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KANT'S USE OF TRANSCENDENTAL ARGUMENTS

by

THOMAS W. CUDNEY

Under the Direction of Sebastian Rand

ABSTRACT

Kant is famous for his use of transcendental arguments in the transcendental deduction. This thesis examines how such a transcendental argument is used within Kant's methodological framework. Following the work of Henrich and Walker, the paper asks whether transcendental arguments in the *Critique of Pure Reason* are compatible with Kant's methodology in general. We find that these arguments and Kant's methodology are compatible, and that transcendental arguments are indeed very weak arguments by Walker's standards. However, the entire transcendental deduction should be understood as a deduction writing that uses transcendental arguments particularly effectively according to Kant's own methodological standards.

INDEX WORDS: Kant, Transcendental argument, Transcendental philosophy, Idealism, Transcendental idealism, Transcendental deduction, Critique of Pure Reason, Walker, Henrich, A priori, A posteriori, Categories, Philosophy

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THOMAS W. CUDNEY

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In the College of Arts and Sciences

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2010

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Kant's Use of Transcendental Arguments

I. Introduction

The influence of Kant's theoretical philosophy has reached many notable scholars of the twentieth century, including Heidegger and Strawson. Still, much of their work has been to interpret what is actually going on in the *Critique*. Even today, there is persistent debate as to which interpretation is correct. Thus, Kant's *Critique* has had a profound impact on philosophy today.

The most important, pivotal part of the *Critique of Pure Reason* is the transcendental deduction, which contains most elements of Kant's theoretical philosophy.[1] In the deduction, Kant attempts to explain how we are warranted in using certain concepts and rules (categories) when we make judgments about experience. He also relates to us how synthesis plays a key role in organizing our cognitive capacities.

Dieter Henrich, in his article, "Kant's Notion of a Deduction and the Methodological Background of the First *Critique*," lays out an interpretation of Kant's transcendental deduction. Henrich also illuminates and clarifies many of Kant's moves in the deduction. He also has an account of Kant's methodology. For Henrich, a consideration of methodology is invaluable for understanding the *Critique*; we must understand Kant's method in the transcendental deduction in order to understand the

[1] There are two versions of the *Critique of Pure Reason*, the first of which was published in 1781. The second edition features some revision, especially in the transcendental deduction, and was published in 1787. Scholarly debate, with a few notable exceptions, has concentrated on the second edition, which Kant intended to be the authoritative version of his work. In addition, recent scholarship seems to concentrate on the second edition of the transcendental deduction (the "B deduction"), making a reading of the second edition more relevant. Therefore, for the purposes of this thesis, we will focus on the second edition of the *Critique*, instead of the first, for clarity, brevity and relevance.

deduction in terms of its parts and as a whole. For these reasons, I will interpret the transcendental deduction through the lens of Dieter Henrich's article.

According to Henrich, the transcendental deduction is modeled after a "deduction writing" (a particular kind of legal document used in the eighteenth-century) in terms of content, style, and form. This means that we should understand the deduction as derived from a juridical procedure instead of as a mere argumentative deduction consisting of syllogistic proofs. This model of the transcendental deduction, one that views it as a mere logical proof, has been prominent today and in the past when talking of Kant's project of justifying the categories. Henrich's insight that the deduction is modeled on juridical procedure is thus a departure from how Kant has been interpreted.

Ralph Walker, in his article, "Kant and Transcendental Arguments," has put forward an analysis of transcendental arguments. This analysis attempts to determine the form, content, context and applicability of transcendental arguments. Walker's work is important for a number of reasons. First, it remains unclear to many scholars exactly what is happening argumentatively in the transcendental deduction, and an analysis of transcendental arguments may help alleviate this difficulty. Second, such an analysis can help us determine whether a transcendental argument is being applied to the appropriate context. Third, an analysis of these arguments will give us an understanding of their strength or weakness.

Walker's view of transcendental arguments does not rely on any consideration of Kant's explicit methodology. It is therefore interesting to know if such a view could fit with Kant's methodology in general, but particularly if it could fit with Kant's methodology for the transcendental deduction. Kant's use of transcendental arguments in

the transcendental deduction is well-known. But exactly how the transcendental arguments are working in the deduction is still up for debate. If the two views are compatible, we will have both a grasp of Kant's methodology, its limitations and strengths, and a grasp of transcendental arguments, their applicability, limitations and strengths. If the two views are incompatible, we will have to gain insight into the deduction's methodology and content from elsewhere.

There are other questions that are intriguing beyond the mere compatibility or incompatibility of the two interpretations: Are transcendental arguments in fact analytic, instead of synthetic? Are transcendental arguments context-independent? Can they be used in any argumentative context? How strong are these arguments if they are, indeed, analytic? And what is the best starting point for a transcendental argument? What contributes to the strength of transcendental arguments? Answering such questions allows us to gain a more robust understanding of the content of the transcendental deduction.

I will investigate whether Walker's take on transcendental arguments could fit in the interpretative scheme laid out by Henrich. At first glance, there are some strong similarities between what Henrich says of transcendental arguments and what Walker says about them. However, there are several elements of Henrich's and Walker's papers that we should take into consideration to determine the compatibility of the two interpretations.

In this thesis, I will argue that the transcendental deduction is a deduction writing of the juridical type, but also that it employs a transcendental argument that is in fact analytic and generally weak. Yet I argue that such an argument is used appropriately in the transcendental deduction for three reasons: (1) it answers the question of fact and the

question of right; (2) it replies to the challenges of the skeptic; (3) it shows the source of the categories' legitimacy and thus, their necessity .[2]

II. Studies of the Deduction and Kant in General

A. A Taxonomy of Approaches

Interpretations of Kant's transcendental deduction vary from one scholar to another, but they can be classified as follows. There is the internal approach, used by scholars such as Ameriks and Walker, which aims to give an account of the deduction based exclusively on the text of the first *Critique*. There is the historical interpretation, used by scholars such as Henrich and Guyer, which aims to determine the salient historical influences on the deduction and give an interpretation of it in light of these influences. Such a historical interpretation often focuses on the development of the deduction and on the evolution of Kant's own writings. Finally, there is the reconstructive interpretation, employed by scholars such as Heidegger and Strawson, which regards elements of the deduction as useful only insofar as they can be reconstructed to be useful to today's philosophical landscape. This last approach often considers Kant's positions in light of what modern scholars have said on the subject.

