## Dennis Schulting

# Gap? What Gap?

On the Unity of Apperception and the Necessary Application of the Categories<sup>1</sup>

I

In some Anglophone Kant literature (Van Cleve 1999; Gomes 2010; Stephenson 2014), the problem has been raised of an alleged 'gap' in Kant's argument in the Transcendental Deduction (henceforth 'the Deduction') for the necessary application of the categories to objects of experience, hereafter called 'the Gap'. The Gap is construed in terms of the difference between arguing that we must apply categories in order to be able to think of, experience, or perceive objects and arguing that the categories must so apply, or in other words, that the categories are exemplified by the objects that we think of, experience, or perceive. The first argument doesn't imply the second one. Kant appears to claim it does. Hence the Gap.

If this is indeed the case, there is a serious problem with Kant's claim that by means of showing that the categories are derived from the subjective functions of thought we are able to tell how knowledge of objects is possible. At most, Kant will have shown that there are certain necessary ways in which we *think of, experience, or perceive* objects, but not that the *objects* of thought, experience, or perception necessarily conform to our necessary ways of thinking, experiencing, or perceiv-

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**<sup>2</sup>** In the Kant literature, there are two other, different, discussions about a putative gap in Kant. Hanna (2011) argues that there is a gap in Kant's B-Deduction, because he believes that the argument of the B-Deduction is only true if conceptualism is true, but Kant is a non-conceptualist. This, according to Hanna, creates a fundamental gap. Further, there is the discussion surrounding a so-called gap in the Critical philosophy as a whole between transcendental philosophy and empirical science, which concerns a 'transition' from the metaphysical foundations of natural science to physics proper, addressed by Kant in his *Opus postumum*. I am concerned with neither of these gaps in this paper. For an account of Hanna's gap, see Schulting 2015.

ing, that is, that the categories that we need to think of, experience, or perceive objects in fact apply to the objects themselves. This would mean that Kant's Copernican hypothesis that we take objects to conform to the forms of our understanding, rather than that our concepts conform to the objects (KrV BXVII), is false.<sup>3</sup>

I contend that a fundamental misunderstanding regarding the analytic principle of apperception and the notion of objective validity, and what this entails for Kant's concept of objectivity, underlies this criticism of a supposed gap in Kant's argument. In the following, I address these issues, and shall argue that there is in fact no Gap in Kant's argument. To show that there is no gap between the analytic principle of apperception and the notion of object that Kant espouses, and that Kant indeed shows how subjectivity is constitutive of objectivity, I rehearse central arguments regarding the scope of transcendental apperception as a principle governing representations from my previous book (Schulting 2012b).

#### П

So what precisely is the Gap? The main point that is raised is an apparent confusion regarding the necessary application of the categories to experience. It is argued (Stephenson 2014: 79) that the fact that

(A) we must apply the categories to experience

#### doesn't imply that

(B) we are justified in applying the categories to experience;

alternatively, it is argued (Van Cleve 1999: 89; Gomes 2010) that (A) doesn't imply that

<sup>3</sup> It seems that the objection against Kant's argument simply begs the question against the Copernican hypothesis, for the latter specifically stipulates that the objects must be seen as conforming to our understanding, so that our conception of objects is also, in some sense, constitutive of the 'ontological' form of objects, i.e. what makes objects be objects. The claim that Kant's argument that the categories are both necessary and sufficient for the knowledge of objects is false thus rests on the assumption that the Copernican hypothesis is false. But for the sake of delineating the grounds for the Gap, let's assume the validity of the objection.

(C) the categories are instantiated in experience, or indeed apply to objects.<sup>4</sup>

The objection is thus that A implies neither B nor C. This constitutes a Gap, for Kant does appear to claim that there *is* an entailment relation between A and B and / or between A and C.

The arguments ( $A\rightarrow B$ ) and ( $A\rightarrow C$ ) may not at first sight be seen to come down to the same thing. There is prima facie good reason to distinguish between them. Behind the objection against the entailment between A and B appears to be the assumption that some sort of psychological necessity is involved in believing that p, without there being necessarily any *objective* justification for believing that p. But the objection seems misplaced, for categories have got nothing to do with psychological necessity, or subjective necessity, as Kant calls it at B168, where he dismisses the preformation theory of the necessary principles of experience. If it is the case that we must apply the categories, then as per Kant's argument we are justified in doing so, because according to Kant the justified employment of the categories in experience is precisely concerned with the dual fact that the categories are the *necessary* objective conditions of experience of objects *and* that experience is possible only if the categories are instantiated in experience. The modal condition is not about the putative psychological unavoidability of the categories.

This brings us to the objection against  $(A \rightarrow C)$ , which according to James Van Cleve (1999: 89) is often overlooked because of the "easy verbal slide from 'we must apply categories' to 'categories must apply'". This objection goes something like this: It might be that the categories are necessary for the *conception* of objects so that they tell us how we truly *conceive* of objects, but that says nothing about whether our conception has any application in reality, in other words, that our conception truly corresponds to the objects. The truth of our conceptual scheme does not imply the truth about objects. The first concerns an epistemological 'fact' and the second an ontological one, and the realm of epistemological 'fact' and that of ontological facts shouldn't be conflated, or so the objection goes. The claim here is that Kant argues for the necessary conditions of our conceptual scheme only, but fails to show that the categories are actually existentially exemplified by the objects of our experience or conception. If true, this would pose a real problem for Kant, because it undermines the main claim behind the Copernican hypothesis, namely that the *objects themselves* conform to our conceptual scheme, rather than that we should see our concepts as conforming to pre-given objects (KrV BXVI-XVII).

**<sup>4</sup>** That the categories are instantiated in experience and that they apply to objects is prima facie not the same. I discuss this apparent discrepancy further in Sections IV and V below.

The objection of the Gap is of course a serious charge against Kant, as the very goal of the Deduction is to prove that the categories have justified applicability to objects in reality, a project Kant specifically positions over against the unjustified trust the rationalists placed in the applicability of pure concepts to real objects without investigating the warrant for such trust. In other words, the charge of the Gap is that Kant's argument would appear to be as deficient as that mounted by the rationalist in securing a connection between concepts and objective reality, and that since Kant doesn't succeed in improving on the rationalists' attempts, his Deduction must be considered a failure.

