

Why the Transcendental Deduction is Compatible with Nonconceptualism

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One of the strongest motivations for conceptualist readings of Kant is the belief that the Transcendental Deduction is incompatible with nonconceptualism. In this article, I argue that this belief is simply false: the Deduction and nonconceptualism are compatible at both an exegetical and a philosophical level. Placing particular emphasis on the case of non-human animals, I discuss in detail how and why my reading diverges from those of Ginsborg, Allais, Gomes and others. I suggest ultimately that it is only by embracing nonconceptualism that we can fully recognise the delicate calibration of the trap which the *Critique* sets for Hume.

2.1 Introduction

The debate over Kantian nonconceptualism is primarily a debate about the ability of intuition to function independently of the understanding. More specifically, it is a debate about whether the capacity to intuit spatiotemporal particulars is dependent upon the capacity to deploy concepts. The dispute is often also presented in terms of perception: nonconceptualists hold that “the application of concepts is not necessary for our being perceptually presented with outer particulars” (Allais 2009:384), whilst conceptualists contend that at least some concepts “have an indispensable role” in even “the mere perceptual presentation of particulars” (Griffith 2012:199; similarly Falkenstein 2006:141). There are, however, complications in Kant’s use of the terms *perceptio*, *Wahrnehmung* and *Perception*: whilst standard contemporary usage employs ‘perception’ to mark intentionality in contrast with mere sensation (for example Burge 2010:7), Kant often uses these terms to mark conscious states, including sensation, in contrast to those states “of which we are not conscious” (Anth,

7:135; A320/B376; A225/B271).¹ I shall therefore mainly frame matters in terms of intuition, but I shall speak of ‘perception’, understood in the standard modern way, when discussing other commentators who do so.

Why does the question of Kantian nonconceptualism matter? There are three reasons. Most obviously, it is directly connected to many of the central exegetical puzzles raised by the First *Critique*: how, for example, should we understand Kant’s theory of intentionality or the interdependence of the Aesthetic and the Analytic? Second, it bears on Kant’s reception within the canon. The very different pictures of Kant’s theoretical work found in Marburg neo-Kantianism and in phenomenology, for example, stem in large part from different readings of the relationship between intuition, imagination and thought (compare Natorp 1910:276 and Heidegger 1997:37–8). Third, the philosophical issues in play are still live ones in the current debate. Tyler Burge’s criticisms of “compensatory individual representationalism”, for example, echo many of the points made by the nonconceptualist Kant (e.g., Burge 2010:16, 155). By better understanding Kant’s own views, we can simultaneously get clearer on the merits of those arguments, and on their implications for contemporary philosophy of mind.

The purpose of this chapter is to introduce and then to undermine one of the key reasons for construing Kant as a conceptualist, namely the widespread assumption that nonconceptualism is incompatible with the Transcendental Deduction (TD). I am not attempting here to demonstrate that Kant was a nonconceptualist. There are too many other issues in play—the multiple non-equivalent notions of intentionality, synthesis, and objectivity involved for example—for that to be viable in a single paper. Furthermore, space prohibits the type of detailed textual work needed to fully substantiate nonconceptualism at an exegetical level. This is partly because doing so would involve line by line treatment of some of the most opaque and controversial passages in Kant’s writings (A89–90/B122–3 or B160–1, for example). It is partly because I regard TD as a promissory note, a note which is actually cashed only as we move through each of the Principles. I have argued directly and in detail for nonconceptualism in two recent papers, appealing to Kant’s treatment of perception and synthesis (Golob, forthcoming a), and to his views on animals and on objectivity (Golob,

¹ I do not think the solution here is as simple as emphasising the distinction between *Wahrnehmung* and *Perception* that is clouded by the English ‘perception’, although that is a good first step (see A225/B271, and compare Prol, 4:200 and A320/B376).

forthcoming b). But my aim here is both more programmatic and more strategic: I want to show how TD, qua transcendental argument, is entirely compatible with nonconceptualism in at least one good sense of that term. I thus aim to remove one of the major obstacles to the acceptance of such nonconceptualism. I say ‘nonconceptualism in at least one good sense of that term’, and it is obviously important that the debate does not degenerate into a merely verbal dispute. As I discuss, there are multiple forms of ‘nonconceptualism’, and I suspect that even some self-identified ‘conceptualists’ may ultimately be happy to subscribe to my conclusions. But if those conclusions are right then at least some forms of Kantian conceptualism are mistaken, and some widespread worries about TD and nonconceptualism are misplaced—these results would be neither trivial nor merely terminological.

Before getting underway, we need to sharpen up the theses under discussion. There has been a great deal of discussion of the distinction introduced by Jeff Speaks between “relative” and “absolute” nonconceptualism (Speaks 2005:360; cf. Hanna 2011a). I shall follow Lucy Allais in arguing only for what Speaks labelled “relative nonconceptualism”, that is, for the view that subjects might have intuitions of spatiotemporal particulars whilst lacking any corresponding conceptual capacities (Allais 2009:386; Speaks 2005:360).² But I think there is another issue which is often muddled when formulating the debate, namely, the relationship between humans and non-rational animals (henceforth ‘animals’). For example, Anil Gomes, in a recent article which I discuss in detail below, defines nonconceptualism as the view that “intuitions can present us with empirical objects without any application of concepts” (Gomes 2014:2). My concern is that building a tacit reference to rational agents, “us”, into the definition occludes several important issues.

