The Nonconceptualist Reading of Kant and the Transcendental Deduction

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Every interpreter of the Critique of Pure Reason faces the difficulty that Kant appears to be committed to the following three claims:

1. Sensible Intuition Thesis: All our intuitions are sensible.¹
2. Synthesis Dependence Thesis: All our intuitions depend on acts of synthesis.²
3. Spontaneity Thesis: All acts of synthesis are spontaneous.³

Although there is no formal inconsistency here, to many commentators it seems that these three theses cannot jointly be true. The reason is that they jointly entail that intuitions are both sensible and depend on acts of spontaneity. And if we put it this way, it can easily look as if this claim clashes with one of the Critical Kant’s most fundamental commitments, viz. his insistence that intuitions and concepts constitute two irreducibly distinct kinds of representation. Call this the Heterogeneity Thesis:

4. Heterogeneity Thesis: Intuitions and concepts are distinct species of representation.

In what we can regard as a way of unpacking the content of the Heterogeneity Thesis, Kant attributes intuitions to the faculty of sensibility and concepts to the faculty of understanding. The former is characterized as receptive, the latter as spontaneous. A faculty is receptive just in case it is a capacity “to receive representations insofar as it is affected in some manner” (A51/B75), and it is spontaneous just in case it is a capacity “to bring forth representations from itself” (ibid.). It therefore looks as if there is an exclusive alternative between, on the one hand,

¹ “Our nature is so constituted that intuition can never be other than sensible; that is, it contains only the manner in which we are affected by objects” (A51/B75).
² See the following two passages: “A manifold that is contained in an intuition that I call mine is represented as belonging to the necessary unity of self-consciousness through the synthesis of the understanding, and this takes place by means of the category. The ground of proof rests on the represented unity of intuition through which an object is given, which always includes a synthesis of the manifold that is given for an intuition [...]” (B144 and note). And: “We say that we cognize the object when we have effected synthetic unity in the manifold of intuition. But this is impossible if the intuition could not have been produced through a function of synthesis in accordance with a rule that makes the reproduction of the manifold necessary a priori [...]” (A105).
³ “However, the combination (coniunctio) of a manifold in general [...] is an act of the spontaneity of the power of representation, [...] which we would designate with the general title synthesis [...]” (B129f).
sensible intuitions, which depend on affection, and, on the other, the concepts of the intellect, which depend on spontaneity. In light of this, we seem to be able to attribute to Kant the following Incompatibility Principle:

(5) A representation is sensible just in case it does not depend on spontaneity.\(^4\)

Jointly, (1), (2), (3), and (5) are clearly inconsistent.

Since the Heterogeneity Thesis is generally held to be non-negotiable and, further, since the tacit assumption that (4) entails (5) is equally widely held, commentators who do not want to accuse Kant of inconsistency face the difficulty that they cannot ascribe to him a commitment to all of (1) through (3). In the face of this difficulty, an obvious strategy is to argue that Kant is not in fact committed to one or more of these three theses. The version of this strategy that denies Kant’s commitment to the Spontaneity Thesis has recently come to seem attractive to some commentators. For reasons that will become apparent, I call this the Nonconceptualist Reading of Kant (NCR).

An important part of the motivation for the Nonconceptualist Reading is that it is able to avoid problems faced by the other two obvious alternatives, viz. those of denying Kant’s commitment to either the Sensible Intuition Thesis or the Synthesis Dependence Thesis. However, my goal in this paper is to argue that NCR has a fatal flaw. The argument for this claim will be based on a discussion of the Transcendental Deduction, the contention being that NCR has no plausible account of the main point Kant seeks to make in the Deduction and should, for that reason, be rejected.\(^5\) In particular, I shall argue that the NCR misunderstands Kant’s contention that the categories, or pure concepts of the understanding, are shown to be valid of everything that can be given to the senses, and, on the basis of this misunderstanding, is faced with the following dilemma: It must construe the Deduction as being concerned with a question of fact rather than a question of legitimacy, despite Kant’s explicit avowals to the contrary. Or it must ascribe to Kant a position that he criticizes as a kind of skepticism about pure reason.\(^6\)

\(^4\) A qualification is needed here, which is that this principle is intended to be limited in its scope to what one might call the elementary representations Kant considers, viz. intuitions, on the one hand, and concepts, on the other. This leaves open the possibility of representations that are hybrid in the sense that they comprise elements of both kinds. Perhaps judgments are an instance of this. Although there are, I think, good reasons for being skeptical about this, which I discuss in Land (forthcoming), I wish to remain noncommittal on this point here.

\(^5\) Another problem with NCR, equally fatal to my mind, is that it is based on a mistaken view of Kant’s theory of spatial representation. I discuss this problem in Land (ms.).

\(^6\) I am not the first to argue that NCR cannot make good sense of Kant’s ambition to show that the categories are valid of all objects that can come before the senses. This claim has also been defended in Ginsborg (2006, 2008) and Griffith (2012), though on the basis of different arguments from the one I give here. Griffith focuses primarily on textual grounds, and in particular on a close analysis of §26, with which I am largely in agreement. Ginsborg, on the other hand, musters not only textual considerations, but in addi-
I proceed as follows. I begin by introducing the Nonconceptualist Reading and placing it in context (§I). Next, I raise two objections for NCR’s construal of the Transcendental Deduction, one straightforwardly textual and one concerning the distinction between a question of fact and a question of legitimacy (§II). I then consider a possible response that advocated of NCR could make and argue that this response runs into the other horn of the dilemma just sketched (§III). I conclude with a rather programmatic sketch of an alternative reading, which avoids the shortcomings of NCR while doing justice to the genuine insight motivating NCR (§IV).

I. The Nonconceptualist Reading

By way of introducing the NCR I want to present very briefly the two main alternative options for resolving the inconsistency with which I began. All of the readings I will be concerned with here agree that the following commitment is absolutely central to Kant’s overall position (and sets him apart from Empiricists like Locke or Hume): Full-blown objective purport depends on concepts. Call this Kant’s Anti-Empiricist Thesis. It says, more precisely, that a representation that is about substantial, mind-independent objects either consists in, or involves the application of, concepts. In particular, such a representation consists in, or involves the application of, the pure concepts of the understanding, or categories; hence of a set of concepts that are not derived from experience. Disagreement arises about what this claim entails and how it relates to other Kantian commitments. In particular, there is disagreement over whether intuitions can have objective purport in this sense.