In earlier literature (Carl 1989a/b; Guyer 1987, 1992; Mohr 1991; cf. Hoppe 1983) the Gap has been construed in terms of a non-sequitur between, on the one hand, Kant's argument for the principle of the transcendental unity of apperception (henceforth TUA), in § 16 of the B-edition of the Deduction (henceforth the B-Deduction), and on the other hand, his argument for the objective unity of apperception (henceforth OUA) in § 17 of the B-Deduction.<sup>5</sup> The objection in this case is that TUA doesn't imply OUA, against Kant's claim that it does (§ 18), because the conditions for self-consciousness aren't ipso facto the conditions of consciousness of objects.

I believe that the underlying reason for both construals of the Gap is the same, and that both reveal a misunderstanding of the analyticity of the principle of apperception, its scope, and its primary role in the constitution of objective knowledge.

# Ш

If we look at Kant's preliminary conclusion to the first half of the B-Deduction in § 20 (B143) (henceforth "the First Step"), it is prima facie clear that Kant indeed claims to have shown that the argument for the necessity of TUA for any unitary manifold of representations implies that any such manifold is subject to the categories, and that, given that categories are concepts of objects in general (B128), the very unity of apperception (i.e. TUA) implies the objective unity of consciousness or apperception (i.e. OUA), which is identical to the concept of an object in general (B137-8). This ties in with the main claim of the Deduction, namely to prove that the subjective conditions of thought are in fact also the objective conditions of possible knowledge (A89-90 / B122), that is, to prove that our representations are objectively valid, or, genuinely refer and apply to objects.

<sup>5</sup> For discussion of this debate, see further Schulting 2012b, Ch. 4.

Thus the simple implication of Kant's argument here appears to be that, given that the rules for unitary representations are the categories (cf. heading B143), and given that the categories define objects in general (B128), the rules for unitary representation—i.e. the combined set of rules of synthesis underlying the principle of apperception—*are* the rules for the conception of an object in general (cf. A106, A103), but also the rules for objects to *be* objects (B138); in other words, that the principle of apperception *is* in fact the principle of objective knowledge. But why would this follow? Doesn't this come down to confusing the necessary rules for the conception of objects and the sufficient grounds for objective knowledge?

#### IV

Before answering these questions, it is important first to note that there is an additional apparent problem or at least confusion concerning the very aspect of *necessity* in Kant's argument. Kant says that categories are necessary conditions of experience (B126, 161, 168; A111). But, as Van Cleve writes, "[w]hat about the categories is necessary—their existence, their being used by us, their being instantiated by objects, or what?" (1999: 89). Kant says repeatedly that the categories concern objective validity, that they relate to objects, and that we need the categories to think an object. Thus the categories are necessary conditions of thinking and of experiencing an object. For example, Kant writes:

[Categories] are related necessarily and a priori to [*beziehen ... zu*] objects of experience, since only by means of them can any object of experience be thought at all. (A93 / B126)

Notice that the emphasis here is not on the 'thinking' but on 'object'. As said, categories are not psychological conditions. They concern the question of what it means to think of an object *at all*, that is, what it means to first conceive of an object. This means that one can't even speak of *there being* an object without the involvement of the categories, regardless of any question about the rules for experiencing (in the psychological sense) objects. The relation of categories to objects, then, includes saying something about how the object *is*, or, is constituted such that I can think it, as indeed Kant writes:

The synthetic unity of consciousness is therefore an *objective* condition of all cognition, not merely something I myself need in order to cognize an object but rather something under which every intuition must stand *in order to become an object for me*. (B138; emphasis added)

There is, Kant seems to be claiming, no discrepancy between how, by virtue of the synthetic unity of consciousness, I necessarily conceive of the object and the object as so conceived. So, given that categories are the set of rules that constitute the synthetic unity of consciousness that is the condition of all cognition, categories are not only necessary for objective experience, but also, formally at least, 6 sufficient for it. That is, categories are not only necessary conditions of the subjective experience of an object, of how we experience or represent an object at all, but they are also the necessary conditions of the *objects* that we experience. Hence, Kant famously writes:

The conditions of the *possibility of experience* in general are at the same time conditions of the possibility of the objects of experience [...]. (B197 / A158)

This conspicuous claim about the entailment relation between the conditions of experience and the conditions of the objects of experience is confirmed by the following passage in one of the metaphysics lecture notes from the late 1780s:

All objects of knowledge are objects of experience. Now what is not an object of experience, or what has not been given to us through the senses, is also not an object for us. Hence, experience is the sum total [Inbegriff] of all our objects. (Met-Schön, 28:476–7; trans. mine)

Kant here suggests that without the categories as conditions of possible experience there would not be objects for us to experience, which makes the categories also 'ontological' conditions of objects, but, importantly, not the conditions of "the possibility of things in themselves" (Refl 5184, 18:112 [Kant, Notes and Fragments, 218]). It is perhaps confusing to speak of the categories as *ontological* conditions of objects, which are not conditions of the possibility of things in themselves, when 'ontological' is usually understood as having to do with precisely the things in themselves (die Sachen selbst, in Kant's terms). But 'ontological' should in the first instance be understood as having to do with what instantiates the objects as being objects, that is, the intentional accusatives of objectively valid experience that are perceived as existing external to oneself. (That the categories are not the ontological conditions of things in themselves turns out to be an important qualification for understanding the Gap, or rather, why there is no Gap.)

<sup>6</sup> Of course, sensory input is still required.

<sup>7</sup> In the quoted lecture note, Kant in fact expresses his doctrine of idealism about the objects of experience: experience itself contains all of the objects that can be experienced, none of which can be found outside of experience. I discuss this elsewhere (see Schulting 2017a).

### ٧

Van Cleve thinks here lies the problem. Kant can be said to confuse or conflate into one the following three different modal claims:

- (N1) *Necessarily*, we apply the categories to our judgement about, experience or perception of, objects.
- (N2) *Necessarily*, the categories apply to, or are instantiated in, our judgement about, experience or perception of, objects.
- (N3) *Necessarily*, the categories are exemplified by the objects of our judgement, experience or perception.

