconstruction of romanticism and idealism, it is mostly as a backdrop to his larger agenda: he does not endeavor to trace the details of what, in effect, appears to be a series of non-encounters (Hegel and Schlegel probably had little to do with each other the ten months they overlapped in Jena; Kierkegaard and Hegel never met). Instead, Rush seeks to show that as far as the concepts of irony and idealism go, the story of Hegel's reading of Schlegel and Kierkegaard's reading of Hegel is not only one of misunderstandings and polemics, but also of quite powerful, but not fully acknowledged, influences: Hegel is more of a Schlegelian than he is prepared to admit and Kierkegaard, likewise, is more of a Hegelian *and* a Schlegelian than he would ever be comfortable granting. While Rush does not underplay the differences between the three philosophers at stake – and the

differences *are* significant – he makes a solid case for (1) a fairly continual effort, in the first half of the 1800s, to explore the philosophical resources of irony, (2) the notion that these resources cannot be fully grasped without taking into account the movements of romanticism, idealism, and, for lack of a better word, existentialism (Kierkegaard), and (3) the view that none of the three philosophies in question—idealism, romanticism and early existentialism—can be fully understood without a grasp of their respective approaches to human historicity.

While the Schlegel-Hegel relationship, the Hegel-Kierkegaard relationship, *and* the Schlegel-Kierkegaard relationship have all been subjects of high-quality studies, what is new, in Rush's work, is his willingness to follow the vicissitudes of philosophical irony all the way from Schlegel, via Hegel's criticism, to Kierkegaard's work and, in so doing, focus on the interrelation between irony and idealism or, more precisely, irony and dialectics.

The book is divided into three parts, covering, respectively, Schlegel, Hegel, and Kierkegaard. With its focus on Schlegel, the first part is no less than an effort to offer a new reading of romanticism – or at least to position the book's approach to romanticism in such a way as to make plausible the move, later on, to Hegel and Kierkegaard. Two standard claims in the literature are being questioned: first, that romanticism is best understood as a prolongation of Fichte's (rather than Kant's) contribution and, second, that it is Novalis, and not Schlegel, who is its (romanticism's) most important advocate. The second point follows from the first: Rush proposes we read romanticism as Kantianism pushed beyond the framework of Kant's own philosophy. He also suggests that we approach Kant's philosophy through the lens of the constitutive modesty of the Kantian distinction between reason and understanding. When romanticism is read in this way, it is not Novalis, but Friedrich Schlegel, and especially his turn to irony, that represents the intellectual *Schwerpunkt* of romanticism. In this context, I will bracket the comparative claim (though beside being inclined to give Novalis a more favorable review than Rush does, I would like to mention the importance of *Symphilosophie* for the Jena group). What matters more is Rush's reading of Schlegel's maneuvering of his "with Kant beyond Kant"-position. The idea, in short, is that if we want to take seriously Kant's warnings about the limits of human knowledge, then we need to acknowledge, in a proto-Gadamerian fashion, that our interpretations are culturally coined. In the name of self-determination, we

ought, further, to own up to their contingency, which, in turn, is but another way of questioning the claim that self-determination can ever be absolute.

Novalis is taken to respond to the Kantian challenges by way of an appeal to an *Urgrund* (or original *Seyn*). Schlegel, by contrast, realizes that the philosophical territory that opens up in the wake of Kant's philosophy does not require yet another appeal to a (pre-reflective) ground (this would be but a failure to heed Kant's warning). Instead he calls for a new form of philosophizing. This is the space inhabited by romantic irony. Understood in this way, irony does not give rise to the negative and potentially empty kind of philosophizing of which Hegel accuses it. Irony, rather, is a positive, philosophical gesture of a historical-hermeneutic kind.

Rush's turn from Fichte to Kant as a predecessor of romanticism is pretty much *comme il faut* these days. However, Rush's contribution is original in that it couples Kantianism and historicity, on the one hand, with romantic irony, on the other. Irony has gone from being an expression of cold negligence of a reasonably well-tempered world (as a Hegelian would argue), to representing a human (and, as such, warm) response to a somewhat colder world, or at least a world that is no longer tempered by references to metanarratives that appeal to an absolute or a transcendent guarantee of meaning.

At this point, a historically minded reader might ask if Rush's focus on the Kantian background ends up being somewhat limiting: if it, for all it reveals, also conceals a historically and philosophically speaking more complicated and less clean-cut story. In my view, this is clearly a risk. For the hermeneutic perspectives of the kind that Rush is interested in are not simply *results* of Kantianism, but also part of the philosophical currents *shaping* the intellectual horizon out of which Kantianism originated. We find such insights articulated – very clearly articulated! – by Herder, but also by other members of the philosophical literati of the 1750s and 1760s. Would it be too much to suggest that in responding to Kant, Friedrich Schlegel, just like his brother August Wilhelm, is not simply utilizing the resources intrinsic to Kantianism, but also drawing on the wider poetical, anthropological, and historical discourse of which the pre-critical Kant had been a part? This question is particularly relevant because Herder and his allies do indeed have a clear hermeneutic and historicist model. Moreover, they directly influence both A. W. Schlegel and Schleiermacher, the former being Friedrich's brother, the latter a close friend.

Precisely by making clear these historical, philosophical, and conceptual preconditions for Schlegel's work, would it be possible not only to promote Schlegel as a defender of a loosely hermeneutic position (there were several such positions at the time, and this hardly sets him apart), but also to ask, as Hegel did, what is actually *special* about Schlegel's particular version of this more general orientation in philosophy. And as Rush points out, here irony is indeed the key. My point is, in other words, that a more historical and constellation-oriented approach could have strengthened Rush's intuitions and arguments and explained not only what is unique (uniquely attractive?) about Schlegel's position, but also why Hegel ends up entangled in such a difficult relationship with it: clearly borrowing from Schlegel, yet stubbornly resistant to acknowledge his indebtedness.

In spite of the interesting and provocative claims in the book's first part – of Kant as a philosopher of finitude and Schlegel as a philosopher who, with his turn towards irony, gives this Kantian project a historical twist – I am not sure if I have fully understood how the notion of romantic irony can be conceived as hermeneutic, pragmatic, or, as we sometimes find it in Rush's study, a combination of the two. Schlegel's position is described, for instance, as “a more contingent, historical, and pragmatic approach” (7) and as “an early historicizing and hermeneutic form of pragmatism” (9, see also 96). Does this simply amount to a position that delivers “an inventory of practices for life under the conditions of the absence from experience of the absolute” (39), or a claim that “where there is interpretation there can always be reinterpretation” (56)? If so, many positions qualify, including some that we tend to associate neither with romanticism nor with irony. Thus, we are left to ask in exactly what sense the romantic turn to irony is hermeneutic. And, to the extent that it is described in this way: what kind of hermeneutics is at stake and how does it stand vis-à-vis the other, more well-known hermeneutic or pragmatic models of the Nineteenth and Twentieth Century? These, to be sure, are not simple questions to answer and might well be questions that call for a broader study of the hermeneutic potentials of romantic philosophy, especially Schlegel's contribution.

Hegel is at the center of the book's Part Two. The few places Hegel directly tackles romanticism –Rush discusses the implicit references in the *Phenomenology of Spirit*, the discussion of romantic arts and aesthetics in the lectures on fine arts, and the review of the

posthumously published Solger edition – he is overtly critical. Rush’s suggestion, though, is that this criticism covers a more complex and complicated relationship, whose scope will only become clear if we see (as Solger saw) that irony is itself a kind of dialectic. Now remember that on Rush’s reading, Schlegel, with his irony, had already conducted a historical-hermeneutic turn, i.e., the kind of turn that we typically associate with Hegel. However, what Rush does not mention – but what should, in my view, have been mentioned – is, again, that Hegel knew quite well that he could get the hermeneutic-historical sensitivity (since this is something Schlegel shared with philosophers such as Herder and Schleiermacher) without necessarily subscribing to Schlegel’s theory of irony. For Hegel, the historical-hermeneutical turn and irony do not, as Rush at times presents it, come as a “two for the price of one”-deal. One can perfectly well ascribe to the first half of the equation (historicity, contingency, sensitivity to the perils and pressures of modern life) without buying into the irony bit of it. From this point of view, it actually makes good sense for Hegel – somewhat contra Rush’s position – to focus on (and worry about) the subjectivism of Schlegel’s romanticism. The point is not only, as it is often held, that Hegel, as a systematic thinker, is prone to be critical of the insistence on finitude and contingency in romantic thought (in a wide sense, i.e., as it includes figures like Herder and Schleiermacher). The question that will really matter to Hegel is, rather, to what extent it makes sense to formulate these insights within the vocabulary of irony. And once *this* question is out in the open, we need to ask if philosophy, after the historical turn, can itself be fully historical or if we need, as Hegel will argue, an absolute, philosophical system as it is derived from self-consciousness’ reaching full clarity about its own development in and through history.

I believe there is a way – an interesting way – in which this point can be accommodated from within a perspective compatible with the one laid out in *Irony and Idealism*. For while both Hegel and his predecessors in the historically and poetically oriented camps of romanticism work from within philosophy of language, someone like Herder, for instance, insists on the interrelation between philosophy and ordinary language and he sees ordinary language as historically developed and developing. Even if Herder would never reduce philosophy of language to history of language, he would still claim that philosophy of language needs to pay attention to its historicity at every level. Schleiermacher, by contrast, does not grant to the history

of language such an important role. He thematizes, to be sure, historical development and challenges relating to the interpretation of historical texts (the Bible, ancient poetry, etc.), but he does not, in quite the same way, provide a narrative about a linguistic developments and phases.

While certainly a historian of language (languages), Schlegel also pursues Schleiermacher's more structural-systematic focus and his orientation, not only towards the reception of linguistic expressions across temporal and cultural distance, but also towards the conditions of possibility for their production, the creation of historical and cultural meaning. From this point of view, subjectivity is foregrounded, as is its boundless imaginative energy and synthesizing powers (and this, perhaps, is a reason that the story of romanticism is coined in the language of subjective idealism). Schlegel, if I am not wrong, seeks to take into account the receptive *and* productive dimensions of language and this is one of the reasons why the notion of irony is particularly attractive to him: it is a way of responding, subjectively and not without creativity and playfulness, to historical conditions in which subjectivity can no longer take for granted its home in a community of practice, thought, and meaning.

Rush's treatment of Kierkegaard is by far the shortest section of the book. I found the treatment of Kierkegaard helpful and well argued, although, again, I was somehow puzzled by the altitude from which the textual material is approached and the relative lack of a larger historical context. While there is, to be sure, more textual material available here than in the Hegel-Schlegel encounter (Kierkegaard frequently critiques Hegelian philosophy, and he does so in biting terms), there is still little or no evidence of direct contact between the two, and it is often unclear if Kierkegaard's comments on Hegel target Hegel or the Danish Hegelians who populated the intellectual scene in Copenhagen at the time. Further, Kierkegaard was heavily influenced by Schelling, whose lectures he attended Berlin. In Rush's study, Schelling's massive influence is generally toned down (a point that, somewhat unrelatedly, also makes Rush not only steer clear of, but also explicitly reject the importance of romantic philosophy of nature, thus making me wonder if his romanticism is not at times too heavily saturated by an idealist vocabulary).

As far as the Hegel-Kierkegaard relationship goes, it is worth noting that Hegel was introduced to a broader Danish audience by Johan Ludvig Heiberg, a man of the arts *and*

somebody who did not necessarily see romanticism and idealism as opposed or opposing forces. Thus, if you were to attack Heiberg (or Danish Hegelianism, more broadly), then you would need simultaneously to attack Hegelianism and romanticism – which is precisely what Kierkegaard is doing. Further, romanticism, in Kierkegaard's context, did not simply mean the Jena romantics, but also the lighthearted aesthetic paradigm of the idealist art scene in Copenhagen and beyond. (Art was meant to educate, delight, uplift and the stage arts, especially vaudeville, comedy, and didactic historical drama were the preferred genres in Heiberg's repertoire.) Again, a slightly broader focus – beyond the three figures of Schlegel, Hegel, and Kierkegaard – would have served Rush's argument well. The same, I think, goes for the narrow choice of Kierkegaard material and the relatively muted presence of a work such as *Fear and Trembling* (a work of dialectical lyrics, as the subtitle has it) that clearly brings to stage the author's complex relationship to Hegel, clearly draws on romantic philosophy, but, equally clearly, does so in a way that does not necessarily draw on irony (and thus could have served to question the orientation of Rush's interpretation). Yet, what Rush convincingly shows is how Kierkegaard, when placed in the lineage from Schlegel to Hegel, is and remains a philosopher of modernity – if not only or primarily because of the philosophical claims he makes, then definitely because of his (Jena-romantic) method of philosophizing. Irony is one way of characterizing that method, and Rush's book is a powerful reminder that here substance and style are inextricably linked.

