

Normativity and the Acquisition of the Categories

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I. Introduction

It is quite common when explicating the nature of Kant's break with the preceding Early Modern tradition to cite his attitude towards the acquisition and deployment of concepts. It is claimed that Kant sought to distinguish two tasks that had become unfortunately intertwined and conflated — explaining how we come to acquire our concepts on the one hand and showing how we are justified in deploying them in judgement on the other. This conflation can be expressed in terms of a conflation of the natural and the normative, of descriptive and prescriptive questions. The topic of the conditions of *concept-possession*, i.e. how we have come to possess the concepts that we do, is an entirely psychological inquiry, involving 'natural' descriptive inquiries. The topic of *concept-deployment*, the story about how we use our concepts in veridical judgements about the world, is an entirely philosophical question, since it involves the question of how we *ought* to deploy those concepts in judgement. The fundamental distinction between the natural and the normative is drawn by Kant, it is claimed, in order to distinguish these two practices of acquisition and deployment.

The manner in which this claim is expressed is through Kant's distinction between the question of fact (*quaestio facti*) and the question of right (*quaestio juris*).¹ I want to claim that a proper understanding of this distinction doesn't support this notion of Kant's 'normative turn'. In fact, the distinction is best understood within an interpretation whereby Kant is understood as continuing to endorse the Early Modern conviction that the provision of a concept's possession-conditions *is* sufficient to determine that concept's deployment-conditions, and that the task of the Transcendental Deduction is to determine the *possession*-conditions for the Categories.²

First I outline what might be meant in attributing to Kant a 'normative turn'. Second, I briefly consider the different ways in which Kant was concerned with the acquisition account for various types of concept. Thirdly, I examine the central focus on concept-acquisition that is detailed in the *Inaugural Dissertation*. I argue that this account remained central during the critical period and that evidence for this can be found in the discussion of the 'construction' of mathematical concepts in the *Critique of Pure Reason*. I conclude with a discussion of the so-called 'original acquisition' of the Categories and

claim that Kant's model of transcendental inquiry in the first *Critique* can be understood as a complex inquiry into how we first come to possess the central categorial concepts that we deploy veridically in judgement.

II. Kant's 'Normative Turn'

Among the many 'revolutions' or 'turns' that Kant is supposed to have inaugurated in the *Critique of Pure Reason* (Copernican, transcendental) is the so-called 'normative turn'. But what is meant by this? Brandom puts it as follows:

Kant makes a normative turn: a shift from the sort of ontological demarcation Descartes offers of selves as thinking beings, to a deontological demarcation of selves as *loci* of responsibility.³

I am going to address one formulation of the thesis regarding Kant's normative turn, and argue that insofar as the idea of a normative turn is so characterised, Kant did not make such a turn.⁴ This formulation concerns the claim that a certain class of philosophical questions belongs to an irreducibly different order to the class of questions that might be answered through the provision of descriptive claims. Specifically I focus upon this formulation as it relates to the deployment of concepts in judgement. The claim frequently cited as *prima facie* evidence of Kant's normative turn is something like the following negative thesis:

(KNT) The question of how an agent ought to deploy a concept in veridical judgement cannot be answered through the provision of descriptive facts.

The descriptive facts in question are those that explain how we have come to *possess* those concepts that we deploy in judgement, so that the normative turn thesis might be more accurately stated as:

(KNT*) The question of the identification of a concept's deployment-conditions cannot be answered through the provision of that concept's possession-conditions.

This is a quite frequently repeated motif in approaching an understanding of the project of the First *Critique*. For example, Bennett puts it as follows:

My concern has been with the analysis of 'concepts', not with the genesis of concepts. This reflects Kant's own insistence that his concern is with the use of concepts and not with their '*de facto* mode of origination'. He sometimes speaks of the a priori 'origin or source' of the categories, but these passages use 'origin', etc. oddly: they express no interest whatsoever

in traditional questions about how concepts are acquired. (Bennett 1966: 95-96)

Broad describes the task of the Deduction as follows: we ‘take for granted that [the Categories] do apply to every object which we ever have perceived or ever will perceive’.⁵ Kant, Broad thinks, is asking how we might justify this conviction that we take for granted. In asking this question, it is understood that an account of how we might have come to possess these concepts is a question of a different order, and irrelevant to the question of justification:

It would no doubt be possible to trace the conditions under which these concepts become explicit in the mental history of each individual or of the human race. Such a psycho-genetic enquiry is interesting and important in its place, but it cannot provide any answer to the question about justification. If our use of the categories needs to be justified and can be justified, it must be on quite different lines. (*Ibid.*: 108)

Bennett and Broad are expressing Kant’s supposed opposition to what I’ll call the *Objective Origin Thesis*:

(Objective Origin Thesis) A concept is objectively valid iff it can be shown to have been acquired from an objectively valid source of representation.

To articulate the contrast we might consider caricatured Lockean or Humean variants on the *nihil in intellectu* claim. One might think that Hume, for example, endorses the Objective Origin Thesis – his claim is just that sensory impressions are the only objectively valid source of representation.⁶ Now Kant clearly rejects the Humean variant of the Objective Origin Thesis:

(Humean Objective Origin Thesis) A concept is objectively valid iff it can be shown to have been acquired from a sensory impression or set of sensory impressions.

Because Hume accepts this variant of the Objective Origin Thesis, he is thereby understood to have not made any normative turn in the sense expressed by (KNT*). For Hume, identifying those sensory impressions from which a concept was copied is sufficient to provide the deployment conditions for that concept. One ought to deploy the concept <red> when in the presence of impressions of redness just on the grounds that it was impressions of redness from which the concept was initially acquired.⁷ This is the kind of ‘psycho-genetic’ account that Kant is understood to have opposed.⁸

It is perhaps worth noting at this point the modal strength of (KNT*). The claim is not just that, as a matter of fact, the cognitive acquisition-conditions of certain

concepts fail to suffice for the stipulation of those concepts' deployment conditions; rather, the claim is that no possible articulation of such acquisition conditions could ever so suffice. But why could *no* 'psycho-genetic' investigative inquiry provide the answers that Kant is seeking? Looking to the context of the traditional account, the story might be thought to be straightforward — one cannot look to the Lockean-Humean tradition for an account of our veridical use of the categorial concepts because (a) categorial concepts are categorial just because they contain some specific modal content, i.e. they involve some content involving necessity, and (b) that specific modal content has not and will not appear to us as a discrete sensory impression from which a veridical concept might be acquired.⁹

The related implication is that there is scope to read Kant as in fact following Hume in endorsing the counterfactual claim that if there *were* such a thing as a received impression of necessary connection, then we wouldn't have a problem here — we *would* in that case have identifiable possession-conditions for categorial concepts. One way of understanding the 'dogmatic slumber' line is that Kant realised Hume was right to say that we lack a sensory impression of cause, and he also realised that it generalised to any concepts or judgements where *<necessary connection>* was a constituent conceptual content (*Prolegomena* 4: 260).¹⁰

The conclusion that no *empirical* investigation could possibly justify categorial judgements is compatible with the thought that Kant is following Hume's own line of reasoning for that conclusion: empirical investigation cannot justify categorial judgements because, just as a matter of fact, the crucial contents deployed in those concepts just don't have a sensory origin. At B3-4, Kant seems to imply that a crucial feature of a concept which possesses strict universality (which is just a judgement possessing universal form plus content regarding necessity) is that it isn't 'drawn from experience'.¹¹

This way of looking at things is compatible with attributing a variant of the Objective Origin Thesis to Kant:

(*Kantian Objective Origin Thesis*) A concept is objectively valid iff it can be shown to have been acquired from the source of original a priori representations.