Taken at face value, N1 does not imply N2, nor is N3 entailed by N2 or N1. It is not clear though on what grounds N1 and N2 are indeed validly separable claims, if we consider that, for Kant, there is no meaningful distinction between the use of categories in judgement, which are in fact nothing but functions of our capacity to judge (B143), and their instantiation at least in judgements about objects, if not in experience or perception. 8 While Anil Gomes (2010: 121) differentiates between the fact that "we must apply the categories to experience in order to explain the unity of consciousness" and the fact that the "categories are actually instantiated in experience"—which appears to map onto the distinction above between N1 and N2—he doesn't at first seem to make the distinction between instantiation of the categories in experience and exemplification of the categories in the object of experience, that is, he appears to run together N2 and N3. (That Gomes doesn't in fact run the two together is shown by his proposed solution to the Gap. See Section VII.) Van Cleve, on the other hand, seems more straightforward in making the distinction between employing the categories in judgement and the categories being exemplified in the objects judged about—hence, although the wording, used by Gomes (2010:122, et passim), of the distinction "we must apply the categories" / "the categories must apply" is his, Van Cleve doesn't appear to distinguish between N1 and N2, but rather between N1 and N3.

Regarding differentiating between N1 and N2: I pointed out in Section II above that if we must apply the categories to our experience of objects (N1), this is not because of some psychological requirement on our part, but because categories are the necessary ingredients of any possible thought or experience of objects (N2). On Kant's definition of experience, the necessary conditions of expe-

**<sup>8</sup>** Of course, the fact that categories are instantiated in judgement doesn't imply that they are instantiated in experience or in the perception of objects. This is why Kant deems it necessary to carry out a twofold analysis in the B-Deduction, i.e. the so-called 'two-step' argument.

rience are reciprocal with our application of those conditions to experience; if we didn't apply the categories to experience of objects, there would not just be no categorial experience of objects, but in fact no experience at all. It would thus appear that if we must apply the categories to the experience of objects, then the categories must apply to, or are instantiated in, the experience of objects. Thus, N1 and N2 are not really distinct arguments. Integrating N1 and N2, the amended modal claim becomes:

(N1\*) Necessarily, the categories are applied (by us), and are thus instantiated, in any judgement about, experience or perception of, objects.

This leaves the putative conflation of N1\* and N3, the conflation that Van Cleve is worried about and concerns the real contentious issue of the Gap. As these modal claims concern, at first sight, an epistemological claim and an ontological one, respectively, one would think that N1\* and N3 should surely not be confused. For it is not, or at least not prima facie, necessarily true that if categories are applied and instantiated in our experience, then they are also applied to, or instantiated in, the *objects* of our experience. By claiming, however, that "the conditions of the possibility of experience in general are at the same time conditions of the possibility of the objects of experience" (B197 / A158; my underlining), does Kant not confuse epistemological and ontological conditions after all, namely, the conditions of experiencing objects and the conditions for objects to be objects for us to experience? It may be that we require categories to form rationally coherent beliefs or judgements about objects. As such, categories would be necessary conditions for forming such beliefs or judgements, and that such judgements are always categorially structured. But that categories are also *objectively* valid, and so are necessary conditions of the *objects* of experience (and not just the *experi*ence of objects), as Kant claims, requires the additional premise that "any categories used in judging are actually exemplified by the items judged about" (Van Cleve 1999: 89).

It appears Van Cleve sees the application of categories as analogous to the application of empirical concepts in a judgement about objects. The problem that he calls attention to is at any rate pertinent in the case of the application of *empir*ical concepts in a judgement. For example, to judge, say,

"This easy chair is a Gispen 407"

doesn't imply that the chair judged about is actually a Gispen 407, in other words, that the property of 'being a Gispen 407' is exemplified by the chair that I see in front of me and about which I judge that it is a Gispen 407, "for my judgment may not be true" (Van Cleve 1999: 89). I might be fully justified in *believing* that the cantilevered chair I see in front of me is a Gispen 407. But being justified in believing that p doesn't imply that p is true. It could be that for all that I believe p to be true I am still mistaken. The easy chair I perceive might in fact be another Gispen—a 405, or 412, say—or indeed it might be another type of cantilevered chair altogether, a Brno chair, say. It might very well be possible that a deficiency in my background knowledge of design chairs prevents me from knowing the truth about the chair I perceive.

So, if we grant the analogy with the application of empirical concepts in a judgement, it seems that *mutatis mutandis* the necessity of applying *categories* in judgements or in experience can't mean that they are eo ipso objectively valid, that is, that they are exemplified by the objects of our experience, for the simple reason that a judgement may not be true. Of course, one could reasonably object that the application of categories is not analogous to applying empirical concepts, since categories do not feature in the content of a judgement as do empirical concepts, and are not like properties that can be attributed to, and thus be exemplified by, objects. This may be true, but is beside Van Cleve's valid point, namely, the critical objection that not every judgement (about an object), in which to be sure categories are necessarily instantiated, is ipso facto a true judgement, which our example above made amply clear. In other words, the fact that every judgement requires the instantiation of the categories does not make the judgement thereby true, so that the categories are also exemplified in the *object* of my judgement. The analogy with the application of empirical concepts is thus apt insofar as the necessary employment of categories in our judgements does not imply their exemplification in the objects of our judgements—in the same way as that the predicative use of empirical concepts in our judgements does not entail their exemplification in the objects that our judgements are about—and insofar as categories are indeed kinds of property attributed to objects, namely, in the way that any empirical object is an instantiation of the concept of an object in general, whose intension consists of the set of twelve categories.

Clearly, any judgement can't be true just by definition. Van Cleve (1999: 89–90) considers whether modifying Kant's claim as instead meaning by the objective validity of judgements that only categories used in *true* judgements are true of objects could save Kant's argument from the criticism that application of the categories in judgements doesn't imply their objective validity. At any rate, categories as epistemological conditions of objective experience cannot be *ontological* conditions of objective experience, that is, conditions that are *constitutive* of the objects of experience, as a matter of course. However, against this suggestion of Van Cleve's it should be pointed out that if it were the case that only cate-

gories used in true judgements are true of objects, and that this is what objective validity means, then if I made a false judgement, I wouldn't be able to know that I made a false judgement, because it wouldn't be clear by means of which criterion I could differentiate a false judgement from a true judgement.

All in all, it seems fair to say that categories do not guarantee the truth of my empirical judgements, and thus that making judgements doesn't mean that they are eo ipso objectively valid. But equally, it seems, the objective validity of a judgement is not the same as a judgement having a truth value, i.e. of being either true or false. In other words, contrary to what Van Cleve appears to assume, the objective validity of the categories must not be confused with truth value or truth per se. And by the same token, that a judgement can be true or false doesn't tell us anything about why a judgement is by definition objectively valid, if objective validity is indeed the intrinsic character of a judgement, as Kant claims (B142). Take for instance the analytic judgement

"Gold is a metal."