1. The Internal Interpretation

The internal interpretation of Kant's deduction concerns itself chiefly with the text at hand and regards historical and reconstructive questions as secondary or even counterproductive to understanding the text. An internal account of the deduction itself needs some historical insight to supplement the strict, face value interpretation that

[2] The question of fact and the question of right are treated later.

authors like Walker use, simply due to the obscure terminology that Kant uses. However, the internal approach does have its merits, like being able to present cumbersome, key concepts in simple and clear terms without recourse to detailed historical outlines. Another benefit of the internal approach is that we do not get too sidetracked with historical or developmental concerns; we consider Kant's arguments within the context of the *Critique* itself.

Ralph Walker uses the internal approach effectively in his article, "Kant and Transcendental Arguments." He gives a clear account of what a transcendental argument is and what form it takes in the transcendental deduction. By doing this, Walker allows us a clear analysis of one of Kant's most important tools in the deduction: transcendental arguments. In the article, Walker's method is to focus exclusively on the text of the *Critique*; thus, his account is internalist.

In his article, "Kant's Transcendental Deduction as a Regressive Argument," Karl Ameriks argues that the transcendental deduction and the transcendental aesthetic contain a parallel transcendental argument (Ameriks, 86). Ameriks departs from what he calls the received interpretation of Kant (e.g., the views of Strawson, which are reconstructive), which states that Kant's aim in the deduction is to prove that objective experience issues from self-consciousness. According to Ameriks, Kant argues that we have objectivity (and hence, empirical knowledge) only if the categories are universally valid (Ameriks, 87). Ameriks' article is internal because he comes to his conclusion by rejecting the received interpretation of Strawson while proposing an alternative to the received interpretation that is objective and regressive, based on the text of the *Critique* (B 48, in particular) and the *Prolegomena* (Ameriks, 88).

2. The Historical Interpretation

There are many historical interpretations of Kant's transcendental deduction to consider. The historical tradition has some benefit but some drawbacks as well. On the one hand, exploring the philosophical concerns, language, and events that were contemporary to Kant can lend valuable insight to some more obscure parts of the *Critique*. On the other hand, a historical approach runs the risk of becoming reductionistic in this sense: it may suggest that Kant's work is the mere product of history and does not merit further investigation in terms of what philosophical aspects of it are relevant today.

Paul Guyer's article, "The Transcendental Deduction of the Categories," develops a historical account of Kant's distinction between objective validity and objective reality. By distinguishing between objective reality and objective validity, the two separate tasks of the deduction become clear, according to Guyer. Objective validity obtains as long as the "subjective conditions of thinking" allow for the cognition of any and all objects. Objective reality obtains only if the categories determine what appearances could qualify as objects of cognition. Guyer focuses on objective reality as Kant's intended view, laying out the two possible sources of the constraint that categories exert on representations (the source of their extralogical necessity). Guyer arrives at these conclusions by considering Kant's passages in the *Critique* and other passages from Kant's notes and letters during the development of the *Critique*, making his account essentially historical. The rest of the article focuses on a broad historical account of the

Critique, and it focuses almost exclusively on the A deduction, giving an account of its evolution.

Dieter Henrich uses a historical interpretation to uncover what a deduction is; his findings run against those of the internal interpretation. In his article, "Kant's Notion of a Deduction and the Methodological Background of the first *Critique*," Henrich explains that the distinction between *quid juris* and *quid facti* is paramount to understanding the method of the deduction. Henrich also gives supporting historical details to show us that Kant's deduction may not be a syllogistic proof that we have objective knowledge, but rather, it is a philosophical investigation modeled after a legal procedure.

Theodore Adorno, in his lecture, "Deduction of the Categories," has his own historical interpretation of the deduction, which states that Kant can only be properly understood in historical terms (Adorno, 121). He says that Kant's transcendental deduction is a dialectical interchange between two historical tendencies: an apologetic or dogmatic element and a self-critical element. There is a further dialectic, he says, between subjective nominalism (the tendency to view everything as synthesized by a thinking subject) and medieval realism (direct realism); the only unmediated and natural elements (they are "objective" in that they are not synthesized) we have recourse to are the categories, and only through the categories and subjectivity can judgment be made. So it is that Adorno says "the innermost core of subjectivity, its secret, is revealed as something objective, as the power of objectivity itself' (Adorno, 127).

3. The Reconstructive Interpretation

The reconstructive method of interpretation is quite popularly employed by scholars of Kant's work (Guyer, 123). One famous reconstructive project is that of Peter Strawson. According to Paul Snowdon, Peter Strawson's book, The Bounds of Sense, falls within the reconstructive tradition. In the work, Strawson abandons Kant's Idealistic framework and instead explores what conceptual schemes we could possibly understand and employ (Snowdon). Strawson rejects Kant's notion that realism generates the contradictions of the Antinomies. Strawson also uses transcendental arguments in opposition to skepticism, albeit outside of Kant's own framework (Snowdon). The book is thus reconstructive in this sense: it selects elements of Kant's work that are viewed as relevant by contemporary philosophical standards and draws its own conclusions from them.

B. Selecting Secondary Literature

The field of Kant studies, especially focusing on the transcendental deduction, is immense in its contributions. This makes the task of finding suitable secondary literature for a project such as ours possible. At the same time, however, it is difficult to select what literature should be considered and what should be ignored.

We review Henrich in this thesis first because his clear, focused and self-contained article on the history and method of the deduction directly answers the questions on Kant's general methodology and aim in the deduction. Moreover, Henrich provides insight to the meaning of the terms "*quid juris*" and "*quid facti*," which frame the transcendental deduction. Kant says of a deduction that it must answer the question

quid juris if it cannot otherwise find "proof that a concept has a legitimate employment" (B 117). So the question of right and the question of fact play a vital role in setting the task of the deduction.