The first reading I would like to mention simply denies this. Call it the Merely Receptive Intuition Reading. On this reading, intuitions amount to sensory data, which do not as such have any representational content. To acquire such content, they require processing by the understanding. Accordingly, the Merely Receptive Intuition Reading seeks to resolve our inconsistency by rejecting the SDT. So it simply denies that intuitions depend on synthesis. Spontaneity enters only when intuitions are unified with concepts, which happens in judgment.7

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7 Note that the last point, that the unification of intuitions and concepts occurs in judgment, is not in any way implied simply by rejecting (2). Alternative ways of interpreting Kant’s requirement that cognition requires a cooperation of understanding and sensibility would be available to a Merely Receptive Intui-
A serious problem for Merely Receptive Intuition Readings is that there is strong evidence in favor of Kant’s commitment to the SDT.\(^8\) Accordingly, many commentators seek to avoid this strategy and instead accept that intuitions depend on synthesis. What I will call the Strong Conceptualist Reading (SCR) is an instance of this. This reading attributes to Kant roughly the following position: Intuitions do have objective purport. But Kant’s Anti-Empiricist Thesis makes objective purport dependent on the application of concepts, specifically of categorial concepts. In the view of the Strong Conceptualist, the Synthesis Dependence Thesis captures precisely this aspect of Kant’s position. Accordingly, for the Strong Conceptualist, the acts of synthesis involve the application of concepts. Intuitions therefore exhibit the same internal structure as judgments, what we might call propositional structure. An intuition, on this view, is a perceptual experience, which has propositional content. Unlike a judgment, however, which may be general, a perceptual experience is of a particular object and stands in a causal dependence relation to this object (and for this reason will have a demonstrative element in its content). But in terms of its internal structure, an intuition is just like a judgment.\(^9\)

The Nonconceptualist Reading tries to chart a middle course between the Merely Receptive Intuition Reading and the Strong Conceptualist Reading. It agrees with the Strong Conceptualist that intuition has a more substantive cognitive role than merely providing raw data, as the Merely Receptive Intuition Reading has it. In the view of the Nonconceptualist, what Kant calls empirical intuition is what we call perception, and perception should be understood as putting us in direct touch with the objects we think about. Indeed, the Nonconceptualist thinks that this kind of direct realism about perception is one of the virtues of Kant’s theory.

While the Strong Conceptualist appreciates this aspect of Kant’s view, according to the Nonconceptualist he draws the wrong conclusion from it, and as a result loses sight of another central commitment of Kant’s, viz. the heterogeneity of sensibility and understanding. Wanting to do justice to the idea that intuition puts us in perceptual touch with the objects we think about, the Strong Conceptualist thinks that this requires that intuition has the exact same kind of objective purport as conceptual thought (judgment). But since this in turn seems to require the application of concepts in intuition, the Nonconceptualist argues that it amounts to saying that intuition is in fact a species of conceptual thought. According to the latter, the Strong Conceptualist fails to preserve the heterogeneity of intuitions and concepts. Since the Sensible Intuition Thesis expresses this heterogeneity, the Strong Conceptualist must deny it.

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\(^8\) Cf. the passages quoted in footnote 2.

\(^9\) A reading along these lines is often attributed to John McDowell, on the basis of McDowell (1996) and McDowell (1998).
However, in the view of the Nonconceptualist, this is unacceptable. But it is also avoidable. For according to her we can do justice to the thought motivating the Strong Conceptualist while at the same time preserving the heterogeneity of intuitions and concepts. What puts her in a position to do so is the idea that Kant distinguishes between two different kinds of objective purport, one that is characteristic of judgment, and another that is characteristic of intuitions. Recognizing this distinction, the Nonconceptualist claims, makes it possible to respect Kant’s Anti-Empiricist Thesis, but limit its scope to the objective purport characteristic of judgment. However, since this is not the only kind of objective purport there is, admitting this leaves one free to argue that intuitions have objective purport without being committed to claiming that this requires the application of concepts. It also leaves one free to reject the “raw data” view of intuition. In both directions, the crucial insight, according to the Nonconceptualist, is that there is a sui generis kind of objective purport possessed by intuitions, which I will call ‘sensible intentionality’.

What accounts for sensible intentionality? On the version of NCR developed by Lucy Allais, on which my discussion in this paper will focus, it is the immediacy of intuition in conjunction with Kant’s doctrine of the pure form of intuition, space. According to Kant, an intuition relates to its object immediately, and Allais interprets this as saying that intuition is object-dependent. That is, an intuition is a representation that a subject can enjoy only when, and as long as, the object it is of is affecting her senses. But although object-dependence is necessary, it is not sufficient for the kind of objective purport an intuition possesses. The spatial character of intuition is also required, for it is on account of this character that intuition is of particulars. Thus, in intuition the perceiver is aware of a particular thing as being at a particular location, according to Allais. An intuition is thus fundamentally a representation of something that is distinct from oneself – an object – because it is in a distinct location in space.

However, the notion of object involved here is a very thin one. This becomes clear when we contrast sensible intentionality with the intentionality of judgment, which involves a thicker notion of objects. Here is how Allais characterizes the difference:

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10 Allais’ version is developed in Allais (2009). Another recent proponent of NCR has been Robert Hanna (2005, 2008). It should be noted, however, that Hanna attributes to Kant a position usually referred to as content (or absolute) nonconceptualism, while Allais holds the weaker position often referred to as state (or relative) nonconceptualism. According to the latter view, a mental state has nonconceptual content iff to be in the state, a subject need not possess any of the concepts that describe its content. According to the former view, a state has nonconceptual content iff this content is different in kind from the conceptual content of thought (so that there could be nonconceptual mental states whose content is, in part or in toto, not described by any concepts). See Byrne (2004) and Speaks (2005).
11 Cf. A19/B33.
12 Mere sensations, which do not have objective purport, are also object-dependent.
13 This is meant to capture Kant’s characterization of intuition as singular. Cf. A320/B377.
We can distinguish between perceiving a particular (having a singular representation of an individual thing outside me) and representing a particular as an object in the full blown sense of something that is grasped as a causally unitary, spatiotemporally persisting substance whose present complex of interrelated properties are a function of its causal nature and its causal history, which is in thoroughgoing law-governed community with other objects, and which is made of stuff that cannot come into or go out of existence absolutely. (405)

According to the Nonconceptualist, recognizing that sensible intentionality constitutes a distinct kind of intentionality is the key to doing justice to the heterogeneity of sensibility and understanding. Part of what it means to say that these are two irreducibly distinct capacities is that the intentionality of intuition cannot be understood in terms of the intentionality of judgment, and vice versa. So the recognition of sensible intentionality helps one avoid, in one fell swoop, both the mistake of the Merely Receptive Intuition Reading and the mistake of the Strong Conceptualist Reading.