This judgement is true independently of the question of objective validity, that is, the question that would be germane in the case of a putative judgement about a given golden object, a gold bar, say, to which a property ('metalness') were attributed. The truth of the analytic judgement "Gold is a metal" entirely depends on the analysis of the concepts <gold> and <metal> and on understanding what it means that concepts have extensions (and perhaps on having some basic knowledge of metallurgy<sup>9</sup>). The same could *mutatis mutandis* be said about the false judgement

"A table is a chair."

Objective validity isn't going to help in determining why this judgement is surely false—or in fact, that it is false. Knowing that to judge or state "A table is a chair" is to make a false judgement or statement 10 merely and entirely depends on the principle of non-contradiction and on understanding the concepts employed in it: the judgement or statement "A table is a chair" shows a failure to understand

<sup>9</sup> It could be argued, along Kantian lines, that even the capacity to formulate (and understand) analytic judgements relies ultimately on possible experience and empirical knowledge.

<sup>10</sup> Maybe the term 'statement' would be more appropriate here, but that makes it even clearer that the objective validity of a judgement can't be identified with its truth value, since also statements that are not judgements strictly speaking have a truth value. See below.

the very meaning of the concepts and <chair>. The question of objective validity is irrelevant here.

Conversely, an objectively valid judgement can equally be false, e.g., the judgement "This easy chair is a Gispen 407", where it is plain for all to see that the chair perceptually presented to one, and about which one judges that it is a Gispen 407, is in fact not a Gispen 407—that is, the judgement contradicts what to all intents and purposes should be clear from perception. The falsity of the judgement doesn't lie in a lack of objective validity though. For if this false judgement were not objectively valid, I wouldn't even *know* that my judgement, which turns out to be false, is about the very chair perceptually presented to me and about which I mistakenly judge that it is a Gispen 407. Moreover, my judgement about *this* chair wouldn't then just be false, but it wouldn't in fact be *about* any object at all. To put it succinctly, without objective validity, I wouldn't be judging *sensu stricto* in the first place (I might be hallucinating, dreaming, or fantasising, at best). Objective validity, then, appears to be a more fundamental feature of judgement than its truth value. It hasn't got to do just with a judgement being true or false, in contrast to what appears to be the majority view among Kantians.

With this in mind, it isn't germane to ask the question whether I can be mistaken about the application of the categories or indeed if the application could be "inapt" (Gomes 2010: 125). The application of the categories is not an empirical question, dependent on my background knowledge of, in the particular aforementioned case, design chairs, so that I could indeed be mistaken about certain properties of the object of my perception. In the case of the categories—which are *a priori* concepts after all—we are, as it were, immune to error through misapplication, to vary a well-known phrase in the philosophy of mind. Categories either apply or they don't; I can't be mistaken about my application. That is, *when* I make a judgement about some object *o*, the categories must apply to *o*, *even if* I am factually wrong about the empirical content of my judgement. This has to do with the fact that categories establish the *necessary* unity (OUA) that is constitutive of a judgement *p*, regardless of the question whether *p* is empirically true or

<sup>11</sup> There is a problem for Kant, as in the *Critique of Judgement* Kant appears to want to make a clear distinction between reflective judgements and determinative judgements, whereby the former are not objectively valid judgements at all. This conflicts with his claim in the B-Deduction that objective validity is an intrinsic element of judgement per se. There is also the issue of his *Prolegomena* distinction between merely subjectively valid judgements of perception and objectively valid judgements of experience. In my view, since judgements of perception lack objective validity, and given Kant's definition for judgement in the B-Deduction (§ 19), they are not really judgements. In the limited space of this paper, I cannot elaborate on these important interpretative issues.

**<sup>12</sup>** But see Vanzo 2012.

false. Kant reasons at B141-2 that OUA concerns a necessary unity of representations in a judgement, whereas the content of judgement is empirical, "hence contingent [mithin zufällig]". The content of a judgement can be true or false, but for any determinative judgement *p* about *o* OUA is an essential, noncontingent, alethically invariant element of judgement. It is this necessary unity, which is the same for all judgements about objects regardless of empirical content, that establishes the objective validity of a judgement.

So objective validity is not a merely logical condition in the sense of a judgement's being either true or false (i.e. its having a truth value); that is, it doesn't, in and of itself, concern the truth or falsity of empirical propositions. Rather, objective validity concerns what Kant calls transcendental truth (B185 / A146), which is about the transcendental-logical 'fact' that, whenever I judge, either falsely or truly, about some object o that it has property F, I'm primordially connected with the object of my judgement.<sup>13</sup> Categories are transcendental conditions of objective experience, they are by definition designators of object-intentionality or objectivity; they are not logical conditions of 'mere' experience (or 'mere' thinking). It appears that Van Cleve and Gomes mistake the categories for such logical conditions of 'mere' experience (or 'mere' thinking), as if categories were 'merely' subjective conditions of experience. However, notwithstanding his dismissal of Kant's claim that TUA and the concept of object are intimately related, Van Cleve's phenomenalist reading of Kant's idealism provides a way to avoid aforementioned ostensible problems with conflating epistemological and ontological conditions of the experience of objects (I cannot discuss this here, but see Schulting 2017a, Chapter 4, Section 4.10).

# VI

In earlier literature, mentioned at the end of Section II, there is a slightly different take on the putative gap in Kant's argument. This concerns a reading of the Gap in terms of a gap between TUA and OUA. The argument is that there is a gap because TUA doesn't logically imply OUA, contrary to what Kant appears to claim, for TUA is a necessary condition of OUA, but not sufficient for it. The unity that is necessary for the connection among my representations to count as *my* representations conjointly is not eo ipso the unity that is necessary for the connection among

<sup>13</sup> Notice that transcendental truth is not a distinct truth from empirical truth, as if there were two kinds of truth. Transcendental truth is the necessary (but not the sufficient) condition of empirical truth.

objective representations, that is, for representations to count as *of an object* (cf. B234–5).