Walker has an article that is also clear, focused and self-contained, which is exclusively concerned with the form and application of transcendental argument, a tool used by Kant in his deduction. Such an account also tells us what Kant's particular method is in the deduction: transcendental argumentation. Walker gives such a clear and thorough account of the potency and form of transcendental arguments that he must be included in the thesis. When we consider Henrich's strong account of Kant's aim and method and Walker's strong account of transcendental arguments, we must wonder if such accounts could be viewed as compatible. If they are, we could then provide a commentary on two clear authors and their unified account of Kant's method and aim in the deduction of the categories.

Thus, the approach of this thesis is to examine the findings of one historical and one internal approach to Kant's deduction in the secondary literature. This combination of consideration gives us a number of advantages. Firstly, we glean the historical insight as to the meaning of the question of fact and the question of right. Secondly, we find an interpretation of the aim of Kant's deduction in Henrich that is lacking in other secondary literature. Finally, we have a clear and accurate consideration of Kant's main tool for achieving his aim in the deduction; we have an account of Kant's method in Walker's treatment of transcendental arguments. In the end, we will consider the efficacy of such transcendental arguments and whether Kant is right in insisting that they are synthetic.

III. Henrich's Interpretation of Kant

A. Henrich on Kant's Methodology

1. Preliminary Impression of a Deduction

What is a deduction, in the Kantian sense? Our first inclination is to view any deduction as a syllogistic deduction: a drawing out of a conclusion from a set of premises. But Henrich insists early on that this is a mistake and that it leads to a misunderstanding of Kant's methodology as not a "unitary and well-structured program" (Henrich, 30). We read the famous line from the *Critique*:

> Jurists, when speaking of rights and claims, distinguish in a legal action the question of right (*quid juris*) from the question of fact (*quid facti*); and they demand that both be proved. Proof of the former, which has to state the right or the legal claim, they entitle the *deduction.* (A 84/B 116)

Here, Kant appears to distinguish the question of fact from the question of right in order to delineate what a deduction should or should not be. It appears that a deduction should draw a conclusion out of premises in the "ordinary logical sense," with an eye to justifying legal claims, or, more broadly, normative claims. Thus, we could view Kant's deduction as proceeding along quite ordinary philosophical lines in its aim to justify our use of the pure concepts of the understanding.

In contrast to this reading of one passage, Henrich looks to late eighteenth-century academic language for an alternative interpretation of the deduction. His reason for this move is that, firstly, Kant is able to construct valid and clear syllogistic proofs, as in the Antinomies of Pure Reason, but secondly, that the transcendental deduction, if taken to be an attempt at a series of clear syllogistic proofs, is a blatant a failure. He therefore seeks an explanation more generous to Kant.

2. Deduction Writings and the Transcendental Deduction

Henrich maintains that Kant adopts the term "deduction" from a juridical context and transfers it to a philosophical argument, namely, the transcendental deduction. *Deduktionsschriften*, or deduction writings, were legal documents that were in wide use by the beginning of the eighteenth-century. They contained legal arguments distributed by governments, attempting to justify a legal claim to a territory, the succession of a reign, or some other property. Both parties involved in the legal controversy were required to submit a deduction writing, according to existing legal proceedings (Henrich, 32). In each case, detailed arguments were given regarding the origin of the claim and how it had been maintained over time.

Kant was familiar with deduction writings. J.S. Pütter was a preeminent deduction writer of Kant's time. The textbook that Kant used for his frequent lectures on natural law was co-authored by Pütter. Kant, during his time as a librarian in the royal library of Königsberg, noticed and commented on various deduction writings, and he was also familiar with their terminology (Henrich, 33). Kant could also justifiably assume that his audience would understand the term "deduction," used in a philosophical context, to refer to the juridical context whence it arose. However, the practice of deduction writing ended very soon with the dissolution of the Holy Roman Empire. With the end of deduction writings, the terminology they used became unfamiliar and rare. Thus, some readers of the *Critique* might not have understood the juridical context of the term "deduction."

There were published methodological guidelines for a deduction writing. For example, one methodologist wrote in 1752 that a good deduction should be brief and clear. Since a deduction focuses on justifying a claim to a possession or usage, it should

not focus on theoretical principles or unnecessary digressions (Henrich, 34). Pütter himself aimed at achieving this methodological paradigm in his own deduction writings. If he did not, he would attach a brief outline (*Kurzer Begriff*) at the end of the writing, summarizing the main points of his argument. Kant also has a brief outline at the end of his transcendental deduction, following the juridical practice. Henrich tells us:

> It appears that Kant thought that his deduction as a text should be modeled on the juridical paradigm and meet its criteria of excellence. Thus we conclude…that Kant wrote the text of the deduction of the first *Critique* following the standards of a good juridical deduction, which focuses exclusively upon justifying a claim. (Henrich, 34)

Much of Henrich's paper stakes its insight on this premise: that Kant's transcendental deduction is a philosophical work using the juridical procedure of the deduction writing as its methodological paradigm. Both the text and its argumentative form of Kant's deduction should meet the standards of a deduction writing if Henrich's claim is to be supported.

3. The Argumentative Form of Deduction Writings

Christian Wolff was the first philosopher to write a definitive piece on the argumentative form of deduction writings, making a distinction between innate and acquired rights (Pütter and Achenwall call them "absolute" and "hypothetical rights") (Henrich, 35). Absolute rights are "inseparable from a human being as such" and obtain in virtue of someone's being human. A hypothetical right, on the other hand, originates at a particular time and place, in a particular *factum* (fact or action). An example of an absolute right could be the right to retain property if it is acquired through valid contract, or the right to legal defense if accused of a crime. Henrich gives an example of a hypothetical right: I have the right to carry a title of nobility if I am a legitimate child of

an appropriate couple. Or, I have the right to inherit a house if it was willed to me in a valid last will. In these cases, if the claim to the house or title is disputed, it is very important to know the origin of the claim.

It was required of a deduction writing that it give a "report of the story" or *Geschichtserzählung*. This report is essentially a genetic account of where the claim originated and from where and how long it has been maintained. With regard to the example of a last will, Henrich says, "It is possible to tell a story about the way in which the will has been conceived of and arrived at, when it was written and how it has been preserved" (Henrich, 36). These elements of the story would be very important, especially if one or more facts were contested by the opposing party. It is essential that a deduction writing get the facts right. As Henrich says, "In order to decide whether an acquired right is real or only presumption, one must legally trace the possession somebody claims back to its origin" (Henrich, 35).