Before I present my objection to the Nonconceptualist position, let me briefly locate it vis-à-vis the four inconsistent theses with which I began. We can think of the Synthesis Dependence Thesis and the Spontaneity Thesis as jointly expressing the commitment that the Strong Conceptualist takes to be central to Kant's position: the idea, namely, that Kant's Anti-Empiricist Thesis commits him to holding that intuitions have objective purport only to the extent that they are conceptually structured. Since the Nonconceptualist rejects Strong Conceptualism, she needs to reject either the Synthesis Dependence Thesis or the Spontaneity Thesis (or both). Allais explicitly rejects the Spontaneity Thesis. She thinks that there is a kind of synthesis that does not depend on the spontaneity of the understanding. Just like there are two kinds of intentionality, according to her there are two distinct kinds of synthesis in Kant. There is the kind of synthesis that goes with concepts and spontaneity. And there is the kind of synthesis that goes with intuitions and sensibility. The latter does not in any way depend on, or involve, concepts. Accordingly, the Nonconceptualist will insist on two different senses in which the Synthesis Dependence Thesis can be understood. If it is understood as requiring conceptual synthesis, she denies the thesis (and thus denies that intuitions depend on conceptual, or spontaneous, synthesis). But if the thesis is understood as requiring sensible, or non-conceptual synthesis, she affirms it (and thus affirms that intuitions depend on a non-conceptual kind of synthesis). The Nonconceptualist thus resolves the inconsistency by accepting a kind of synthesis of which the Spontaneity Thesis does not hold.14

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14 Hanna agrees with Allais that there is a specifically sensible kind of synthesis, but rather than denying that all synthesis is spontaneous, he prefers to attribute a kind of spontaneity to sensibility; see Hanna (2005: 249). As far as I can see, the difference here is merely verbal, at least as far as this particular aspect of the two positions is concerned.
This is a synthesis for which the imagination is solely responsible. According to the Nonconceptualist, Kant attributes the synthesis responsible for the unity of intuition to the imagination, and the imagination is a distinct capacity from the understanding. It is, in particular, a capacity whose operations do not involve the application of concepts.\(^{15}\)

II. The Objective Validity of the Categories

I now wish to argue that although the Nonconceptualist’s rejection of Strong Conceptualism is motivated by a genuine insight, she ends up seriously distorting Kant’s position. To substantiate this charge, I shall focus on her interpretation of a central aspect of the Transcendental Deduction of the categories. This is obviously very difficult terrain, and I will not be able here to do justice either to the subtlety of Kant’s argument or to the richness of the secondary literature that has developed around this part of the Critique. But I hope that the points to be discussed here will be recognizable as relevant to the project of the Deduction even without many of the more detailed arguments in which they are embedded in Kant’s presentation.

In the Transcendental Deduction, Kant is concerned to establish the objective validity of the categories, or pure concepts of the understanding, and he seeks to do this by showing that these concepts are “conditions of the possibility of experience” (A94/B126). Roughly, this means that the goal is to show that all objects of which we can in principle have empirical knowledge instantiate the categories.

In making his case for this claim, Kant appears to argue that intuitions depend on synthesis and that synthesis is concept-guided; in particular, synthesis is guided by, and therefore involves an application of, the categories.\(^{16}\) But as we just saw, according to the Nonconceptualist, this must be a mere appearance. According to her, what Kant is concerned with here is not

\(^{15}\) One might think that Kant’s discussion of the threefold synthesis in the A-Deduction makes it clear that there is no synthesis which does not depend on concepts, since each of the lower “folds” presupposes the higher ones, including the so-called recognition in a concept (see A98-104). This is pointed out e.g. by Griffith (2012: 206). As Griffith also notes, however, the Nonconceptualist’s response to this is to point out that Kant’s claim here may be read as being limited to judgment and so not apply to mere intuition; see Allais (2009: 396) and Hanna (2005: 259).

\(^{16}\) See e.g. the following two passages:

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, since in any other way, and without this synthesis, the manifold would not be united in one consciousness. (B138)

Consequently all synthesis, though 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, and are thus also valid a priori of all objects of experience. (B161)
intuition and its intentionality, but what he calls experience and the kind of intentionality that pertains to it.\(^\text{17}\) Experience, in Kant’s technical sense, is empirical cognition, which takes the form of judgments. So the idea is that when Kant claims that the categories are conditions for the possibility of experience, he is not concerned with what we call perceptual experience, but with empirical cognition, hence judgment. But from the fact that the categories are required to account for the intentionality of judgment, the Nonconceptualist argues, it does not follow that the categories are required to account for the intentionality of intuition. Furthermore, she claims, synthesis is primarily an act of the imagination, and the imagination is, just as such, not a conceptual capacity. While there may be kinds of synthesis that do involve concepts, the synthesis that Kant thinks is needed to account for intuition is of the exclusively imagination-based kind.

How then, according to Allais, does Kant endeavor to show that the categories are valid of all objects of which we can have empirical knowledge? Again, I will abstract from the details of the argument and instead focus on the overall strategy Allais attributes to Kant. The following passage gives the flavor of her reading:

Kant thinks that the a priori concepts of an object in general determine what counts as an object for me (B128–129), and this is necessary for me to have thought about the object, and to attribute properties to it in empirical concept application. Notice that this gives us a perfectly clear sense in which the categories are necessary for anything to be an object for me, which is distinct from thinking that the categories are necessary for me to be perceptually presented with a particular. (Allais 2011: 104)

The categories, the passage says, are necessary for the ascription of properties to objects in empirical judgment. The idea is that in representing an object as a bearer of properties I \textit{ipso facto} represent the object as instantiating the categories. But properties are ascribed to objects in thought (that is, judgment, in Kant’s terminology). Accordingly, the categories are conditions of the possibility of experience because they are conditions of the possibility of judgment. The Transcendental Deduction, according to Allais, is intended to show that this is so.

I now wish to argue that even at the level of abstraction we are operating here, Allais’ construal of the Deduction can be seen to face two serious problems, one textual, the other of a more philosophical nature. First, consider that Kant’s own characterizations of the goal he pursues in the Deduction strongly suggest that, for him, showing that the categories are conditions of the possibility of experience involves more than showing that they are necessary conditions of judgment in the sense indicated. This comes out especially clearly in the B-Deduction.\(^\text{18}\) Here,\(^\text{17}\) See Allais (2009: 402).
\(^\text{18}\) However, there is strong evidence for this claim in the A-Deduction as well. See e.g. the “deduction from below” at A119-123, culminating in the following claim: “The objective unity of all (empirical) conscious-
the argument is famously presented in two distinct steps. And when he explains why the second step is needed, Kant says that the goal of the Deduction will only be “fully attained” if the validity of the categories for “all objects of our senses” is demonstrated (B145). This, he says, will be done by “[showing], from the way in which empirical intuition is given in sensibility, that its unity is none other than that which the category prescribes to the manifold of a given intuition in general” (B144f). Clearly, the suggestion here is that the categories have a role to play in intuition itself, not just in judgment.

This suggestion is confirmed when Kant characterizes the conclusion he has reached at the end of the Deduction, in §26. Here he says (in a passage already quoted above, in fn. 16):

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

The claim here seems to be twofold: firstly, that perception (that is, empirical intuition) depends on an act of synthesis, which is governed by ("stands under") the categories; secondly, that the categories are conditions of the possibility of experience (at least in part) because they govern the synthesis on which empirical intuition depends. If this is right, Allais is simply wrong to see the main thesis of the Deduction as one exclusively concerning the role of the categories in judgment.