First, suppose that nonconceptualists were right *about animals*, that is, that Kant believed that animals were indeed able to have intuitive representations of spatiotemporal particulars despite completely lacking conceptual capacities. Suppose further that these representations were intentional in the sense of possessing accuracy conditions (the dog tricked by an optical illusion would thus *misrepresent* the world, in line with the standard representationalist move). In that case, one could not justify Kantian conceptualism in the human case by arguing that conceptual capacities were required merely for having intuitions as opposed to sensations, nor that they were required even for spatiotemporal perception in

² I follow Allais in borrowing ‘particulars’ from P.F. Strawson as a broader alternative to something like ‘material object’: “material objects, people and their shadows are all particulars” (Strawson 1959:15).

the modern sense of ‘perception’, nor that they were necessary simply for intentionality. But these are moves often made by conceptualists (e.g., Ginsborg 2008:65 or Griffith 2012:198; I discuss the specifics of these articles below). So if nonconceptualism applies to the animal case, that would have significant implications for how one understands the role of concepts in the case of rational sensible agents like us.

Second, suppose that nonconceptualists were right *only about animals*, that is to say, that Kant believed that no rational agent had intuitions that were not in some sense conceptually determined. In that case Kantian nonconceptualism would be strikingly different from many contemporary forms of the view, which are driven by global considerations about perception. Thus Richard Heck, for example, motivates his brand of nonconceptualism by asking his (presumably) human readers to “[c]onsider your current perceptual state” (Heck 2000:489). So if Kantian nonconceptualism applies or only applies to the animal case, it would have substantial implications for how one sees both rational agents and the links between the *Critique* and contemporary philosophy of mind. The upshot is that it is vital to track the interaction between the human and animal cases; for simplicity, I shall deal only with adult humans.³ Above all, it is simply not good enough to say that Kant was just unconcerned with animals. Not only is this textually clearly untrue (consider KU, 5:464 or Log, 9:64–5 to name two of many passages), it is philosophically indefensible insofar as one’s position on the animal case has direct consequences, as just sketched, for the human case: even if the historical Kant had never given animals a moment’s thought, it would be radically unsatisfactory if his system had no way of accommodating such an obvious potential counterexample.

Bringing these points together with relative nonconceptualism, I thus distinguish:

Nonconceptualism about Animals (NCA) = The thesis that a non-rational animal can have an empirical intuition *I* of a spatiotemporal particular *P* without there being any conceptual capacity involved either in *I* or in any content which serves as the transcendental condition for *I*.

³ Infants can be naturally incorporated by treating their perceptions as similar to those of animals: at least up to a certain point, infants, like animals, lack any ‘online’ faculty of understanding (Anth, 7:127).

Nonconceptualism about Adult Humans (NCH) = The thesis that a rational sensible agent such as an adult human can have an empirical intuition *I* of a spatiotemporal particular *P* without there being any conceptual capacity involved either in *I* or in any content which serves as the transcendental condition for *I*.

In all cases, the relevant form of conceptualism is simply the denial of the corresponding nonconceptualist claim.

A few remarks on these definitions before proceeding. I shall take as given throughout the universally shared premise that animals lack understanding— so, for example, I take the conceptualist opponent of NCA to endorse the view that animals lack concepts and so lack intuitions rather than the textually unsustainable position that intuition requires concepts which animals do indeed possess (Anth, 7:127; A341/399). I have used ‘involved’ in the definitions as an umbrella term for all the ways in which concepts might be employed—subsumption, determining imaginative or perceptual synthesis etc. ‘Involved’ is also intended to allow for the looser, and exegetically more plausible, version of conceptualism whereby, whilst intuition makes a distinctive and irreducible contribution to intentionality, this contribution is necessarily dependent on some form of conceptual capacity (e.g., Engstrom 2006:17; for a harder line, see McDowell 1994:9). As for ‘particulars’, I discuss this term and notions such as ‘object’ in detail in Golob (forthcoming b). Here I want just to illustrate it by example: the supporter of NCA believes that a gazelle can see multiple particulars, for example approaching lions, arrayed in a three-dimensional egocentric space around it, particulars which are given as standing in at least primitive spatiotemporal relations, such as distance and which can be tracked in at least a primitive way (‘that one is moving closer’).

I want also to say something about the role of modality here: a number of authors, for example Robert Hanna (2013:5) and Dennis Schulting (2015:569), present conceptualism in modal terms framing the debate as one over whether intuitions are ‘conceptualisable’—in effect, this demands only the necessary possibility of conceptual involvement, as opposed to its actual occurrence. This tactic faces problems regarding the individuation of intuitions within the relevant counterfactuals. Suppose NCA is right and a dog and I both look at a ball. Is the dog’s intuition ‘conceptualisable’? Well, it depends on how intuitions are individuated: that token mental state is not insofar as it is part of a system lacking any conceptual capacities, but its informational content might be in the sense that when I look at the same

view, the result is indeed conceptualisable. Fortunately, as will become clear, I think we can sidestep these issues altogether. As I argue in Section 2.3, within systems where concepts are available, they are in fact employed, and not simply employable, in all but a handful of instances. So I shall operate with NCA and NCH as defined, rather than building in modal operators. In practice, many commentators do not mark the distinction between NCA and NCH: when setting up the debate and describing their views in Section 2.2, I shall thus talk loosely of ‘conceptualism’ and ‘nonconceptualism’. A final point before proceeding: as is common in the literature, I shall simply bracket the issue of transcendental idealism here. There are, of course, familiar and complex questions regarding the link between the TD and Kant’s idealism. But I think that the issue of nonconceptualism itself is largely independent of the precise answers we give to those questions: as I see it, nothing in what follows depends directly upon one’s stance on transcendental idealism.⁴

2.2 The ‘Standard View’: The Transcendental Deduction as Incompatible with Nonconceptualism

As Allais has put it, “[p]robably the most obvious reason for reading Kant as a [...] conceptualist is the Transcendental Deduction” (Allais 2009:401). The reason is that it is natural to see the second half of the B-Deduction, in particular, as arguing that the categories are necessary even for empirical intuition: Hannah Ginsborg thus views the falsity of nonconceptualism as necessary “if [...] the Transcendental Deduction is to have any hope of success” (Ginsborg 2008:69). Her assumption is that only if the categories are necessary for intuitions can Kant answer the *quid juris*:

The central line of thought [...] is that the objective validity of the categories depends on their having a role to play, not just in explicit judgment, but also in our perceptual apprehension of the objects about which we judge. (Ginsborg 2008:70)

She takes this to flatly rule out nonconceptualism. Once one excludes any synthesis in which the understanding is involved, what remains is not intuitions, but merely sensations. She writes:

⁴ In this, my approach is in line with the existing debate; see, for example, Allais (2009:385)

[T]he only candidates to be bearers of nonconceptual content are the sensible impressions belonging to “sheer receptivity”, that is, sense-impressions or sensations. And while these clearly do not depend on concepts, it is implausible to view them as having representational content in the sense that is at issue in the debate over nonconceptual content. (Ginsborg 2008:68)

Brady Bowman likewise states that to allow nonconceptualised intuitions would be to “undermine the very purpose, not only of the B-Deduction, but of the positive project of the First *Critique*” (Bowman 2011:421; similarly Grüne 2011:465–6). Such conceptualists clearly take Kant to deny NCH. Furthermore, whilst few devote much time to the case of animals, their reasoning naturally requires a denial of NCA as well, entailing that animals could not have either intuitions or perception (where that is read in the modern sense as implying intentionality), but instead rely merely on sensory awareness. Thus Ginsborg holds that the “strategy of the Deduction” requires that the understanding be necessary “for the intentionality of perceptual experience” (Ginsborg 2008:65); by extension, she restricts animals to a purely qualitative, sensory engagement with the world (Ginsborg 2006:108n.43). Likewise, Aaron Griffith argues that TD requires that “understanding plays a role, not just in empirical thought or judgment, but also in empirical perception itself” (Griffith 2012:198); given the universally accepted premise that animals lack understanding, it follows that they are incapable of empirical perception too.

Whilst not solely motivated by TD—related views are found in John McDowell (1994:114) on somewhat different grounds—it is clear that for many TD is sufficient to render nonconceptualism untenable. In order to appreciate just how influential this line of thought is, note that *even* Hanna, a leading nonconceptualist, regards nonconceptualism as incompatible with the B-Deduction. Hanna is thus committed to the existence of what he calls “the Gap in the Deduction”:

The Gap in the B Deduction is that the B Deduction is sound only if Conceptualism is true, but Conceptualism is arguably false and Kant himself is a non-conceptualist. (Hanna 2011b:402)

In sum, there is widespread consensus that nonconceptualism require us to abandon TD. Call this consensus the ‘Standard View’. Unsurprisingly, once the Standard View is adopted, the

rejection of nonconceptualism follows very rapidly. As Bowman observes, if nonconceptualism demands that we give up the central Kantian aim of validating the categories, “the principle of charity would seem to require that we reject the non-conceptualist interpretation” (Bowman 2011:422).

I am going to argue that the Standard View is false. But before getting into the details, I want to ensure that I am taking it on in its most persuasive form. So I am going to simply stipulate on two issues which benefit the defender of the Standard View. First, all commentators who identify a tension between TD and nonconceptualism read TD as centrally concerned with Humean worries about the justified application of the categories. Ginsborg, for example, states that the conceptualist “line of thought is [...] essential to the anti-Humean aspect of Kant’s view in the *Critique*” (Ginsborg 2008:70). One might think that this assumption gave the nonconceptualist some room for escape. As Gomes, having himself argued for the Standard View, puts it:

In raising this objection to non-conceptualist readings of Kant, I have assumed that the role of the Deduction is to respond to Humean worries about our *justified* application of a priori concepts to experience. And one may contest this claim. (Gomes 2014:14)

Gomes goes on to sketch some alternative readings of TD, framed in terms of the more traditionally rationalist debates which characterised the *Inaugural Dissertation*. But I want to simply grant that the familiar ‘Hume-focused’ reading is right, or is at least a key part of Kant’s aim and so must be accommodated: the challenge for TD is to demonstrate the justified application of the categories to experience. Second, commentators sometimes suggest that the nonconceptualist case rests principally on A89–90/B121. Griffith, for example, states that “[t]he inspiration for the nonconceptualist reading comes primarily from a passage in §13 of the Transcendental Deduction” (Griffith 2012:196), whilst Schulting describes it as “the most important evidence for the nonconceptualist thesis” (Schulting 2015:568). Conceptualists have usually responded by arguing that the text in question, which appears to explicitly allow for intuitions in the absence of conceptual capacities, is intended only to introduce a hypothetical scenario which Kant will then show is not in fact possible, or not in fact possible in any substantive or significant sense (e.g., Allison 1996:49–50). Now, I think Schulting (2015) shows convincingly that the exegetical issues here are more complex

than the conceptualist suggests. But for the purposes of this article, I want again simply to stipulate: in rejecting the Standard View, I shall make no appeal to this text; given how disputed its meaning and purpose are, that would be too unsteady a foundation.

2.3 Allais' Attack on the Standard View

The Standard View has proved extremely influential. But it is not without dissenters. Before outlining my own position, it will be helpful to sketch as a counterpoint Allais' reading, one of the few who explicitly assert the compatibility of TD and nonconceptualism. Allais' view is that

the Deduction is specifically concerned with one aspect of cognition: the conditions under which we can *apply concepts to objects in judgments*. [...] in the Deduction, he wants to show that a priori concepts are necessary conditions of being able to *apply empirical concepts in empirical judgments*. (Allais 2011:102, second emphasis added)

The key here is that the categories are conditions neither on intuition nor on perception, but instead on the application of empirical concepts. By extension, it is perfectly possible to have completely unconceptualised intuitions. Thus, NCA, for example, immediately follows:

A non-concept-having creature, which can discriminate spatial boundaries, can perceive located particulars but it cannot think about them; it cannot attribute properties to them. (Allais 2011:103)

NCH may also follow if there are passages of human experience where empirical concepts are not involved in any way.