We can now see that a *Deduktionsschrift* and the transcendental deduction have one very important question in mind when justifying claims. In the case of a deduction writing, the claim will be to a material possession or title or some other privilege. In Kant's case, the claim is to have synthetic *a priori* knowledge of the world, or in other words, the claim is that the categories apply to experience to form cognition.

Human cognition is *a priori* if it arises independently of experience, while cognition is *a posteriori* when it has its roots in empirical experience. A cognition or proposition is called pure *a priori* when it has nothing empirical mixed in. For example, "One thing is not another" is a pure *a priori* cognition. Thus, "Every alteration has its cause" is *a priori*, yet mixed with elements drawn from experience; this is a synthetic

judgment or cognition (B 3). As Kant tells us, “Necessity and strict universality are therefore secure indicators of an *a priori* cognition, and also belong together inseparably” (B 4). On the other hand, if a proposition is thought only as a generalization from past experiences, it is *a posteriori*.

Inherent to the human understanding are a number of functions that we call functions of judgment, which correspond to the categories. They are the basic mechanical possibilities of conceptual relations in any judgment. The pure concepts of the understanding, or categories, correspond to this table of functions, are products of the understanding, and are related to other representations through synthesis (combination).

In each case (in a deduction writing and in the transcendental deduction), the question of fact (*quid facti*) is vital. As in a deduction writing, some citation of facts will be necessary to fend off skepticism about Kant’s claims. For example, a skeptic about synthetic *a priori* judgments may ask where the categories come from, in an attempt to show that there simply are no categories. In anticipation of such a challenge, Kant explains the logical function of judgments and provides a story about how both the categories and logical functions are unified by the same function of the understanding.

We are thus led back to Kant’s early distinction between *quid juris* (where lies the legitimacy of a claim?) and *quid facti* (where lies the origin of a claim?) and how they relate to a deduction writing and Kant’s own deduction. While it may appear that a legal deduction requires a full citation of the factual elements of the origin of a claim, this is not the case. Henrich emphasizes an important point about the two questions. On his view, the question of right can be answered even if the question of fact remains buried in difficulty (Henrich, 36). Regarding the *quaestio juris*, for reference in the case of the last

will, Henrich tells us, "To answer this question, one has to focus exclusively upon those aspects of the acquisition of an allegedly rightful possession by virtue of which a right has been bestowed, such that the possession has become property" (Henrich, 36). In other words, we need to know the *relevant* facts surrounding the origin of the right in question—in this case, the right to acquire property through valid procedure. Some of the relevant facts here are: approximately when the property was willed (was the owner alive?), by whom (by the owner?), and whether the actual will meets the various criteria for a legal document. The origin of the right must meet with some measure of legal standards—here the standard of original acquisition or natural right—but the kind and extent of legal justification required will vary depending on the number and severity of challenges to the claim, both in a deduction writing and in a transcendental deduction. Another factor that could influence the depth and breadth of justification is the level of sophistication needed to make the relevant facts clear at all.[3] Henrich goes on to say of the transcendental deduction, "We cannot arrive at, and don't need a comprehensive understanding of, the genesis and constitution of these facts [regarding origin] in themselves. Yet we must arrive at an understanding of the aspects of them that suffice to justify the claims attached to our knowledge" (Henrich, 37). Just as in a deduction writing, some relevant facts about the origin of a right must be given to answer the *quaestio juris*.

[3] Henrich does not include these inferences in his paper, but they seem to follow from the fact that a deduction writing is a response to a challenge or number of challenges.

4. The Aim of a Philosophical Deduction and Kant's Methodology

The transcendental deduction is an attempt to justify an acquired or hypothetical right (Henrich, 39). Certain questions about the origin and usage of the categories had been raised by empiricist skeptics (e.g., Hume), so Kant aims to give a justificatory account of the categories by clarifying their origin and usage. Many moves in the deduction can therefore be understood as providing such a clarification of the origin and usage of the categories. This in turn could partially answer that question about what conditions would make the usage of the categories possible and legitimate.

B. Henrich's Interpretation of the Transcendental Deduction

According to Henrich, Kant's general philosophical methodology has four important features.[4] First, Kant expresses a stance on the assessment of proofs in logic. Along with Descartes, Kant believes that syllogisms are secondary formulations of knowledge that has already been acquired. Premises, or *Beweisgründe*, are more important to ascertain, especially their reliability, since it is on these that the justification of the conclusion depends (Henrich, 41). Philosophical knowledge cannot be based on mere logical possibility, but rather, should be concerned with finding "real reasons" or *rationes verae*. Such real reasons can serve as the premises in genetic accounts of our knowledge, as in a philosophical deduction.

Second, beginning in the early 1780's, Kant begins to make a paramount distinction between reflection (*Überlegen, reflexio*) and investigation (*Untersuchen, examinatio*). An investigation is a conscious attempt to make sense of a set of operations, such as our use of the categories in judgment, but is preceded by reflection. Kant's theory

[4] These views are taken from Kant's lectures on applied logic.

of reflection assumes that our cognitive capacities are linked in a web and cannot be reduced to one single "intelligent operation" (Henrich, 42). Each cognitive capacity, while linked to the others, becomes spontaneously operative within its own domain. The mind must know implicitly which operations belong to which domains in order to prevent confusion among operations. "This implies," says Henrich, "that the principles upon which an activity is founded must be known by contrast with the other activities" (Henrich, 42). Reflection provides us with such knowledge, and is therefore constant and spontaneous and includes some knowledge of the principles under which cognitive operations take place. Such principles include the functions of judgment that correspond to the categories; according to Kant's theory of reflection, we are able to distinguish between quantity, quality, modality, and relation, since our judgments are based on these functions and the categories correspond to them. We are also aware of and can distinguish between the pure categories of the understanding clearly: we can imagine what the world would be like without causal relations between objects, without substance and attribute, and so on.[5] Reflection, although not necessarily explicitly articulated knowledge, is a precondition of rationality; we must be aware of and able to distinguish between the various functions of our own judgment in order to make any kind of rational determination about them. The similarity between reflection and deduction is therefore clear: both are partial explanations or articulations of the significant features of the relevant general history or operations with which they are concerned. Thinking and giving a report of the story regarding a contested claim in a deduction writing are

[5] F.C. White provides an account of what the world would be like without each category governing our experience in his book, Kant's First Critique and the Transcendental Deduction.

ongoing activities we cannot step outside of, but in each case we can obtain the required, relevant information to justify a given claim.