The second problem can be approached by asking what, exactly, the problem is for which the Transcendental Deduction is intended to provide a solution. At one point, Kant characterizes it as the problem of how “subjective conditions of thinking should have objective validity, that is function as conditions of the possibility of all cognition of objects” (A89f/B122). The familiar issue here is that because the categories are not derived from objects, by way of experi-

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19 The locus classicus for this claim is Henrich (1969). This paper spawned a significant debate over what the two steps are, and how they are related, for an overview of which see Baumanns (1991, 1992). My argument here does not require me to take a stand on the issue.

20 Some commentators question the identification of ‘perception’ and ‘empirical intuition’, arguing that perception is a kind of representation that essentially involves awareness, while empirical intuition is a kind of representation that does not; see e.g. Wenzel (2005: 408). On this view, it is possible to have an empirical intuition without thereby enjoying a perceptual experience. This is the case when one has an empirical intuition without being aware of it. As a consequence, these commentators deny the legitimacy of the inference from ‘perception depends on synthesis’ to ‘empirical intuition depends on synthesis’ on which the claim in the text relies. Although I cannot discuss this issue here, I think the textual basis for this view (e.g. at B160) is ambiguous at best. Furthermore, since the Nonconceptualists I am discussing do not share this view, we can ignore it here.

21 The same objection, by appeal to these and related passages, is pressed against NCR by Ginsborg (2008), Griffith (2012), and Wenzel (2005). A similar point is raised by Paul Guyer, when he says that “[...] the positive point [in the second half of the B-Deduction] [is] that the categories are necessary conditions not only for the unity of apperception in the abstract but for the unity of space and time in the concrete” (Guyer 2010: 139).
ence, but are rather possessed by a thinker independently of experience, simply in virtue of being a thinker, it is not clear that there is any reason for believing that objects of experience instantiate the categories. And since our cognitive access to objects of experience (what Kant calls ‘appearances’) is through intuition, this worry can also be expressed as a worry about the right kind of “fit” between the pure concepts, on the one hand, and what is given in intuition (that is, appearances), on the other. Absent such a fit, “appearances may well be so constituted that the understanding would not find them to be in accordance with the conditions of its unity” (A90/B123).22 If this were the case, the categories would be “empty, null, and without meaning” (ibid.). It is the task of the Transcendental Deduction to demonstrate that this is not the case.

Now, Kant famously connects this issue with a distinction between a question of fact (quid facti) and a question of legitimacy (quid iuris).23 The question of fact is whether or not we possess, and apply, certain concepts. The question of legitimacy is whether or not it is legitimate to apply these concepts in judgments that purport to be true of objects.24 It will be legitimate so to apply them if the objects to which they are applied in fact instantiate them.25 Clearly, the question of fact does not by itself settle the question of legitimacy; that is, applying the categories does not settle whether their application is legitimate in this sense. If we connect this point with the previous point, it looks as if for Kant the quid iuris-question regarding the categories has to be answered, at least in part, by showing that there is the right kind of fit between the pure concepts, on the one hand, and what is given in intuition, on the other. If this is right, then showing that the categories are legitimately employed in judgments that purport to be valid of objects of experience will at least in part depend on a claim about what is given in intuition.

In terms of this distinction, we can put the objection to Allais’ proposal by saying that it addresses the question of fact, but not the question of legitimacy. Recall that according to that proposal, Kant argues that the categories are conditions for the possibility of experience be-

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22 Note that this passage is often cited by Nonconceptualists in support of their position, since, in their view, Kant says here that intuitions present objects to the mind independently of concepts; see Allais (2009: 387) and Hanna (2005: 259f, 2008: 45). Against this, defenders of a conceptualist reading convincingly argue that Kant is merely entertaining a possibility that it is the task of the Deduction to show is not actual; see Ginsborg (2008: 70f) and Griffith (2012: 7f).

23 Cf. A84f/B116f. – Exactly what Kant’s distinction comes to and, in particular, how it is related to the apparently similar distinction between the empirical deduction of a concept and its transcendental deduction is a more complex issue than I can go into here. For helpful discussion see Henrich (1989) and Winkler (2010).

24 More precisely, of appearances; but I will ignore this complication from now on and simply speak of objects.

25 It might be objected that the question whether a concept $F$ is instantiated is the question whether certain judgments in which they figure are true, while Kant’s notion of objective validity concerns not truth, but truth-evaluability, that is, the capacity to be either true or false. So a concept may be objectively valid without being instantiated. In response to this, I wish to concede the point about objective validity, but insist that as far as the categories are concerned this makes no difference. Due to the character of the categories as formal concepts (which I explain below, in §IV), judgments in which the categories figure have a truth-value only if the categories are instantiated (indeed, instantiated by all possible objects of empirical knowledge).
cause they are necessary conditions of judgment. Notice, however, that the conditions in question here concern the *quid facti*, not the *quid iuris*. The claim is that one must apply the categories in order to be performing a certain kind of act, viz. that of making a judgment. But as far as the problem motivating the Deduction is concerned, an act of judgment is just as much a “subjective condition of thinking” as a pure concept is. What needs to be shown is that it is legitimate, or appropriate, to make judgments about appearances (and thereby apply categories to them); that appearances have the kind of unity that makes category-involving judgment the appropriate manner of representing them. Claims about what it takes to make judgments, however, do not address this issue. The second objection to Allais’ account, then, is that her commitment to a Nonconceptualist reading forces her to misconstrue the task of the Transcendental Deduction.\textsuperscript{26}

III. Objective Validity and Necessary Agreement

I have raised two objections to Allais’ account of the Nonconceptualist Reading, according to which the aim of the Transcendental Deduction is to show that the categories are conditions of the possibility of experience because they are conditions of the possibility of judgment – and have no role to play in perceptual synthesis. The first objection was that there is strong textual evidence suggesting that Kant’s argument in the Deduction seeks to establish the claim that the categories do play a role in perceptual synthesis. The second objection was that Allais’ account does not address the task Kant sets himself in the Deduction. It can at best establish that categories are needed to represent objects, but it cannot establish that this employment of the categories is legitimate or appropriate – which is, however, what Kant’s *quid iuris* question is aimed at.

Now, it is open to Allais to make the following response to these objections: As regards the textual issue, my objection infers from Kant’s claim that the aim of the Deduction is to demonstrate the validity of the categories for “all objects of our senses” that the categories must be applied in perception itself (specifically, in perceptual synthesis). But while Kant’s claim is that the objects we perceive must be shown to *instantiate* the categories, the objection ascribes to him the view that, in perceiving them, we must *represent* these objects as instantiating the

\textsuperscript{26}Put differently, the issue concerns the difference between demonstrating the truth of ‘we must apply the categories’ and demonstrating the truth of ‘the categories must apply’, where the former expresses a requirement on what it takes to use certain concepts while the latter pertains to the question of whether these concepts are instantiated. I borrow this formulation of the issue from Van Cleve (1999: 89). For discussion see Gomes (2010). – It is also worth noting that, as Paul Guyer has pointed out repeatedly, interpreters of the Transcendental Deduction face the difficulty of explaining how its task is distinct from that of the so-called Metaphysical Deduction. The interpretation currently under consideration fares poorly on this count, since it is very plausible to think that the Metaphysical Deduction is already meant to establish that categories are needed for making judgments. See e.g. Guyer (2010).
categories. Clearly, however, the former does not imply the latter. So the textual evidence does not in fact support the objection.

