Konstantin Pollok

Kant's Theory of Normativity: Exploring the Space of Reason

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Introduction

Normativity has been a fulcrum for interpreting Kant's philosophy for several decades. Christine Korsgaard has understood Kant's philosophy as providing an account of the sources of norms and normativity in the practical domain, while various figures follow in the footsteps of Wilfrid Sellars, Robert Brandom, and John McDowell, who have taken normativity to be fundamental to experience, language, and other psychological feats. In his stimulating *Kant's Theory of Normativity*, Konstantin Pollok engages with this tradition by arguing that the synthetic a priori principles that Kant describes throughout his critical philosophy serve as norms for judgment. For Pollok, Kant's key normative insight is that only judgements—relations between concepts—are subject to norms: concepts by themselves are not apt for normative appraisal (25).

This commentary focuses on one of Pollok's claims regarding the normativity of principles. Pollok argues that *in order for judgments to exist*, they must satisfy what I will label the *normative oomph requirement*. According to the normative oomph requirement, it is not enough that I combine representations in accordance with principles, or even that I am aware of this combination. I must, in addition, be apprized (to use an intentionally vague term) that I judge as I ought. That is, my judgment must have *normative oomph*. Moreover, Pollok locates an account of normative oomph in Kant's conception of pure apperception. Writ large, Pollok thinks

¹Email at rtracz@ucsd.edu. I would like to thank Claudi Brink, Max Edwards, Clinton Tolley, and Eric Watkins for discussion on the issues raised in this commentary.

that an individual's judgments have normative oomph when she takes the "standpoint" of pure apperception.

In this commentary, I want to challenge the normative oomph requirement from a rivaling constitutivist perspective (a position I explain below). I begin by characterizing Pollok's distinction between normative and constitutive, thereby fleshing out the normative oomph requirement. I then raise some worries that arise from Pollok's account of what he calls "constitutive normativity," as well as his account of pure apperception that is meant to explain constitutive normativity. To address these worries, I canvas two theories, not of what pure apperception is, but rather what it would mean to say that an individual takes the standpoint of pure apperception. I argue that Pollok's Kant has a hard time satisfying the normative oomph requirement in each case. Throughout this commentary, I shall focus on theoretical cognition—not aesthetic or practical cognition—and shall further restrict myself to cases of empirical cognition. This allows us to zero in on Pollok's account of pure apperception.

The constitutive and the normative

Let's first turn to to Pollok's account of normativity. One of his main claims is that Kant's synthetic a priori principles can be normative for certain domains of judgment (9). As he explains, "the use of our reason, generally speaking, is normative if in a certain kind of cognitive activity we have a self-understanding of what we are doing that guides the activity" (9). Once we have this kind of self-understanding, our judgments become "liable to assessment." So if a child merely repeats the words 'snow is white' she hears from her parents without knowing what they mean, she does indeed *comply* with principles, but she does not comply with those principles with any self-understanding.² "The sentence is not liable to assessment," Pollok explains, because "the child is not yet seen as a subject standing under" the principles that would govern such an assessment. For Pollok, these principles are the synthetic a priori principles Kant lays out in the *Critiques*. The child complies with these principles, but only accidentally. Accidental compliance lacks self-understanding. Consequently, accidental compliance lacks normative oomph.

²I take this "self-understanding" to be a gloss on what "imputable compliance" would be for Pollok.

Pollok claims, beyond this, that judgments that lack normative oomph *aren't judgments at all*. Normative oomph is thus also *constitutive* of judgments because self-understanding turns mere mental activity into a *judgment* in the first place.³ So judgments both come into existence and obtain normative oomph in one fell swoop—that is, judgments both come into existence and obtain normative oomph in a single mental event that *recognizes* principles and is *necessarily governed by* those same principles. Kant's synthetic a priori principles are thus, as Pollok puts it, *constitutively normative* for judgment.

We can contrast Pollok's account with what we might call the *constitutivist view*. In agreement with Pollok's view, the constitutivist view maintains that judgments cannot fail to occur in accordance with certain principles. On both views, in violating certain principles, one doesn't judge poorly; rather, one does not judge at all. In contrast to Pollok's view, the constitutivist maintains that the constitutive features of judgment come apart from any normative features they might have. The mental acts that generate judgments can occur in the absence of any recognition of the principles that govern those judgments; the existence of judgments does not depend on the normative oomph generated by self-understanding. The constitutivist will thus *deny* the following thesis that Pollok endorses:

Whenever a subject appropriates some propositional content, i.e., whenever a subject *judges* about something, this subject *acknowledges the laws of the understanding* in light of which the judgment can be assessed as true or false, i.e., as a claim about something. (220)

³"It is in the *understanding of what you are doing* in judging" that "turns them [the principles] from constitutive to normative, or, more precisely, explains how they can be both" (10).