Robert Williams

Hegel on the Proofs and the Personhood of God: Studies in Hegel's Logic and Philosophy of Religion

Robert R. Williams. *Hegel on the Proofs and the Personhood of God: Studies in Hegel's Logic and Philosophy of Religion*. Oxford: Oxford University Press, 2017. 319 pp. US\$ 78.71 ISBN 978-0-19-879522-3

Reviewed by George di Giovanni, McGill University

The book is divided into two parts. The first is an exposition of Hegel's rehabilitation of the traditional proofs of God's existence that Kant had declared sophistic; the second, a treatise on Hegel's concept of "persons and personhood" leading up to Hegel's attribution of "personhood" (*Persönlichkeit*) to God. These are the parts as advertised in the book title and the table of contents. But the whole is much more than their sum total. In fact Williams offers a tightly knit synthetic overview of Hegel's system, drawn from all its parts but especially from the *Logic* and the lectures on the philosophy of religion. The overarching theme is that the system attains its most concrete realization in the concept of God's life as developed by the philosophy of spirit. Since this concept is best found pre-figured in the Christian narrative of the triune God, the incarnation and reconciliation, inasmuch as Hegel's philosophy of religion is a reflection on precisely this narrative, it turns out to be a treatise in Christian theology.

This is a grand synthesis (occasionally unduly repetitious, it must be said), obviously the culmination of Williams' life-long reflection on Hegel and religion, a masterpiece of its kind for which we all ought to be grateful. Unfortunately its breadth of scope is also the source of the reviewer's difficulties—at least *this* reviewer. It is clear, nonetheless, how Williams conceives the Christian theology which is the upshot of his reading of Hegel's philosophy of religion. In this Williams follows Walter Jaeschke closely. Such a theology must be grounded in the concept, measured by strict standards of rationality as defined by Hegel's idealism. It cannot be, in other words, simply a restatement of "traditional Christian orthodoxy"; nor, for that matter, can it be "Christian" in any unqualified sense. The norm is that whenever "Christianity is not in conformity with the concept of religion, it is not the concept that has to be corrected by

Christianity, but Christianity has to be elevated to conceptual form” (61). Thus, although a conceptual apologia of Christianity, Hegel’s philosophy of religion is at the same time a critique of it. Historically speaking, this means that neither the right-wing Hegelians who after Hegel’s death pressed his theology back into orthodoxy, nor those of the left who on the contrary reduced it to anthropology, were right. Williams, again following Jaeschke, rather wants to reoccupy the middle ground held by Michelet in the nineteenth century, although purged of the pantheistic implications which Williams believes are implied in Michelet’s particular notion of divine “personhood” (15; 158ff.).

Equally clear is what Williams takes as the defining moment of the Hegelian idealism. It lies in the finite/infinite dialectical relation, such as makes the identity of each term depend on the mediation of the other (14-15). Taking the terms in mutual abstraction, thereby reducing their relation to an external connection for which only third party view is possible, is the source of the Kantian formalism which, like a “bogey” (Williams’ word), haunts every reading of Hegel.

In all this Williams is of course right: right regarding what would have to be the project of a Hegelian Christian-inspired theology; right again regarding the importance for its realization of Hegel’s finite/infinite dialectical relation; right, finally, regarding the formalism that makes Kant’s system necessarily subjective. But it does not follow, as Williams repeatedly seems to intimate, that to disagree with him on other substantial aspects of his position necessarily means failing to understand the finite/infinite relation, or, for that matter, falling victim to the Kantian “bogey” (235). That relation does not in fact pose unsurmountable conceptual problems at all. On the contrary, it is easily understood, and Williams should presume his audience both to understand it and to have it in mind when disagreeing. The relation is the direct consequence of Hegel’s metaphysical privileging of becoming over being. For Hegel, being is whatever it is by becoming it. It is an achievement, in other words; in this sense, therefore, inherently other than itself, yet in this otherness attaining self-identity. The task of the *Logic* (and of the *Phenomenology* at a more overtly experiential level of reflection) is precisely to conceptualize how, and to what extent in different contexts, this identity is achieved.

But one thing is to conceptualize the transitions in this process, or even to conceptualize the process itself as a whole, *in abstracto*, in effect reflectively defining the rationality that

informs all experiences, thus making them intelligent from the start. Quite another is to determine the conditions that make the transitions, and the unity of the process, existentially possible in different experiential/historical contexts, such contexts as therefore require a new concrete start in each case, each start valid only on its own merit. This is an all-important distinction. To draw it is not to fall victim to Kantian formalism, but, on the contrary, to take seriously the lesson one should have learned from the *Logic in principle*, and *historically* in the *Phenomenology*; namely that rationality is visceral, so to speak, or, if one prefers, that it immanently shapes experience even at its most physiologically describable levels. In other words, reason is a form of life, as such conditioned by singularizing historical vicissitudes. The danger is not that one reintroduces Kant's formalism. It is rather that one presumes dialectical connections where none are needed, since the presence of reason is already recognized and comprehended by recognizing and comprehending on its own merit what makes for whichever particular experiential/historical situation is at issue—unless, of course, one wishes to abstract this reason and conceptualize it *per se*, as in the *Logic*. But this last is a scientific enterprise *sui generis*. Running the two together, as if one were dialectically dependent on the other, is a case of misplaced dialectic.

Implied in this is a broad-side criticism of Williams that he would understandably find unfair. For this I apologize. But it reflects one major problem confronting the reviewer. (I shall turn to a second below.) It is difficult to criticize a grand synthesis when so many of its elements are perfectly right, but only if taken outside the synthesis. Let me illustrate the point by concentrating on a number of transitions that are indeed crucial to Williams yet in my view deeply problematic.

Take Hegel's supposed rehabilitation of the cosmological proofs of God's existence. Religion is indeed a product of reason. We are religious *because* we are rational. One can therefore understand the natural instinct to believe in, *and revere*, a cause that would make the universe intelligible, as Kant himself acknowledged. And it behoves the philosopher to explain how this need arises and how it is satisfied; as also to expose the error of conceptualizing experience in a such a way that would preclude any such explanation. Here is where the finite/infinite dialectical relation comes into play. It does so only *in abstracto*, however, for "finite" and

“infinite” are still highly indeterminate categories. Nonetheless, to bring natural reason to understand this relation is already a first stage in bringing it to itself *explicitly*; in other words, to raise it to the standpoint of reason *as such*, freeing it from the misconceptions of common sense that falsify above all the nature of sensibility itself (as it notably did for Kant).

It makes sense to say, therefore, that when purged of the common sense accretions that affect the traditional proofs of God’s existence, or, for that matter, when purged of the Kantian formalism which is in fact dependent on common sense, the proofs can be seen as attempts at elevating the mind to explicit reason. This is indeed right, but still a long way from rehabilitating the proofs as in any way proofs *of God’s existence*. The fact is that *homo religiosus* has historically called upon God with historically charged names (“the God of Abraham and Isaac” is only one case in point). And these names, at least as invoked in the context of typically religious experience, cannot be reduced to God defined as “reason in principle” (64); nor again, to God as “the infinite in thought” (67). It does not suffice simply to add that God is “the correlate of religion”; or that the rationality which is his essence is “alive and, as spirit, in and for itself” (60). These are proclamations which, quite apart from being vague in context, remain unjustified from a specifically religious standpoint. What the “proofs” beg is how reason is typically realized precisely *in* the medium of the historical phenomenon that we unambiguously call “religion”—in effect, why and how for the latter, granted that it is indeed a product of reason, the positivity that attaches to the name of God is nonetheless sacrosanct. Incidentally, it was the recognition of this fact that eventually led the pre-1800 Hegel to part intellectual company with Lessing. (Cf. di Giovanni, 2010.)

Similarly regarding the so-called ontological proof. Indeed, particular situations that present specialized difficulties of their own aside, there should be no problem in principle with transitioning from concept to existence. Even the language of “transition” is doubtful, since, when rightly understood, the concept never leaves existence behind. On the contrary, it is itself a specifically human mode of existence that gives rise to the intentional space within which existence can be intelligently recognized for whatever it is—just as in the case of animals, who are themselves idealists of a sort, their natural needs create the organic space within which things become relevantly present to them qualified as food, mating opportunities, or the like. Problems

only occur when concepts that render an object intelligible at one level of intentional abstraction are expected equally to capture it under different existential conditions. Kant's example of the one hundred dollars in my pocket is a perfect case in point. Of course, the concept of one hundred dollars as determined within the context of monetary theory in general can say nothing regarding whether I have them in actual possession. But take the algorithms of the newly born "granular economics," capable as they are of tracing the individual dollar. They could indeed establish *a priori* whether I have the dollars. The issue, in other words, is not one of transition from concept to existence, dialectical or otherwise. It is one of adequate conceptual determination, such as is attained within the concept without ever transitioning outside it (as if that were possible and yet still retain intelligent experience).

Let me expand. It is possible to reverse the order of Kant's *Critique of Pure Reason* and to read the analogies of experience as introductory to the analytic, in the same manner that Hegel's *Phenomenology* is introductory to the *Logic*. For just as in the *Phenomenology* rationality is displayed already at work in historical contexts, so in Kant's analogies, if one abstracts from the Humean common sense prejudices regarding the nature of sensibility that affects them with formalism (admittedly not an easy task), the presence of rationality is demonstrated in the very way the human body orients itself in space or discriminates between different temporal series. Inasmuch as an agent involved in these operations invokes the categories of causality or substantiality for the sake of self-articulation, these derive their relevant meaning in the first instance only in context, directly from the operations. Even *ex post facto*, when considered on their own conceptual merit and duly developed as such, they would still carry no meaning were it not that the body is intelligent, already rational as body, *ab origine*. This is not to say that one cannot, or should not for the sake of self-knowledge and intellectual clarity, abstract the rationality thus already inherent in actual experience as a specific life-form and conceive it *per se*, just as one abstracts the syntax that holds a language together, thereby rendering it in an idiom typically its own, itself a kind of language. This is exactly what Kant does in the Analytic. The categories are the determinations of the concept of an object in general ("Sie sind Begriff von einem Gegenstand überhaupt." Kant, B128.19). To think, therefore, as Kant did, that one should further demonstrate their existential validity is an illusion, the product

of common sense which divorces concept and existence, as if the latter were anywhere to be found except within the intelligible space created by the concept, originally as form of life, reflectively as category. Any transition from category to analogy of experience can only be a matter of system building, as required by the universe of science.

But to get to the point I have been driving at, the idealists never objected to Kant's categories. They only objected to their having been chosen rhapsodically, and because their list was incomplete. Hegel especially complained about this—understandably so, since his logic, which turned out to be a reformation of Kant's analytic, is where his idealism differs from Fichte and Schelling's. As he said to Niethammer in 1812 (October 23), "Metaphysics falls entirely within logic. Here I can cite Kant as my precedent and authority. His critique reduces metaphysics as it has existed until now to a consideration of the understanding and reason." Hegel's logic is the methodic dialectical determination of the concept of the concept of an object in general, where the object is demonstrated to be truly recognizable as such when itself determined as subject, that is, in the idealized existence of art, religion and science. Hegel's logic is a *Kategorienlehre*, as such also an ontological argument—one, incidentally, that has little to do, if anything at all, with the classical forms of the argument. It is an ontological argument only in the sense that it demonstrates that the concept of being, when fully articulated, needs no external norm of truth: it is its own norm, as such the principle of absolute science. Williams would certainly grant this last statement, though not likely agree with my reading of the *Logic*. But the point is that to demonstrate that existence is a determination of the concept (or essence) is not the same as demonstrating that God exists, or, for that matter, in any way elucidating what one means by religion. God is yet to be named. Adorning what should be essentially a logical argument with religious language does not do the job; on the contrary, it runs the danger of mystification.

But I might be looking in this first part of Williams' book for what is in fact only proleptically anticipated from the second, where God's personhood is the issue. Here the reading of the *Logic* becomes all the more important. But let me first sort out a number of issues. As Williams well knows, there is a difference between "singularity" (*Einzelheit*), such as is due to the accidentalities of nature and the circumstances of history, and "individuality" (*Individualität*).

This last is an achievement, most notably attained in “personhood” (Williams’ preferred term). And it is well known, as Williams himself has documented in previous works and repeats in the present, that the achievement requires recognition. This means that the individual is truly such only in community; that he or she cannot be identified for whatever he or she is (indeed, in the first place even according to gender) without being counterposed to an other individual with whom he or she shares a common bond that transcends them both as otherwise singular individuals.