That said, Allais concedes that synthesis is in fact required for perception, on Kant’s view.\textsuperscript{27} She insists, however, that this synthesis does not involve the application of categories. Rather, she argues, it is a kind of perceptual processing that is carried out by the imagination, “a blind, but indispensable function of the soul” (A78/B103), which is distinct from the capacity for conceptual thought, the understanding. When Kant says, in §26 of the B-Deduction, that “all synthesis, through which even perception itself becomes possible, stands under categories” (B161), what he means according to Allais is that the synthesis required for perception yields representation of objects which “stand under” (that is, instantiate) the categories. But again, this implies neither that in perception these objects are represented as instantiating the categories nor that the synthesis required for perception involves an application of the categories.

This response to the first objection could be complemented by the following response to my second objection: The objection is right, the response goes, to draw attention to the fact that, especially in the B-Deduction, Kant is concerned not only with showing that the categories are necessary for judgment, but also with showing that the objects which we represent in judgment by means of applying categories in fact instantiate the categories. However, his argument in support of the latter claim does not pivot on the idea that perception depends on a category-guided synthesis. Rather, the argument is roughly this: As demonstrated in the Transcendental Aesthetic, we know a priori that objects of experience are in space and time. Space and time exhibit a particular kind of unity. In virtue of being in space and time, objects of experience have the kinds of properties and relations, whatever they are, which are necessary for being in space and time. But these are just the properties and relations that are represented by the categories.\textsuperscript{28} Consequently, the objects given in sensibility instantiate the categories (and they do so in virtue of their spatio-temporal form).

Moreover, it is open to Allais to insist that this argument fits the description of “[showing], from the way in which empirical intuition is given in sensibility” that the unity of objects given in sensibility is “none other than that which the category prescribes to the manifold of a given intuition in general,” viz. categorial unity (B144f). As a result, it is simply not true that the Nonconceptualist Reading cannot account for the fact that the Deduction seeks to answer a \textit{quid iuris} question.

I now wish to argue that these responses do not succeed. Turning first to the textual issue, what the response I have attributed to Allais shows in the first instance, I think, is that pas-

\textsuperscript{27} In fact, she says so: see Allais (2009: 394-7).

\textsuperscript{28} Furthermore, the Nonconceptualist might point out that in the Transcendental Deduction, there is only a general argument to this conclusion. But the point is argued in greater detail in the chapter on the Pure Principles.
sages such as B161 are open to a number of different readings, each of which possesses at least some *prima facie* plausibility. This suggests that it will not be possible to resolve the dispute by textual considerations alone. Rather, we have to combine textual considerations with a discussion of the philosophical issues at stake. For this reason, I think our focus should be on the second objection, and the response to it, because it is here that the philosophical issues come to the fore.  

Turning now to this response, I wish to argue that the position I have outlined on Allais’ behalf is vulnerable to an objection formulated by Kant himself, to the effect that a position of this kind amounts to a form of skepticism. Considering Kant’s own objection will have the further benefit of shedding light on the question of what he has in mind when he speaks of the categories as conditions of the possibility of experience, and thus on the strategy he pursues in the Transcendental Deduction.

The objection is that the position I have attributed to Allais is an instance of a type of view which Kant dubs “a kind of preformation-system of pure reason” (B167) and against which he argues as follows: Another way of saying that the categories are valid of all objects of experience is to say that there is what Kant calls a “necessary agreement” between experience and the categories. I take it that what he means here is that the fact that experience conforms to the categories is non-accidental; not simply a brute fact. He then argues that there are only two possible ways for experience and the concepts of its objects to stand in necessary agreement with each other. Abstractly put, the point is that if there is necessary agreement between A and B, then either B depends on A, or A depends on B. In Kant’s own words:

> There are only two ways in which a necessary agreement of experience with the concepts of its objects can be thought: either the experience makes these concepts possible or these concepts make the experience possible. (B166)

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29 That said, I do want to register my sense that the reading of B161 I have sketched on Allais’ behalf seems to me to be a stretch. Here I can only support this contention by throwing yet another passage into the mix (but see Griffith (2012) for a detailed and convincing rebuttal of Allais’ reading of the passage on textual grounds): just a few lines further on in the text, at B162, Kant says that the synthesis of apprehension “must be thoroughly in accordance with” the category of quantity. To this claim he appends the following footnote:

> In this manner it is proved: that the synthesis of apprehension, which is empirical, must necessarily be in accordance with the synthesis of apperception, which is intellectual and fully contained a priori in the category. It is one and the same spontaneity, which in the one case, under the title of imagination, and in the other case, under the title of understanding, brings combination into the manifold of intuition. (B162n)

It seems to me that if the capacity responsible for the synthesis of apprehension is spontaneity, albeit “under the title of imagination,” then this strongly suggests that the claim at B161, to the effect that the synthesis of apprehension “stands under” the categories and “must be thoroughly in accordance with” them, should be read in my sense rather than Allais’s. That is, it should be read as saying that what Kant is talking about here is an application of categories in perceptual synthesis rather than a nonconceptual synthesis whose results are such as to instantiate the categories.
Notice that ‘experience’ here cannot simply mean ‘empirical judgment’ (as the Nonconceptualist would likely argue). For if that were the case, then showing that there is a necessary agreement between a concept, on the one hand, and a judgment in which this concept is employed, on the other, is either trivial or bizarre. Rather, what must be at issue here is the agreement between the concepts of the objects of experience and these objects themselves; in other words, what must be at issue is the claim that the objects of experience (i.e. the objects that are represented in objectively valid judgments) instantiate the relevant concepts; not just the claim that they are represented as instantiating these concepts.

Having put forth this alternative, Kant then considers a potential objection, which is that there is a third option. The third option is that there is no dependence in either direction. Rather, experience and the categories are independent of one another, yet nonetheless in perfect agreement. What this means is that on the one hand there are "the laws of nature along which experience runs" (B167), and on the other there are dispositions for thinking in certain ways, which capture those laws. However, to this proposal Kant objects that, although there is agreement here, the agreement is accidental. It is accidental because the ways of thinking would remain the same even if the laws of nature were different. This follows from the fact that what explains the way we think (in this scenario) is the fact that we have a psychological disposition to think this way. But that is just to say that we would think in this way whether or not it agreed with the way nature is. And if this is so, then it is only an accident that there is agreement rather than disagreement.