⁴I have in mind here Tolley (2006) and Husserl (2001). These accounts are constitutivist views of *logic*, though I intend to extend this view to empirical cognition here.

⁵There is an important ambiguity here. We can distinguish between principles that *govern the generation* of a judgment from the principles that *govern* or *serve as a standard for* the *evaluation of the content* of the judgment. Lu Adler (2017, 211) helpfully marks this difference by distinguishing *structural rules* (by which thoughts are formed) from *veridical rules* (which determine their truth/falsity). I don't have the space to discuss this distinction, though I think it is important to consider whether the principles or laws governing generation of a judgment are *the same* principles that govern the evaluation of the judgment. In other words, it is important not to use "govern" ambiguously.

This is a statement of the *constitutive normativity* view as against the *constitutivist* view.

Let me indicate a likely worry regarding this thesis from the constitutivist's perspective. Suppose I judge 'there are simple substances in nature'.⁶ In this case, I am surely forming a meaningful thought. After all, it is a thought that Kant did not consider meaningless, but false (A528/B556). Now I am producing a judgment that is incompatible with a synthetic a priori principle pertaining to empirical judgments (namely, the Axioms of Intuition).⁷ After all, the principle of the Axioms entails that appearances have no simple spatial or temporal parts (A162/B202). And if we think of these constitutive principles pertaining to appearances as *normative* for all judgments *about* appearances, then I have violated a norm *on judgment about* appearances. Considering Pollok's constitutive normativity account, since the judgment 'there are simple substances in nature' is false *in virtue of* the Axioms of Intuition, it follows that I must recognize the Axioms of Intuition when I judge 'there are simple substances in nature'. And I must do this, *on pain of failing to form a judgment in the first place*.

I don't see why we should accept this result. *First*, assuming that 'there are simple substances in nature' is a bona fide judgment, it remains unclear to me how my judgment could be constituted by a principle that it violates. This isn't merely a case of contradictory beliefs:⁸ it is a case of a contradiction *between a judgment and a principle that makes it possible*. And this seems to be too tight of a circle, for it is puzzling how a principle that contradicts a judgment also makes it possible. *Second*, I don't see why I need to be aware of the principles that make a judgment true—such as the Axioms of Intuition—in order to *make* the judgment 'there are simple substances in nature' or for it to be *meaningful*. This would require one to grasp a possibly very large number of principles merely in order to think something in the first place. On this score, I worry that Pollok's account is too cognitively demanding. *Third*, on Pollok's account, I take it that we also "appropriate" the principles themselves as a kind of "propositional content" when we recognize them. But this kicks the can down the road: what gives *the propositional content of*

⁶Pollok takes it that we are importantly not only spontaneous but "free" when we judge (211).

⁷Cf. Pollok's consideration of the possibility of failing to act in accordance with practical principles that one recognizes (208).

⁸A possibility that Pollok rightly acknowledges (8).

the principles their meaning? I'm not sure how grasping such principles can explain the meaningfulness of judgments unless we have an answer to this question.

Of course, none of these worries is immediately decisive against Pollok's view, though the constitutivist could sketch out a view that does not give rise to them. To avoid these worries, the constitutivist would distinguish here between thought, cognition (Erkenntnis), and assertion (Fürwahrhalten).9 On this view, in order for a thought to arise, I have to apply the categories in a certain form. I also have to be aware of the combination of concepts "simple," "substances," and "nature" in a particular way. Even though thought is not judgment in the demanding sense of cognition (B146), thought in the absence of cognition is not mere play of representations, as when the prelinguistic child mimics the words 'snow is white'. So my assertion 'there are simple substances in nature' does indeed have the "form of thought," even if it is an "empty" representation of an object and fails to be a cognition (B148). Now to evaluate or rationally criticize this thought, we need to take into account, not just the conditions for thought, but the conditions for cognition of a spatiotemporal world. We are indeed rationally criticizable for our opinions, beliefs, and knowledge, but these are all attitudes we take towards judgments,

⁹See especially A820/B848. See Chignell (2007), Tolley (2017b), and Willaschek & Watkins (2017) for an extended defense of this distinction.