Hegel gives abundant phenomenological and historical accounts of this sociability. It reflects the nature of rationality as a form of life, such as is first and foremost realized in discourse. Language is normative. This means that, although discourse is always the activity of a singular speaker, hence subjectively motivated and on a subject which is historically determined, it is necessarily carried out in a medium which has an authority of its own and is itself the carrier of a discourse that has been going on from time immemorial. It is just as true to say that language speaks through the singular speaker, or that a speaker unwittingly realizes in his or her particular discourse intentions that run across it anonymously, as that the speaker is saying something new. Creativity is precisely a matter of actively subjugating oneself to, but thereby re-making one’s own, these otherwise anonymous intentions—all this, while respecting the conditions of normativity in general. It is a matter of negotiating these necessarily conflicting requirements. And this is a process in which one is never alone. For, on the one hand there is always room in the space provided by the anonymous intentions for someone else individually re-appropriating them; on the other, doing this in front of somebody else, with this *other’s* effective recognition, is the test as to whether in the process one is respecting the conditions of normativity.

Indeed, it is only imaginatively, as we cannot help doing, that we speak of anonymous intentions, or even of normativity, as if these were things one is in conflict with. Existentially speaking, the conflict is between individuals engaged in determining what it means to be human, and in the process at the same time subjectively coming to terms with one’s own natural/historical past. The conflict is essential because existence is radically singular. That it should acquire universal significance—that is, that it should be made the norm of what counts as “human”—depends on a judgement which is therefore necessarily creative, for it entails crossing

the distance separating universality of norm and singularity of existence. And since, on the one hand, a norm is not effectively such unless recognized *as such*; and, on the other hand, there is nothing about its natural/historical content that necessarily pre-determines it as norm, the judgement crossing that distance requires that the recognition be *extracted* from the *other*. Creativity is in principle violent: the sociability based on it necessarily the product of an ongoing process of reconciliation.

The question is how this translates into logical reflection. I take it that when Hegel speaks of the “universal singularity,” (217) and associates this with personhood, he means by it the conceptual model—the conceptual *typic*, I am tempted to say, borrowing the word, but *only* the word, from Kant—of what it is to be a “person.” A person is one whose singularity of existence has authoritative standing in a community bound by mutually recognized norms of communal life—where, in other words, he or she is the bearer of a recognized name. And this is an achieved existential standing that can be indefinitely reiterated in history under a variety of circumstances—such as those the *Logic* abstracts from.

This makes sense, however, on the assumption that the *Logic* is the systematic account of the many ways “being” can reflectively *be said* to be “whatever it is”—as defining, in other words, the structure of a universe of meaning by virtue of which beings can be intelligently recognized (*erkennen*) for what they are, although in each case (as we said earlier) on their particular existential merit. The *Logic* is the science of reason *as reason*. But clearly this is not how Williams understands it. He rather follows Houlgate, for whom “being has the form of *thought* and so knowable from *within* thought” (Houlgate, 12). Quite apart from the *non sequitur* implicit in the claim (it is like saying that a story can be narrated because its message has syntactical content), the claim lends itself to a common-sense kind of realism which is the counterpart of Hume’s common sense subjectivism. Williams can thus simply move from the logical idea of “personhood” to the claim that God is a person as if the transition from the one to the other did not need justification. *Who* is this God whose personhood is being claimed? What is his name? Or perhaps, if he is only to be known by what he does, *whose* God is he? (Please, forgive the gendering of the pronoun.) Or is God to be identified, as Williams occasionally seems to do, with reason in general, or, under the title of “spirit,” with the love that binds a community

together? But how is this any different from reducing theology to anthropology, the only difference being that “humanity” and “human society” are given a much richer and dialectically more complex content than Feuerbach or the left-wing Hegelians did? Williams is of course reflecting on the Christian religion and the culture it created (241ff). Hegel considered this religion as consummate, because already aware of itself *as religion*, hence in principle already philosophical in nature. Perhaps, in measuring Christian beliefs by the standards of the concept, as he proposes to do at the beginning, Williams’ intent is simply to distill the speculative content of such beliefs. But what about the rest that makes religion *religion* rather than just philosophy? What is religion? Is it just the category vested in imaginative garb?

These questions were begged in the first part of the book and are still begged in the second. This does not mean that Williams does not do due diligence. On the contrary, his positions are invariably seriously annotated. And this gives rise to the second major difficulty facing the reviewer earlier alluded to. In criticizing Williams, is the reviewer by that token also criticizing Hegel? Is Williams’ reading of Hegel’s lectures on religion the historically correct one? I am ready to concede that it is, even though I actually believe that if one assumes as hermeneutical principle that individual works should be read on their own merits and with reference to their intended audience, the lectures are not as clear as Williams portrays them. Nonetheless, in an effort at being fair in my judgement, I am diplomatically ready to concede the point. But this only means that Hegel’s philosophy of religion belongs to the nineteenth century, significant only in the socio/historical context that made possible the right/middle/left divisions among the Hegelians. What relevance can these divisions, or, for that matter, occupying the middle one, possibly have in the current religious landscape? This is unfortunate, for I believe that there are elements in Hegel’s thought that are very relevant indeed.

I have in mind the battle of prestige in the *Phenomenology* that Kojève has made famous. Williams refers at one point to a passage in the lectures on religion where Hegel says that conflicts of that type are due to sense-appetites that prevent individuals from rising above their singularity (182; cf. also 218-219). This is apparently part of the mind’s elevation to God. In fact, Hegel is here lapsing into a common-sense type of moralism which, if applied to the *Phenomenology*’s battle, guts it of its existential significance. At issue in the battle is again the

singularity of existence that depends on the *hic et nunc* of nature and history and, as so dependent, short of escaping into inauthentic abstractions, can never be reduced. As the universalizing function of reason sets in, nature is rather invested with new value: what otherwise would be a fight for a particular object of natural desire is transformed into a battle for extracting the recognition of one's right to that desire. This is necessarily a violent act, for it entails investing the singular with universal value; it demands creativity, in other words, and to repeat, there is nothing *a priori* determined about this. Sociability requires the reconciliation of a constant underlying conflict.

In Hegel's battle for prestige the reconciliation is already achieved inasmuch as it entails on the part of each contestant respect for the other; this is, however brutal, already a form of effective communication. In the *Phenomenology's* narrative that follows, the conflict and the reconciliation are institutionalized in a series of social arrangements that culminate in a renewed battle of prestige—this time, however, between consciences who invest their inner voice, necessarily particularized as it is, with divine authority. It is like wanting to be, though finite, like God. Here the violence is absolute, and the reconciliation only possible in the medium of the language of reciprocal confession and mutual forgiveness. Hegel's idea of the religious community is based on precisely this language. It is a profound idea that I take as normative for any reading of Hegel on religion. The implication is that religion has to do with the quest for personal identity. This is true, of course, of rationality in general. But it is to the subjective, intimately individual side of this quest that religion is devoted, objectifying it with its myths and ritual practices. The further implication is that religion is necessarily idolatrous, for it has to do precisely with the naming of *one's* God, and names are nothing if not singular. As Freudenthal argues, Moses Mendelssohn, in his way, had recognized this much: being idolatrous is what prevents religion from being just philosophy. It follows, finally, that religion is violent, its reconciliation always only a provisional achievement—as history, past and current, amply attests. H. S. Harris (whose name, significantly, appears only three times in the book, once incidentally and twice in footnotes), commenting on the present religious situation, once noted that while *it is incumbent on the Christian to forgive the non-Christian for not being Christian, he must at the*

same time ask forgiveness for being Christian. This, I submit, is as Hegelian and today apposite a statement as I can think.

Be this as it may, it is clear that although conceptually my disagreement with Williams goes back to a difference of view regarding Hegel's logic, the even more significant difference is of attitude regarding religion as a historical phenomenon. Nonetheless, my opening judgement stands. The book is masterful work, and it certainly demonstrates—as I wholeheartedly agree—that the philosophy of religion is the best point of access to Hegel's thought. I am grateful for the book. The hope is that it will promote discussion on the subject. But, precisely for this reason, since I expect a wide readership, it is important that I rectify some incidental inaccuracies. For one thing, it is not true that Jacobi was the translator of David Hume (71). He did however publish a dialogue by the title of *David Hume* (1787) in which he argued that there is a bodily *a priori* that makes Kant's formal categories irrelevant. He obfuscated the claim in a second edition, the one best known. Hegel's total view of Jacobi was much more nuanced, at times even flattering, than the exclusively polemical citations in Williams' book would indicate. It is also not true that Thomas Aquinas subscribed to a double truth position (259, note). This is a misleading claim. Aquinas' position on the relation of faith to reason was not unlike Hegel's on the relation of immediate to reflective knowledge, except that he packed a lot more into the immediate side of the relations than Hegel did. At any rate, Aquinas argued against the theory of double truth that he rather attributed (perhaps unfairly) to Ibn Rochd (Averroès). Finally, it is not true that the concept of "spirit" remained vague in classical theology (261). I suggest that one read Augustine's *de Trinitate*, or Aquinas' *Summa Theologiae* (II, qu. 36-39). These, of course, are only incidental imperfections in a sea of otherwise serious scholarship, exceptions that prove the rule.

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Konstantin Pollok

Kant's Theory of Normativity: Exploring the Space of Reason

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Pollok's book brings three distinct areas of Kant's philosophy – the theoretical (epistemic), the practical (moral), and the aesthetic – under a single heading of “theory of normativity.” Insofar as judgments alone are “normatively distinct” in virtue of being imputable to us (13), one question unifies all three domains of normativity: “What are the fundamental norms of the validity of our judgments?” Such norms, Pollok argues, are none other than Kant's synthetic a priori principles, which “represent the structure of the ‘space of reason’” by “mak[ing] explicit the conditions of our theoretical, practical, and aesthetic judgments' *validity*” (1, 3).

This thesis fully bears out in Part III of the book (The Legislation of Pure Reason). In Chapter 7 (The Normativity of Judgments of Experience), Pollok argues that “the central idea of Kant's theory of epistemic normativity” – as developed in the Transcendental Aesthetic and Analytic of the *Critique* and summarized in §23 of the *Prolegomena* (4: 305) – is also what addresses “the central problem of his transcendental idealism, namely: *How are synthetic judgments a priori possible?*” These judgments are possible and normative for the same reason: they – along with forms of intuition, categories, and schemata – make explicit the formal conditions and lawfulness of our experience (239, 248; see 2, 19).

In Chapter 8 (The Normativity of Practical Judgments), Pollok locates the “core” of Kant's theory of practical normativity in the relation between the idea of a universal practical

reason and a finite practical reason such as ours and hence in the transformation of the *moral law* into a *categorical imperative*. The latter, which is a synthetic judgment a priori, is the principle that determines the objective validity of our maxims so as to render them lawful in the sense of being justifiable, though not necessarily justified (255-57, 271-72; see 2-3, 19-20).

In Chapter 9 (The Normativity of Judgments of Taste), Pollok reveals the “core” of Kant’s theory of aesthetic normativity by examining his deduction of pure aesthetic judgments, which eventually takes us to a synthesis of two aspects of the idea of the supersensible (as nature’s purposiveness for our cognitive faculties), namely a supersensible substratum of *nature* and a supersensible substratum of *humanity*. The question is how pure aesthetic judgments are possible as universally valid while resting on subjective grounds. The answer, Pollok explains, lies in the synthetic a priori principle of purposiveness (285, 290-304; see 3, 21-22).

At this point, one may wonder: what do we *gain* by identifying the question of the possibility of synthetic a priori judgments as a “normative” question? After all, it does not seem that any substantive Kantian claims made about such judgments could not be made just as clearly without invoking this label. Are Kant’s three critiques fitted into a theory of normativity partly because normativity happens to be a trending topic in today’s philosophical discourse?

Pollok anticipates this kind of concern early on in the book, when he tries to fend off, preemptively, the charge of “grave anachronism” or of using a “contemporary buzzword that has its home in debates on meta-ethics and perhaps some other sub-disciplines of analytic philosophy.” Pollok makes two observations in response. First, while Kant admittedly did not use the term “normative,” in eighteenth-century Germany the adjective *normativ* was already used in the juridical sense of “binding.” Second, what we now consider to be linguistic markers of normativity, such as “law,” “lawfulness,” “rule,” “objective,” and “validity,” are ubiquitous in Kant’s major writings. To Pollok, this fact suggests that problems of normativity may be central to Kant’s critical philosophy as a whole. And his overall aim in the book is to show that Kant indeed has a theory of normativity that is not only “systematic” – as an “account of what it means for judgments to be normative” in each of the three domains of reason – but also “original” (2).