However, most commentators resist this move on the grounds that this thesis is incompatible with (KNT*), with the idea that Kant made a normative turn in the substantial sense of identifying the irreducibility of the two explanatory orders. Kant's insight, the claim goes, is premised on the idea of the *denial* of the aforementioned counterfactual:

Kant does not make explicit the second of the aforementioned reasons that empirical psychology cannot serve the needs of the Deduction (namely conceptual inadequacy), but it lies implicit in his division between questions of fact and questions of right. Kant considered empirical

psychology to be a branch of natural science, the branch that investigates the laws of inner sense - that is, the laws that govern the sequence of representations present to the mind....[b]ut *even if the laws could be established universally and necessarily Kant would still reject them from the Deduction*, for such laws could do no more than describe the sequence of representations in inner sense in terms of mere causal sequences. The laws of association are couched in the language of natural law, which is a language of factual relations. But the Deduction requires an argument cast in the language of right or entitlement, for it aims to show that the application of the categories to all possible experience is justified. (Hatfield 1997: 208, emphasis added)

The empiricists offered a theory of the natural laws of cognition — a ‘physiology of the understanding’ (A ix; cf. A85-7/B 117-9) — and Kant shows that, *whatever they discovered about the way our concepts emerge in fact, this would still leave the further question, with what right we can use them to produce justified cognitions*. That is, empiricist psychology fails to account for the normativity of cognition, and the outstanding normative question of right is just the one Kant’s transcendental deductions were meant to address. (Anderson 2001: 278, emphasis added)

This is a familiar picture of what Kant is up to in the Deduction, and indeed what he is up to in his transcendental philosophy in general — namely, redefining philosophical inquiry as concerned with a different order of question to other forms of inquiry (such as the ‘psycho-genetic’ or ‘scientific’), and the order of question that philosophy is concerned with is now more familiarly identified as the normative order.

Henry Allison, in criticising Patricia Kitcher’s reading of Kant’s project, claims that the recognition of (KNT*) is an indispensable assumption for understanding the Transcendental Deduction as concerned with a distinct *quaestio juris*:

As a first step, it is absolutely essential to keep firmly in mind the normative concern of the Deduction. That the concern of the Deduction is normative is itself hardly controversial, since Kant famously distinguishes the *quid juris* from the *quid facti* and contends that he is concerned only with the former (A84-85/B116-7). (Allison 1996: 58)

The key then to understanding Kant’s normative turn hinges on the understanding of the *quaestio juris* at the beginning of the Deduction. As Allison, Anderson and more recently Brandom identify, the *quaestio juris* is the question that is essentially tied to the application, deployment, or more generally the (inherently normative) *use* of concepts. The task of the Deduction is to establish the ‘legal ground for the entitlement of their use’ (A84-5/B117).

Brandom claims that the normative notion of entitlement also carries with it the normative notion of responsibility:

For Kant, concepts are rules determining what one has committed oneself to by applying the concept in judging or acting — and so what would count as a reason entitling one to or justifying such a commitment. (Brandom 2002: 21)¹²

I would suggest that the question of right is correctly taken as central to Kant's theory of concept-deployment *per se*, but want to deny that the theory of concept-deployment is thereby crucially understood as an endorsement of (KNT*). I want to suggest that Kant doesn't endorse (KNT*) and in fact endorses the variant of the Objective Origin Thesis mentioned above. The Kantian Objective Origin Thesis allows that some facts can suffice to stipulate the appropriate deployment-conditions for concepts. As such, the rejection of the Humean variant of the thesis can be understood not as a rejection of the sufficiency of facts for the stipulation of conditions of correct use *per se*, but merely as stating that the sufficient facts in question are not 'empirical' in the relevant Humean sense.¹³ That this is the case can be seen, I would claim, by attending to the different accounts of Kant's theory of the acquisition of different types of concept.

III. The Acquisition of Concepts in the *Inaugural Dissertation*

It is well known that throughout Kant's lectures on logic, he endorsed a broadly Lockean abstractionist account of the formation of empirical concepts.¹⁴ However, it has been less frequently noted that in the *Inaugural Dissertation*, where so much of the later Critical project is already in place, Kant puts the topic of the conditions of concept-possession centre-stage, and moreover endorses an abstractionist account of the concept-possession conditions for the concepts of *<space>*, *<time>* and (what would become) the Categories.

Kant calls cognitions which are abstracted from sensory things *sensitive cognitions* and deploys his hylomorphic metaphor (as he will again in the first *Critique*) in order to express the difference between these and the abstracted cognitions of particular features such as redness, which he calls *sensory cognitions*:

Thus there belongs to sensory cognition both matter, which is sensation and in virtue of which cognitions are called sensory (*sensuales*), and form, in virtue of which even if it were to be found free from all sensation, representations are called sensitive (*sensitivae*). (§5, 385)¹⁵

A further important distinction immediately drawn in the *Inaugural Dissertation* concerns the different *uses* of the understanding:

On the other hand, in so far as that which belongs to the understanding is concerned, it must above all be carefully noted that the use of the understanding, or the superior faculty of the soul, is two-fold. By the first of these uses, the concepts themselves, whether of things or relations, *are given*, and this is the REAL USE. By the second use, the concepts, no matter whence they are given, are merely subordinated to each other, the lower, namely, to the higher (common characteristic marks), and compared with one another in accordance with the principle of contradiction, and this use is called the LOGICAL USE. (§5, 385)

There are several noteworthy points here. Firstly, Kant clearly anticipates the Critical distinction of real and logical possibility.¹⁶ Secondly, he identifies the task of the logical use of the understanding merely with the manipulation of and interconnection between core conceptual contents ('characteristic marks'). Thirdly, and most importantly, Kant contrasts this with the 'real use' of the understanding, which is the role of 'giving' the concepts of the understanding.¹⁷