Third, Henrich states that Kant defines investigation as a deliberate attempt to resolve contested claims, undertaken only when there are challenges to knowledge claims, and that investigation is a correlate of reflection, which is not conscious and is constant. A deduction or investigation, then, stays within the domain of reflection, but detects and makes certain connections explicitly clear.[6] Further, the author says, "it relates the principles that orient a discourse to fundamental facts and operations that constitute it yet which can also interpret and validate it" (Henrich, 43). In a deduction, we should look for principles that relate to fundamental facts which give answer to the question of fact and the question of right.[7]

The fourth (last) feature of Kant's philosophical methodology in the transcendental deduction is its focus on the unity of apperception. The synthetic unity of apperception is the original (necessary) unity of all representations under one self-consciousness; this unity is represented by the phrase "I think." In other words, we know that there is an "I think" in the form of a representation because all representations must be combined under one self-consciousness. If they were not, they would be nothing for us or would not exist (B 132). The "I think" therefore serves as a representation that identifies what is going on between sensibility and the understanding; the two are synthetically unified under one self-consciousness, pure apperception. Kant says, "I am conscious *a priori* of their necessary synthesis, which is called the original synthetic unity of apperception, under which all representations given to me stand, but under which they

[6] At least, this is usually the case, says the author.
[7] Such notable facts in Kant's deduction include the synthetic unity of apperception, space and time, and the fact of reason, according to Henrich.

must also be brought by means of a synthesis" (B 136). Thus, the manifold of sensible intuition and the spontaneity of our thinking in the understanding are necessarily related *a priori* through the understanding. There are two reasons for Kant's focus on the unity of apperception in the transcendental deduction. Firstly, the "I think" is a basic *factum* native to spontaneous, self-conscious reflection—exactly the kind of reflection used in the transcendental deduction. Secondly, it is "the self-consciousness that can accompany every kind of reflection, regardless of the field of its employment" (Henrich, 45). So, we have found two things that are characteristic of transcendental arguments: (1) They relate directly to facts of reflection, and (2) they rely on the more fundamental principle of the unity of apperception.[8]

Thus, we have Henrich's view of the transcendental deduction. In summary: (1) Kant modeled his philosophical deduction not after syllogistic reasoning, but after a juridical deduction or *Deduktionsschrift*, and we have many historical references to demonstrate that this is the case; (2) any good deduction writing puts theory aside and answers the questions of fact and the question of right by seeking the relevant features of the origin of a particular claim—in the case of Kant's transcendental deduction, this is done by investigating the origin of the categories, and referring to space and time; (3) we must understand Kant's project in terms of reflection and investigation; (4) the "I think" was taken as the ultimate justifying and unifying *factum* in Kant's philosophical deduction and system as a whole.

[8] This is important to note later when we compare Henrich and Walker's views on the nature of transcendental arguments.

IV. Walker's Interpretation of Transcendental Arguments

A. Walker on the Form of Transcendental Arguments

As noted earlier, Walker is interested in a formal analysis of the transcendental deduction, putting aside the historical questions raised by Henrich. Walker says that transcendental arguments take the following rough form: "There is experience. It is a necessary condition of experience that P; therefore, P."[9] Walker also views transcendental arguments as replies to skepticism. Specifically, on Walker's view, the import of answering skepticism is twofold: (1) there is a need to answer skepticism in general and skepticism about the external world in particular; (2) there is need to answer skepticism against knowledge claims, and especially how our beliefs relate to "evidence we receive through our senses" (Walker, 239). For Kant, certain synthetic *a priori* concepts make experience possible, and without these categories, experience is not possible. These categories are thus justified by their indispensability, and they explain how we are able to relate our senses to the understanding and self-consciousness. So, when Kant uses the categories to explain the possibility of experience in a transcendental argument, he is addressing skepticism about our claims to empirical and scientific knowledge: this is exactly what a transcendental argument should be doing, on Walker's view.[10]

Walker does not think Kant is the first philosopher to use arguments with a transcendental form—he lays out a pre-Kantian argument for why something must be so, lest experience not be possible: the example is Aristotle's argument for the principle of non-contradiction. Knowledge is not possible if the principle is false; this is because

[9] Walker notes that some scholars substitute cognition for experience, but the overall argument is the same.
[10] Addressing skepticism in general is also an aim in Kant's transcendental arguments, as the premises of such arguments serve as preconditions for rational discourse between two parties.

anyone who makes any assertion of knowing something must exclude the negation of what they say. Walker treats this argument as having the same form as a transcendental argument: there is knowledge (meaningful discourse); it is a necessary condition of knowledge that the principle of non-contradiction be reliable. Therefore, the principle of non-contradiction is reliable.[11]

Kant, Walker says, uses transcendental arguments within a context already committed to idealism and does not use transcendental arguments in an attempt to justify idealism (Walker, 240). He cites Kant's *Dissertation* of 1770 (written before the *Critique*) as evidence of this commitment. In the *Dissertation*, Kant argues for the ideality of space and time, saying that they arise from "the nature of the mind," and calling them "formal principles of the sensible world." Thus, says Walker, transcendental argument is not inherently idealist, but is used by Kant within an existing idealistic framework.

According to Walker, Kant's aim in the transcendental deduction is to demonstrate the legitimacy of the categories. Walker states that for Kant, experience is possible only if the categories are applied to the experienced world (Walker, 244). By showing the categories to be necessary for experience at all, we show that their application within experience is legitimate.

According to Walker, it is Kant's previous commitment to idealism that allows the categories to be necessary since Kant's transcendental arguments assume the task of exhibiting which concepts must be employed for experience to be possible within the world of appearances only (Walker, 247). Walker maintains that Kant's justification for idealism lies at B 124-5, where Kant states:

[11] Kant's transcendental argument follows the same form, on Walker's view.