Kant calls this a "kind of preformation system of pure reason" because the dispositions for thinking in certain ways are envisaged as being implanted in us by our maker, who sees to it that they agree with the laws of nature. But the crucial point is that our forms of thinking are independent of the laws of nature. Adding the maker into the mix does not alter that. For neither do the forms of thinking depend on the laws of nature, nor is there a dependence relation in the opposite direction. We can therefore abstract from the reference to the creator. As far as

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30 It is trivial if by ‘x agrees with the concept of its object’ we mean something like ‘x involves an application of the concept of its object’. It is bizarre if by ‘x agrees with the concept of its object’ we mean something like ‘x instantiates the concept of its object’, where that would entail that judgments themselves are substances standing in causal relations. Now, perhaps what I am calling bizarre is what phenomenalist interpretations of Transcendental Idealism think is simply Kant’s view. Be that as it may, since Allais rejects the phenomenalist interpretation, it is clear that she could not be happy with such a reading of the passage.

31 Since the claim that objects of experience instantiate the pure concepts of the understanding entails the claim that the objects of experience are governed by laws (as Kant makes explicit in the Pure Principles), we can also put the point by saying that the issue here concerns the relation between the categories, on the one hand, and the laws governing objects of experience, on the other. This reading is supported by a parallel passage in the Prolegomena, in which Kant describes the issue as one concerning the relation between the conditions of the possibility of experience (i.e., the pure forms of sensibility and understanding), on the one hand, and the universal laws of nature, on the other; cf. Prol., §36, Ak. IV: 319.
the argument is concerned, Kant might as well have said that the categories are hard-wired into our brains. That would leave the crucial point unchanged.

Now, of the preformation-system Kant says that it is “what the skeptic most desires” (B168). That is, if this is the reason for thinking that the objects of experience instantiate the categories, then we will have handed the game over to the skeptic. Why is that? Here is what Kant says:

[...] in such a case the categories would lack the necessity that is essential to their concept. 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 otherwise than as so connected; which is precisely what the skeptic wishes most, for then all of our insight through the supposed objective validity of our judgments is nothing but sheer illusion [...]. (B168)

The point Kant makes here is this: A causal judgment to the effect that A causes B asserts a necessary connection because it says that, given A, B cannot fail to obtain. And in saying this, the judgment represents the necessary connection between A and B as an objective fact about them. If, however, the concept of 'cause' reflected merely a psychological disposition to combine representations of As with representations of Bs, then we could not legitimately claim that a causal judgment represents a necessary connection as obtaining objectively, or in nature. All we would be entitled to assume is that we cannot help but think this way. But the fact that we cannot help but think that A causes B is not a good reason for holding that A causes B. From merely psychological facts there is no inference to extra-psychological reality. Therefore, if the skeptic about causation can show that our concept of cause expresses nothing but a psychological disposition, he will have no difficulty in showing that it is illegitimate to think that there are causal relations in nature.\(^{32}\)

It is Kant’s view, then, that a “preformation” account of the applicability of the categories to objects of experience leads directly to skepticism. I have discussed this account because I wish to claim that the position I attributed to the Nonconceptualist in response to my second objection above is of exactly this kind. That position construes Kant’s argument in the Transcendental Deduction as resting on an appeal to the character of the forms of intuition, space and time. The claim is that it is in virtue of certain facts about space and time that the categories apply to what is given in space and time; specifically, in virtue of the fact that space and time have a certain kind of unity, such that everything that is in space stands in determinate spatial

\(^{32}\) The skeptic about causation here is, presumably, Hume. As the parallel passage from the *Prolegomena* cited in the preceding footnote makes explicit, the target of the preformation charge is Crusius.
relations to everything else etc. But these facts obtain in complete independence of the categories. They would obtain even if we possessed no categories, or completely different ones. Conversely, the categories would constitute our forms of thinking whether or not the relevant facts about space and time obtain (so it might have turned out that the categories are not objectively valid). This, however, is just the kind of scenario that Kant thinks is characteristic of a preformation-system. Accordingly, the skepticism-charge made against the latter applies equally to the former.

If this is right, then a view on which the objective validity of the categories ultimately rests on certain (independently obtaining) facts about space and time is one that is committed to regarding the categories as having merely subjective necessity. On such a view, the categories turn out to be merely psychological dispositions that we are bound to actualize whether or not they agree with their objects. For this reason, there is no necessary agreement between the categories and their objects, on such a view. As a consequence, the categories do not "make experience possible" and fail to be objectively valid.

Clearly, a reading of the Deduction on which the categories end up being merely subjective dispositions is unattractive because it must assume that Kant was deeply confused about his own argument. Other things being equal, this ought to be sufficient reason for rejecting such a reading. I conclude, then, that the Nonconceptualist's response to my second objection fails because it is forced to interpret the argument of the Deduction in a way that commits Kant to a view he himself thought amounted to skepticism.

Above I presented this response as a possible response to the objection that Allais's version of NCR is unable to account for Kant's claim that the Transcendental Deduction addresses a question of legitimacy (quid iuris) rather than of fact (quid facti). I can now summarize the discussion so far by saying that, on the issue of the Transcendental Deduction and the objective validity of the categories Allais is faced with a dilemma: Either she construes the Deduction is a way which has it address a question of fact rather than one of legitimacy. Or she attributes to Kant a preformation view of reason. I hope it has become clear that neither alternative is acceptable.33

33 Other proponents of the Nonconceptualist Reading are equally aware that the Transcendental Deduction presents a prima facie problem for their position, but in confronting it they deploy different strategies than Allais. Thus, McLear (ms.) argues that the Deduction is concerned primarily with the requirements of a properly scientific theory (conceived along broadly Aristotelian lines) and that Kant's arguments about category-guided synthesis pertain to these rather than to the unity of intuition. However, this seems to me to be a close variant of Allais's claim that these arguments concern judgmental synthesis, as opposed to perceptual synthesis, and therefore faces the same objections I have raised for Allais, though making the case for this would obviously require more argument. By contrast, Hanna (2011) claims that Kant is simply inconsistent: According to him, the B-Deduction presupposes the truth of conceptualism, while elsewhere Kant clearly endorses nonconceptualism. I cannot address this position here, but see Grüne (2011) for a critical discussion. – The discussion up to this point develops in more detail an
IV. The Heterogeneity of Understanding and Sensibility

If what I have argued so far is on the right track, then the Nonconceptualist Reading of Kant should be rejected on the grounds that it can account neither for the function nor the intended goal of the Transcendental Deduction of the categories. This invites the question what an alternative reading, which avoids the objections I have raised, should look like. Although developing such an alternative would go beyond the scope of the present paper, in the remainder I would like to present an outline for one. My remarks will be largely programmatic, but I hope they will convey the central idea.

From the discussion of the preformation charge we can extract a requirement that a more promising alternative must meet. For to avoid this charge, such an alternative must make room for a robust dependence of the objects of experience on the categories, such that the latter “make possible” the former in the sense required for the necessary agreement Kant wants. That is, it must make room for the kind of dependence Kant has in view when he says, in describing the so-called Copernican procedure, that “[...] the objects, or what is the same thing, the *experience* in which alone they can be cognized (as given objects), conforms to those concepts,” that is, the concepts of an object in general, or categories (Bxvii).