Pollok foregrounds what he takes to be the original features of Kant's theory in Parts I and II plus the first chapter of Part III (Chapter 6). In Part I (Chapters 1-3), he shows how Kant's theory essentially differs from pre-Kantian alternatives. First, as "the cardinal insight of the critical turn," Kant realized that judgments rather than ideas are "the basic unit to which normativity applies" (56). Accordingly, his theory of normativity initiated a fundamental shift "from the clarity of ideas to the validity of judgments" (title of Part I) as "the central normative problem" (47). For that reason, Pollok dedicates the entire Chapter 3 to sorting through an enormously complex taxonomy of judgments on Kant's behalf, in preparation for "a proper understanding of the systematicity of our judgments' normativity" (115). Second, Kant rejected the "perfectionism" that characterized earlier rationalist theories of normativity, namely "the doctrine that the human mind should try to conform as much as possible to an infinite intellect" (56). Instead, Kant sought "the Archimedean point in the space of reason, as it were, revealing the *lawful* structures of what is and what ought to be the case, or, in his own terminology, some synthetic judgments a priori" (45). These judgments "serve as the laws in light of which the validity of all sorts of judgments ... can be assessed" (56). And marking the Archimedean point is "the concept of a self-conscious and autonomous self, capable of understanding *and* acting in accordance with the grasp of those laws" (45).

In Part II (Kant's Transcendental Hylomorphism; Chapters 4-5), Pollok explains how Kant's critical turn from ideas to judgments as the primary medium of normativity, along with his anti-perfectionist view of normativity, was deeply connected with another revolutionary move, namely from "ontological hylomorphism" to "transcendental hylomorphism." The latter comes down to a judgment-centered dichotomy between matter and form or between "determinable sensibility" and "intellectual determination," as is fitting for our discursive intellect (121-31; 143-95). Since forms are what make our representations "normatively visible" or universally intelligible, valid, and assessable, they are the "currency of normativity" (118-19). To that extent, as Pollok later puts it in the Epilogue, "without Kant's transcendental hylomorphism ... normativity, as the dependence of the judgment's validity on the laws of reason [i.e. synthetic principles a priori], generally speaking, could never arise" (309).

In Chapter 6 ('Reason Prescribes Laws to Us'), Pollok tackles "the problem of normativity" in the form of this question: "Where do the norms of thinking and acting originate, how can they be binding on finite reasoners like us, and who performs that 'pure act' [by which discursive intellect determines some matter according to some form]?" (199-200). The title of the chapter captures what Pollok takes to be the gist of Kant's ingenious answer: it is a matter of *self-legislation* of human reason, understood here as "an acknowledgement of the laws of reason." To substantiate this view, Pollok explores the "natural right" tradition coupled with Kant's distinction between *homo phaenomenon* and *homo noumenon* as two attributes under which a human being can view himself, so that he can assume the roles of both a legislator and a subject of law without contradiction (206-11).

This brief overview can barely do justice to the immense complexity, breadth, and richness of Pollok's book. His analyses touch upon and contain substantial interpretive claims about nearly every major component of Kant's philosophical system. Many of those claims merit a close engagement. My main interest here is to get a clearer sense of the big picture. For that purpose, I shall focus on the very notion of normativity.

To begin, I ask: what is the single, overarching concept of normativity, if there must be one, that unifies Pollok's analyses throughout the book? As I read on, I find it difficult to pin down an exact answer to this question. Consider the following cases.

- (i) At the very beginning of the book, Pollok describes Kant's theory of normativity as "a systematic account of what it means for judgments to be normative" (2). "Judgments are normative," Pollok later states, "in light of synthetic principles a priori" (14).
- (ii) These principles are in turn said to be "normative for ... certain domains of judgments" (9) *and* "normative for finite reasoners using their cognitive faculties ... to make those judgments" (10). Either way, Pollok is certain that they play "the central normative role" in Kant's critical philosophy (211, n.21).
- (iii) Kant's critical investigation of a priori judgments is characterized as a "normative enterprise" that, unlike Locke's physiological or "descriptive inventory of our mental powers," seeks for "a principled demonstration of the legitimacy of their usage" (90).

Similarly, Pollok identifies the “normative structures” underpinning the objective validity of a judgment as the “non-psychological” forms of possible cognition (96).

Besides a standard contrast between what is normative and what is merely descriptive in (iii), we can extract three notions of normativity from (i) and (ii), which are at least *prima facie* different.

- (a) Particular kinds of judgments, be they theoretical, practical, or aesthetic, are normative just in case they are “liable to assessment” in light of certain synthetic a priori principles (10). In other words, the normativity of judgments consists in their “possible conformity to” (141), or the “dependence” of their validity on (309), those principles as “the laws that are formative of the correct use of our reason” (199).
- (b) Synthetic a priori principles are *normative for judgments* in the sense of being “criterial” (61) or “serv[ing] as the laws in light of which the validity of all sort of judgments – cognitive, practical, and aesthetic – can be assessed” (56).
- (c) The same principles are *normative for finite reasoners* in that they have “binding force on the individual subject” making judgments (13; see 10).

I suppose that, by calling judgments “normative,” Pollok really means that they (unlike ideas or concepts) are normatively distinct. So, I shall set (a) aside and focus on (b) and (c). Since being “criterial” and being “binding” are neither identical nor intrinsically connected (at least not in any obvious way), they cannot be simply folded into one *concept* of normativity. (Using the word “normative” to express both does not help.) How are these two senses of normativity related, then? What, if anything, unites them? To motivate these questions and see why they matter, let me begin by bringing in some textual materials not mentioned in Pollok’s book.

Pollok, defending his attempt to unite Kant’s three critiques in a theory of *normativity* even though Kant himself never explicitly used the expression “normative,” points out that Kant nevertheless employed the German term *Norm* to mean “a prescribed rule, or law, that one has to observe strictly and must not contravene” (2; the quote is from a 1740 German lexicon). We may get a significantly more nuanced picture, however, if we look at how the term or its Latin equivalent, *norma*, is occasionally used in Kant’s writings, notes, and lectures. A preliminary study has led me to the following observations.

- (1) Basically, a norm is a model or standard for appraisal or passing judgment (*Beurtheilung*) (Log, 9: 15). We can find this notion of norm in all three contexts of Kant's philosophy.

Logic provides a guiding principle [*Richtschnur*] ... for judging [*beurtheilen*] actions of the understanding, ... Artificial rules [of logic] provide a norm for critique. (R1602, 16: 32; see A59-60/B84; V-Lo/Dohna, 24: 694, 696; V-Lo/Wiener, 24: 793; R4634, 17: 618; on critique as *Beurteilungskunst*, see R1628, 16: 45).

The norm[s] of taste are models ... for judging [*Beurtheilung*]. (R1787, 16: 114)

A metaphysics of morals is therefore indispensably necessary ... because morals themselves remain subject to all sorts of corruption as long as we are without that clue [*Leitfaden*] and supreme norm by which to appraise them correctly [*oberste Norm ihrer richtigen Beurtheilung*] (GMS, 4: 389-90; see 404)

- (2) A norm is often portrayed as an "ideal" or "prototype." Here are three examples. First, an ideal of the structure of a face serves as the norm for judging about specific faces (Anth, 7: 297-98). Second, by certain norms, we judge about cognitions regarding their "logical [as opposed to aesthetic] perfection" (Log, 9: 36) or their veracity (*Richtigkeit*) qua formal perfection (*perfectio formalis*) (R2189, 16: 264). Third, the "idea of a constitution in harmony with the natural right of human beings" signifies a "Platonic ideal (*respublica noumenon*)" as "the eternal norm for all civil organization in general" (SF, 7: 90-91; see MS, 6: 313).

- (3) There is an important distinction between norm (*norma*) and law (*Lex*).

There are such rules, which are general but not universal. ... If a moral rule contains merely grounds for acting (*rationes obligandi* but *non obligantes* [grounds of obligation, but not

obligating]), it is ... better called a *praeceptum* or *norma*. *Lex* is that to which there are no exceptions. (V-Mo/Mron II, 29: 633)

- (4) The distinction between a mere ground of obligation and what is obligating may also be captured by the distinction between a norm in the general sense and a “binding norm.” Kant reportedly limits the latter, which is an “imperative” properly so called, to “that class only where a moral necessitation or obligation can gain entry, in that only there is it *categorical*, and thought of *in application to a finite being*” (V-MS/Vigil, 27: 517; my italicization).

If we may translate these remarks about norms into the language of normativity, there seem to be two distinct notions at play, roughly formulated as follows. First, a rule may be normative in the *critical* sense for a type of *activities or things*, as the standard for assessing tokens of that type. Second, a rule may be normative in the *imperative* sense in relation to a kind of *beings*, as categorically binding on them. The latter (but not the former) agrees with how, according to Pollok, the adjective *normativ* was used in the eighteenth-century Germany.

This preliminary analysis seems to pose two exegetical challenges. First, just because such notions as “law,” “rule,” and “validity” are ubiquitous in Kant’s writings, it does not follow that he has a single concept of normativity to unify them. So, the burden is on Pollok to construct an exact one on Kant’s behalf. Second, given that Pollok’s chief concern in the book is “the nature of the bindingness of laws” in all three domains of Kant’s critical philosophy (4), while Kant himself reportedly limited *binding* norms and hence *imperative* normativity to the *moral* domain, it is unclear whether or how he would extend the same notion of normativity to the non-moral domains – or, for that matter, why a Kantian should be motivated to do so.

Pollok is mindful of both problems. He recognizes “the notorious vagueness of the term ‘normativity’” (3). And he is particularly keen on answering Clinton Tolley’s challenge as to whether Kant’s notion of normativity, as it applies paradigmatically to moral laws, applies to laws in general (e.g. laws of logic). Here is the main question raised by Tolley’s challenge as Pollok sees it: “If a law is constitutive of an activity, can this law still be considered

normative?” (5) Pollok’s initial answer is that “Kant’s synthetic a priori principles may be constitutive *and* normative insofar as our judgments are liable to assessment in light of them” (9). He then explains: those principles are “constitutive, since they are the conditions of the possibility of judgments of experience and mathematics, moral maxims, and the pleasantly exciting judging of beautiful objects”; at the same time, they are normative for us as the judging subjects, i.e. “binding on our faculties,” since we can indeed fail to obey them (10). In giving this further explication, Pollok has moved from *critical* normativity to *imperative* normativity, which are directed at judgments and judging subjects, respectively. What is the rationale behind this move? Is it because there is no real difference between the two notions of normativity? Or, rather, is there a certain *transition* from one to the other? Also, if the judging subject’s “self-understanding” somehow “turns [the relevant principles of judgments] from constitutive to normative” (9-10), does the same transformative procedure apply to normativity in both senses of normativity?

Since the basic concern behind Tolley’s challenge to the standard normative interpretations is whether *imperative* normativity can be meaningfully extended from Kant’s moral theory to the theoretical domain, let me press the challenge a bit. Tolley’s immediate target is the imperative normativity of pure-logical rules. Using the moral law as the paradigm of what can serve as an imperative norm, he explains how on Kant’s account this law can stand in different relations with different kinds of subjects: it is non-normative for a holy being, who simply could not fail to fulfill the demands of morality and so for whom “ought” would be out of place; the same law is imperative-normative for beings like us, who can fail to obey it. Now Tolley asks

whether things in the logical sphere look more like one or the other type of relation between moral law and moral subject – whether ... the logical subject (the “thinker”) should be viewed on par with a composite (e.g., human) being, or instead on analogy with a “pure” being with a holy will[.] (Tolley, 379)

By Tolley's analysis, the relation in question can only resemble that between the moral law and the holy being. Therefore, logical rules cannot be imperatival-normative for the logical subject (Tolley, 377-86).

A similar challenge, *mutatis mutandis*, may be posed vis-à-vis Pollok's theoretical case: how do we, finite reasoners with discursive intellect, relate to the principles of pure understanding? If the relation is more like the one between the holy being and the moral law, then the principles cannot be imperatival-normative for us.

Pollok disagrees, of course. He states: "The normativity at work in the epistemic case ... yields a distinct type of possible failure that Kant calls dialectical. The synthetic a priori principles of the understanding ... are *normative*, since we can always fail to form empirically true or false judgments in accordance with them, for example, by disregarding time in a causal relation" (10). Presumably, "normative" in this context is meant in the imperatival sense. But now it is unclear to me how the principles that are supposed to be imperatival should be formulated and prescribed to us the *reasoners*. Do they have exactly the same content as the principles in light of which our theoretical *judgments* are supposed to be assessable? I am not sure. After all, there is no "ought" in those principles, either explicitly or implicitly.

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Immanuel Kant

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A/B *Kritik der reinen Vernunft* (AA 3-4).