Wolfgang Carl, Paul Guyer and others have noted this (alleged) problem. A prima facie valid objection against Kant's claim that the subjective conditions of representations are also objective conditions of knowledge, i.e. the claim that TUA entails or is OUA, is that if TUA is not only necessary but also sufficient for objective experience, as we've seen Kant indeed claim (B138), it would seem impossible to have *merely* subjective experience that is not already objective experience. As Carl (1989a: 96–7) for example has claimed, for Kant to make the claim that TUA entails or indeed is OUA he would have had to signal a way in which 'mere' subjective conditions of experience are "changed" into ones of objective experience. And to all appearances, Kant fails to do that. TUA neither is OUA, nor does TUA imply OUA. So there remains a gap between TUA and OUA.

Let me expand on this a bit. Kant's claim is that there is an inherent connection between TUA and OUA, and hence between subjectivity and objectivity, or between the subjective conditions of experience (the functions of thought) and the objective conditions of experience (the categories), and, as we've seen earlier, that there is an intimate connection between the conditions of experience and the conditions of the *objects* of experience. That is, the rules for unitary representation or the categories imply that they are applied to the representation of objects and hence, given the definition of object, are exemplified by objects.

In fact, it seems, Kant defines TUA as OUA. In both the A- and B-edition, Kant closely links the unity of consciousness, which unites a manifold of representations by means of synthesis, with the very possibility of having a *concept* of something at all (A103). Hence, at B137 he says that object, as "something in general", is precisely that in whose concept the manifold has been united in consciousness, hence is an objective unity of apperception (OUA), and whose concept expresses a necessity of synthesis. So the necessity of synthesis that unites a manifold of representations *is* the concept of an object, which is defined by OUA, and this is the *same* synthesis that unites all my representations as mine, and so also grounds TUA. Therefore, TUA *is* OUA because they reduce to the same function of unity. This is specifically confirmed by Kant at B139:

The *transcendental unity* of apperception is that unity through which all of the manifold given in an intuition is united in a concept of the object. It is called *objective* on that account, and must be distinguished from the *subjective unity* of consciousness, which is a *determination of inner sense*, through which that manifold of intuition is empirically given for such a combination. (my underlining)

As is clear from this passage, TUA is not the subjective unity of consciousness, as some may be inclined to infer from the argument of § 16 of the Deduction, and as it seems Carl et al believe on account of their criticism of Kant regarding a gap in his central argument. Rather, the subjective unity of consciousness is contrasted with the transcendental unity, and is itself merely an empirical, contingent, unity, which rests on associations. Lest one think that Kant means by the subjective unity of consciousness the analytic unity of consciousness of § 16, which is established by the 'I think' accompanying one's own representations, in contrast to the transcendental unity of consciousness, from B140 it is amply clear that the 'I think' does not concern the *subjective* unity of consciousness but rather "the original unity of consciousness", or the "pure synthesis" which relates the manifold of representations "to the one I think [zum Einen: Ich denke]", in other words, the transcendental unity of consciousness. The unity referred to in the phrase "That unity alone is objectively valid [Jene Einheit ist allein objektiv gültig]" refers back to the original-synthetic unity of consciousness that relates the manifold "to the one I think [zum Einen: Ich denke]", and must be contrasted with the "empirical unity of apperception, which we are not assessing here" (B140) and has only subjective validity. The subjective unity of consciousness, which is this empirical unity of apperception, has therefore nothing to do with the universal and necessary unity of the 'I think' of analytic unity of consciousness, which is central to the argument of the sections of which the current section (§ 18) is a preliminary conclusion.

To recapitulate: the claim that the transcendental unity of consciousness (TUA) is an objective unity of consciousness (OUA) has led to criticism, with commentators mostly charging Kant with confusing the necessary condition of transcendental apperception for objective representation or the representation of objects with a sufficient condition of such representation. But this criticism is, I contend, based on a faulty reading of the analyticity of TUA (I analyse this in Section VIII below). The reasoning behind the criticism is that it obviously can't be the case that the principle that is responsible for the possibility for a subject to have representations, or to represent (TUA), is sufficient to ground the objective unity of one's representations (OUA), rather than just the subjective unity of consciousness, for it can't be true that all of my representations are ipso facto objective ones.

But, as I suggested, this criticism is based on an erroneous interpretation of TUA. Most commentators read TUA in such a way that it might seem that indeed all representations that one has necessarily entail at least the possibility of being accompanied by the 'I think' and that they are thus united with all other representations so accompanied or possibly so accompanied. In that case, if indeed

Kant were to claim that TUA is OUA, then all possible representations a subject has are at least potentially already objective, and consequently, he would contradict himself, in § 18, by saying that the objective unity of consciousness is *not* a subjective unity of consciousness, which concerns representations that are merely subjectively valid, and accidental, hence have nothing to do with a *necessary* unity of representations.

Now one could claim—as some, such as Strawson (1968), indeed do—that the subjective unity of consciousness is only possible because of an objective unity or that the former is dependent on the latter, which is itself again dependent on the knowledge of the objective unity among spatiotemporal objects themselves (see Schulting 2008). But that is not what Kant is claiming in § 18, where he simply and clearly *contrasts* the two unities, whereby—contrary to Strawson's perspective—the *subjective* unity of consciousness is merely to do with empirical factors, whereas the objective unity is in fact the transcendental unity of consciousness, i.e. the self-consciousness of apperception, that is first *constitutive* of objective knowledge.

At any rate, Kant doesn't claim that *any* subjective unity of representations is governed by an objective or transcendental unity of consciousness, as it would be on a Strawsonian reading, even though it would be right to claim that *if* any manifold of subjective representations were to amount to objective cognition, it would be amenable to being brought under TUA. But these are two modally different claims, which Kant definitely doesn't confuse. I shall come back to this important aspect below (Section VIII).

To return to Kant's apparent identification of TUA and OUA, if, as I argued before, Kant equates having a concept of an object and grasping the necessity of an a priori synthesis that unites a manifold of representations, which also constitutes the existence of an object insofar as its objectivity is concerned—notice: not its empirical constitution, which can't be determined a priori—then the supposed gap between categories as concepts of an object in general and their exemplification by objects seems to vanish, at least to the extent that the connection between categories as constitutive conditions of *objectivity* is concerned. But Van Cleve is not so convinced, and neither is Gomes, who agrees with Van Cleve but has come up with a possible rejoinder to Van Cleve's objection to Kant's entailment claim, namely by resorting to the second half of the B-Deduction (henceforth "the Second Step"). This proposal will now be considered.