How could this requirement be met? The crucial point, I think, is that the categories must be seen to be required not just for judgment, but also for the intuitions in which objects are given to us. Again, making a proper case for this would require much more than I can provide here, but the following passage provides some textual support for this contention:

> But appearances are only representations of things [...]. As mere representations, however, they stand under no law of connection at all except that which the connecting faculty prescribes. Now that which connects the manifold of sensible intuition is imagination, which depends on understanding for the unity of its intellectual synthesis and on sensibility for the manifoldness of apprehension. Now since all possible perception depends on the synthesis of apprehension, but the latter itself, this empirical synthesis, depends on the transcendental one, thus on the categories, all possible perceptions [...] stand under categories [...]. (B164f)

Kant says here that the synthesis responsible for the unity of an intuition, which is an act of the imagination, itself depends on the understanding. Clearly, there is a suggestion here that intuition itself depends for its unity on the understanding. It seems, therefore, that the way in which the understanding “makes possible” the objects of experience has to do with its being responsible for the unity of intuition. What this suggests is that at least part of the reason why nothing can be given in sensibility that does not conform to the categories is that the categories themselves account for the unity of intuition.

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objection against NCR I presented very quickly (and without the necessary detail) in Land (2010). I thank Colin McLear for pointing out the need for further discussion here.
At this point it will be helpful to recall the problem I raised at the beginning, which was that readers of Kant are faced with the difficulty that he appears to be committed to the following four inconsistent claims:

1. Sensible Intuition Thesis: All our intuitions are sensible.
3. Spontaneity Thesis: All acts of synthesis are spontaneous.
4. A representation is sensible just in case it does not depend on spontaneity.

I claimed that the most obvious strategy for addressing this difficulty is to argue that Kant is not in fact committed to one or more of these and presented the Nonconceptualist Reading as an instance of this strategy, according to which Kant is not in fact committed to the Spontaneity Thesis. Furthermore, I suggested that NCR is motivated in part by the desire to avoid the shortcomings of the available alternatives. One such alternative is what I called the Strong Conceptualist Reading, which calls into question Kant’s commitment to the Sensible Intuition Thesis. In light of what I just said about what is required to avoid Kant’s preformation charge, it may now look as if the alternative to NCR I am about to sketch will be the Strong Conceptualist Reading. It will certainly look this way to a proponent of NCR. For I have argued that the categories must be seen to be responsible for the unity of intuition. And since the categories derive from the logical forms of judgment, it is hard to see what this could mean if not that intuition is not after all independent of judgment. But to say that would seem to amount to denying that intuitions are sensible, if the sense of ‘sensible’ here conforms to Kant’s Heterogeneity Thesis.

Call this the Objection from Heterogeneity. It will be useful to give an alternative formulation of it in terms of the distinction employed by Allais, between representing an x that is F and representing an x as an F. According to her, we do the latter when we apply concepts, while the former neither requires nor obviously involves the application of concepts. So to apply the concept of being F is to represent the object to which one applies it as being F. If now we think of the categories collectively as constituting the concept of an object, we get the thought that to apply the categories is to represent something as an object. But in perception, according to NCR, we do not represent the objects we perceive as objects. Rather, we perceive objects –

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34 See p.1 above.
35 See the quote from Allais (2009: 405) in §1 above.
36 By way of illustration, consider the famous example of the savage who sees a house, which Kant gives in the Introduction to the Jäsche-Logik (Ak. IX:33). The savage, Kant explains, doesn’t know what a house is and so does not possess the concept of a house. Nonetheless, when the savage sees a house, he sees the very same object as someone who does possess the concept of a house. The savage sees the house, but he does not see it as a house. The latter requires possession of the concept he doesn’t have, whereas the former does not.
without representing them as this or that at all. Much like the savage in Kant’s famous example sees a house without seeing it as a house (since he does not possess the concept of a house).  

From Allais’ point of view, then, to say that perception involves application of the categories is to say that perception involves representing objects as objects. But this implies that perception exhibits the structure characteristic of predicative judgment. And this is, in effect, to turn perception into a species of thought and thus to undermine the Heterogeneity Thesis.  

As I will suggest in a moment, the Objection from Heterogeneity does not succeed. But before I do so, let me stress that it is an important objection, which deserves serious consideration. This is because the Heterogeneity Thesis forms a central pillar of the Critical Philosophy, in the absence of which many of its central tenets could not be maintained. I agree with the Non-conceptualist, therefore, that doing justice to the Heterogeneity Thesis is of paramount importance, and should serve as a criterion of adequacy on an interpretation of Kant’s position. Since a reading on which intuition depends on the categories naturally invites this objection, it is especially important to show how it can be avoided.  

What would be required to avoid it can be specified in the abstract in terms of our set of inconsistent claims. The Objection from Heterogeneity is motivated by (5), the claim that a representation that is sensible cannot depend on spontaneity. For the proposed reading is clearly incompatible with this claim: Since the categories are spontaneous, intuitions would depend on spontaneity if they depended on the categories. To make this reading viable, therefore, I would need to show that we can reject (5). And this can be done, if, contrary to what is presupposed by the Objection from Heterogeneity, it can be shown that (5) is not entailed by the Heterogeneity Thesis (4), the claim that intuitions and concepts are distinct species of representation. For recall that I was able to generate an inconsistency among the three basic Kantian commitments with which I began (i.e. (1) through (3)) only by adding (5). But Kant’s alleged commitment to (5) depended on his commitment to (4). Simply adding (4) to our three basic commitments, however, does not generate any inconsistency. It follows that if I can show that (4) does not entail (5), the Objection from Heterogeneity poses no threat to my proposed reading.

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37 See the preceding footnote.

38 For one thing, Transcendental Idealism, as Kant understands it, would not be an option. As a consequence, the solution of the dialectic of pure reason, which depends on the claim of the Transcendental Analytic that the categories can serve to cognize only objects of which we can have intuition, would be unavailable. Moreover, the possibility of synthetic a priori knowledge (and thereby the possibility of natural science) could not be explained. And, perhaps most important of all in Kant’s mind, human freedom could not be secured against the threat of determinism.

39 It is a virtue of the conceptualist reading proposed by Ginsborg (2006, 2008) that she is clear about this requirement and proposes an account on which concept-application in intuition is not tied to the predicative structure of judgment. The reasons this account nonetheless fails lie elsewhere (see fn. 6 above).