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Konstantin Pollok

Kant's Theory of Normativity: Exploring the Space of Reason

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Introduction

Normativity has been a fulcrum for interpreting Kant's philosophy for several decades. Christine Korsgaard has understood Kant's philosophy as providing an account of the sources of norms and normativity in the practical domain, while various figures follow in the footsteps of Wilfrid Sellars, Robert Brandom, and John McDowell, who have taken normativity to be fundamental to experience, language, and other psychological feats. In his stimulating *Kant's Theory of Normativity*, Konstantin Pollok engages with this tradition by arguing that the synthetic a priori principles that Kant describes throughout his critical philosophy serve as norms for judgment. For Pollok, Kant's key normative insight is that only judgements—relations between concepts—are subject to norms: concepts by themselves are not apt for normative appraisal (25).

This commentary focuses on one of Pollok's claims regarding the normativity of principles. Pollok argues that *in order for judgments to exist*, they must satisfy what I will label the *normative oomph requirement*. According to the normative oomph requirement, it is not enough that I combine representations in accordance with principles, or even that I am aware of this combination. I must, in addition, be apprized (to use an intentionally vague term) that I judge *as I ought*. That is, my judgment must have *normative oomph*. Moreover, Pollok locates an account of normative oomph in Kant's conception of pure apperception. Writ large, Pollok thinks

¹Email at rtracz@ucsd.edu. I would like to thank Claudi Brink, Max Edwards, Clinton Tolley, and Eric Watkins for discussion on the issues raised in this commentary.

that an individual's judgments have normative oomph when she takes the "standpoint" of pure apperception.

In this commentary, I want to challenge the normative oomph requirement from a rivaling *constitutivist* perspective (a position I explain below). I begin by characterizing Pollok's distinction between normative and constitutive, thereby fleshing out the normative oomph requirement. I then raise some worries that arise from Pollok's account of what he calls "constitutive normativity," as well as his account of pure apperception that is meant to explain constitutive normativity. To address these worries, I canvas two theories, not of what pure apperception *is*, but rather what it would mean to say that an individual *takes the standpoint of* pure apperception. I argue that Pollok's Kant has a hard time satisfying the normative oomph requirement in each case. Throughout this commentary, I shall focus on theoretical cognition—not aesthetic or practical cognition—and shall further restrict myself to cases of empirical cognition. This allows us to zero in on Pollok's account of pure apperception.

The constitutive and the normative

Let's first turn to Pollok's account of normativity. One of his main claims is that Kant's synthetic a priori principles can be normative for certain domains of judgment (9). As he explains, "the use of our reason, generally speaking, is normative if in a certain kind of cognitive activity we have a self-understanding of what we are doing that guides the activity" (9). Once we have this kind of self-understanding, our judgments become "liable to assessment." So if a child merely repeats the words 'snow is white' she hears from her parents without knowing what they mean, she does indeed *comply* with principles, but she does not comply with those principles *with any self-understanding*.² "The sentence is not liable to assessment," Pollok explains, because "the child is not yet seen as a subject standing under" the principles that would govern such an assessment. For Pollok, these principles are the synthetic a priori principles Kant lays out in the *Critiques*. The child complies with these principles, but only accidentally. Accidental compliance lacks self-understanding. Consequently, accidental compliance lacks normative oomph.

²I take this "self-understanding" to be a gloss on what "imputable compliance" would be for Pollok.

Pollok claims, beyond this, that judgments that lack normative oomph *aren't judgments at all*. Normative oomph is thus also *constitutive* of judgments because self-understanding turns mere mental activity into a *judgment* in the first place.³ So judgments both come into existence and obtain normative oomph in one fell swoop—that is, judgments both come into existence and obtain normative oomph in a single mental event that *recognizes* principles and is *necessarily governed by* those same principles. Kant's synthetic a priori principles are thus, as Pollok puts it, *constitutively normative* for judgment.

We can contrast Pollok's account with what we might call the *constitutivist view*.⁴ In agreement with Pollok's view, the constitutivist view maintains that judgments cannot fail to occur in accordance with certain principles. On both views, in violating certain principles, one doesn't judge poorly; rather, one does not judge at all. In contrast to Pollok's view, the constitutivist maintains that the constitutive features of judgment come apart from any normative features they might have. The mental acts that generate judgments can occur in the absence of any recognition of the principles that govern those judgments; the existence of judgments does not depend on the normative oomph generated by self-understanding.⁵ The constitutivist will thus *deny* the following thesis that Pollok endorses:

Whenever a subject appropriates some propositional content, i.e., whenever a subject *judges* about something, this subject *acknowledges the laws of the understanding* in light of which the judgment can be assessed as true or false, i.e., as a claim about something. (220)

³"It is in the *understanding of what you are doing* in judging" that "turns them [the principles] from constitutive to normative, or, more precisely, explains how they can be both" (10).

⁴I have in mind here Tolley (2006) and Husserl (2001). These accounts are constitutivist views of *logic*, though I intend to extend this view to empirical cognition here.

⁵There is an important ambiguity here. We can distinguish between principles that *govern the generation* of a judgment from the principles that *govern or serve as a standard for the evaluation of the content* of the judgment. Lu Adler (2017, 211) helpfully marks this difference by distinguishing *structural rules* (by which thoughts are formed) from *veridical rules* (which determine their truth/falsity). I don't have the space to discuss this distinction, though I think it is important to consider whether the principles or laws governing generation of a judgment are *the same* principles that govern the evaluation of the judgment. In other words, it is important not to use "govern" ambiguously.

This is a statement of the *constitutive normativity* view as against the *constitutivist* view.

Let me indicate a likely worry regarding this thesis from the constitutivist's perspective. Suppose I judge 'there are simple substances in nature'.⁶ In this case, I am surely forming a meaningful thought. After all, it is a thought that Kant did not consider meaningless, but false (A528/B556). Now I am producing a judgment that is incompatible with a synthetic a priori principle pertaining to empirical judgments (namely, the Axioms of Intuition).⁷ After all, the principle of the Axioms entails that appearances have no simple spatial or temporal parts (A162/B202). And if we think of these constitutive principles pertaining to appearances as *normative* for all judgments *about* appearances, then I have violated a norm *on judgment about appearances*. Considering Pollok's constitutive normativity account, since the judgment 'there are simple substances in nature' is false *in virtue of* the Axioms of Intuition, it follows that I must recognize the Axioms of Intuition when I judge 'there are simple substances in nature'. And I must do this, *on pain of failing to form a judgment in the first place*.

I don't see why we should accept this result. *First*, assuming that 'there are simple substances in nature' is a bona fide judgment, it remains unclear to me how my judgment could be constituted by a principle that it violates. This isn't merely a case of contradictory beliefs:⁸ it is a case of a contradiction *between a judgment and a principle that makes it possible*. And this seems to be too tight of a circle, for it is puzzling how a principle that contradicts a judgment also makes it possible. *Second*, I don't see why I need to be aware of the principles that make a judgment true—such as the Axioms of Intuition—in order to *make* the judgment 'there are simple substances in nature' or for it to be *meaningful*. This would require one to grasp a possibly very large number of principles merely in order to think something in the first place. On this score, I worry that Pollok's account is too cognitively demanding. *Third*, on Pollok's account, I take it that we also "appropriate" the principles themselves as a kind of "propositional content" when we recognize them. But this kicks the can down the road: what gives *the propositional content of*

⁶Pollok takes it that we are importantly not only spontaneous but "free" when we judge (211).

⁷Cf. Pollok's consideration of the possibility of failing to act in accordance with practical principles that one recognizes (208).

⁸A possibility that Pollok rightly acknowledges (8).

the principles their meaning? I'm not sure how grasping such principles can explain the *meaningfulness* of judgments unless we have an answer to this question.

Of course, none of these worries is immediately decisive against Pollok's view, though the constitutivist could sketch out a view that does not give rise to them. To avoid these worries, the constitutivist would distinguish here between *thought*, *cognition* (*Erkenntnis*), and *assertion* (*Fürwahrhalten*).⁹ On this view, in order for a thought to arise, I have to apply the categories in a certain form. I also have to be aware of the combination of concepts "simple," "substances," and "nature" in a particular way. Even though thought is not judgment in the demanding sense of *cognition* (B146), thought in the absence of cognition is not *mere* play of representations, as when the prelinguistic child mimics the words 'snow is white'.¹⁰ So my assertion 'there are simple substances in nature' does indeed have the "form of thought," even if it is an "empty" representation of an object and fails to be a cognition (B148).¹¹ Now to *evaluate* or *rationaly criticize* this thought, we need to take into account, not just the conditions for *thought*, but the conditions for *cognition* of a spatiotemporal world. We are indeed rationally criticizable for our opinions, beliefs, and knowledge, but these are all *attitudes we take* towards judgments,

⁹See especially A820/B848. See Chignell (2007), Tolley (2017b), and Willaschek & Watkins (2017) for an extended defense of this distinction.

¹⁰Kant himself suggests that judgment also has a less demanding sense: "to think is just as much to judge, or to relate representations to judgments in general" (*Prolegomena*, 4:304). Pollok might disagree with the way I have portrayed the distinction between thought and cognition as portrayed in the B Deduction, given his view that the mental episodes described in the Transcendental Deduction are parts or "partial acts" of one psychological event, *judgment* (223-226). But I think we need to distinguish thought from cognition as distinct psychological kinds if we are to make sense of §22 of the Transcendental Deduction, as well as Kant's repeated claims that we can and indeed *must* think certain things without cognizing them (e.g., *KpV* 5:133-137, *KU* 5:456). Allison (2015) provides a compelling reading of the proof procedure of the B Deduction that relies on a distinction between thought and cognition as two distinct psychological achievements. Furthermore, Allison notes the disagreement between him and Pollok (2015, 328, note 4). For options regarding the distinction between thought and cognition, see Watkins & Willaschek (2016). For a view that challenges the idea that empirical cognition is itself a judgment, see Grüne (2009).

¹¹It fails to be a cognition because it lacks "objective reality." Plausibly, transcendental illusion for Kant involves taking what is merely a thought to be a cognition—hence, it makes the assertion I am considering the outcome of a transcendental illusion. But note that the *thought itself* is not a transcendental illusion. On the necessity of thoughts without cognition, see B xvii-xviii; cf. A298/B355ff.

cognitions, or thoughts. Opinions, beliefs, and knowledge involve taking these judgments, cognitions, or thoughts to be *true*—as the German word for assertion, *Fürwahrhalten*, suggests.¹²

If thought comes apart from cognition in this way, then it seems that what is *constitutive* of thinking and judging comes apart from the *norms* used to evaluate a thought as a *claim* about the world. In other words, we can accept Pollok's claim that the synthetic a priori principles partially determine whether our thoughts are *valid* or true (212), without maintaining that unless we tacitly recognize those principles, we are not even thinking. On this constitutivist view, we should separate the constitutive features of thought from the epistemic and normative features characteristic of making claims.

The standpoint of apperception

In light of this pressure from the constitutivist, is there an account of grasping principles that alleviates the above worries?

Pollok thinks that pure apperception explains how we grasp principles in order to form judgments with normative oomph. In order to judge at all, Pollok argues, we must "project ourselves" into the "standpoint" of pure apperception (61).¹³ Noting that pure apperception is that "which in all consciousness is one and the same" (B132), Pollok claims that pure apperception itself is an essentially "multi-perspectival," "logical," "impersonal," or "intersubjective" consciousness that is distinct from my individual consciousness (63, 66). However, I am able, as an individual conscious being, to take up this "standpoint" of pure apperception. To "project" oneself to this standpoint is to see oneself "as [an] instantiatio[n] of that original-synthetic unity of judgments" (64). Pure apperception "is the authority required for any empirical self to *appropriate*" a representation (64), where "appropriating a representation" means something like making a "claim" with that representation.¹⁴ In summary, "for a consciousness of something to be

¹²This idea is further supported by the idea that a cognition can be true or false (A58/B83), whereas knowledge cannot be false.

¹³The idea that the difference between transcendental and empirical apperception is one of *Standpunkt* is articulated in Vaihinger (1884, 141, 147 ff.), in which he tries to distinguish empirical from transcendental realism via this distinction.

¹⁴Cf.: the "synthetic unity" of the manifold brought about by pure apperception is what makes it "judgeable" (63).

normatively relevant, or likewise, for a judgment to become *publicly claimable* and thus become the *object of possible challenge and vindication*, we have to assume the standpoint of the *transcendental apperception or self-consciousness*" (64, emphasis added).

On Pollok's view, we thus need to distinguish between pure apperception and *taking the standpoint* of pure apperception (or "projection to apperception" for short). Once we do, we see that pure apperception has two roles. *First*, pure apperception itself—whether any particular human takes the standpoint of it or not—grants the contents of judgment propositional unity as specified by the categories (65). And if normative principles have propositional form, then there is an uninteresting sense in which pure apperception is "normative": pure apperception is simply a necessary condition for expressing the norms. But it is not clear that pure apperception *itself* is normative in a more interesting sense. *Second*, however, *projecting oneself to the standpoint of apperception* is an act that, according to Pollok, has the right structure to be normative. Projection to a standpoint is something that an empirical individual performs, and it thus comes with the possibility of various kinds of assessability. From this impersonal "logical viewpoint," I transcend my idiosyncrasies and "make a claim to knowledge" (64, 68). Projection to apperception thus possesses normative oomph, since it enables me to recognize the grounds of my claim to knowledge (expressed as principles).