¹⁰Kant himself suggests that judgment also has a less demanding sense: "to think is just as much to judge, or to relate representations to judgments in general" (*Prolegomena*, 4:304). Pollok might disagree with the way I have portrayed the distinction between thought and cognition as portrayed in the B Deduction, given his view that the mental episodes described in the Transcendental Deduction are parts or "partial acts" of one psychological event, *judgment* (223-226). But I think we need to distinguish thought from cognition as distinct psychological kinds if we are to make sense of §22 of the Transcendental Deduction, as well as Kant's repeated claims that we can and indeed *must* think certain things without cognizing them (e.g., *KpV* 5:133-137, *KU* 5:456). Allison (2015) provides a compelling reading of the proof procedure of the B Deduction that relies on a distinction between thought and cognition as two distinct psychological achievements. Furthermore, Allison notes the disagreement between him and Pollok (2015, 328, note 4). For options regarding the distinction between thought and cognition, see Watkins & Willaschek (2016). For a view that challenges the idea that empirical cognition is itself a judgment, see Grüne (2009).

¹¹It fails to be a cognition because it lacks "objective reality." Plausibly, transcendental illusion for Kant involves taking what is merely a thought to be a cognition—hence, it makes the assertion I am considering the outcome of a transcendental illusion. But note that the *thought itself* is not a transcendental illusion. On the necessity of thoughts without cognition, see B xvii-xviii; cf. A298/B355ff.

cognitions, or thoughts. Opinions, beliefs, and knowledge involve taking these judgments, cognitions, or thoughts to be *true*—as the German word for assertion, *Fürwahrhalten*, suggests.¹²

If thought comes apart from cognition in this way, then it seems that what is *constitutive* of thinking and judging comes apart from the *norms* used to evaluate a thought as a *claim* about the world. In other words, we can accept Pollok's claim that the synthetic a priori principles partially determine whether our thoughts are *valid* or true (212), without maintaining that unless we tacitly recognize those principles, we are not even thinking. On this constitutivist view, we should separate the constitutive features of thought from the epistemic and normative features characteristic of making claims.

The standpoint of apperception

In light of this pressure from the constitutivist, is there an account of grasping principles that alleviates the above worries?

Pollok thinks that pure apperception explains how we grasp principles in order to form judgments with normative oomph. In order to judge at all, Pollok argues, we must "project ourselves" into the "standpoint" of pure apperception (61). Noting that pure apperception is that "which in all consciousness is one and the same" (B132), Pollok claims that pure apperception itself is an essentially "multi-perspectival," "logical," "impersonal," or "intersubjective" consciousness that is distinct from my individual consciousness (63, 66). However, I am able, as an individual conscious being, to take up this "standpoint" of pure apperception. To "project" oneself to this standpoint is to see oneself "as [an] instantiatio[n] of that original-synthetic unity of judgments" (64). Pure apperception "is the authority required for any empirical self to appropriate" a representation (64), where "appropriating a representation" means something like making a "claim" with that representation. Is summary, "for a consciousness of something to be

¹²This idea is further supported by the idea that a cognition can be true or false (A58/B83), whereas knowledge cannot be false.

¹³The idea that the difference between transcendental and empirical apperception is one of *Standpunkt* is articulated in Vaihinger (1884, 141, 147 ff.), in which he tries to distinguish empirical from transcendental realism via this distinction.

¹⁴Cf.: the "synthetic unity" of the manifold brought about by pure apperception is what makes it "judgeable" (63).

normatively relevant, or likewise, for a judgment to become *publicly claimable* and thus become the *object of possible challenge and vindication*, we have to assume the standpoint of the *transcendental* apperception or self-consciousness" (64, emphasis added).