#### VII

Gomes (2010) argues that the Gap is first closed by the fact that categories are the very rules by means of which objects are *given* in space, so that in order to be able to perceive objects in space, the objects themselves necessitate the exemplification of the categories. This would mean that there is in fact no gap between the application of the categories and their exemplification in the objects. The objects themselves are already given as categorially governed particulars in a spatial continuum and are as such apprehended by the experiencing and category-applying subject. This is first argued in the Second Step, so, in Gomes's view, it's only there that Kant is able to close the Gap still left open by the argument of the First Step.

Gomes's proposal might seem to allay Van Cleve's worries. But there are several problems with his approach. First, there is an interpretative problem for Gomes's proposal. On Kant's view, objects do not necessitate the instantiation of the categories, as if they were somehow disposed to do so. If categories are the necessary rules for the unity of representations, and for the synthesis of them, then objects cannot necessitate the instantiation of the categories, for, as Kant says, combination or synthesis is not given "through objects" but can only be carried out by the subject (B130). Combination cannot be derived from the objects, but is an act of the subject only (B134–5). Thus, if the objects themselves necessitated the exemplification that the subject of experience can't achieve by itself—namely by applying the categories, and the exemplification of the categories concerned the necessary and sufficient unification and combination of the objects themselves, by these objects themselves, rather than the necessary way in which a subject unites and combines representations of objects, then this would conflict starkly with Kant's own thesis that the combination of objects is not a function of the objects themselves but exclusively of the subject of experience, and thus of judgement. Now this is of course precisely the thesis against which Van Cleve and Gomes object: a necessary combination by the subject doesn't suffice for a necessary combination in and among objects.14 But their criticism begs the question against Kant.

Secondly, and more problematically—and this is not just an interpretative issue, but poses a philosophical problem that goes to the heart of the Kantian revolution of thought—if indeed the objects themselves necessitated their exemplification and it is not the subject that establishes the exemplification, how could I know that the categories are exemplified in an object? For if, as Kant says at B138, "an object (a determinate space)" is first recognised by the unity of the act of apperception or the unity of consciousness (i.e. TUA), then if TUA can't a priori establish the exemplification of the categories in the object (i.e. on account of the Gap), I can't recognise the exemplification that is presumably necessitated in the given spatiotemporal object, unless I simply apprehend the categorially structured object a posteriori by means of perception or there is another kind of a priori form of apperception than TUA. But there is no other a priori form of apperception and that the apprehension occurs a posteriori is also clearly denied by Kant, for *necessary* connections can't be just recognised *a posteriori*:

Combination does not lie in the objects, however, *and cannot as it were be borrowed from them through perception and by that means first taken up into the understanding*, but is rather only an operation of the understanding, which is itself nothing further than the faculty of combining *a priori* and bringing the manifold of given representations under unity of apperception, which principle is the supreme one in the whole of human cognition. (B134–5; emphasis added)

It is, as Kant says in the Second Step, the very TUA, by means of the figurative synthesis, not the *object* or that which is given in sensibility, that ensures that the categories are applied *in sensibility* (B151–2). This does not obviate Kant's claim, in the First Step, that TUA implies OUA, but rather confirms it. At any rate, the approach Gomes proposes to allay the worry about the Gap would contravene Kant's Critical turn away from transcendental realism: true knowledge of necessary connections in objects is not based on any putative correspondence of the understanding to how things are necessarily structured *in themselves* or how things necessitate their categorialisation, but on how the things necessarily are *taken* to conform to the understanding and its a priori necessary concepts in order for knowledge of them to be possible (BXVI–XVII). This concerns not just their possible knowledge, but also their ontological constitution *as* objects of knowledge (in the aforementioned sense of 'ontological').

Thirdly, there is a structural problem with Gomes's proposal: Given that the chief argument of the Second Step is logically dependent on the argument of the First Step, if there is a *fundamental* problem with the First Step, namely the Gap—more specifically: the gap between (N1\*) and (N3)—then the Second Step can't solve it. Whereas the First Step is concerned with the analysis of a general mode of discursive categorial cognition dependent on *any* arbitrary type of sensible manifold, the argument of the Second Step concerns a specific application of the categories to sensible manifolds that are spatiotemporal, which is characteristic of human modes of perception. This is of course not to say that the two-step argument of the B-Deduction consists just in arguing that the more specific mode of cognition treated in the Second Step is simply analytically inferred from the more

general mode of cognition discussed in the First Step. Kant must of course show how the categories are applied in spatiotemporal sensibility, and this requires an additional argument that is not already provided by the First Step, namely, how the synthesis of the understanding operates in sensibility itself. My point here though is merely that Gomes can't help himself to a solution to a putatively fundamental problem encountered in the First Step, which allegedly invalidates its main claim (namely that TUA entails or is OUA), by resorting to the Second Step, the chief argument of which relies precisely on that claim for its success, for, as Kant argues in the Second Step, the figurative synthesis that enables the cognition of "a determinate space" (B138), i.e. an empirical object, is nothing but the "effect" of the understanding itself in the realm of sensibility (§ 24), and not any effect of the exemplification of the categories by the object itself, by merely being given. In other words, the fundamental synthetic connection to objects, which bridges the putative Gap, should already have been proved in the First Step, with the Second Step only explicating how this synthetic a priori connection—the original-synthetic unity of apperception—has purchase in sensibility itself.

#### VIII

To return to Van Cleve's objection (addressed in Section V), as I suggested earlier I think that the main problem lies in how Van Cleve (and following him, Gomes) reads TUA. It's a common reading, which commits one to a particularly strong modal interpretation of the principle of apperception. I contend that the principle of apperception should be taken in a different, modally more moderate sense. The strong modal reading of the principle of the unity of apperception says, roughly:

TUA = Necessarily, all representations of which I am conscious are subject to the unifying act of apperception.

This definition of TUA is problematic, for it glosses over salient aspects of the principle of apperception. More bluntly, it reads too much into the principle.

The principle of apperception, i.e. the principle expressed in the proposition "the 'I think' must be able to accompany all my representations", advanced at the start of § 16, does specifically not state that, necessarily, for every instance of a representation *r* there is an actual or potential instance of self-consciousness or a self-aware agent *S*, so that *r* is eo ipso unified with all other representations represented, potentially or actually, by S. That would be a rather immodest claim, but it would also contravene several of Kant's statements regarding the possibility of representations or even instances of consciousness which the representer R is not reflexively aware of having (e.g. the representations had by infants, who are not yet able to employ the very concept of '1'; cf.  $Anth \S 1$ ). It would be odd to claim that on the grounds of occurrent representations not being accompanied by the 'I think' (that is, represented by S), by implication R does not represent, or, is not in some non-transcendentally-conscious sense minimally aware of the representations it has. Stressing the necessary *potentiality* of apperception doesn't help here, for infants represent without *ever* apperceiving their representing, so that for them there is not even a potentiality of apperception.