But what is it for a concept to be 'given'? The first thing to note is that not all given concepts are a priori concepts: 'All concepts, *as to matter*, are either *given (conceptus dati)* or *made (conceptus factiti)*. The former are given either *a priori* or *a posteriori*' (§4, *Jäsche Logic*, 591). This will be a surprise for those who might have thought that 'given' carried the connotation of 'non-acquired', since whatever else characterises *a posteriori* concepts, they surely *are* acquired concepts. So what makes a given a posteriori concept 'given'? And, for that matter, what makes a 'made' concept 'made' if this is not synonymous with 'formed a posteriori'? Some enlightenment can be found in the notes of the earlier *Vienna Logic*:

All our concepts are either *given* concepts or ones that are *made*. A concept is given insofar as it does not arise from my faculty of choice. It can be given, however, either a priori merely in the understanding, or a posteriori through experience. I have many concepts that are given to me through the nature of my understanding, and which I have not fabricated. E.g., the concept of cause, time, etc. In just the same way, many concepts are given to us through experience. E.g., that water is a fluid body. (*Vienna Logic*, 914)¹⁸

What Kant seems to be expressing here with the given/made distinction is not a *non-acquired/acquired* distinction, but rather an *acquired involuntarily/acquired voluntarily* distinction. All the concepts that we possess have been acquired by forming them on some occasion, but some concepts have been formed by necessity on the basis of some kind of involuntary cognitive response to sensory experience. This accords well with

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Kant's claim that all concepts, a priori concepts included, are acquired. The notes from the *Metaphysik Vigilantius* are instructive here:

1. with human beings all representations and concepts commence with objects of experience. But this means nothing more than: in order to obtain cognitions, even concepts of the understanding, our faculty of cognition must be awakened by objects of experience, the receptive faculty of the senses must be set into activity.
2. All concepts are acquired, and there cannot be any innate idea <idea *connata*>
3. In spite of that there are a priori concepts, there are *a priori* intuitions <intuitus>, there are *a priori* propositions and judgements. Thus the concept of cause ... is an a priori concept <conceptus>, the representation of space is a concept of something that cannot be derived from experience or arise therefore, rather one must grasp the representation of a space before one thinks of an object in it; this representation is based on an *a priori* intuition <intuitus> that precedes all experience.¹⁹

If all concepts are acquired, 'concepts of the understanding' included, then what is the acquisition procedure for these latter concepts? Furthermore, what specifically are the targets upon which that acquisition procedure operates? I would suggest that the same abstraction process which Kant deploys for empirical concepts is also to be understood as being deployed for the concepts of the understanding, the 'sensitive cognitions' of the *Inaugural Dissertation*. Here, however, the concepts are not abstracted from particular sensory experiences (the 'matter') at all, but rather from reflection upon the *activity* of the understanding itself, which contributes the *form* of experience, within which sensory matter is cognised:

Since, then, empirical principles are not found in metaphysics but in the very nature of the pure understanding, and that not as *innate* concepts but as concepts abstracted from the laws inherent in the mind (by attending to its actions on the occasion of an experience), and therefore as *acquired* concepts. To this genus belongs possibility, existence, necessity, substance, cause, etc., together with their opposites or correlated. Such concepts never enter into any sensory representations as parts, and this could not be abstracted from such a representation in any way at all. (§8, 387-388)²⁰

In opposing nativism, Kant is not opposed to the idea of concepts that reflect rule-like functions 'inherent in the mind', but only to the thought that those ideas might be already present in some sense, waiting to be observed via introspection, analogously to a token of redness lying in our immediate perceptual environment. For Kant, the conceptual

content has to be *generated* by abstraction from those rule-like functions by observing these functions in operation.

It is also worthy of note that Kant lists certain of the Categories as the concepts that are acquired via the process of acquisition. I will claim that Kant retained his account of how our categorial concepts are acquired from the account here in the *Inaugural Dissertation*. Kant's Critical endorsement of the Discursivity Thesis brought with it the claim that those categorial contents *do* enter into our sensory experience as parts in a special sense: in the first *Critique*, he will claim that they are not *material* parts like redness, but that concepts like *<cause>* reflect *formal* parts of that experience, which also represent the necessary conditions of possible experience.²¹

IV. The Construction of Mathematical Concepts

Kant still needs an account of how these formal parts of experience are in fact acquired from experience, and in a way that doesn't obviously reduce to a Lockean abstractionism. The change in the Critical period involved Kant's reflections on the acquisition of concepts in mathematics. The question to be addressed here concerns the question as to how Kant regards the acquisition-procedure for categorial concepts. Kant's account of this procedure, which he calls 'original acquisition', is, I claim, at root the same as the *construction*-procedure for mathematical concepts.²²

I want to claim then that, for Kant, the Categories are constructed concepts, which means something different from abstracted concepts, and that by virtue of the particular features of constructed concepts, uncovering the conditions of that construction is thought by Kant to provide a justification for the concept's deployment. The principle Kant relies upon in making this claim I will refer to as the *Kantian construction principle*:

(KCP) For any constructed concept, 'that which follows from the general conditions of the construction must also hold generally of the object of the constructed concept' (A716/B744).

The basis of the claim is the idea that if the possession-conditions for a concept are *unique* — that is, if there is just a single type of circumstance in which certain conceptual contents can be acquired — then those conditions suffice to determine the deployment conditions for that concept. Of course, the fact that there are unique possession-conditions for a concept doesn't suffice to explain how the concept is an objectively valid one. For Kant, however, we *begin* with the idea that our use of mathematical concepts in synthetic a priori judgements *is* objectively valid, and we are seeking explanatory (not justificatory) grounds for our capacity to make those judgements at all, which in turn involves investigation into how we are able to think the concepts

involved in those judgements, which in turn demands inquiry as to the source of these concepts and the way in which we came to possess them in the first place.

Mathematical concepts, in Kant's view, are special. The concept <dog> doesn't require any special interaction on our part in order for us to acquire it, other than our spatiotemporal proximity to dog-tokens and the activation of our abstraction capacities. The concept <triangle> however *does* require a special interaction from us in order to acquire it. Now there is the sense in which we can acquire the concept <triangle> in just the same way as we can acquire the concept <dog>, i.e. by abstracting away from triangles. But Kant's claim is that there are conceptual contents that go to make up the essential constituents (or 'marks') of <triangle> but which nevertheless cannot be acquired unless we engage in a special kind of interaction with triangles. For example, we cannot learn the content <internal angles equivalent to the sum of two right angles>, which is an essential feature of <triangle> (at least in Euclidean space) unless we engage in a process of inferential interaction with triangle-tokens.²³

In the section entitled, 'The discipline of pure reason in dogmatic use', Kant returns to a familiar theme of the difference between mathematical and philosophical cognition. Here, I would claim, Kant is arguing *for the adoption* of the mathematician's methods of conceptual behaviour as opposed to the method of the 'philosopher'. He states that the 'transcendental use of reason' hopes to emulate the mathematical use of reason 'by applying the same method in the former that was of such evident utility in the latter' (A712-3/B740-1).