I want now to highlight three problems which Allais faces; this will help frame the discussion to come.⁵ First, on Allais' construal TD premises category use on empirical concept use. This will create a problem when responding to Hume, who will argue, as Berkeley does, that there is no need to postulate anything like Kantian empirical concepts in

⁵ Whilst I disagree with her on these issues, I would like to stress that I am, like all writing on this topic, deeply indebted to Allais' groundbreaking work.

the first place—all that is needed is a tendency to associate groups of particular images (Hume 1978:1.1.7.7–8). Of course, Hume might be wrong about that, but it means that TD falls some way short of the ideal of a transcendental argument which begins from some premise the sceptic must accept or can be easily brought to accept. Second, suppose one granted that we do use empirical concepts in the Kantian sense. It is not immediately clear why that would require us to employ the categories: could not far weaker regularities suffice in place of, say, causal laws?⁶ Nor is it clear why the categories should be thought of as in any sense a function of our subjectivity or synthesis: could it not simply be a fact that we are in a world sufficiently stable to allow the formation and use of empirical concepts, just as we happen to be in a world sufficiently hospitable to allow the formation of life? Of course both of these issues—the exact strength of laws Kant can establish and the issue of idealism—have been the subject of much debate. My point, though, is that Allais’ approach threatens to create a structural weakness by beginning from a premise that seems unlikely to deliver the type of radical conclusions Kant claims. Third, there is a natural concern over Allais’s ability to answer the *quid juris*. Gomes provides an elegant formulation of the worry. He writes:

[Allais] takes these passages in the second part of the B-Deduction to show only that there is a way of *thinking* about objects as spatial that requires the input of the understanding. [...] But it is compatible with this conclusion that all the judgements we so make are false. And if this were the case, our thinking about the world would be subject to an unavoidable error: we would be compelled, of necessity, to think of the world as containing persisting substances, capable of existing unperceived and standing to each other in causal relations; but none of these judgements about the world would be accurate. [...]. Humean scepticism about the justified application of a

⁶ One might respond that the categories are necessary for empirical concepts because without category application we would be unable even to perceive spatiotemporal objects and so unable to form or apply empirical concepts. Everything then hangs on, of course, on what is meant by ‘objects’. I cannot treat this here, but I discuss it in detail in Golob, forthcoming b. For current purposes, we can simply note that, reframed in these terms, what is missing in Allais is an argument as to why empirical concept use should require objects in any sense which implies the categories: why cannot intuitions of what happens to be de facto a reasonably regular set of inputs plus the powers of abstraction and comparison suffice? One option, of course, would be to claim that without the categories we lack even the empirical intuitions from which we abstract empirical concepts—but this move is obviously unavailable to Allais as a nonconceptualist.

priori concepts will not be answered by showing only that we must apply the categories to experience, for that is compatible with the falsity of any such application. Kant needs the stronger claim: that the categories must apply. (Gomes 2014:10–12; I have inverted the order of these passages.)

Let us grant that the categories are necessary conditions on our thinking about the world. Gomes' point is that this leaves untouched the question of by what right this application is not just unavoidable but legitimate, i.e., by what right can we assume that spatiotemporal intuition actually contains referents for them? Allais' proposal certainly avoids the type of crude subjective necessity which Kant explicitly criticised (B167–8). The problem, however, is that it fails to show why the necessity she has identified should speak to anything more than the relationship between one set of concepts and another. Why should it actually govern spatiotemporal intuition itself?

2.4 *The Proposal: An Alternative to the Standard View*

It is now time to introduce my proposal. Once that is done, I shall unpack its implications for TD and the nonconceptualism debate.

The basic proposal is very simple: categorial synthesis is a necessary condition on and only on the representation of a certain privileged class of spatial or temporal relations (contrast this with Allais' model, where the categories are necessary conditions on empirical concept use). Applied to some categories, this proposal has a familiar feel: for example, given the necessarily successive nature of apprehension, it is only in virtue of categorial synthesis that subjects can represent the distinction between a succession of perceptions and a perception of succession, between the house and ship cases of the Second Analogy (A189–90/B234–5).⁷ But its extension to other cases is likely to be much more controversial. For example, it is only in virtue of categorial synthesis, in this case involving the categories of quantity, that subjects can represent various mereological relations—including the fact that the parts of something together constitute its whole (A142–3/B182). As Kant puts it in the Prize Essay:

⁷ I am not claiming that category application ensures we cannot be mistaken when drawing such a distinction. My claim is rather that Kant thinks that applying the category is a necessary condition on being able to even represent the relevant contrast.

[T]he representation of a composite, as such, is not a mere intuition, but requires the concept of a composition [*Zusammensetzung*] [...] that is not abstracted from intuitions [...] but is a basic concept, and *a priori* at that. (FM, 20:271; trans. modified)

I have defended this approach textually in detail elsewhere and I want here only to highlight two features that distinguish it from more familiar discussions of texts such as the Analogies (for more details, see Golob, forthcoming a).

First, as I see it, what the categories make possible is a complex *mix* of spatial and temporal representational achievements. In every case the challenge is created by the fact that Kant’s account of what makes a representation conscious, rather than its being part of the much larger class of unconscious content (Anth, 7:136), is apprehensive synthesis, a process which “is always successive” (A189/B234; see also A99 and B160). The result is that some mechanism, namely the categories, is needed to represent relations which that successive synthesis obscures. Some of these relations are straightforwardly temporal. Others are more complex. For example, the problem of the Axioms arises when the parts of something are seen one after another: given this successive experience, how can one represent them as together constituting a single, simultaneous whole?⁸ Mere association could, of course, allow one part to call to mind another. Yet a synchronic awareness of multiple items is not equivalent to an awareness of those items as together constituting something larger: as the Prize Essay observes, the notion of ‘composition’ would still be missing. To put the point another way, an associative mind operates at most at the level of consciousness, joining various first-order representations by associative links. But it would lack *self*-consciousness, that is, it would lack any higher order way of integrating these first-order representations. Given the successive nature of apprehension, such integration is vital if we are to combine intuitions so as to yield anything more than the crudest view of the world; otherwise, as successive, they would be merely “dispersed and separate in the mind” (A120). Second, in line with this, I think there is a single argument running through TD and the Principles: an