On a more moderate reading, the principle of apperception states that for any representation r to be part of the set of all my representations, it must be part of the set of representations that are conjointly accompanied by my identical self as the agent of representing, by means of an analytic unity of consciousness, which is common to all the representations accompanied by the same self. This reading is in line with the criterial principle expressed at B138:

[A]ll *my* representations in any given intuition must stand under the condition under which alone I can ascribe them to the identical self as *my* representations, and thus can grasp them together, as synthetically combined in an apperception, through the general expression 'I think'. (Kant's emphasis)

Notice that Kant puts emphasis on the indexical 'my'. The reciprocity, or analytic unity, that is expressed by the principle of apperception lies between the indexical 'I' of the act of apperception and the 'my' as the indexical contained in the accompanied manifold of representations. This makes sense, as the only representations that 'I' ever accompany will be 'my' representations, not yours, hers, or x's, not even those that happen to be occurrent in my head, but to which I do not currently direct my attention. The moderate reading of apperception can be defined thus:

<sup>15</sup> Cramer (1990: 179) points to a potential ambiguity regarding the indexical 'my' here: does Kant mean by "all my representations" those representations that I represent *as* mine by first accompanying them (by means of the 'I think') or those representations 'in me', which I do not yet represent *as* mine? It seems that Cramer reads the 'in me' possessively in contrast to an epistemic reading of the indexical 'my' (the possessive / epistemic terminology is owed to Ameriks 2000). However, despite Kant's own misleading use of the verb *gehören* at B134, I believe that the possessive reading is inapposite in regard to the indexical 'my' in "all my representations", since the *mineness* of representations 'in me' cannot be determined *before* accompanying them, as Kant himself indeed affirms (B134). No representation is 'mine' *sensu stricto*, and so belongs to me in the strict sense, before I accompany it *as* mine. The fact that representations are 'in me' (whereby 'me' should here be taken *sensu latiori*) does not eo ipso make them 'my' representations, in the strict sense which I take Kant to mean here in § 16 of the B-Deduction, unless I so take them. By

 $TUA^* = A$  representation r is accompanied by subject S if and only if r is analytically united with all representations that have the same relation to S and S accompanies these representations conjointly, for which a certain condition of combining must be fulfilled.

The condition of combining mentioned in the above definition, as well as in the passage at B138, is the condition of a priori synthesis, which is the explaining ground of the analytic principle TUA\* (cf. B135). For the purpose of this paper, it is not necessary to expand on the contentious topic of a priori synthesis here, <sup>16</sup> and at any rate Van Cleve and Gomes are not oblivious of its importance.

What needs emphasising here, is that TUA\* is not to be considered a principle governing all the representing that is going on in one's mind at any one time, for it is not a psychological principle. Nor is it the case that there is a relation of necessary entailment between any given representation and transcendental apperception, so that any representation is at least *potentially* accompanied by transcendental apperception.<sup>17</sup> This last approach seems perhaps the most natural reading of apperception—or at least, it seems to best capture the phrase "must be able" in the 'I think'-proposition. However, it runs up against multiple interpretative and philosophical problems. For one thing, it makes the rather intemperate metaphysical claim that representations, qua representations, have built into them some sort of disposition to being accompanied by the 'I think', or can be analysed conceptually to have an inbuilt element of transcendental apperception. But Kant never claims that the Deduction is concerned with a principle of representation or mere consciousness or tries to argue for some sort of teleological *conatus* pervading the mind's representational capacity. This is crucial to be mindful of, as it helps us understand Kant's central claim that transcendental apperception is an objectively valid condition of experience, and not a principle of *mere* experience (taken in a psychological sense of mere representing or mere consciousness).

That transcendental apperception is not a principle of first-order representing or consciousness is, I believe, also borne out by Kant's distinction between transcendental (TUA\*) and empirical apperception (EA). EA, which he also calls inner sense (A107), is intrinsically variable—inner sense is the natural human psychological disposition in which the representations prompted in the mind vary across the time in which they are prompted. Inner sense cannot provide the subsistence on the basis of which the cognition of something substantial

implication, it is not necessary that all representations 'in me' are therefore accompanied or even be able to be accompanied by me (the 'I think').

<sup>16</sup> For extensive analysis, see Schulting 2012b.

<sup>17</sup> In Schulting 2012a I called this reading of apperception NER or the variant NER'.

and stable, an object (a *phaenomenon substantiatum* [*Refl* 4421–2, 17:540]) that is represented as external to my consciousness, is possible. Only transcendental apperception provides the invariance that is necessary for objectively valid cognition of an object as a *phaenomenon substantiatum*. Often it is thought that transcendental apperception just is the necessary principle of EA, but that doesn't make sense: if transcendental apperception is the criterion for stability and EA signals precisely the opposite, i.e. a flux of representations that is in itself unstable (A107), then transcendental apperception can't be the necessary condition of EA *simpliciter*. Something that secures stability can't be the necessary condition of something that is *essentially* instability.

But of course Kant doesn't at all claim that just *any* manifold of representations is governed by transcendental apperception, even though it would be right to claim that *if* any given manifold of representations (accompanied by EA) were to amount to objectively valid cognition, it would be amenable to being brought under TUA\*, and so under that condition EA would be governed by TUA\*. The modality of the 'I think' proposition lies in the hypothetical condition under which representations are accompanied by the 'I think', which avoids intemperate modal claims such as expressed by TUA. In contrast to TUA, TUA\* allows that some representations are 'merely' subjective, do not refer to objects (either inner or outer objects), and hence are not objectively valid. TUA\* must be distinguished strictly from the "subjective unity of consciousness" (B139). Hence, TUA\* has a much smaller scope than TUA.