But this very robust picture of the function of pure apperception is sure to be challenged by the constitutivist. Since the constitutivist maintains that the act of thinking does not immediately involve a "recognition of principles for assessing validity" component, there is no need to bake this recognition into pure apperception itself as a condition for thought. So in contrast to Pollok's account of pure apperception as an intersubjective standpoint,¹⁵ constitutivists are likely to maintain that Kant has a more minimal characterization of pure apperception as "pure consciousness of the activity that constitutes thinking" or a consciousness "of one's mental activity," or even simply a consciousness of a representation in the absence of sensation.¹⁶ On the constitutivist view, pure apperception alone does not grant human subjects an

¹⁵Compare Tolley (2017a). See also Kitcher (2017, 605), who claims that apperception is what enables one to "give the reason" that one knows in a case of *cognition*, but it is unclear whether she thinks that apperception *always* has this epistemic role (or whether apperception is a *sufficient* condition for giving a reason).

¹⁶*Anthropology*, AA 7:141; cf. *MFNS* 4:542.

ideal, intersubjective standpoint from which they can make claims about the empirical world. (Plausibly, such an intersubjective standpoint is the one of *reason*, not merely of pure apperception.) Furthermore, Kant's characterization of pure apperception as a consciousness of *thought as such* does not immediately amount to an awareness of the *principles governing thought*. Similarly, the consciousness of a judgment does not amount to a consciousness of the principles governing judgment.

In order to enrich this minimal conception, I want to gloss on Pollok's behalf two ways in which projection to apperception could amount to a consciousness of the *principles* governing one's judgement: the primitive awareness account and the implicit use account. I argue that each faces its own challenges as an account of Pollok's notion of projection to apperception.

Proposal 1: Primitive awareness

On the first proposal, defended by Hannah Ginsborg, the self-conscious understanding of what I am doing is *primitive*. This primitive "awareness of appropriateness" involves my taking one of "my natural dispositions as exemplifying a universally valid norm."¹⁷ Primitive awareness does *not* require that "the rule" that is exemplified "be grasped antecedently to the experience."¹⁸ The primitive awareness proposal has the right structure to be an account of normative oomph. It involves an awareness of what *I* am doing, and it also involves an awareness that what *I* am doing is valid or appropriate not just for me, but for all subjects like me. Similar to Pollok's claim that the empirical self "instantiates" pure apperception, the primitive awareness proposal maintains that the empirical self "exemplifies" a rule. So it can seem that Ginsborg's primitive awareness proposal is just the kind of account that Pollok needs.

¹⁷Ginsborg (2015, 162)

¹⁸Ginsborg (2015, 162)

However, I think there are problems reconciling Ginsborg's and Pollok's views.¹⁹ Let me outline the most crucial one. Ginsborg maintains that the laws themselves depend on primitive awareness of appropriateness. For instance, she claims that "in judging that something 'is as it ought to be,' our point is not that it successfully conforms to some antecedent conception of how it ought to be, *but rather that its 'is' determines an 'ought to be' in the first place.*"²⁰ A straightforward reading of Ginsborg's claim is that the laws (how things ought to be) depend on or are "determined by" concrete exemplifications of those laws (how things are). This dependence claim explains why the awareness of the rule is *primitive*.

Pollok seems to be of two minds regarding this dependence claim. On the one hand, Pollok claims that our projection to apperception "creates" cognition or judgments "in recognition, or acknowledgement, of the laws of the understanding." However, though this act creates *cognition*, it "creates neither the *matter* (sensation) nor the *form* (laws) of cognition" (224, cf. 203).²¹ So projection to apperception does not bring the laws governing judgment into existence. On Pollok's view, this makes the laws suitably independent of any individual's psychology. However, Pollok also writes that Kant maintains that "forms [of intuition, space and time] and categories come into existence, or become actualized, *in the very act of cognition*" (152, emphasis added).²² On Pollok's view, Kant's transcendental idealism requires that the categories depend on cognition in this way. But Pollok's claims here stand in clear tension. How could cognition create or bring into existence the *categories*, even though

¹⁹For one, Pollok is more committal than Ginsborg on *which* rules we must be aware of. Pollok claims that "our 'apperception', as the standpoint of the unification of representations, implicit as it may be, is the *recognition* of the laws of the understanding" (230, my emphasis). (See too: "In order to be able to judge our understanding must be seen as *standing under* those a priori laws" specified by the synthetic a priori principles [231].) So projection to apperception involves the recognition of *a particular class of rules*, namely, *laws of the understanding*. In contrast, Ginsborg's view is compatible with the idea that my awareness of appropriateness involves the exemplification of *some rule or another*. Thus, to begin with, Ginsborg and Pollok differ on *which* rules need to be grasped in order for a judgment to have normative oomph. But this doesn't make Pollok's account incompatible with primitive awareness *per se*. (Thanks to Claudi Brink and Max Edwards for pointing this out.)

²⁰Ginsborg (2015, 81)

²¹I assume that Pollok's talk of the "pure act" of "intellectual synthesis" in the text is a gloss on assuming the standpoint of apperception.

²²See also Pollok's claim that for Kant, "we are passive with respect to matter but we *actualize* form ... *by recognizing it*" (145). Pollok thinks of the "formal" features of our representations as expressing their lawfulness (see Part 2).

cognition does not bring into existence the *laws* that presuppose the categories? We are thus left with an inconsistent set of claims:

1. Laws depend on the categories for their existence.
2. Categories depend on cognition for their existence.
3. Laws do not depend on cognition for their existence.

In short, the laws would need to exist independently of the "very act of cognition" in which the categories come into existence, which is impossible since laws depend on the categories.²³ So I do not know, on Pollok's view, how laws are grounded in projection to apperception, or vice versa.

However this is resolved, though, Pollok maintains that the laws are not brought into existence via the individual act of cognition, that is, via the individual projection to pure apperception. Thus, Ginsborg and Pollok differ on *the metaphysical priority* between the laws and their "exemplification" or "instantiation."

This comparison reveals an important philosophical problem: how do norms depend on their obedience? Put slightly differently, and in a register that does not immediately invoke norms: the question is *whether laws depend on their instantiation*, or vice versa. Pollok suggests that the laws are *metaphysically prior* to their exemplification in cognition or projection to apperception, whereas Ginsborg argues that the exemplification of the laws is *metaphysically prior* to the laws.²⁴ As a result, I do not think that Pollok can accept the primitive awareness account, since recognition of principles on Pollok's account fails to be primitive in the right way.

Proposal 2: Implicit use

I have argued that Pollok's account of projection to apperception is incompatible with the primitive awareness account. Pollok maintains that projection to pure apperception involves a

²³On this, Kant writes: "Categories are concepts that prescribe laws a priori to appearances, thus to nature as the sum total of all appearances" (B163). Cf. Watkins (2014, 476).

²⁴I'm fudging here: "metaphysical priority" is a stand-in for whatever dependence relation is thought to obtain between laws and the items subject to them.

recognition of the laws of the understanding, "implicit as it may be" (230).²⁵ This suggests a natural alternative to the primitive awareness account on which we recognize and are aware of the laws of the understanding, but in some non-explicit way. On the face of it, if the principles are merely *implicitly* recognized, this might take the bite out of the constitutivist's worries I canvassed in section 2.

I would like to contrast Pollok's view with that of Patricia Kitcher. For Kitcher, empirical cognition requires the "implicit use" of rules. For instance, she claims that cognizers "mak[e] implicit use of the rules associated with concepts" when they "recognize [their representational] states as standing in relations of necessary connection."²⁶ Similarly, "implicit awareness of the connection is an integral part of [rational empirical] cognition *per se*."²⁷ Kitcher thus argues that awareness of the necessary connection of representations requires implicit *use* of certain rules. However, it is not clear that *implicit use* of rules immediately entails *implicit recognition* of them. So *implicit use* does not by itself have normative oomph. Here, then, is the challenge: what notion of "implicit use" of the rules yields us "implicit *recognition*" and, with it, normative oomph?

Kitcher addresses the role of normativity in her account. On her view, a subject "can use a principle normatively only if her thinking of, or representing, the norm and her judgment are also understood as necessarily connected."²⁸ Kitcher argues that we are not usually entirely blind to principles—ordinary people have a grip on the principle of causality, for instance.²⁹ Yet Kitcher adds that

²⁵Compare: "the *laws of reason*, generally speaking, are binding on us once we (no matter how implicitly) apperceive ourselves as *rational* beings. In other words, the laws of reason are binding on us once we make judgments in light of them, and we cannot judge other than 'in light of them' since our judgments problematic validity is premised on these laws" (204; cf. 210).

²⁶Kitcher (2011, 142)

²⁷Kitcher (2011, 168)

²⁸Kitcher (2011, 232). She cites a number of passages in support, e.g., *AA* 16:11, *AA* 24:791, cf. R1620 *AA* 16:39, R1602 *AA* 16:31-32.

²⁹E.g.: "Ordinary people do not operate blindly by the *a priori* principle of causation; they have some grip on the abstract principle through particular causal laws and can partially confirm it and them through examples. Presumably the same would go for other categorical principles" (Kitcher 2011, 230).

[O]rdinary understanding need not be blind to its principles at any level, *except the earliest where the principles by which it scrutinizes sensations and adds transcendental content to representations are unconscious*.³⁰

So on her view, though I am implicitly aware of the *connection* in all cases of cognition, I am initially *entirely unaware* of the *rule* itself that grants that connection normative oomph.

I don't think this is consistent with Pollok's account. Pollok claims that the categories "can be seen as the norms that enable sensible impressions to be 'read as experience'" (229). So from the outset, the categories are being "used" as norms; they never function merely as (part of) unconscious, unrecognized principles governing experience. Pollok's account cannot have it that the principles go *unnoticed* or *unrecognized* when we project to apperception. The implicit recognition must be present *from the outset* if the principles are to be *both* constitutive *and* normative for judgment. Otherwise, his account would collapse to the constitutivist account: some features of judgment would be generated according to principles *of which we are not originally conscious*. The original function of the understanding would not involve *recognition* of norms.

I think that the implicit use account is a natural avenue for Pollok to pursue. However, unlike Kitcher's version of the implicit use account, Pollok will need to explain how recognition of norms accompanies *every* use of the understanding, and what exactly the mental attitude is that we "implicitly" take towards these principles. And as Kitcher's own account illustrates, "implicitly abiding by" or "implicitly using" the principles does *not* entail that we are implicitly *aware* of those principles. In fact, the implicit use view seems soundly consistent with the constitutivist view. After all, the understanding might "legislate" laws in a way that does not automatically entail that the human subject *recognizes* such laws.³¹ As a result, I remain unsure of how Pollok can square his views with the implicit use account.

³⁰Kitcher (2011, 231); cf. R1579 *AA* 16:18

³¹For this reason, I don't think that Pollok's "natural right" theory of the legislation of the laws of the understanding will help to explain how principles are *normative*, as opposed to merely constitutive (for Pollok's account, see 206-211).

Conclusion

To sum up, I suggested that the constitutivist view would be opposed to important facets of Pollok's account of normative oomph. In section 2, I noted some objections that the constitutivist would raise against Pollok, while also pointing to the constitutivist's resources to avoid these worries by distinguishing between thought, cognition, and assertion. In section 3, I argued that the constitutivist is likely to view pure apperception as a consciousness of *thinking*, not as a consciousness of the *principles* for thinking or as an objective standpoint for knowledge claims. I then suggested two proposals that might explain how "projection to apperception" grants us an awareness of principles governing judgment. I then argued that Pollok's account does not sit easily with either of these proposals.

My commentary here has focused on only a small portion of Pollok's rich book. Though I think his account of constitutive normativity faces some serious challenges, the problems regarding law-giving and normativity I have pointed to remain some of the most perplexing facets of Kant's critical philosophy—ones that continue to burden readers of Kant's work. I hope this commentary has brought out what is at stake for those who accept Pollok's solution to these puzzles.

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On the Juridical Context of Kant's Synthetic Principles A Priori: Reply to Huaping Lu-Adler and Brian Tracz

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1. Introduction

In this first round, instead of giving an overview of the book, I will just briefly highlight some of the cornerstones of Kant's Theory and point to some issues on which I would like to expand in the future.