> There are only two possible cases in which synthetic representation and its objects can come together, necessarily relate to each other, and, as it were, meet each other. Either if the object alone makes the representation possible, or if the representation alone makes the object possible.

Walker does not see transcendental arguments as an attempt by Kant to justify idealism, and he feels that Kant is wrong in assuming that synthetic *a priori* truths can only be yielded by transcendental arguments within an idealist framework. If Walker can show that transcendental arguments yield synthetic truths outside of an idealist framework, he feels that he will have undermined Kant's entire case for idealism (Walker, 249).

Just as he claims that idealism is not supported by transcendental arguments, Walker also maintains that transcendental arguments do not rely on transcendental idealism. In other words, arguments with the same form as Kant's transcendental arguments can be used to demonstrate non-idealist conclusions about, e.g., objects in space, empirical data, and so on.

B. Walker on the Purpose of Transcendental Arguments

Walker adduces two criteria for transcendental arguments: the satisfaction component and the conceptual component.[12] The conceptual component says that if experience is to be possible, some kinds of distinctions and concepts must be used to form or shape it. The satisfaction component says that the world must indeed be of a certain character if we are able to make these distinctions and use these concepts. Thus, if the satisfaction component is met, then we would know that only a world of a certain kind "could satisfy the requirements elaborated in the Conceptual Component" (Walker, 251). One merit of the conceptual component is that it delineates not only what we must

[12] Walker is following the work of Cassam.

believe, but what concepts we must use and what distinctions must be made for experience to be possible.[13]

On Walker's view, transcendental arguments can be divided into these two elements (both components); the satisfaction component is the more difficult one to meet. Walker suggests that we have two options for meeting the satisfaction component: verificationism and idealism. Clearly, the latter was chosen by Kant, but choosing idealism was a mistake, says Walker. Kant was led to commit this mistake, he says, by failing to make a distinction between a general concern and a specific concern. The general concern is whether our conceptual component can ever be true to the world, and the specific concern is whether transcendental arguments as such can answer questions about "fully independent reality" (Walker, 251).[14] It is not clear, says Walker, why using certain concepts or distinctions makes any demand on what the world must be like: "To employ the concept in describing my experience, my *experience* must exhibit some pattern, but nothing follows about the world; unless we can assume that my experience somehow matches the world" (Walker, 253).

C. Walker on the Structure of Transcendental Arguments

According to Walker, transcendental arguments have a simple form, each component of which raises issues. The first premise of such an argument is: "there is experience" (or, equivalently, "there is cognition," or "there is spatiotemporally ordered experience"). Among the questions one can raise about such a premise are the following:

[13] Walker also states that it is not obvious that we need to believe anything for experience to be possible.
[14] This specific concern seems to be contingent upon the general assumption that verificationism is a viable course.

Is this premise an empirical truth? Must our experience be of objects? Is this experience self aware?

The second premise is: "It is a necessary condition of experience that P." For Kant, this premise must be *a priori,* as the conclusion is taken by Kant to be an *a priori* truth. And if this premise is not analytic, it must be synthetic. However, if the premise is synthetic *a priori*, it can only be warranted by another transcendental argument, causing a regress of transcendental arguments. Therefore, according to Walker, it must be analytic.

Whatever conclusion is derived from the premises can only hold in the assumed conceptual scheme, says Walker (254). That is, we must accept that P is a coherent position in order for the argument to work, and we must accept that the account of experience (or cognition, etc.) is also coherent. Walker points out that this puts pressure on Kant's claim that the categories are universal.

Walker claims that the best first premise of a transcendental argument is one that appeals to an implicit assumption made by the opponent, not a complicated premise involving experience. Such a premise is one that commits the opponent (or skeptic) to assuming its truth if any further discourse is to be possible. This premise therefore counts as a kind of "*ad hominem* proof."[15] The strategy of the proof is to get the skeptic to admit something meaningful as the first premise in an argument, e.g., "A proposition and its negation cannot both be true" (Aristotle's principle of non-contradiction) and force them to maintain its truth, since, if the skeptic tries to deny this claim, no further coherent discourse is possible. This strategy essentially establishes a first principle of possible discourse; we cannot enter into a rational discourse with someone who does not

[15] Once the skeptic admits the truth of such a premise, they cannot rationally deny it; if they do, we are warranted in discounting their rationality.

recognize the principle of non-contradiction, and the skeptic who at first agrees to this principle and then tries to deny it is not rational.

A first principle like Aristotle's is just the sort of first premise Walker thinks we should use for a transcendental argument (Walker, 256). An appropriate premise is not necessarily one we would think very obvious. Instead, it is a principle that is an *a priori* precondition to our discourse and "minimal." The second premise of a transcendental argument should imply an elementary logical inference (i.e., modus ponens) and should also stipulate a condition for the possibility of rational discourse, much like the first premise (Walker, 257).

V. The Compatibility of Henrich and Walker

A. Preliminary Questions

Now, a compatible account of transcendental arguments should fit with Henrich's account of investigation and reflection, and particularly with Kant's views on the central unifying role played by apperception. Reflection and investigation permeate Kant's whole methodological background, as well as his strategy in the transcendental deduction. We found that reflection is an awareness of the mind's different operations, including the logical functions of judgment and even the categories. Henrich thinks the deduction is an act of investigation, and we will continue to treat it as such for purposes of consistency.

Does Walker's take on transcendental arguments mesh with the project of a deduction writing? A deduction writing is an investigation meant to settle a claim. In philosophy, the dispute is between Kant and the skeptic. A sufficient deduction for the

legitimacy of the categories will entail showing the source of their legitimacy and, thus, their necessity. The best deductions are light on theory and accomplish their task by answering the question of fact and the question of right. This can be accomplished by telling a story that includes the relevant facts surrounding the origin of the claim and its legitimacy. Ultimately, every part of the deduction will focus on justifying its claim: that the use of the categories in cognition is legitimate. For Walker, transcendental arguments, if we are to take them in the weakest sense, can be used outside of idealism as well. Used in the context of idealism, such arguments are meant to establish the necessity of a set of regulatory concepts and distinctions, which are themselves constitutive of cognition within idealism. They have the form: "There is experience. It is a necessary condition of experience that P; therefore, P." Such a form could also be used empirically: There is fire. It is a necessary condition of fire that there is oxygen. Therefore, there is oxygen. But can such an argument be used with an ultimate aim of elucidating the legitimacy of the categories exclusively? As long as the form of the argument is put to this purpose, it is hard to see how it would not fit within the scheme of a philosophical deduction. [And Walker tells us, "The very notion of a deduction is compatible with any kind of argumentation suitable to reaching the goal—namely, the justification of our claims to *a priori* knowledge" (Walker, 39).] Walker's transcendental argument is therefore *prima facie* compatible with a philosophical deduction.