The method of reason in its mathematical use is that of *construction*, which contrasts with the method of reason's 'philosophical' use, and amounts to a way of considering 'the universal in the particular' by constructing a *general* concept in the process of manifesting an *individual* represented object:

Philosophical cognition is **rational cognition** from **concepts**, mathematical cognition that from the **construction** of concepts. But to construct a concept means to exhibit *a priori* the intuition corresponding to it. For the construction of a concept, therefore, a **non-empirical** intuition is required, which consequently, as intuition, is an **individual** object, but that must nevertheless, as the construction of a concept (or a general representation), express in the representation universal validity for all possible intuitions that belong under the same concept. (A713/B741)

Crucially, Kant claims that 'just as this individual is determined under certain general conditions of constructions, the object of the concept, to which this individual corresponds only as its schema, must likewise be thought as universally determined' (A714/B742).²⁴

What is it though for one to have identified 'general construction conditions'? Presumably, we can contrast it with the conditions under which a concept is abstracted,

i.e. we abstract from a set of particular instances of dog-intuitions in order to form the concept <dog>, attending to what we take to be essential marks of dogs along the way. Nothing of course guarantees that we have attended correctly to the essential marks of dogs, and this follows from the fact that the abstraction conditions were particular — there were no grounds to think that the encountered dogs or the marks attended to were generally representative of dog-hood *per se*.

Kant holds that when we are engaged in legitimate concept-construction, there must be something that provides just these grounds, i.e. there is some standing reason to think that the conditions under which the construction takes place affords one a basis from which to infer from the particular to the general. Kant's claim is that it is *only* by way of acts of concept-construction that necessary rule-like representations can be acquired, while the manipulation of concepts of philosophical analysis, misunderstanding the requirement of particular examples provided by intuition, ironically lacks the capacity to acquire insight into general truths. Ironically, because as it turns out, the manipulation of only general representations is an activity inherently unsuited to the acquisition of general truths about objects:

[Philosophy] confines itself solely to general concepts, [mathematics] cannot do anything with the mere concepts but hurries immediately to intuition, in which it considers the concept *in concreto*, although not empirically, but rather solely as one which has exhibited *a priori*, i.e. constructed, and in which that which follows from the general conditions of the construction must also hold generally of the constructed concept. (A715-6/B744)²⁵

The well-known example that Kant discusses in Proposition I.32 is from Euclid's *Elements*, where the interior angles of a triangle are proven to be equal to the sum of two right angles. Kant's claim is that in performing a diagrammatic proof of the proposition the mathematician, 'through a chain of inferences that is always guided by intuition' (A717/B745), constructs properties of the concept <triangle> that *would be unavailable* if one were to engage in an armchair analysis of that concept. The claim, I would suggest, is that the conceptual content

<*sum of interior angles is equal to the sum of two right angles*>

is an essential constituent of the concept <triangle>, yet nothing decomposable within the minimal understanding of that mastered concept <triangle>, designated say as

<*closed figure consisting of three line segments linked end-to-end*>

would allow one to acquire the content *<sum of interior angles is equal to the sum of two right angles>* from it through analysis. *That* content simply *isn't there* within the minimally mastered concept *<triangle>*.

It is important to note that the conceptual content that is inaccessible to the Leibnizian-Wolffian inquirer is equally inaccessible to the Lockean-Humean inquirer. No amount of analysis with regard to *<closed figure consisting of three line segments linked end-to-end>* will generate *<sum of interior angles is equal to the sum of two right angles>* but neither will any amount of abstraction from the sensory matter of triangle-tokens. The acquisition of the content *<sum of interior angles is equal to the sum of two right angles>* must be seen in terms of the correct explanatory direction: the new content is acquired through the event of gaining a new understanding of the concept *<triangle>*; it is not that a new understanding of the concept is acquired by way of the event of the new acquisition. The content is *only* acquired through an act of understanding.²⁶

V. The Original Acquisition of Categorical Concepts

In a notorious passage responding to the charge from Eberhard that Space, Time and the Categories' a priori status was merely that of Leibnizian innate ideas, Kant's response seems to deny a nativism of one form and endorse a nativism of another sort:

The *Critique* admits absolutely no implanted or innate *representations*. One and all, whether they belong to intuition or to concepts of the understanding, it considers them as *acquired*. But there is also an original acquisition (as the teachers of natural right call it), and this of that which did not yet exist at all, and so did not belong to anything prior to this act. According to the *Critique*, these are, *in the first place*, the form of things in space and time, *second*, the synthetic unity of the manifold in concepts; for neither of these does our cognitive faculty get from objects as given therein in-themselves, rather it brings them about, *a priori*, out of itself. There must indeed be a ground for it in the subject, however, which makes it possible that these representations can arise in this and no other manner, and be related to objects which are not yet given, and this ground at least is *innate*.
(*On a discovery*, 8: 221, in *Theoretical Philosophy after 1781*, 312)

There are two important aspects to Kant's claim here, the first is that the 'ground' of the Categories is innate, the second is that the Categories themselves are acquired. I am not going to address the first point here²⁷ (although the two aspects are of course intertwined), but will instead focus more upon the second claim. In what sense are the Categories 'acquired'? How does Kant view the acquisition-process for categorial concepts as taking place? The problem that I am claiming Kant concerned himself with was how it is possible that we might have come to acquire categorial conceptual content.

By *categorical content* I mean content that *purports* to express a necessary rule within its representational content. All conceptual content for Kant is rule-like, though some of it purports to express a rule about how things are (<dog> and <plate>) while other concepts purport to express *how things must be*. Kant's aim is to show that we are justified in deploying conceptual content that purports to express how things must be.

His strategy, though, is to achieve this by uncovering how it is even possible for us to *think* conceptual content that purports to express how things must be. On Kant's view, the Lockean-Humean account lacks even this basic explanation. But given the fact that we *are* at least capable of entertaining thoughts of just this type, we must inquire as to how that cognitive achievement is even possible. In discovering the necessary condition of how the mere entertaining of this conceptual content is possible, we will, Kant thinks, have uncovered not only how *that* cognitive achievement is possible, but we will also have shown that the use of that conceptual content in *judgement* about the world is objectively valid. The conclusion I want to draw is that Kant's acquisition of categorical content is different from the acquisition of empirical content in that the former involves the broadly constructivist idea that the conceptual content in question is acquired because it is *generated in the act of understanding*. There is no non-conceptual representational content from which the conceptual content is *derived* but rather, new conceptual content comes into being as a result of an agent's response to non-conceptual stimuli. To this extent, transcendental philosophy follows the example of the mathematician in allowing that new conceptual content can be discovered only through acts of construction, broadly understood.²⁸

With regard to the Transcendental Deduction, we can see that Kant presents one of the hurdles facing the Deduction as the fact that the categorical concepts lack an obvious intuition which can serve as the basis for the acquisition of the concept:

With the pure concepts of the understanding, however, there first arises the unavoidable need to search for the transcendental deduction not only of them but also of space, for since they speak of objects not through predicates of intuition and sensibility but through those of pure *a priori* thinking, they relate to objects generally without any conditions of sensibility. (A88/B120)

What I want to suggest here is that Kant's claim supports the broad idea of the construction-procedure outlined later in the 'Discipline'. Specifically, Kant's claim is that categorical concepts *would* be objectively valid if there were an a priori intuition pertaining to them which could be 'exhibited' and upon which their construction might be grounded. The task for Kant is to show that the Categories can have exhibited not a particular intuition but a suitable replacement which nevertheless affords the same inferences outlined by the construction principles.²⁹

Kant's complaint against the philosopher's attempt to manipulate the concept <triangle> via analysis mirrors the same complaints he makes elsewhere regarding the pretensions of rationalist metaphysicians in thinking that metaphysical concepts such as <substance> might be completely articulated with the resources of thought alone, i.e. via analysis. The status of metaphysical propositions as synthetic a priori propositions is intimately tied to Kant's adoption of a construction procedure for categorial concepts, since the status of those propositions stems from our need to relate the concepts to intuitional content as a necessary condition of articulating their own essential but non-analysable conceptual content:

But the *generation* of cognition a priori, both according to intuition and according to concepts, and finally the generation of synthetic propositions a priori in philosophical cognition, constitutes the essential content of metaphysics. (*Prolegomena* 4: 274, 76)³⁰

VI. The *Quaestio Juris*

Returning then to the interpretation of the *quaestio juris*, Kant's own elaboration of the question seems clear enough at first:

I therefore call the explanation of the way in which concepts can relate to objects a priori their transcendental deduction, and distinguish this from the empirical deduction, which shows how a concept is acquired through experience and reflection on it, and therefore concerns not the lawfulness but the fact from which the possession has arisen. (A85/B117)

At first, this passage seems to clearly indicate that the role of a transcendental deduction is distinct from the task of determining the conditions under which a concept is acquired. However, what I want to suggest now is that this is mistaken — what Kant is concerned to oppose in the above passage is not that the transcendental deduction might proceed *via* an examination of a concept's acquisition-conditions, but that it might proceed by way of reflection on a particular 'fact' as the source of a concept's acquisition. My claim is that a transcendental deduction does proceed by reflection upon the conditions under which the Categories are possessed, that is, on categorial concepts' acquisition procedure, but that these reflections are ones which do not involve 'facts' in the sense of requiring reference to the given perceptual matter of sensory particulars. Instead they are possessed in virtue of reflections upon the conditions of discursively expressing the inherent laws of the mind, i.e. the rule-like representations that make the representation of any object possible at all.

A well-known approach to the *quaestio juris* is summed up by Henrich:

The question does not ask for one or another sufficient condition for our possession of knowledge. In a state of doubt about the rightfulness of our claim to be in possession of genuine knowledge, it seeks to discover and to examine the real origin of our claim and with that the source of its legitimacy. (Henrich 1989: 35)

However, I would argue that this (broadly accepted) approach mischaracterises the dialectic of the section in two important ways. Firstly, Kant claims that we have *no need* to ask a *quaestio juris* in order to answer the question of whether or not we are justified with regard to *empirical* knowledge:

We make use of a multitude of empirical concepts without objection from anyone, and take ourselves to be justified in granting them a sense and a supposed signification even without any deduction, because we always have experience ready at hand to prove their objective reality. (A84/B116-7)

This is a serious point, since for the *quaestio juris* to reflect Kant's normative turn it ought to apply to judgement *per se*, that is, to concept-deployment in general. Yet the implication of the above passage is that experience (by which I understand Kant to mean the source of the possession of our empirical concepts) is *sufficient* to answer the question of the legitimacy of *their* use. It is hard to see how we are to understand a normative turn that only applied to categorial concept-deployment.

Secondly, Kant is clear that *there is no doubt* about the 'rightfulness of our claim to be in possession of genuine knowledge' with regard to categorial concepts — the Deduction begins with the fact (*das Factum*) that we do possess knowledge, and more specifically a priori knowledge. Henrich's interpretation of the opening remarks of the A-edition therefore mischaracterises the dialectic of the Deduction. Kant's B-edition insertion makes it clear that it is the lack of doubt regarding our rightful possession of knowledge that is the appropriate starting point for the inquiry of the Deduction and that this fact alone belies the very attempt to perform an empirical deduction of the relevant concepts:

The **empirical** derivation, however, to which [Locke and Hume] resorted, cannot be reconciled with the reality of the scientific cognition a priori that we possess, that namely of **pure mathematics** and **general natural science**, and is therefore refuted by the fact. (B128)

The idea that the starting point of the inquiry is a 'state of doubt' with regard to the Categories' veridicality stems from the fact that Kant does appear to make use of a sceptical scenario at A86-7/B118-9. There, he praises Locke's general methodology for

the justification of concepts, but points out that it is inappropriate for categorial concepts:

Yet a **deduction** of the pure *a priori* concepts can never be achieved in this way; it does not lie down this path at all, for in regard to their future use, which should be entirely independent of experience, an entirely different birth certificate than that of an ancestry from experiences must be produced. (A86/B118)

Whereas the familiar reading has it that a *quaestio facti*, when performed, would fail to justify our deployment of the concept in the future, I would claim that now a very different reading is available. Kant's claim that it is the *attempt* to provide an empirical deduction of categorial concepts that is the error of the Lockean-Humean tradition, and the source of the need for a deduction of a different kind is motivated by the fact that we nevertheless are granted a veridical possession of these concepts despite their lack of an *empirical* birth certificate. There can be no answering of a *quaestio facti* for categorial content, not just because this would fail to justify the use of that content, but because it would fail to explain our very possession of that content. The appeal to 'future use' is intended to reflect the representational purport of the Categories. Categorial concepts have a distinct *modal* content, which specifies that such and such *must* be the case. This is what Kant means by the 'lawfulness' of the use of the Categories: not that their use is 'legally warranted' but that their use *purports to represent* how things must be in accordance with necessary laws. Because the concepts possess this content, they apply to past, present, and future usages in equal measure.

Kant's criticism of the Lockean-Humean tradition involves a certain kind of assumption being attributed to that tradition, namely that because an empirical deduction concerns itself with the sensory matter of experience, and the sensory matter of experience purports only to represent what is, or via memory, what has been. The representational content of sensory matter in this sense has no necessary modal purport at all. Therefore any concepts acquired from that matter could not have the purport of representing how things must be — yet we possess just this kind of content. The task is to explain how we can even *think* 'lawful' conceptual content, when that content by definition purports to outstrip past and current sensory experience, if it is the case that our acquisition of that content could only have taken place by way of the derivational source of the sensory matter of experience.