Against the standard view of Kant's "Copernican revolution" as the prioritization of epistemology over ontology, I argue that his critique of traditional metaphysics should rather be seen as a farewell to the perfectionism on which early-modern rationalist ontology *and* epistemology are built. But Kant does not simply replace "perfection" with another fundamental concept of normativity. More radically, he realizes that for finite reasoners with a discursive understanding such as ours it is not ideas, but only the relation of ideas that can be subject to norms, and thus he shifts the normative focus from the reality of ideas to the validity of judgments. Already in the essay "False Subtlety" Kant writes: "The distinctness of a concept does not consist in the fact that that which is a characteristic mark of the thing is *clearly represented*, but rather in the fact that it is *recognised as* a characteristic mark of the thing" (2:59; emphasis added). Hence, a "*distinct* concept is only possible by means of a *judgement* ..." (2:58) Rather than inquiring into the objective *reality* of *ideas*, the vital question for Kant's critical philosophy is: What are, and how can we arrive at, the fundamental norms of the objective *validity* of our *judgments*?

In order to see how these fundamental norms, or a priori principles determine the objective validity of our judgments, I suggest that Kant's critical philosophy can be read as a kind of transcendental hylomorphism. Kant's matter-form distinction is an analytic tool for describing the possibility of claims about the "is" and the "ought" of objects in the broadest

sense of anything we can think about, including human attitudes themselves. What makes the matter, or the content – of a sense impression, a desire, a feeling, a volition, a concept, a judgment, an inference, or a theory – appraisable is its actual form. According to Kant’s general definitions, “matter” refers to whatever can be seen as determinable, whereas “form” refers to whatever can be seen as its determination, or essence.

What seems problematic here is what I call Kant’s *forma non afficit* or forms-don’t-affect-us doctrine. Most explicitly, this doctrine can be found in a passage from the *Dissertation*: “[J]ust as the sensation which constitutes the *matter* of a sensible representation is, indeed, evidence for the presence of something sensible, ... so also the *form* of the same representation is undoubtedly evidence of a certain reference or relation in what is sensed, ... but [it is] only a certain *law*, which is inherent in the mind and by means of which it co-ordinates for itself that which is sensed from the presence of the object. *For objects do not strike the senses in virtue of their form or aspect* (2:393; emphases added).” It is this idea of *per formam seu speciem obiecta sensus non feriunt*, as the Latin original has it, that lies at the heart of Kant’s transcendental hylomorphism. It is revealing to see that Kant’s first *Critique* opens with this hylomorphic claim – one of the boldest claims of the entire book, since it is essentially related to his transcendental idealism. In a nutshell, if cognition of any object is composed of matter and form, but form is just the “manner in which the impressions are unified in my mind,” (*Metaphysik Mrongovius*, 29:800) then we cannot have cognition of the things as they are in themselves, i.e., *independently* of that “manner in which the impressions are unified in my mind.” The critical *forma non afficit* passage in the first *Critique* is this: “I call that in the appearance which corresponds to sensation its *matter*, but that which allows the manifold of appearance to be intuited as ordered in certain relations I call the *form* of appearance. Since that within which the sensations can alone be ordered and placed in a certain form cannot itself be in turn sensation, ... [the] *form [of all appearance] must all lie ready for it in the mind priori*” (A 20/B 34; emphasis added).¹

Kant gives no explicit argument why we cannot be affected by forms. In the book I give some reasons why the scholastic *forma non afficit* theorem stands behind this matter–form distinction.

¹ See also A 42/B 59–60.

But I'm still not entirely clear on how – historically and philosophically – this theorem translates from medieval metaphysics into Kant's critical system.

The center of my reconstruction of Kant's critical philosophy concerns synthetic principles a priori. I explain how finite reasoners can be seen as bound by these principles, or laws that originate – in a very specific sense – in themselves. According to Kant, synthetic judgments a priori are possible, and indeed necessary, if they identify a point of view that rational but finite beings like us must assume in order to make claims about something. I argue that it is not a noumenal substance, but the standpoint of reason's legislation that we, as *homines noumena*, are able to grasp and, at the same time, are required to assume in order for our judgments to be valid. What drives Kant's critical project is the expansion of the question "How are synthetic a priori judgments possible?" from the theoretical to the practical sphere, where he asks "How is a categorical imperative possible?" The clue to this expansion can be found in a quite revealing but still untranslated passage from the *Scheffner-Nachlass*, which I discuss in the book. But the expansion of the question "How are synthetic a priori judgments possible?" goes even further to aesthetics, where he asks "How are judgments of taste possible?" Hence, synthetic judgments a priori are the clue to understanding not only Kant's development of the critical standpoint up to the first *Critique*; they also make intelligible Kant's progress from the first, through the second, to the third *Critique*. According to my interpretation, it is synthetic judgments a priori, and these judgments only, that require a critique. Neither the analytic judgments of pure general logic nor the synthetic judgments a posteriori of empirical science require a critique in Kant's sense.

Now, it is beyond reasonable doubt that one of Kant's favorite lexical fields is juridical. As a student he attended lectures on *Naturrecht* held by two of the Königsberg Wolffians, Christiani and Knutzen. As a professor he frequently lectured on *Naturrecht*, using Achenwall's *Elementa iuris naturae* as his textbook. And there are, of course, his own published texts on cosmopolitan law, and the doctrine of right more generally. In the 18th century "natural right" referred to the non-empirical counterpart to jurisprudence. Its aim was to establish the principles of right on the basis of rational argument only, without recourse to the Holy Scripture or any other revelational text. "Natural right" as an idea of reason refers to laws that are binding

because reason itself – rather than something (at best) extrinsically related to us – must be seen as their origin.

In the book I suggest that Kant’s idea of the legislation of pure reason as the center of his theory of normativity emulates the early-modern concept of “natural right, as it stands before us as a model in the idea of reason” (8:372). Kant’s innovation in this context concerns the source, or deduction of the concept of *natural right*: “it is *pure reason* in me (*homo noumenon*), ... which *subjects* me ... (*homo phaenomenon*)” (6:335) to the laws of reason. This distinction between a *homo noumenon* and a *homo phaenomenon* is necessary in order to account for the fact that the binding force of a law presupposes the distinction between the legislator and the person standing under that law.

The relationship I see between Kant’s conception of natural right and his theory of normativity is the following: the way in which natural right functions as the norm for positive law corresponds to the way in which synthetic principles a priori function as the norms for theoretical, practical, and aesthetic judgments. These lower-level judgments are supposed to have objective validity, or in the case of aesthetic judgments some particular kind of subjective–universal validity, in a way that parallels with Kant’s account of positive law.² His distinction between “what is laid down as right” (*was Rechtens sei*) and “what is right” (*was Recht ist*), or between given *laws* and the *lawfulness* of these laws, can be seen as a model for the general distinction between “judgments” and their “justification” by synthetic principles a priori. Just to illustrate this analogy with the legal sphere: on one hand, there may be unjust laws, i.e., laws that may be generally accepted, but are not universally valid (e.g., phlogiston being released when combustible substances are burned, or mutilation being a legal punishment). On the other hand, there may be defective judgments, e.g., judgments that are dialectical but nevertheless accepted by the dogmatic *Schulphilosophen*, the main target of Kant’s Transcendental Dialectic.

Equally important in this context, Kant’s concept of self-legislation does not imply that we create laws for ourselves. For if this were true there would be no difference between an objective claim and a claim to objectivity. The self-commitment to the laws of reason is what the self-legislative subject – whether an individual or an assembly of individuals – is required to undertake. As a

² He calls his doctrine of right “a system *derived from reason*.” (6:205; emphasis added.)

rational being I must (logically) see myself as standing under the laws of reason, which are universal in nature; otherwise cognitive, practical, and aesthetic *judgments* would be unfeasible. Of course, this universality demands a special justification (the legal concept here is *deduction*). But this universality would be incomprehensible if you, or I, or anybody else was seen as issuing these supposedly universal laws. It is the idea of the authority of a law that requires us to distinguish those two roles, of a legislator and a subject of law. What you and I, and every other finite, rational being do when we make a judgment is the explicit or implicit, but in any case imputable, acknowledgment of the a priori laws of the understanding, reason, and the power of judgment. Without our commitment to these laws, or principles, our judgments would be meaningless. This imputable acknowledgment of the laws of reason means that our judgments are up to us. At the same time, these laws are a priori, which means that they can be seen as “innate,” yet not physically innate to us as *homines phaenomena*, the empirical members of the human species, but rather “innate” to us as *homines noumena*, the subjects of self-legislation.

2. Reply to my critics

To begin with, I would like to thank Huaping Lu-Adler and Brian Tracz for their willingness to read my book. From the beginning of the writing process, it has been my suspicion that the product wouldn't be something you would call “elegant prose.” And I was proved right on this point. But I would also like to thank both of them for their thoughtful and thought-provoking commentaries. I wish we've had this session three years ago when I was still revising the manuscript.

So, let me try to clarify what, it seems, should have been expressed with greater clarity and distinctness in the book, as rationalist perfectionism would prescribe it.

Lu-Adler's interest is “to get a clearer sense of the big picture.” Her main question is, “what is the single, overarching concept of normativity, if there must be one, that unifies Pollok's analyses throughout the book?”. Let me answer in two steps. First, yes, there is a single, overarching concept of normativity unifying Kant's critical philosophy. It is the concept of lawfulness. But, second, in order to give a full account of Kant's theory of normativity this single concept only serves as a clue. More concretely, lawfulness is what unifies the objective realities

of *nature* – in both its mechanism and its teleology – and of *freedom*. It is the idea of lawfulness that allows us to see both nature and morality as subject to reason. Moreover, lawfulness is the idea that relates the *objectivity* of nature and freedom to the non-cognitive and non-moral, i.e., merely *subjective*, aesthetic reflection. Under the heautonomous guidance of our reflection the “*free lawfulness*” (5:240) that characterizes our imagination and understanding’s “reflective equilibrium” enables us to take pleasure in “beauty as a symbol of morality,” (5:351) “as if it were a mere product of nature” (5:306). However, for a theory of normativity the footwork only begins here, since we need to differentiate between specific forms of lawfulness according to the specific forms of judgment.

Building on her own and very helpful paper on “Kant and the Normativity of Logic,” Lu-Adler then separates “criterial” from “binding” norms, and asks for clarification on the normative status of synthetic a priori principles in my interpretation.

Now, first I don’t see why “binding” must be understood as “categorically binding,” as the *Moral Vigilantius* passage that Lu-Adler quotes might suggest.³ Any imperative is binding, according to Kant: either problematically, or assertorically, or categorically. For example, Kant’s “most hardened scoundrel” (4:454) who wants to harm someone is – on pain of being acratia – bound by the end-means connection that Kant cites in the *Groundwork*: “whoever wills the end also wills (insofar as reason has decisive influence on his actions) the indispensably necessary means to it that are within his power” (4:417). This end-means connection translates into a hypothetical imperative that binds the agent to either taking those means or dropping the end. Obviously, hypothetical imperatives aren’t moral imperatives. There’s only one moral imperative. So, Lu-Adler’s worry about “binding” normativity rests on an extremely restrictive understanding of the binding force of laws, and can be resolved even within Kant’s own practical philosophy. Similarly, any legal norm such as traffic rules must be seen as binding on those under a given judicature without being categorical, since the determining ground of legal actions may be anything, including inclinations. Yet, even in theoretical philosophy, the second analogy is binding on finite reasoners who want to judge about objects of experience. You may judge

³ This passage from the 90’s needs to be read in the context of Kant’s increasing reluctance to include hypothetical imperatives in *practical* philosophy.

about something and fail to follow this principle, e.g. by talking about God creating the world. This, according to Kant, results in judgments on which the Transcendental Dialectic says: “Be warned!”

Note that this is a comment that is meant to address similar worries of both Lu-Adler and Tracz. Dialectical judgments are false in a very specific sense which Kant calls transcendently illusory. This transcendental illusion – regardless of whether simple substances, infinite time, or a necessary being are concerned – is inevitable from our reason’s point of view, but, at the same time, without objective reality from our understanding’s point of view. To resolve this tension Kant famously relates the unconditioned that our reason seeks to uncover through inferences to the conditioned to which our discursive understanding is restricted. So, in Tracz’ example, the judgment “there are simple substances in nature” is not *empirically* false, as he suggests. For the term “substance” is used here surreptitiously, because *simple* substances cannot be objects of *experience*. The Antinomy passage Tracz refers to argues that “all dialectical representations of totality in the series of conditions for a given conditioned were of the same kind throughout. ... [A] member conditioned in itself would have to be *falsely* assumed to be a first, and hence unconditioned member” (A528/B 556; my emphasis). In the book, I occasionally call these judgments meaningless. With this I don’t refer to logical but real possibility. The passages in Kant that back this usage of “meaning” can be found throughout his critical works where he speaks of “sense and meaning” not in a Fregean sense, but in the sense of ‘objective reality’.⁴

Lu-Adler continues her commentary with the following questions: “Pollok has moved from *critical* normativity to *imperative* normativity, which are directed at judgments and judging subjects, respectively. What is the rationale behind this move? Is it because there is no real difference between the two notions of normativity? Or, rather, is there a certain *transition* from one to the other? Also, if the judging subject’s “self-understanding” somehow “turns [the relevant principles] from constitutive to normative,” does the same transformative procedure apply to normativity in both senses of normativity?”