On Pollok's view, we thus need to distinguish between pure apperception and *taking the standpoint* of pure apperception (or "projection to apperception" for short). Once we do, we see that pure apperception has two roles. *First*, pure apperception itself—whether any particular human takes the standpoint of it or not—grants the contents of judgment propositional unity as specified by the categories (65). And if normative principles have propositional form, then there is an uninteresting sense in which pure apperception is "normative": pure apperception is simply a necessary condition for expressing the norms. But it is not clear that pure apperception *itself* is normative in a more interesting sense. *Second*, however, *projecting* oneself to the *standpoint of apperception* is an act that, according to Pollok, has the right structure to be normative. Projection to a standpoint is something that an empirical individual performs, and it thus comes with the possibility of various kinds of assessability. From this impersonal "logical viewpoint," I transcend my idiosyncrasies and "make a claim to knowledge" (64, 68). Projection to apperception thus possesses normative oomph, since it enables me to recognize the grounds of my claim to knowledge (expressed as principles).

But this very robust picture of the function of pure apperception is sure to be challenged by the constitutivist. Since the constitutivist maintains that the act of thinking does not immediately involve a "recognition of principles for assessing validity" component, there is no need to bake this recognition into pure apperception itself as a condition for thought. So in contrast to Pollok's account of pure apperception as an intersubjective standpoint, ¹⁵ constitutivists are likely to maintain that Kant has a more minimal characterization of pure apperception as "pure consciousness of the activity that constitutes thinking" or a consciousness "of one's mental activity," or even simply a consciousness of a representation in the absence of sensation. ¹⁶ On the constitutivist view, pure apperception alone does not grant human subjects an

¹⁵Compare Tolley (2017a). See also Kitcher (2017, 605), who claims that apperception is what enables one to "give the reason" that one knows in a case of *cognition*, but it is unclear whether she thinks that apperception *always* has this epistemic role (or whether apperception is a *sufficient* condition for giving a reason).

¹⁶Anthropology, AA 7:141; cf. MFNS 4:542.

ideal, intersubjective standpoint from which they can make claims about the empirical world. (Plausibly, such an intersubjective standpoint is the one of *reason*, not merely of pure apperception.) Furthermore, Kant's characterization of pure apperception as a consciousness of *thought as such* does not immediately amount to an awareness of the *principles governing thought*. Similarly, the consciousness of a judgment does not amount to a consciousness of the principles governing judgment.

In order to enrich this minimal conception, I want to gloss on Pollok's behalf two ways in which projection to apperception could amount to a consciousness of the *principles* governing one's judgement: the primitive awareness account and the implicit use account. I argue that each faces its own challenges as an account of Pollok's notion of projection to apperception.

Proposal 1: Primitive awareness

On the first proposal, defended by Hannah Ginsborg, the self-conscious understanding of what I am doing is *primitive*. This primitive "awareness of appropriateness" involves my taking one of "my natural dispositions as exemplifying a universally valid norm."¹⁷ Primitive awareness does *not* require that "the rule" that is exemplified "be grasped antecedently to the experience."¹⁸ The primitive awareness proposal has the right structure to be an account of normative oomph. It involves an awareness of what *I* am doing, and it also involves an awareness that what *I* am doing is valid or appropriate not just for me, but for all subjects like me. Similar to Pollok's claim that the empirical self "instantiates" pure apperception, the primitive awareness proposal maintains that the empirical self "exemplifies" a rule. So it can seem that Ginsborg's primitive awareness proposal is just the kind of account that Pollok needs.

¹⁷Ginsborg (2015, 162)

¹⁸Ginsborg (2015, 162)

However, I think there are problems reconciling Ginsborg's and Pollok's views.¹⁹ Let me outline the most crucial one. Ginsborg maintains that the laws themselves depend on primitive awareness of appropriateness. For instance, she claims that "in judging that something 'is as it ought to be,' our point is not that it successfully conforms to some antecedent conception of how it ought to be, *but rather that its 'is' determines an 'ought to be' in the first place*."²⁰ A straightforward reading of Ginsborg's claim is that the laws (how things ought to be) depend on or are "determined by" concrete exemplifications of those laws (how things are). This dependence claim explains why the awareness of the rule is *primitive*.