⁸ As the mention of simultaneity suggests, I think that all of the Principles ultimately closely interact: the ability to establish the type of mereological representation discussed in the Axioms goes hand in hand with the ability to represent objective simultaneity discussed in the Analogies.

argument from the problems posed by apprehension to the role of the categories in re-enabling the relevant relational contents. However, I also think that this dialectical unity is in tension with Kant’s introduction of several, non-equivalent, distinctions between the mathematical and dynamical categories. In particular, there are passages where that architectonic encourages him to seek a specifically ‘immediate’ proof for the mathematical categories; this would indeed make the categories a condition on mere perception as texts like B161 suggest (I say more on this passage specifically in Section 2.5). Thus at A162–3/B203–4, he argues that intuition must be an extensive magnitude since

I cannot represent to myself any line, no matter how small it may be, without drawing it in thought, i.e., successively generating all its parts from one point, and thereby first sketching this intuition. [...]. [E]very appearance as intuition is an extensive magnitude, as it can only be cognized through successive synthesis (from part to part) in apprehension. (A162–3/B203–4)

Note here the core role for apprehension and successive awareness which I flagged. But at a more specific level, this is a bad argument on many grounds. Phenomenologically, why can I not just see the whole line at a glance? (Van Cleve 1999:86). Furthermore, if I cannot see the whole line at a glance, how do I know if the parts which I am “successively generating [...] from one point” should lie straight or if they instead form a curve? Yet, if I can simply see the whole, why would I need to “successively” generate it “from one point” in the first place? The argument’s significance, however, is that *were* it to have succeeded, it would have made the categories necessary even for such a simple act as representing a line—so vindicating conceptualism. In other words, my suggestion is that the *prima facie* ‘pro-conceptualist’ passages which link perception and the categories are the products of a misguided attempt to sustain the mathematical/dynamical architectonic. Furthermore, I think these weak arguments were ultimately discarded by Kant in favour of better, quite different claims—for example, as sketched, arguments which allow that an animal can indeed see a line at a glance, but which contend that such a creature would be unable to represent various mereological relations between the whole and its parts, relations such as ‘composition’.⁹

⁹ In order to avoid attributing such a weak argument to Kant, one might defend an alternate reading of this passage on which it concerns conditions only on some form of conceptual or discursive representation of the

Undoubtedly, much of what I have just said will be controversial. I am not going to rely on the details of my view in what follows, although I shall use it for illustrative purposes. Instead, my concern will be only with the broad principle that underlies it: namely, that categorial synthesis is a necessary condition on and only on the representation of a certain privileged class of spatial or temporal relations. Specifically, I want to bring out that principle's implications for the conceptualism debate.

TD is a transcendental argument; indeed, it has a good claim to some kind of exemplary role in defining how such arguments should look. The role of these arguments in Kant's philosophy is of course open to debate, for example, over how they link to idealism. But it seems that when such arguments play an anti-sceptical role, they necessarily have a basic core: Kant identifies a priori some X which is a necessary condition on some Y , where X is something the sceptic doubts and Y is something that the sceptic either assumes or can be brought easily to accept.¹⁰ Let us also add in the assumption, which I simply granted the conceptualist in Section 2.2, that TD aims to justify the categories in the face of Humean fears. Now consider my proposal: within TD and the Principles, X is the categories and Y is the ability to represent the distinction between subjective and objective succession (the house and ship cases of the Analogies), or the ability to represent the successively seen parts of something as constituting its whole. Five points can then be made.

First, TD will be effective against Humean scepticism given the plausible assumption that such sceptics recognise our ability to at least *represent* such distinctions as that between an event (the ship case) and a successive perception of two unchanged, simultaneously existing, objects (the house case where my eye successively sweeps the façade). It seems likely that Hume would grant this—after all, debates between positivistic, projectivist and sceptical realist accounts of the *Treatise* are debates over what must be *added to* events in order to generate causality. Similarly, consider this remark from the *Treatise*:

line. Textually this seems hard to sustain given the apparently unqualified scope of the passage (“I cannot represent to myself any line”). But were such a reading adopted, the passage would become immediately compatible with nonconceptualism—in accordance with the nonconceptualist strategy employed by both Allais and me, it would present categorial synthesis as a condition not on perception itself, but only on some more sophisticated achievement. So whilst I find this alternate reading questionable exegetically, its accuracy would only bolster the nonconceptualism I ultimately defend.

¹⁰ This claim is compatible with the fact that there may be other transcendental arguments which do not play an anti-sceptical role (for example, the argument from geometry).

There is another very decisive argument, which establishes the present doctrine concerning our ideas of space and time, and is founded only on that simple principle, that our ideas of them are *compounded of parts*, which are indivisible. (THN, 1.2.3.12, emphasis added).

‘Compounding’ here is precisely the ability to represent multiple subparts as constituting a larger spatial whole, that is, exactly that ability which the Axioms claims is dependent upon the categories of quantity. So again, it seems that Hume does assume the abilities which I claim serve as TD’s premise.

Second, even if you disagree with my reading of Hume, and think that he personally would not concede the abilities in question, any non-dogmatic empiricism must do so. Kant himself marks this clearly when he writes that “certainly no one will concede” that the manifold of the house is also successive—in other words, everyone must assume and draw the distinctions in question (A190/B235). Again, let me stress that the abilities in question concern a capacity to *represent* the relevant relations, not to always get them right. There will be many contexts—parallel moving trains, magic shows, etc.—in which I might mistake my successive perception of an enduring object for a change in that object. What matters is that it is a datum of any recognisably human experience that we can and do employ the relevant distinction: the Analogies’ claim is that such a representational capacity assumes the categories. There is, of course, a further question as to whether Kant was right about that, which I cannot address here; my aim here is to show that such a view is perfectly compatible with TD.