TUA\* is the principle governing manifolds of representations that are accompanied jointly by an identical 'I' and only if an 'I' accompanies them. The identity of the accompanying 'I' and the unity of the accompanied manifold are reciprocal, in the sense of the occurrent representer *R* being the representer of that manifold only which it actually accompanies (cf. B132; see further below Section IX). This doesn't mean that representations, just any, *must* be accompanied by the 'I think', or even must *be able* to be accompanied by the 'I think'—not all *Rs* are *S*'s. Indeed this is what distinguishes TUA\* from TUA, which does make that intemperate claim. Instead, the 'I think' proposition states that the 'I think' must be able to accompany "all *my* representations" (as a unified manifold), implying that *if* (and *only if*) "all *my* representations" are accompanied, they are accompanied by an actual 'I think'. The distinction between TUA and TUA\* is one between, respectively, claiming that

(R) All representations must be accompanied by an 'I think'

or, alternatively, to stress, not the necessity, but the necessary potentiality of being apperceived:

(R\*) All representations must be able to be accompanied by an 'I think'

and claiming that

(T) The 'I think' must be able to accompany all **my** representations

or, more clearly stated,

(T\*) *Necessarily*, if there is an 'I think', then it accompanies all **my** representations.

Only (T / T\*) is true. Notice again that Kant does *not* state

(T\*\*) The 'I think' must accompany all my representations

that is,

(T\*\*\*) *Necessarily*, the 'I think' accompanies all *my* representations

for this suggests that the 'I think' is necessarily existentially instantiated, which is of course not the case.

From the above, it is clear, then, that I am not always already reflectively aware of all the possible representations that I have (are "in me" 18), implying that it is not necessarily the case that for all possible representations that one has (are "in me") an 'I think' is existentially instantiated, and nor is it true that the 'I think' is necessarily instantiated at all—think of someone who is in a permanent near vegetative or at the most subcognitive minimally conscious comatose state, for whom the 'I think' is never existentially instantiated. By writing "must be able" Kant indicates that a modal condition is concerned which signals a conditional necessity: if there is an 'I think', an 'I' reflecting on her representations, then she must accompany her representations (i.e. "all my representations" conjointly). 19

**<sup>18</sup>** See again note 15 above.

<sup>19</sup> For a more expansive account of transcendental apperception, see Schulting 2012b and Schulting 2017b.

### IX

TUA\* is thus not a principle of mere representation, that is, of representing any given discrete manifold of representations. The scope of TUA\* is limited to "all my representations", and does not range over all possible representations. This means that I am aware only of my representations as unified by my actually accompanying them for each possible existential instantiation of 'I' thought; I am not ipso facto aware of all possible representations severally as they occur or might occur in the mind ("in me"), since my 'I think' is not ipso facto instantiated for each instance of representing (representing and thinking are not the same thing, nor does the former necessarily entail the latter). That is, TUA\* asserts the principle of the self taking a manifold of representations as a unity of representations "for" herself (B132). There is a necessary reciprocity between the self taking her representations as hers and those representations as so represented, that is, taken as hers, by the same identical self. This 'taking as' is transcendental apperception. Transcendental apperception is not about representations being apperceived as a matter of course, just by sheer representing. The reciprocity between the self taking her representations as hers and those representations as so represented is asserted by Kant in the first paragraph of § 16:

Thus all manifold of intuition has a necessary relation to the 'I think' in the same subject in which this manifold is to be encountered. (B132; emphasis added)

Furthermore, TUA\* is not a principle merely of thought, but of thinking the *content* of thought, the content minimally being the unitary manifold that is accompanied by the 'I think'. This is what one could call the inherent 'aboutness' of thought. Thought is not merely occurrent representing or just mental stuff that supervenes on the brain, or indeed some internal, mental muttering to oneself. Thought is intrinsically *about* something, at least a unitary determinate manifold in general (the "all my representations" conjointly), which I take to be 'my' content, whatever the content may be in empirical terms.<sup>20</sup> This is what Kant means by OUA. The objective unity of my representations concerns the unitary manifold of representations that I take, apperceive, to be *my* representations, *my* thought content.

**<sup>20</sup>** One might believe that to think a concept is to think something merely general, the concept of <red>, say, but even here there is content, i.e. the content being the logical content of what constitutes the concept <red>, namely <the colour at the end of the spectrum next to orange and opposite violet>. The content of my thought is then the logical content of the concept that I think.

But the objective unity of representations (i.e. OUA) is not just my thought content, as if it concerned a mere subjective, accidental array of whatever goes on in my head without any reference to something outside the standpoint of my thought, outside my perspective. The content of my thought is taken by me to be something for me: that is, it is an object of some kind for me. The 'object' here is the relatum of one's taking one's representations as one's own, namely the manifold of representations as so represented. It is in this sense that the determinate relations in which representations stand to each other by virtue of the categories as rules of synthesis among them, <sup>21</sup> which constitute what it means to apperceive one's representations as one's own (TUA\*), are constitutive of the concept of an object in general, where concept, for Kant, is a function defined as "the unity of the action of ordering different representations under a common one" (B93 / A68; cf. A103) and object is "that in the concept of which the manifold of a given intuition is united" (B137). This object can be an internal object (in cases of self-knowledge),<sup>22</sup> but for Kant's purposes in the *Critique*, it predominantly concerns an external object.

The 'subjective' conditions under which I apperceive representations as "all my representations" conjointly are thus at the same time the objective conditions of thought, namely the necessary and sufficient conditions for something to be an object for me (assuming something is given in sensibility), in abstraction from what that 'something' is further determined to be empirically (cf. B158 [3:123.16-19]). This conception of an object is of course only a very general concept of an object, of how I take something to be an object for me, whatever further determinations are attributable to it. OUA is therefore only constitutive of the most general predicates of objects (their substance, causal relations, etc.), not of their empirical properties. It concerns the transcendental truth conditions of object knowledge, which are not merely logical or epistemological conditions of knowledge, but just as much the ontological conditions of knowledge, that is, the constitutive conditions of the objects of knowledge (though, it should be noted again, not the ontological conditions of things in themselves).

I think it is clear on the basis of the above analysis that, against the view of Van Cleve, Gomes and others, it can be asserted that there is no 'in principle' gap between the subject of thought or the categories of experience or TUA\*, on the one hand, and OUA, or the exemplification of the categories in the object, on

<sup>21</sup> Notice that categories are nothing but "kinds of unity of consciousness" (Refl 5854, 18:370). Cf. Met-Schön, 28:472, 482; Met-Vigilantius 29:978-9 and Prol § 22, 4:305. For discussion, see Schulting 2012b: 83ff.

<sup>22</sup> See Schulting 2017b.

the other. Hence, there is no Gap in the First Step that requires bridging, by for example having recourse to the Second Step, as Gomes (2010) proposes.

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