40 For the reader’s convenience, here are the four claims again:

(1) Sensible Intuition Thesis: All our intuitions are sensible.
(2) Synthesis Dependence Thesis: All our intuitions depend on acts of synthesis.
To take a first step towards this goal, it will be helpful to return to the way Allais fleshes out the Objection from Heterogeneity. As she presents it, the objection that an involvement of the categories in intuition itself would undermine the Heterogeneity Thesis is premised on the idea to apply categories is to make judgments. This is the thought Allais expresses by saying that the categories are required for representing an object as an object, and that this is what one does in applying the predicative structure of judgment. If she is right about this, the objection stands, for the upshot would be that empirical intuitions have the same predicative structure as judgment, and that would conflict with the Heterogeneity Thesis. To rebut the objection, therefore, and thus block the move from (4) to (5), I need to argue that we can make sense of the idea of applying categories in a way that is not tied to judgment (in the way Allais envisages). I think this can be done, but I will be able to give only a rough sketch here. The basic idea is that we can think of the categories, and indeed the synthetic a priori judgments in which they figure (i.e. the Pure Principles), as being required for a certain kind of self-consciousness, viz. one that is necessarily involved in exercises of the capacity to have objects given to one in intuition.\footnote{It is also involved in exercises of the capacity to make objectively valid judgments.} This idea would require considerably more work to be developed properly, but the basic outline would be as follows.

The first point to note is that the categories are formal rather than material concepts. They characterize a form of representation and do not serve to distinguish one instance of this form from another, as a material concept would. As a consequence, contrary to what Allais’s emphasis on representing something as something might suggest, applying a category does not paradigmatically take the form that applying a material concept ordinarily takes, viz. that of the explicit ascription of a predicate to an object (or set of objects) in an act of judgment. Rather, categories are applied in every judgment, not in virtue of figuring in its material content (as the concept of being $F$ figures in \textquote{a is $F$}), but rather in virtue of its form; that is, in virtue of its being a representation of this kind, viz. a judgment.

To spell this out just a tiny bit, the idea is that a judgment is by its nature a kind of representation that has objective purport; that is, something that purports to say how things are objectively.\footnote{Cf. B140-142.} But since the categories jointly constitute the concept of an object in general, this amounts to saying that a judgment by its nature represents its content as instantiating the categories – as having the kind of unity that is constitutive of elements of the world of appearances.

Moreover, the fact that the categories are implicated in a judgment in this way is something that is known to the subject making the judgment. And, again, this is so in virtue of the nature of this manner of representation and thus a formal aspect of it: A judgment is essentially

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\footnote{(3) Spontaneity Thesis: All acts of synthesis are spontaneous} \footnote{(4) Heterogeneity Thesis: Intuitions and concepts are distinct species of representation.}
such that the subject making it knows that she is making a claim about how things are objectively, a claim that is truth-evaluable.\footnote{I take this to be part of Kant’s doctrine that the capacity for judgment is tied to the kind of self-consciousness he calls apperception, as expressed in the famous claim that ‘The ‘I think’ must be able to accompany all my representations […]’ (B131).} This kind of knowledge does not typically take the form of a conscious thought to the effect that the judgment lays claim to saying how things are. It is rather a kind of implicit understanding, which manifests itself, for instance, in the subject’s readiness to withdraw her judgment when presented with countervailing evidence etc.\footnote{Again, this would need a lot more spelling out. For helpful discussion see Boyle (forthcoming) as well as Rödl (2007).}

Now, in the case of judgment, application of the categories is tied to the employment of the logical forms of judgment and thus to the presence of predicative structure. As a consequence, so is the consciousness of objective purport that I have just tried to sketch. However, it seems that it is possible in principle to divorce this consciousness from the presence of predicative structure. If we can form the idea of a kind of capacity whose exercises include, in virtue of their form, the kind of consciousness of objective purport just sketched, but without tying it to the presence of predicative structure, then we will have identified a way of applying the categories that is sufficiently independent from judgment to present no threat to the Heterogeneity Thesis.\footnote{Note that this kind of representation will be one which represents its content as an object, but in a way that is not directly tied to the logical structure of judgment.}

With regard to intuition, the idea would be that the application of the categories manifests itself in the fact that the subject has an understanding of the kind of representation that sensibility provides her with. In particular, she understands that (when all goes well) sensibility provides her with representations of mind-independent objects. Again, this will be a kind of understanding that manifests itself not in the explicit ascription of certain properties but, for instance, in the disposition to treat an intuition of, say, a red ball as a \textit{prima facie} reason for judging that there is a red ball in front of her.\footnote{The \textit{Namenserklärung} (nominal definition) of the categories Kant gives at B128 arguably supports this kind of connection between judgment and intuition: The categories, he says, are “concepts of an object in general, by means of which the intuition of an object is regarded as determined with regard to one of the logical functions of judgment.”} Or, to give another example, one that brings to the fore the link between the categories and the notion of synthesis, possessing this understanding will dispose the subject to treat what from a certain perspective can be described as a momentary impression of a red facing surface as the perception of an enduring three-dimensional material object.\footnote{Notice that this will include the grasp of certain general facts about the ways in which objects may occupy (and move through) space such as those highlighted by Allais (2009: 399 and 407) (though again manifested primarily in certain dispositions and behavior). – I say more about the way in which spatial representation, in particular, involves application of the categories for Kant in Land (ms.). For helpful discussion see also Boyle (ms.).}
The full case for the viability of an account along these general lines would have to focus on the doctrine of the productive imagination and the related notions of figurative synthesis, schematism, and the a priori determination of inner sense by the understanding. It would also have to include discussion of the Pure Principles of the Understanding. For it is plausible to think that the Pure Principles articulate precisely the "synthetic unity of the apperception of the manifold of sensible intuition" (B 150) that results from that application of the categories to the pure form of sensibility, by means of which inner sense is determined a priori by the understanding.

If this is right, one might argue that application of the categories in intuition does involve judgment, after all. But the judgments it involves are the synthetic a priori judgments that constitute the pure principles of the understanding. Being a priori, these are not judgments that can be thought of as acts performed by a subject on the occasion of having a particular intuition. Rather, they would have to be regarded as judgments that a creature which understands that intuitions present her with mind-independent objects has "always already" made; judgments that are, properly speaking, made on no occasion at all. They are the judgments that articulate the kind of grasp of the nature of her own capacity to have objects given to her in intuition that such a creature possesses. This would be compatible with maintaining that, despite requiring an application of the categories along these lines, sensible representations exhibit their own distinctive structure, which sets them apart from discursive structure of judgments. So the Heterogeneity Thesis would be preserved.

48 For the suggestion that the a priori determination of inner sense by the understanding is generic and therefore occasionless, see Engstrom (2006: 18). For a similar account see Smit (2009).
49 The view I have sketched is an instance of a more general interpretative strategy, the central contention of which is that, at least with regard to the categories, Kant recognizes a kind of concept-application which does not consist in explicit predicative judgment, and whose role in the synthesis of apprehension is therefore compatible with the heterogeneity of sensibility and understanding. This general strategy is also pursued by Longuenesse (1998) and Grüne (2009). However, their positions differ significantly from mine (and from each other’s) with regard to the way in which they implement this strategy, and for this reason face difficulties of their own. I cannot discuss this here.
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