On Walker's view, a good transcendental argument must meet the conceptual component, while meeting the satisfaction component is more difficult. But should we regard a transcendental argument as incompatible with a philosophical deduction on the grounds that it does not meet the satisfaction component? We must determine what

exactly Kant's transcendental argument is first, and then see if it meets the satisfaction component and the conceptual component.

B. The Unity of Apperception in Kant's Transcendental Argument

Kant's transcendental argument may run somewhat differently than Walker proposes. Indeed, Walker has identified one type of transcendental argument. But in his aim to justify the use of the categories, Kant gives the synthetic unity of apperception a key role, and this is missing in Walker's account. At B 137, Kant says:

> Now, however, all unification of representations requires unity of consciousness in the synthesis of them. Consequently the unity of consciousness is that which alone constitutes the relation of representations to an object, thus their objective validity, and consequently is that which makes them into cognitions and on which even the possibility of the understanding rests.[16]

Although Kant is speaking about representations and their relation to objects, this is indeed a transcendental argument, and one that deals with the synthetic unity of apperception. We can summarize the argument as follows: There are unified representations. Unified representations require a unity of consciousness. Therefore, there is a unity of consciousness. Furthermore, we can read another implied argument: The understanding exists. The understanding requires a unified consciousness (apperception). Therefore, there is a unified consciousness.

Since Kant credits the synthetic unity of apperception as the supreme principle of the understanding and makes a transcendental argument with it in his transcendental deduction, this argument deserves some attention. More importantly, this instance of the

[16] Objective validity obtains as long as the "subjective conditions of thinking" allow for the cognition of any and all objects (A 89-90/ B 122). In other words, the categories (subjective conditions) have objective validity only if they provide a way for us to cognize objects according to the logical functions of judgment (Guyer, 125).

transcendental argument, which is supposed to show the source of the categories' legitimacy and thus, their necessity, fits with what Henrich tells us about Kant's methodology. As we established earlier, a philosophical deduction and every argumentative step therein must relate to principles that help answer the question of fact and the question of right, which will show the source of the categories' legitimacy. While referring to the principle of non-contradiction accomplishes nothing to this end (But addresses the skeptic directly by employing the *ad hominem* proof), referring to the synthetic unity of apperception as what unifies sensibility, the understanding, and all the categories under one self-consciousness shows the source of the categories' legitimacy: synthesis. All representations are originally, necessarily, and synthetically unified under the "I think;" it is therefore ultimately the source of their necessary application in judgment. By using Henrich's exposition of how a philosophical deduction is modeled after a legal document, we should conclude that any transcendental argument used within Kant's transcendental deduction must refer to the question of fact and the question of right. In the case above, the questions are answered by referring to the original synthesis of apperception, and therefore, using this transcendental argument in the deduction is superior to using the one first adduced by Walker.

The superior argument we are considering does not start with a minimal premise, but rather, one which Kant takes as obvious after establishing the understanding as a faculty with its own internal operations, processes, and categories. Moreover, this first premise is a precondition for rational discourse, as there could be little rational discussion between two parties that did not understand causality in the same manner, for instance. A key aspect of this argument is that it does not start from the most minimal premise

available, but this does not prevent the first premise from being a precondition of rational discourse for the skeptic. A skeptic of any tradition would be hard put to deny that we have unified or combined representations; such a denial would preclude the skeptic from making any sort of synthetic or meaningful proposition. It is therefore unclear that we should use minimal premises in transcendental arguments, as Walker claims. If a skeptic can be forced to commit to a premise as long as it is a precondition of rational discourse, it does not matter how minimal the premise is.

There are two elements missing in Walker's presentation of transcendental arguments that are present in Kant's deduction and Henrich's review of it: (1) Walker argues that a transcendental argument should start from a minimal, less controversial premise that must be accepted as a precondition of rational discourse; (2) Walker proposes that transcendental arguments can be used regardless of context. Indeed, it is a good strategy to use the first premise of an argument to establish a criterion for rational discourse. But for Kant, this is only the beginning of the argument's usefulness. The argument using apperception above does not start from a minimal premise, but it is a vital argument for the understanding as it establishes the necessary conditions for judgment. For Kant, it seems that as long as the first premise can be stated reliably and within our representational framework, then it can be used as a reliable premise in our investigations.[17] And this is a key disagreement between Kant and Walker: a transcendental argument need not start from a very minimal premise in order to be good. Kant could agree with Walker that a transcendental argument can be used in any context as far as form goes, but he may think that content determines the context in which the

[17] And the argument can also be used in a philosophical deduction, as long as it relates to the question of fact and the question of right, as the argument using the synthetic unity of apperception does.

argument may be justifiably used. As far as a philosophical deduction goes, any good argument may be employed so long as it meets the aim of establishing the use of the categories in judgment. So Kant and Walker would agree that a philosophical deduction is an appropriate context for a transcendental argument, but they disagree on the starting point.

C. The Modal Objection

Walker insists that at least in Kant's case, there is no conceptual or modal guarantee for the necessity of experience or the categories. There may be other beings without experience or categorical functions, or we may cease to have or never have had either. Thus, Kant fails to meet the satisfaction component, if we follow Walker's reasoning. The concepts we use could be replaced by other concepts over time, or experience might never have obtained at all. We note, however, that Kant does not see logical possibility as a good starting point for claims of necessity or any philosophical knowledge (Henrich, 41). It is therefore difficult to know exactly how Kant would have responded to a modal challenge to his transcendental argumentation, aside perhaps from treating such an objection (that our descriptions of the world do not "match up" with it) as a *malign genie* objection much like Descartes.