⁴ See, e.g., Critique of Pure Reason, B116-17, B 149, *Prolegomena*, 4:282, 299, 332, *Metaphysical Foundations of Natural Science*, 4:478.

First, I wouldn't call it a move. I rather understand this as two distinct, but equally legitimate perspectives, one concerning the transcendental-logical constitution of a judgment's objective validity, the other concerning the faculties required for producing a certain kind of judgment.

Second, yes, there is a real difference between a principle's criterial function and its bindingness, but, again, I wouldn't speak of a "transition" from one to the other. Rather, it is possible to reflect on each aspect of a given principle separately. In the Introduction of my book, I wrote "This self-understanding commits one to the relevant constitutive principles, which turns them from constitutive to normative, or, more precisely, explains how they can be both." What I mean by this is that the use of our reason, generally speaking, is normative if in a certain kind of cognitive activity we have a self-understanding of what we are doing, which is not the case with the toddler who merely emulates the words uttered by her parents. This self-understanding, i.e. the self-understanding of making a claim that can be challenged, makes synthetic principles a priori come into force. Likewise, if we abstract from the faculties on which these principles are binding, we can still reflect on their function as the conditions of the possibility of judgments of experience. So, I'd like to keep these perspectives on synthetic principles a priori separate while at the same time give an account of how they are connected.

Finally, despite some similarities between the controversial topic of the normativity of pure general logic and my account of the normativity of synthetic principles a priori, there is at least one crucial difference. Kant's pure general logic does not concern the objective reality of concepts while his transcendental logic is all about exactly that. With his synthetic principles a priori Kant put a new kind of normativity on the map. Now, Lu-Adler asks, "how do we, finite reasoners with discursive intellect, relate to the principles of pure understanding? If the relation is more like the one between the holy being and the moral law, then the principles cannot be imperatival-normative for us." On the basis of what I just said, my response is that our relation to these principles is quite different from that between the holy being and the moral law. For a holy being, or an *intellectus archetypus*, failure to follow these principles is impossible. For us, failure is a live option, since we are prone to make judgments that pretend to be, but actually are not objectively valid. On closer inspection, we even find that for an *intellectus archetypus* these

principles are not synthetic, but analytic, which manifests itself in the fact that the *intellectus archetypus* (if there is one) operates on intellectual intuition. And Kant insists (very much to the regret of people like Fichte) that an intellectual intuition is impossible for discursive reasoners.

Let me now move on to Tracz's commentary. He begins with the following rephrasing "For Pollok, Kant's key normative insight is that only judgements—relations between concepts—are subject to norms: concepts by themselves are not apt for normative appraisal (p. 25)." Just two quick comments on this. First, in the book I try to elucidate why, for Kant, distinct concepts actually *are* disguised judgments. And second, of course, there are genuine norms appropriate for concepts as such. It's just that Kant rejects them as philosophically invalid. To be sure, the pre-Kantian, rationalistic spectrum from a maximum of clarity and distinctness to a maximum of obscurity and confusion is understood as normative: the clearer and more distinct our ideas the closer comes our "res cogitans," or our apperceptive monad to the excellence of the "ens perfectissimum." But Kant argues that these shades of reality cannot capture the specific cognition of discursive reasoners like us. Pace the rationalist account, as discursive reasoners we cannot grasp – by intellectual intuition – the analytic truth concerning the sum total of all possible reality.

The term "constitutive normativity" has caused difficulties to Tracz – and rightly so. Perhaps, "constitutive normativity" is a misnomer. I quoted this term from MacFarlane's *Logic is Formal* (86), but I use this term myself once immediately after that quotation. I probably shouldn't have used it to begin with, or I should have made it clear, that MacFarlane and others' controversy about the status of pure general logic is just the starting point for my discussion of *transcendental* logic and other parts of Kant's metaphysics. I should have made it more explicit in that passage that the distinction between normative and constitutive aspects of Kant's synthetic principles a priori that I draw in the Introduction and elsewhere, and which Tracz references, is made in order to actually avoid the conflation of the normative and the constitutive. So, dialectical claims like "there are simple substances in nature" violate the Axioms of Intuition and the Anticipations of Perception, but are judgments nonetheless. Hence the Principles of Pure Understanding are constitutive of judgments of experience while at the same time normative for discursive reasoners like us for whom they function as criteria for making objectively valid

judgments. They are *normative* for, or *binding* on our faculties while at the same time manifest the *criteria*, to use Lu-Adler's distinction, for the objective validity of judgments. Relatedly, Tracz is absolutely right that one needs to be aware of the differences between the German *urteilen*, *erkennen*, *wissen*, and *fürwahrhalten*. In fact, the confusion about these terms could only arise because some decades ago some of the Anglophone literature was based on bad translations. When Kant in the *Transcendental Analytic* speaks of *urteilen*, what is at issue philosophically is its "objective validity." But Tracz continues with the remark that "thought in the absence of cognition is not *mere* play of representations, as when the pre-linguistic child mimics the words 'snow is white.'" To be clear, thought in absence of cognition may be anything that we achieve with mere forms of judgments. It is not my intention to claim (and I haven't made this claim in the book) "that unless we tacitly recognize those [synthetic a priori principles], we are not even thinking".

Now, the biggest issue Tracz raises concerns my understanding of Kant's notion of apperception and its relation to the laws of the understanding. Here, Tracz diagnoses a "clear tension," "an inconsistent set of claims," and doubts that "Pollok's 'natural right' theory of the legislation of the laws of the understanding will help to explain how principles are *normative*, as opposed to merely constitutive."

So, in the remaining time I will sketch an answer to this worry which seems to rest on a misunderstanding of my account of pure apperception and the recognition or acknowledgment of self-legislated laws.

First, what seems problematic in Tracz's reconstruction of my view is the usage of the term "existence." It needs to be clarified what *existence* means, first, when we talk about the categories, and related but still different, second, when we talk about laws.

Categories don't exist in and of themselves. Kant has a very complex – and, again, juridical – theory of how they come into existence (*N.B.*: Lu-Adler gives an excellent account of this in her paper "Epigenesis of Pure Reason"). The legal term Kant adopts in this context is "original acquisition (as the teachers of natural right call it)" (8:221). This means that the categories cannot be derived, or abstracted from anything external to the subject. In the *Doctrine of Right* Kant calls that acquisition "original which is not derived from what is another's" (6:258). So the

categories only occur in the cognition of objects – it must be presupposed that they are taken possession of through an act of “*occupatio* or *originaria acquisitio*.”⁵ In legal terms, our “possession” of them is *first enacted* by the act of cognizing, while their “usage” is *licensed* by their constitutive function in the act of cognition – which means that they must be a priori, or presupposed, for any objectively valid cognition. They can be proven to have objective reality, i.e., deduced, precisely because they can be proven to be constitutive of experience. So, their *mode of existence* is *entitlement*. They only exist as “titles.” Which brings me to the concept of law. Here, there are two modes of existence. In German you distinguish between a law’s *Geltung* and its *Gültigkeit*, which are difficult to translate. Following Habermas, for example in his *Between Facts and Norms* (20), *Gültigkeit* “conceptually transcends space and time” while *Geltung* is “based merely on settled customs or the threat of sanctions.” It is no accident that Habermas’ usage of these legal terms is built on Kant’s distinction between the factual *quid sit iuris* and the counterfactual *iustum*, or between given *laws* and the *lawfulness* of laws (cf. 6:205, see also 4:424). Of course, Kant is most concerned with lawfulness, or the universal validity of laws which necessarily transcends space and time. So, I think it is at least problematic to speak of existence in this context which is why I don’t subscribe to the inconsistent reconstruction Tracz attributes to me.

Related to this, Tracz’ distinction between the use of rules and their recognition seems to be problematic from Kant’s point of view. For Kant, what’s distinctive of rational beings like us is that – as rational beings, rather than physical bodies – we do not follow laws simpliciter. As Kant famously states in the *Groundwork*, “everything in nature works in accordance with laws. Only a rational being has the capacity to act *in accordance with the representation* of laws, that is, in accordance with principles” (4:412). So, rational beings, animals, and turnspits do follow laws, but they do it differently. Kant is very careful here when he states that we have that “capacity,” because, first, as natural beings we follow laws simpliciter, like all other natural things in the world. In this sense we “use” natural laws, but the result is mere behavior, not imputable action. But, secondly, as rational beings we don’t have always to be aware of those non-natural, or rational laws, and I haven’t attributed this view to Kant. Kant’s first *Critique* is

⁵ *Metaphysics of Morals* *Vigilantius* (1793/94), 27:595; cf. *Natural Right* *Feyerabend* (1784), 27:1347.

not psychological, but transcendental. This means that as rational beings we must be prepared to justify claims to objective validity by citing relevant laws. Again, the legal context is crucial here. Kant says that rational beings “stand under” laws of reason (e.g. 4:414, 433). To illustrate this, in the legal sphere your status as an adult citizen of your country is taken as expressive of your recognition or acknowledgment of that country’s law. Obviously, no one is aware of every law when signing their passport. Here, I’m in full agreement with Tracz’s interpretation of Kitcher: “‘implicitly abiding by’ or ‘implicitly using’ the principles does *not* entail that we are implicitly *aware* of those principles.” Nevertheless, no matter how implicit your commitment to the law may be, without this acknowledgment of your status as a citizen your actions would not be liable to assessment in light of the law. So, Kant’s “most hardened scoundrel” (4:454) must be seen as recognizing the law that he violates. He must, first, understand the content of the law (let’s call this *cognition*). But he must also understand that this law has binding force on him (let’s call this reflective form of cognition *re-cognition*). By contrast, the toddler can neither murder another person nor make claims to objective validity. At the same time, these laws are normative. The civil law of your country is binding on you since it tells you what is permitted or prohibited. *Mutatis mutandis*, the schematized usage of the categories is metaphysically *permitted*, while theoretical talk of our soul’s immortality is metaphysically *prohibited*.

This concept of recognition is closely related to the problem of apperception. According to Tracz, “Kant’s characterization of pure apperception as a consciousness of *thought as such* does not immediately amount to an awareness of the *principles governing thought*. Similarly, the consciousness of a judgment does not amount to a consciousness of the principles governing judgment.” I am in full agreement with this. We don’t have to be aware or conscious of those principles. But still, the difference between Tracz’s and my interpretation rests on different views of finite reasoners’ relation to reason’s legislation. On my reading, there doesn’t have to be a “mental event” of recognition. The “mental event” involved is an awareness of what one says (e.g., “snow is white”). But as philosophers we can reconstruct a transcendental standpoint in order to make sense of finite reasoners who take the utterance of those words to have objective validity. As non-empirical the transcendental apperception goes beyond the idiosyncrasies of an individual, Konstantin Pollok’s “mental activity.” Original, or pure apperception is not a

consciousness of something. Kant’s “*I think*, which ... in all consciousness is one and the same” (B 132), means that any representation must be – again, in Kant’s juridical lexicon – *appropriated*. It must be imputable, otherwise it couldn’t be used in a claim to validity. Put seemingly paradoxically, pure apperception marks the non-empirical standpoint of the “ownership,” or imputability of representations, which, at least for Kant, is only possible in light of reason’s legislation. When Tracz sketches on my behalf two ways in which “projection to apperception” could amount to a consciousness of the *principles* governing one’s judgement, I hesitate to accept, since his proposal is essentially at odds with my account. According to my interpretation, we don’t have to be aware of the principles of the understanding when we make a judgment about something. Kant is completely in line with Locke here, whose arguments against innatism include the claim that if we had innate ideas then “children and idiots” (*Essay*, I, iv, 3) would have to have knowledge about logical and metaphysical concepts (which is not the case).

To summarize and relate back to Kant’s notion of reason’s self-legislation as well as his distinction between a *homo noumenon* and a *homo phaenomenon*, original, or pure apperception marks the impersonal logical viewpoint that enables the *appropriation* of representational content without us being required to be conscious of the relevant laws. Invoking the legal sphere for the last time: I don’t have to be aware of the traffic rules while driving, and I’m unaware of thousands of laws of my country. Nevertheless, I must be seen as taking up the standpoint of a citizen, and I must be seen as standing under those laws in order to legitimately sign a contract and vote on election day. This is what I mean by implicit recognition or acknowledgment. And it is this legal context that serves as the model for Kant’s theory of the laws of reason.

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