Third, at a textual level, the proposal is typically expressed by Kant in terms of ‘objectivity’. So, for example, he summarises TD as a proof of the application of the categories to “whatever objects *may come before our senses*, not as far as the form of their intuition but rather as far as the laws of their combination are concerned” (B159). The issue here is clearly how we should understand the relevant notion of objectivity. I think the answer is as follows. Kant’s overarching definition of objectivity in terms of the unity of the manifold (B137) is a placeholder—his aim is to argue from one such notion of unity or combination to another. Specifically, the Principles attempts to argue from (i) a definition of objects in terms of relations such as objective succession to (ii) the conclusion that such a

datum requires categorial synthesis. So, for example, the Second Analogy attempts to move *from* this notion of objectivity:

If [...] all sequence of perception would be determined solely in apprehension, i.e., merely subjectively, [...] it would not thereby be objectively determined which of the perceptions must really be the preceding one and which the succeeding one. In this way we would have only a play of representations that would not be related to any object at all. (A194/B239)

To this one:

If we investigate what new characteristic is given to our representations by the *relation to an object*, and what is the dignity that they thereby receive, we find that it does nothing beyond making the combination of representations necessary in a certain way, and subjecting them to a rule. (A197/B242)

In other words, the objectivity argument is from the datum I discussed to the categories as conditions for it.

Fourth, unlike in Allais' account, we now have a clear explanation as to why categorial *synthesis* is involved. The problem I raised for her is that even if the existence of causal laws were a necessary condition on empirical concept formation, it is unclear why the subject forming those concepts should need to think about causality—any more than the subject breathing needs to think about oxygen. There are, as Quassim Cassam (1987:369) has noted, possible explanations, for example, that Kant wanted to *guarantee* the possibility of empirical concept use by giving us the capacity to induce its conditions. But this leaves Kant in a weak position, for why, the empiricist can well ask, should we demand such a guarantee, any more than it makes sense to demand a guarantee that the atmosphere on earth had to be breathable (Cassam 1987:371)? On my account, in contrast, synthesis is naturally involved, irrespective of one's stand on idealism, because the categories are necessary conditions on our being able to *draw certain distinctions*—something that is essentially a mental exercise.

Fifth, and most importantly, it is a direct consequence of my approach that the categories are not necessary for empirical intuition. Rather, they are necessary *only* for representing certain complex relations among such intuitions. Indeed, one needs to grant this

to even get to the point at which the Principles start: it is only because the cat does indeed intuit the mouse running along, or the parts of the house one after another, that the problem can arise as to the relation of those intuitions. So, on my proposal NCA follows directly.

What about NCH? Well, the issue is whether adult humans might have an intuitive experience *E* where the relevant relations and distinctions were not in play either in *E* itself or in any of its transcendental conditions. The last clause is important here, and matters will depend on how one understands the role of larger spacetimes as conditions on smaller ones. Suppose a rational agent suffering from some momentary illness that puts all his categorial capacities ‘offline’ for five minutes. During this time he perceives some series of images, and yet, due to his illness, lacks whatever ability is needed to represent that given series as either merely subjectively successive, as in Kant’s house scenario, or objectively successive as in the ship scenario. Suppose, later recovered, he locates the strange experience in a larger spatiotemporal whole where the relevant distinctions do apply: ‘whatever I saw, it was after lunch’. The categories might then be a necessary condition on placing the unknown occurrence within a larger spatiotemporal whole even if they were ‘offline’ during it.

Whatever one thinks about such a case, though, I think the basic points are clear enough. On the one hand, it seems one might well have passages of experience in adult humans where the relevant relations and distinctions are not present, and thus where the categories are not needed. On the other hand, however, such distinctions are so basic a part of any recognisably adult human experience, that they typically will be present—and by extension so will the categories which sustain them. This is why, in Section 2.1, I did not place great weight on modal treatments of NCH. When the categories are available to a creature they will almost always be actually applied, although this will of course not normally be done explicitly, since they are conditions on comparatively basic feats.

At this juncture, some conceptualists might be happy to embrace these results: after all, if conceptualism is largely preserved at the human level, why do animals matter? I do not think it is fruitful to argue over the title ‘nonconceptualism’, and elsewhere I described the view as offering a picture of Kant as both conceptualist and nonconceptualist (Golob, forthcoming a). But what *is* vital is that we be clear on the warrant for whatever ‘conceptualism’ is in play; given NCA for example, one can no longer sustain readings, such

as those of Ginsborg or Griffith, that make the categories a condition on mere intuition or perception.¹¹

2.5 Assessing the Proposal

As I stated in Section 2.1, my purpose here is programmatic: I have not attempted to undertake the kind of detailed textual work needed to fully back the proposal. Instead, my aim is to provide a bird’s eye view of the dialectic, a view which shows how TD might be compatible with nonconceptualism in at least one significant sense. The basic point is this: if TD is read as suggested, the categories are necessary for and only for the representation of certain specific relations among empirical intuitions. By extension, they are not necessary simply for having empirical intuitions, nor for the representation of spatiotemporal particulars, nor for the representation of simple relations between them: the gazelle, for example, can represent the fact that one lion is closer than another.¹²

I want now to develop these results by returning to Allais’ view, and to Gomes’ criticisms of it. The difference between Allais and me concerns what the categories are necessary for. Gomes’ worry was that Allais failed to respond adequately to the *quid juris*: by making category application a condition for a certain way of thought, the danger arose that whilst we might need to think this way, there might nevertheless be no referents at the intuitive level for those concepts. But how does my own view fare with the *quid juris*? Kant’s characterisation of the necessity required by the categories is well illustrated here:

¹¹ One option open to these authors at this point would be to follow Ginsborg’s lead and emphasise the role of intentionality: perhaps the categories are a necessary condition for that? Given the wide variety of views on what constitutes intentionality, I cannot deal with that move here unfortunately. I have addressed it in detail in Golob, forthcoming b. Another option would be to accept that whilst the categories are not necessary for ‘perception’ as we standardly use the term, they are necessary for some technical sense of ‘perception’ which by definition involves apperception or other sophisticated capacities. This type of move is merely terminological and effectively concedes the case to nonconceptualism: exactly as the nonconceptualist claims the mere intuition of spatiotemporal particulars itself, and thus perception in the usual sense, would be possible in the complete absence of conceptual abilities.