The primary task is not to show how *we might lawfully think certain contents* (i.e. how we might justifiably think those contents, with epistemic 'right') but rather *how we might think lawful contents* (i.e. how we might think contents whose purport expresses how things must be). The answer for Kant is that the categorial concepts reflect the *form* in accordance with which experience must be structured, and the ubiquity of this form is such that it does not reduce to a particular 'fact' (or set of facts) from which the concept

has been acquired. The concept has been acquired from a feature that both must be in place (it is a transcendental feature of experience) and which also purports to represent how things must be (it has a priori content [*Inhalt*]). Thus it is only because the form of experience has this modal purport and that the Categories are originally acquired through reflection upon those forms, that we are capable of possessing those contents at all.

Kant's claim regarding the apriority of constructed mathematical concepts hinged on the fact that there was an a priori self-generated pure intuition corresponding to them — this allowed Kant to infer from the uniqueness of the construction procedure to the universality of the features of the constructed objects. With regard to the construction of categorial concepts (in the form of original acquisition), the inference is the same: the construction-procedure is general because the construction-procedure is the unique necessary condition of the possibility of coherent experience; given that the construction-procedure is unique, Kant can rely upon his construction principles to infer that what is true of the construction-procedure is also true of the constructed objects. The key to the notion of an original acquisition, and why it differs from the construction of empirical concepts, is that they 'originate in this and no other way': that the event of original acquisition is the only coherent explanatory account for how those concepts could be possessed at all.

How can such an explanation be provided? Kant's answer is that one can show that a concept possession arose from a unique acquisition-procedure if one can provide transcendental arguments to establish that this acquisition-event itself was a necessary condition of the possibility of experience. Therefore, given that it is a universal and necessary condition of experience that we deploy the concept <substance> (say) — and in so doing articulate essential features of the concept that were previously absent — we can infer that the constructed objects are universally and legitimately characterised in terms of that concept.³¹ In essence then, just because we have uncovered the actual acquisition-conditions for the concept, we have thereby provided that concept's *legitimate* deployment-conditions.³²

Kant's aim then is to deny that the possession-conditions of categorial concepts can be satisfied by way of the method of abstraction from sensory matter encountered in perceptual experience. This denial however does not entail the denial of the more general Early Modern assumption that provision of a concept's possession-conditions is sufficient for the provision of its deployment conditions. Kant's initial argument for the denial of the former claim hinges not on the task of justifying categorial judgement, but on explaining the capacity for even *thinking* categorial content (that is, the capacity for merely expressing content with categorial purport), and does not seek to address the question as to that content's *bona fide* veridicality in judgement. This capacity can only be explained if the possession-conditions for those concepts are determined non-empirically. Thus Kant takes himself to have established a vital dialectical advantage over Hume, in showing that Hume's model of cognition lacks the resources even to explain that which

his sceptical approach takes for granted, namely the ability to think, *even in error*, concepts with categorial purport.³³

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Notes

¹ See A84-5/B117-7. All references to the *Critique* are to Immanuel Kant (1998), *Critique of Pure Reason*, ed. and trans. P. Guyer and A. Wood, Cambridge: Cambridge University Press, and will be given in the text with the standard 'A' and 'B' referencing to the first and second editions respectively.

² I won't pursue the details of this account here, but rather aim only to motivate this approach to the Deduction.

³ Brandom (2002: 21). The thought is not perhaps contentious when restricted to Kant's practical philosophy, though Brandom is here referring to Kant's account of judging agents *per se*.

⁴ In fact, I don't think Kant made a normative turn of *any* kind in the first *Critique*, but I won't argue for that claim here — instead I just focus upon what I take as one more familiar formulation of the normative turn.

⁵ Broad (1978: 108).

⁶ This is not to deny that normative elements may not be involved in Hume's complex account of knowledge, of course, merely that this element is not derived from a denial of the Objective Origin Thesis.

⁷ I'll use the angle brackets and emphasis whenever mentioning the concepts concerned.

⁸ Of course, we have some minimal sense of normativity here, but only in the sense that there is a right and wrong way to use a concept. But here this minimal normativity can be articulated entirely with reference to the descriptive facts relevant to the concept's possession-conditions.

⁹ There is however an odd aspect about this familiar enough way of presenting things — it implies that Kant is saying that Hume's model might be well and good for some more ordinary empirical concepts but the problem is that it doesn't work for categorial concepts. The familiar thought, though, is that Kant's opposition to the Lockean-Humean tradition runs deeper than this — specifically it runs not just against the Lockean-Humean model for determining a concept's possession conditions, but it runs against the whole project of taking the identification of possession conditions as philosophically significant. I'll oppose this interpretation and defend this initially odd-looking claim.

¹⁰ Kant claims that 'experience never confers on its judgements true or strict, but only assumed and comparative universality, through induction' and if 'a judgement is thought with strict universality, that is, so that no exception whatsoever is allowed as possible, it is not drawn from experience, but is valid absolutely *a priori*' (B3-4). Claims such as these are the source, Gary Hatfield suggests, for Kant's conviction that 'no empirical

investigation, and hence no finding of empirical psychology, could support the claim that the categories have necessary and universal validity' (Hatfield 1997: 207-208).

¹¹ Bennett's claim was that Kant's talk of 'origins' is 'odd' since his aims are not to do with the possession-conditions of concepts but with their analysis. One problem with this is that Kant does frequently speak as if he *doesn't reject* the general Objective Origin Thesis. Specifically, reading Kant as crucially interested in the acquisition conditions of concepts is a natural way of understanding some of the fundamental distinctions Kant makes, for example, that between general and transcendental logic. Here Kant seems to say that the problem with merely general logic, and the reason why he is engaged in transcendental logic, is that the former concerns merely the genetic analysis of concepts, while the latter properly concerns the possession conditions of conceptual representations. Furthermore, the distinction is made with regard to the difference between an empirical and a pure thinking of objects. The idea that there are pure sources of representation, which are deployed in regard to all possible objects of experience, is given as the explanation why transcendental logic can deal with conceptual representations that apply to empirical objects without those representations being acquired from an experience of those empirical objects:

[Transcendental logic] would therefore concern the origin of our cognition of objects insofar as that cannot be ascribed to the objects; while general logic, on the contrary, has nothing to do with this origin of cognition, but rather considers representations whether they are originally given *a priori* in ourselves or only empirically, merely in respect of the laws according to which the understanding brings them into relation to one another when it thinks, and therefore it deals only with the form of the understanding, which can be given to the representations wherever they may have originated. (A55-6/B80)

Here Kant seems to say that where transcendental logic differs from mere conceptual analysis is that it is concerned with the possession conditions of a certain class of representations, namely those that 'are originally given *a priori in* ourselves'. Here, though, we have a picture of a Kant who endorses the general Objective Origin Thesis, and who stipulates his own Kantian variant with regard to categorial concepts.