If Kant's transcendental argument does not meet the satisfaction component, is it still a good argument? Kant has some defense for using transcendental arguments that do not meet the satisfaction component. He could say that such a world where there are beings without experience is outside of our representational framework; he could say that such a being is contradictory and therefore impossible in any world. Thus, Kant could

deny the possibility of a being without any experience. And Kant would say that such a thought of a being without experience is possible through concepts, rooted in the logical functions of judgment. Thinking through concepts, however minimal, requires a set of concepts to begin with or at least a set of distinguishable operations, like the logical functions of judgment. Judging about possibility based on a given set of concepts will therefore yield contingent results anyway. Besides this, cognition is only yielded when concepts are combined with *a posteriori* elements, but not when concepts are merely though of together or in terms of their general predicability. Because of Kant's methodological background, as explained by Henrich, the task of finding a guarantee for experience may be a task relegated to thinking and general logic rather than cognition. And such a task will be carried out according to a delineated set of concepts already present to our cognitive scheme. Finding an argument that meets the satisfaction component is therefore viewed by Kant as a task that is outside the bounds of our scientific judgment. This line of reasoning does not need to assume that the world is ideal. It merely assumes that experience and representation work a certain way, and that there are some issues that cannot be judged.

D. The Question of Analyticity

Are transcendental arguments analytic and therefore less than compelling in their conclusions? Walker puts the following forward as a Kantian transcendental argument: "There is experience. It is a necessary condition of experience that P; therefore, P." And P designates the application of the categories of the understanding to experience. Now, Walker also says there are two criteria a transcendental argument can meet: the

conceptual component and the satisfaction component. The former is met when the argument shows that experience really does require the categories (P is necessary). But this is implied in the first premise, since experience is category-governed cognition and judgment. In other words, the term "experience" in the first premise already contains the second premise. It is difficult to see, then, how this argument could be anything but analytic: it is a tautology whose conclusion is implied in the first and second premises.

But perhaps Kant's own transcendental argument involving the unity of apperception has more merit. The argument is as follows: "There are unified representations. Unified representations require a unity of consciousness. Therefore, there is a unity of consciousness." This argument is meant to establish apperception as necessary for our possession of unified representations. In this argument, the term "unified representations" also implies its own necessary conditions: Such representations, to be unified in the first place, require a unity of self-consciousness. In other words, a unified representation is something that requires a unified self-consciousness (apperception). The first premise therefore implies the second premise. How, then, are we to read this argument as anything but analytic and tautologous?

Indeed, it is the transcendental argument's attempt to meet the conceptual component that makes it analytic. If I said that P is necessary for Q because Q is defined as requiring P, we would count the phrase "P is necessary for Q" as implied in the first premise. We meet the conceptual component in such an argument, and we can fend off skepticism by having the skeptic commit to the first premise (as long as it is a precondition for rational discourse, we can employ the *ad hominem* proof), but the

argument clearly becomes analytic, with no new information being gleaned from the conclusion that was not already in the premises.

E. A Reply to the Skeptic's Modal Objection

Kant's transcendental arguments are analytic and do not meet the satisfaction component, and we wonder how the skeptic would view them in light of this fact. As noted above, Q (experience or, equivalently, unified representations) may or may not be the case in all imaginable worlds. This fact does little to establish the necessity of the argument's second premise. But if the skeptic commits to the premise that there is experience, since one cannot rationally engage without categorically-governed judgment, then the skeptic must concede that P is necessary. But perhaps the first premise of a transcendental argument is too much for the skeptic to agree with; perhaps the skeptic thinks that we may have experience now but that it may not be the case for other beings or at other times. Or perhaps the skeptic thinks that there are no unified representations, or no representations at all. As we saw above, Kant has a defense against this line of reasoning that does not rely on idealism, but that does not change the fact that there is nothing guaranteeing that there is experience and that the argument is analytic.

The transcendental argument was under scrutiny because, although it can commit a skeptic to accepting its first premise and its conclusion, Walker is right in saying that it does little to establish that experience or the categories are necessary in every conceivable world. However, Kant could reply to this modal challenge by showing that certain concepts are necessary for experience and that these concepts cannot be applied to every conceivable world, as he does with the first instance of the transcendental

argument. Further, Kant could show that there can be no beings without a unity of consciousness since that unity is necessary for any synthesis of representations at all (including the possession of concepts). It does not matter if Walker is right about Kant's prior commitment to idealism; Kant's rebuttal to the modal objection works independently of any thesis regarding idealism. If anything, committing to idealism can only bolster the strength of the transcendental argument while rejecting idealism does nothing to weaken the transcendental argument.

VI. Conclusion

We gave a brief summary of Henrich's and Walker's positions. We saw that the question of right and the question of fact frame the entire project of Kant's philosophical deduction. The role that these questions play in the deduction is only made clear by a historical account of Kant's methodology like the one given by Henrich. Henrich's account also provided criteria for establishing which instance of a transcendental argument we should consider in the transcendental deduction: one that involves the original synthetic unity of apperception; Kant's transcendental argument at B 137 accomplishes this and is therefore used appropriately in the deduction machinery to answer the question of fact and the question of right, as well as to show that synthesis is the source of the categories' necessity. After viewing the two interpretations (one of Kant's methodology, the other of transcendental arguments), we found that the two views are *prima facie* compatible. Furthermore, we found that Kant's transcendental arguments meet the conceptual component but fail to meet the satisfaction component. The modal objection stated that Kant can provide no guarantee for experience or the categories. Yet

we saw that this is not a problem for Kant since meeting the satisfaction component requires us to step outside of our representational framework; according to Henrich, speculation about beings without experience is a task relegated to thinking and not judgment. Finally, we saw that the transcendental arguments above are analytic, which puts pressure on Kant for considering them worthy of use in the transcendental deduction of the categories. In the end, though, we found that transcendental arguments are very good at establishing the necessity of the categories as long as their first premise is a reliable *ratio vera* that the skeptic must commit to; thus, transcendental arguments are appropriately used in the transcendental deduction of the categories even if they do not meet the satisfaction component.

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