¹² For full discussion of the animal case, including the significance attached to the term ‘particular’ and the distinction between the egocentric spatial awareness characteristic of animals and our own self-consciousness, see Golob, forthcoming b.

For, e.g., the concept of cause, which asserts the necessity of a consequent under a presupposed condition, would be false if it rested only on a subjective necessity, arbitrarily implanted in us, of combining certain empirical representations according to such a rule of relation. I would not be able to say that *the effect is combined with the cause in the object (i.e., necessarily)*, but only that I am so constituted that I cannot think of this representation as otherwise than as so connected; which is precisely what the sceptic wishes most. (B168; emphasis added)

Gomes' point was effectively that, as far as intuition was concerned, Allais' story only establishes a subjective necessity: there is nothing at the intuitive level that mandates category application. On my story, in contrast, the categories are necessary precisely for the representation of 'objects' where, as in texts such as A194/B238, 'object' is a blanket term for the various distinctive spatiotemporal relations I have discussed. TD thus shows precisely that "the effect is combined with the cause in the object (i.e., necessarily)"—since the categories are a transcendental condition under which such objects must be represented. In laying out his own position, Gomes argues that the categories must be necessary not simply for thought, but for the "unity of space and time". Very plausibly, he links this requirement to the proof structure of the B-Deduction:

The first part of the proof, §§15–19, argues for the claim that we must apply the categories, whilst §§22–26 complete the argument by showing that the categories must apply. Kant's claim is that since the unity of space and time arises from a process of transcendental synthesis, that which is given in space and time stands under the unity of apperception. (Gomes 2014:12)

The key, though, is what "unity" means here. It might mean that awareness of pure space and time, which the Aesthetic takes to ground individual empirical intuitions (A24–5/B38–9). I think that this reading of Kant is deeply unappealing. It would entail that animals could not possess empirical intuitions, and by extension, that they could not perceive simple relations such as distance between the referents of such intuitions. I think the reading is also deeply mysterious. As Allais (2009:405–6) rightly emphasises, why should the ability to see a predator up ahead and track at least simple movement by that predator ('left a bit, coming

closer...’) depend on anything as sophisticated as the categories? So it seems to me the right way to approach Kant is to read “unity” as referring precisely to the type of sophisticated connection between representations which only the categories allow: for example, representing the distinction between an objective and a merely subjective time order. If this is right, one can grant much that conceptualists would want. So, for example, Gomes writes that

we must read the process of synthesis offered in the first part of the B-Deduction as originating in the understanding and proceeding according to the categories. The synthesis of the manifold of intuition takes place according to the categories, contrary to the non-conceptualist suggestion. (Gomes 2014:13)

Whilst Gomes is right that some forms of nonconceptualism cannot accommodate his reading, it is fully compatible with my proposal provided “the synthesis of the manifold of intuition” is read as I just read “unity”. Similarly, suppose one is concerned to limit talk of ‘figurative synthesis’ only to the categorially determined transcendental synthesis of the imagination (Schulking 2015:575ff.). Again, this is no problem: as I see it, animals are capable of various types of synthesis, notably apprehension, which marks the boundary between conscious and unconscious content, and also association (e.g., Br, 11:52). But there are clearly more advanced forms of synthesis which they lack, and it seems perfectly reasonable exegetically to reserve ‘figurative synthesis’ solely for the imagination under the determination of the categories.

On my picture, then, the categories are indeed necessary for something that is in an important sense a spatiotemporal achievement; it is also an achievement that Kant’s opponents typically take for granted, and one which they cannot reasonably deny. Of course, one might seek an even stronger position on which the categories are necessary simply for intuition in any form. As noted, I think this would bring with it many problems—particularly with respect to animals. But it is also unclear that this stronger view would deal any better with Gomes’ original worry about the *quid juris*. After all, on the stronger view there would really be no such thing as a solely intuitive phenomenon—any intuitive representation would necessarily contain a disguised conceptual component.¹³ By extension,

¹³ I do not think this line of thought is enough to absolve Allais’s account from Gomes’ original worry since her premise for the categories is not even pre-theoretically an intuitive matter, but rather explicitly appeals to

the most this stronger proof could achieve would be to show that something pre-theoretically intuitive was actually interwoven with the understanding. Yet this is already accomplished by my reading: it shows, for example, that the capacity to draw what seem straightforward temporal distinctions rests on category use.¹⁴

In presenting my account, I have dealt with several objections. I want to close by addressing three final worries one might have about it. First, one might worry that my solution to the *quid juris* simply pushes the problem back a step. Suppose it is the case that the categories are necessary for representing the parts of something as constituting its whole or drawing the subjective/objective succession distinction. But then by what right do we do *those* things—do we not need to simply answer another *quid juris* there? I think the answer is no. Kant is clear that space and time do not require a corresponding proof, since they are in an important sense simply given (A89/B121–2). I would suggest that a similar warrant can be extended to what I above called any “basic datum of human experience”, where such data can be identified, for example, by the fact that even Kant’s empiricist opponents assume them. In this sense, I see Kant as combining phenomenological and transcendental approaches: he begins with a descriptive phenomenology, starting from points that “no one” can in fact deny (A190/B235) and regresses from that to substantive, transcendental conditions (I discuss this further below).