¹² See also Brandom's more recent comments in *Reason in Philosophy*:

Kant thinks of concepts as a kind of *rule*. What are they rules for doing? They are rules for synthesising a unity of apperception. And that is to say that they are rules articulating what is a *reason* for what. The concepts being applied determine what *follows* from a given claim(able), hence what (else) one would have committed oneself to or made oneself responsible for by endorsing it. They determine what counts as rational *evidence for* or against, or *justification of* a judgeable content, hence what would count as a *reason for* or against endorsing it. (Brandom 2009: 39)

It is sometimes thought that the normativity of concept-deployment consists in its stipulating *correctness-conditions* for its use, or, as I put it, its deployment-conditions. This

doesn't capture the sense in which Kant may have made a normative turn, however: Hume, Locke or (arguably) Leibniz would endorse the claim that to possess a concept is to possess an understanding of the conditions under which that concept would be deployed correctly.

The normativity of judgement, I would suggest, consists in a pair of claims, one positive and one negative. The first claim is that to possess a concept is to possess an understanding of what it is to deploy that concept correctly in judgement; the second is that this understanding is not exhausted by a set of descriptive claims regarding how that concept has been acquired. This non-exhaustiveness of the possession-conditions is usually articulated via a sceptical scenario. The force of the argument to see a need to draw a descriptive/normative distinction hinges on the assumption that the sceptical scenario is false, and that we can and do deploy the concept correctly despite the non-exhaustiveness of the possession-conditions.

¹³ I am deliberately leaving open here the sense in which Kant was opposed to an 'empiricist' derivation of the deployment-conditions for the Categories. The Lockean-Humean tradition is one that we might think of as a broadly 'sensationist' one, i.e. as taking individuable tokens of sensory content as the paradigmatic units of empirical origin. It remains unclear as to whether Kant's criterion could (or was even intended to) oppose a non-sensationist, sophisticated empiricism. This is a topic that is however beyond the scope of this paper.

¹⁴ Some representative examples of this adherence in the *Lectures on Logic* are as follows:

In logic it is a misuse for one to retain the expression *to abstract* so that one says *aliquidre abstrabe*. E.g., as if, in order to have the concept of a tree, I took the concept of the leaves and of the trunk in particular, and abstracted from all differences among trees, and said that what has a trunk and leaves is a tree. No, I do not abstract the leaves and the trunk; rather, I retain them, and I separate them from everything else. I have to pay heed to that which a cognition has that is common, and *abstract from that* which it has that is different. E.g., from the magnitude or smallness of the tree. Accordingly, the word must not be so used that we say *aliquid abstrabere*. I abstract from the remaining things. Abstraction does not add anything, then, but rather cuts off everything that does not belong to the concept, and notes merely what it has in common with other representations. (*Vienna Logic*, 349)

An empirical concept arises from the senses through comparison of objects of experience and attains through the understanding merely the form of universality. The reality of these concepts rests on actual experience, from which, as to their content, they are drawn. (*Jäsche Logic*, sec. 3: 590)

¹⁵ Now Kant at this stage in his development thinks that the forms of sensory cognition can only give knowledge of phenomena, while the understanding can generate knowledge of noumena. I want to suggest that in the development from the *Inaugural Dissertation* to the first *Critique*, Kant's restriction of all cognition to cognition of phenomena involved

his rendering of the ‘real use’ of the understanding to so-called sensitive cognitions, i.e. the Categories, along with Space and Time, now provide the form of phenomena, and are free from the matter of sensation.

¹⁶ E.g., Bxxvi.

¹⁷ This is admittedly ambiguous, since one might think that Kant says that it is with the use of the understanding that the concepts are given, which is not obviously the same as saying that the real use of the understanding is for it to ‘give’ concepts.

¹⁸ The discussion here is not entirely satisfactory. As examples of given a priori concepts, Kant suggests <cause> and <time>. As examples of given a posteriori concepts, we are given ‘water’ when it is functioning in the judgement ‘water is a fluid body’. As an example of a made a priori concept, Kant gives the example of a thousand-sided figure. As an example of an a posteriori made concept, Kant gives the example of the concept <metal> insofar as that concept can figure in a judgement such as ‘this metal has the properties x, y and z’. The sense in which made concepts are responsive to our ‘faculty of choice’ is presumably the sense in which the thousand-sided figure can be called up by a free act of the imagination, and where the expansion of the concept metal as involving properties x, y, and z, rather than a, b, and c depends on our choice of direction of empirical inquiry that has so far revealed some properties and not others, or ruled out some properties and not others.

¹⁹ *Metaphysik Vigilantius* (K3), 29: 951-952, *Lectures on Metaphysics*, 423-424. Kant explicitly links the acquisition of concepts with the real use of the understanding in the *Inaugural Dissertation*:

But it is of the greatest importance here to have noticed that cognitions must always be treated as sensitive cognitions, no matter how extensive the logical use of the understanding may have been in relation to them. For they are called sensitive *on account of their genesis* and not on account of their *comparison* in respect of identity or opposition. (§5, 385)

²⁰ When characterising the procedure of our acquisition of the sensitive cognitions of the concepts of space and time, Kant returns to the topic of nativism:

Finally, the question arises for everyone, as thought of its own accord, whether each of the two *concepts* is *innate* or *acquired*. The latter view, indeed, already seems to have been refuted by what has been demonstrated. The former view, however, ought not be that rashly admitted, for it paves the way for a philosophy of the lazy, a philosophy which, by appeal to a first cause, declares any further enquiry futile. But *each of the concepts has*, without any doubt, *been acquired*, not, indeed by abstraction from the sensing of objects (for sensation gives the matter and not the form of human cognition), but from the very action of the mind which co-ordinates what is sensed by it, doing so in accordance with permanent laws Nor is there anything innate here except the law of the mind, according to which I join together in a fixed manner the sense impressions made by the presence of an object. (§15, 2: 406, 400)

For Kant, the concepts of space and time are also acquired concepts, and those acquired concepts also reflect an innate ground that are 'laws of the mind'. Whatever the innate laws of the mind are that ground the concepts of space and time, they are not logical laws. But it is clear that the concepts acquired are in some sense supposed to reflect something about that law of the mind.

²¹ Allison's Discursivity Thesis is the claim that 'human cognition ... requires both concepts and sensible intuition' (Allison 2004: 13).

²² This is of course a grand claim regarding Kant's theory of concepts and concept-acquisition in general. I won't offer a complete defence of this claim here, but will merely begin to motivate such a reading. I offer a fuller account in my 'Kant on Acquiring Mathematical and Metaphysical Concepts' (unpublished manuscript).

²³ We might acquire a working notion of <triangle> in the Lockean manner, one that might have some use for our communicative and testimonial practices, but this acquisition would not be an acquisition with understanding, and so would not be a genuine acquisition of the <triangle> at all.

