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 acratic – 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 transcendentally 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 *criterial* normativity to *imperatival* 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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