Next, one might feel that my view, by distinguishing intuitions which do not require concepts from a subset of specific relations among intuitions which do, compromises the goal of establishing “the strictly universal, i.e., exceptionless, validity of the categories” (Bowman 2011:423). This, Bowman warns, “is not a point on which Kant could compromise: it has to be all or nothing” (Bowman 2011:423). But why must it be all or nothing? Bowman is not explicit, but his thought is at least partly that compromising on this “would put us right back in the universe of Humean contingency from which the transcendental deduction is designed to release us” (Bowman 2011:421).

Yet TD can serve its anti-sceptical purpose perfectly well provided that it starts from a premise which Hume accepts—there is no need for that to be something as thin as ‘having intuitions’ or ‘having perceptions’. Perhaps, though, my approach only works if one treats

empirical concepts. In any case, even if Allais is able to escape that problem in this way, I think the other concerns raised regarding her account in Section 2.3 stand.

¹⁴ The case of the Axioms is a little more complex in this regard. For details see Golob, forthcoming a.

TD in isolation from Kant’s broader metaphysics. Taken in such isolation, it may seem reasonable to allow that human experience will involve the categories, but animal experience will not. However, the challenge runs, once you consider Kant’s broader commitments the following problem arises: the phenomenal world is constituted by the synthetic acts of its perceivers, and so by allowing nonconceptual intuitions, you allow objects into that world which are not governed by causal laws, and thus not governed by, or amenable to, natural science. Following Hanna, we might call these “rogue objects”, i.e. “spatiotemporal objects of conscious perception to which the categories either *do not necessarily apply* or *necessarily do not apply*” (Hanna 2011a:407). I agree that the thought of animals going round constituting non-lawlike bits of the world with every perception sounds problematic. But I think the worry can be assuaged—even if one subscribes to a strong reading of Kant’s idealism. Suppose, for example, one reads Kant along Van Cleve’s (1999:11) lines as a phenomenalist. The result would be that animals and rational sensible agents had, in an important sense, two distinct phenomenal worlds—their world would not be governed by causal laws since it would lack the sophisticated relations for which the categories serve as necessary conditions. Why should this be troubling? Note that anything that is experienced by us, including the animal itself, will, insofar as *we* locate it within a space-time where the relevant distinctions apply, be subject to causal laws. So there is no sense in which this other phenomenal world might disorder our own. Furthermore any minimally sophisticated system of experience, for example any system sophisticated enough to sustain natural science, will include the relevant distinctions and so the categories—so there is no threat to the primacy of, for example, Newtonian physics. Finally, it is of course central to Kant’s system that space and time are in an important sense not ontologically ultimate: his interest, as he makes explicit, is in ‘*our*’ mode of experience (B148–9; original emphasis). In this sense, to borrow Jonathan Lear’s (1984:233) phrasing, the ‘*we*’ can never disappear—this marks an important difference between Kant’s emphasis on our finitude, at least in the theoretical realm, and systems such as Hegel’s. Given these points, I do not think that the possibility of an alternative, non-categorical, mode of sensible experience should be problematic.

Finally, one might object that there are texts which create problems for my reading, and which I simply have not dealt with. I agree with this; as I said, I cannot attempt a full exegetical defence here. But I can give some indication of why I am hopeful that can be done. Consider, for example, B161. Summarising TD, Kant writes:

Consequently all synthesis, through which even perception itself becomes possible, stands under the categories, and since experience is cognition through connected perceptions, the categories are conditions of the possibility of experience. (B161)

The final part of this, with its emphasis on connected perceptions, is amenable to my reading. But it may seem as if the other half shows that I am simply wrong: it states quite clearly that the categories are a necessary condition on “even perception [*Wahrnehmung*] itself”. Yet things are more complex than this first glance suggests. First, as mentioned in Section 2.4, I fully accept that Kant occasionally says very conceptualist-sounding things. I have elsewhere tried to explain this as a by-product of a misguided attempt to maintain the mathematical/dynamical category distinction (Golob, forthcoming a). Second, as noted in Section 2.1, it is deeply unclear what “perception” amounts to, an issue rooted in the interaction between the various terms Kant uses for it. There are texts which align it with phenomenological consciousness, as opposed to unconsciousness, a gloss which B160–1 appears to support (A225/B273; Prol., 4:200, read in conjunction with A320/B376). Yet, taken literally, that would entail that animals lacking the categories also lacked such consciousness, something Kant explicitly denies (Anth, 7:136), and surely a deeply unappealing result philosophically. So for B161 to be plausible, whatever else happens, “perception” there must mean something comparatively substantive—and that at least complicates the simple reading which seemed to provide a problem for me. Third, I think much of TD operates within a tacit scope modifier: its concern as Kant puts it at B149 is “*our* sensible and empirical intuition”. It is thus open to me to claim that talk of “perception” here what really means ‘adult human perception’—which I agree is categorial. Thus Kant himself immediately continues:

Thus if, e.g., I make the empirical intuition of a house into perception through apprehension of its manifold [*Wenn ich also z. B. die empirische Anschauung eines Hauses durch Apprehension des Mannigfaltigen derselben zur Wahrnehmung mache*], my ground [...] is the category of *quantity*. (B162)

I read this with a strong emphasis on the pronoun and the possessive: he is describing the phenomenology of *his* adult human experience, and marking its transcendental conditions.

I have argued that Kant is, in at least some significant sense, a nonconceptualist: in particular NCA is true. Furthermore, insofar as the categories are brought into play by and only by the need to represent certain relations, even adult humans may in at least some cases have intuitive experiences which are entirely nonconceptual. Most importantly, even when the categories do apply, as in the overwhelming majority of our experience, this is not because they are a condition merely on having intuitions or on perceiving. These conclusions are not merely compatible with TD; they illuminate the delicate calibration of the trap which the *Critique* sets for Hume.¹⁵

¹⁵ I would like to thank Lucy Allais, John Callanan, Anil Gomes, Robert Hanna, Dennis Schulking, Andrew Stephenson, and Clinton Tolley for extremely helpful discussion of these issues. I am also very grateful to Dennis and to an anonymous referee for their comments on an earlier draft.