This aspect of Kant's method deserves more attention than I can give it here, since it concerns his overall theory of concepts. The following remarks are I think features of that theory that can be reasonably attributed to Kant. The first major claim is that concepts are general representations that possess a core or privileged set of essential constituent contents or 'marks'. The second claim is that we do not need to acquire the entire set of these essential marks in order to acquire a minimal mastery of a concept. By *minimal concept-mastery* I mean an understanding of a concept that suffices for our descriptive and communicative practices. Thus it is possible to possess minimal mastery of a concept without grasping all of that concept's essential features or properties. The third claim is the most important for my present purposes: for a possessed concept of a certain kind, decomposition of that concept into its constituent parts by way of conceptual analysis is insufficient as a methodology for the uncovering of the hitherto ungrasped essential marks of that concept. For Kant, the essential properties of a concept can only be articulated when that concept is put into *use*.

²⁴ Kant does not to my knowledge give a justification of this crucial assumption regarding the construction-procedure, which states that where the conditions under which a concept is constructed are 'general', we may infer from features of that act of construction not just to the constructed individual in this case but also to the set of all possible constructed individuals.

²⁵ It is clear from the 'discipline' section that Kant feels that his discovery of faculty of pure intuition as a *sui generis* source of representational content, independent of sensory data and conceptual representations, affords him these grounds. On Kant's view, there is an invariant human faculty which generates pure intuitional content, a faculty that is both invariant in its generated output, and, as he has argued throughout the *Critique*, provides the unified manifold through which experience of all possible objects takes place. So we have the two following corollaries from Kant's construction principle: firstly, that a concept constructed from the output of intuition is a representation that holds for all human agents; secondly, that a concept constructed from the output of intuition is a representation that holds for all possible objects of experience.

²⁶ I would acknowledge that there is more that needs to be said here. For example, Kant here seems to be trading on the idea that the philosopher might possess the concept

<triangle> and yet not possess the correctness conditions for its deployment, just because the philosopher doesn't possess the *full* concept <triangle>. There is an idea that there might be minimal conditions of concept-possession that might suffice for our communicative and testimonial practices, and perhaps even also for our individuation practices, but the capacities required for this minimal concept mastery do not accurately reflect the general nature of concept-possession and its relation to understanding and inference.

I think though that Kant's purpose here is to make the general point that the difference between the philosopher's and the mathematician's practices reveals that the genuine nature of concept-possession involves being able to identify correctness conditions for its deployment, but that this capacity is the result of an act of understanding. The act of understanding is a more general capacity than the classificatory or communicative capacity to recognise when a genuine triangle-token falls under the concept <triangle>. Full possession of a concept entails what we might call *inferential mastery* of that concept, and among the relevant capacities here are the communicative, classificatory, and constructive capacities.

²⁷ I discuss this issue in my 'Kant's Nativism: Another Look at B167-8' in *Proceedings of the XII International Kant Congress* (forthcoming).

²⁸ There are several principles which must be distinguished when considering Kant's notion of original acquisition. It is important to note that on this reading, Kant is claiming that the Categories are both (a) principles of construction and (b) constructed principles. This seeming paradoxical claim (how can that which is a guide to a construction also itself be a construction?) is nevertheless Kant's own. The theory, I shall claim, is that Kant speaks of the Categories in two ways: firstly, there are the Categories *in potentia*, which are innate dispositional capacities which are activated in response to sensory stimuli; secondly, the Categories as actualised refer to a particular class of conceptual contents which are only originally generated as a result of the response to those stimuli. The contrast to note is that the Categorical dispositions are merely that, dispositions, and have no representational content lying 'within' them — this is the old-fashioned nativism which Kant wishes to avoid. But neither is Kant claiming that those dispositions are anodyne capacities, like innate biological functions to grow hair, etc. For Kant, the Categories are innate capacities whose function is to generate specific representational content as outputs.

²⁹ This interpretation faces an apparently powerful objection in that Kant seems to explicitly deny that this is the case:

All our cognition is in the end related to possible intuitions: for through these alone is an object given. Now an a priori concept (a non-empirical concept) either already contains a pure intuition in itself, in which case it can be constructed; or else it contains nothing but the synthesis of possible intuitions, which are not given a priori, in which case one can well judge synthetically and a priori by its means, but only discursively, in accordance with concepts, and never intuitively through the construction of the concept. (A719-20/B747-8)

The notion of a ‘construction-procedure’ that I have been discussing has hinged around the broadly constructivist notion of conceptual contents that are generated, rather than discovered, through the activity of human cognition. In ‘Kant on Acquiring Mathematical and Metaphysical Concepts’ (unpublished manuscript) I argue that the apparent restriction of the word ‘construction’ to mathematical concepts here actually misleads with regards to Kant’s underlying constructivism concerning both mathematical and categorial concepts.

³⁰ That the *acquisition* of the categorial concepts (here mentioned alongside the concepts of <Space> and <Time>) is an essential part of the task of the *transcendental* use of reason is made clear in Kant’s rebuke to the mathematician’s neglect of the topic of the original possession-conditions of those concepts:

From whence the concepts of space and time with which they busy themselves (as the only original quanta) might be derived, they have never concerned themselves, and likewise it seems to them to be useless to investigate the origin of pure concepts of the understanding and the scope of their validity; rather, they merely use them. (A725/B753)

³¹ A concept’s possession is legitimate (answering the *quaestio juris*) because possessing and deploying that concept makes a certain class of experience possible. But (and this is the crucial point) the event of those experiences being made possible for the agent is coterminous with the event of that agent first acquiring that concept. So an original acquisition is one where the first acquisition and first deployment of a concept are the same cognitive event.

More briefly, one might think that Kant is simply taking Hume’s *modus ponens* argument that

If possession conditions are determined empirically, then our categorial concepts are not *bona fide*.

Possession conditions are determined empirically.

Therefore,

Our categorial concepts are not *bona fide*.

and running it as a *modus tollens* piece of reasoning: since our categorial concepts are *bona fide*, then it must be the case that categorial possession conditions are not determined empirically.

³² By ‘legitimate’, here, I don’t mean to say that we can infer from the possession conditions of a concept to the *reality* of that which falls under it — there are further questions to be asked, such as whether anything does in fact genuinely fall under the concept, and, if so, whether the things that fall under it ought to be considered real. By a legitimate deployment I mean that Kant holds that one can justifiably infer from the possession conditions of a concept to the range of objects that appropriately fall under it *if any objects fall under it at all*. In other words, if the concept possessed genuinely refers, then one can infer the range of the extension from the possession-conditions. But mere possession of the concept, even if possession of a concept constitutes a necessary condition of the possibility of experience, does not guarantee that it refers. Furthermore,

even if some ‘objects’ do genuinely fall under it, there is a further question as to whether these referents ought to be considered to be *reality*, and I take it that this task is a burden that the proofs of transcendental idealism set out to discharge.

³³ This paper benefitted from feedback from an anonymous reviewer and also from discussion following the presentation of an earlier version at the Joint UK Kant and Hegel Society Conference in Oxford.

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