Pollok seems to be of two minds regarding this dependence claim. On the one hand, Pollok claims that our projection to apperception "creates" cognition or judgments "in recognition, or acknowledgement, of the laws of the understanding." However, though this act creates *cognition*, it "creates neither the *matter* (sensation) nor the *form* (laws) of cognition" (224, cf. 203).²¹ So projection to apperception does not bring the laws governing judgment into existence. On Pollok's view, this makes the laws suitably independent of any individual's psychology. However, Pollok also writes that Kant maintains that "forms [of intuition, space and time] and categories come into existence, or become actualized, *in the very act of cognition*" (152, emphasis added).²² On Pollok's view, Kant's transcendental idealism requires that the categories depend on cognition in this way. But Pollok's claims here stand in clear tension. How could cognition create or bring into existence the *categories*, even though

¹⁹For one, Pollok is more committal than Ginsborg on *which* rules we must be aware of. Pollok claims that "our 'apperception', as the standpoint of the unification of representations, implicit as it may be, is the *recognition* of the laws of the understanding" (230, my emphasis). (See too: "In order to be able to judge our understanding must be seen as *standing under* those a priori laws" specified by the synthetic a priori principles [231].) So projection to apperception involves the recognition of *a particular class of rules*, namely, *laws of the understanding*. In contrast, Ginsborg's view is compatible with the idea that my awareness of appropriateness involves the exemplification of *some rule or another*. Thus, to begin with, Ginsborg and Pollok differ on *which* rules need to be grasped in order for a judgment to have normative oomph. But this doesn't make Pollok's account incompatible with primitive awareness *per se*. (Thanks to Claudi Brink and Max Edwards for pointing this out.)

²⁰Ginsborg (2015, 81)

²¹I assume that Pollok's talk of the "pure act" of "intellectual synthesis" in the text is a gloss on assuming the standpoint of apperception.

²²See also Pollok's claim that for Kant, "we are passive with respect to matter but we *actualize* form ... *by recognizing it*" (145). Pollok thinks of the "formal" features of our representations as expressing their lawfulness (see Part 2).

cognition does not bring into existence the *laws* that presuppose the categories? We are thus left with an inconsistent set of claims:

- 1. Laws depend on the categories for their existence.
- 2. Categories depend on cognition for their existence.
- 3. Laws do not depend on cognition for their existence.

In short, the laws would need to exist independently of the "very act of cognition" in which the categories come into existence, which is impossible since laws depend on the categories.²³ So I do not know, on Pollok's view, how laws are grounded in projection to apperception, or vice versa.

However this is resolved, though, Pollok maintains that the laws are not brought into existence via the individual act of cognition, that is, via the individual projection to pure apperception. Thus, Ginsborg and Pollok differ on *the metaphysical priority* between the laws and their "exemplification" or "instantiation."

This comparison reveals an important philosophical problem: how do norms depend on their obeyance? Put slightly differently, and in a register that does not immediately invoke norms: the question is *whether laws depend on their instantiation*, or vice versa. Pollok suggests that the laws are *metaphysically prior* to their exemplification in cognition or projection to apperception, whereas Ginsborg argues that the exemplification of the laws is *metaphysically prior* to the laws.²⁴ As a result, I do not think that Pollok can accept the primitive awareness account, since recognition of principles on Pollok's account fails to be primitive in the right way.

Proposal 2: Implicit use

I have argued that Pollok's account of projection to apperception is incompatible with the primitive awareness account. Pollok maintains that projection to pure apperception involves a

²³On this, Kant writes: "Categories are concepts that prescribe laws a priori to appearances, thus to nature as the sum total of all appearances" (B163). Cf. Watkins (2014, 476).

 $^{^{24}}$ I'm fudging here: "metaphysical priority" is a stand-in for whatever dependence relation is thought to obtain between laws and the items subject to them.

recognition of the laws of the understanding, "implicit as it may be" (230).²⁵ This suggests a natural alternative to the primitive awareness account on which we recognize and are aware of the laws of the understanding, but in some non-explicit way. On the face of it, if the principles are merely *implicitly* recognized, this might take the bite out of the constitutivist's worries I canvassed in section 2.

I would like to contrast Pollok's view with that of Patricia Kitcher. For Kitcher, empirical cognition requires the "implicit use" of rules. For instance, she claims that cognizers "mak[e] implicit use of the rules associated with concepts" when they "recognize [their representational] states as standing in relations of necessary connection."²⁶ Similarly, "implicit awareness of the connection is an integral part of [rational empirical] cognition *per se*."²⁷ Kitcher thus argues that awareness of the necessary connection of representations requires implicit *use* of certain rules. However, it is not clear that *implicit use* of rules immediately entails *implicit recognition* of them. So *implicit use* does not by itself have normative oomph. Here, then, is the challenge: what notion of "implicit use" of the rules yields us "implicit *recognition*" and, with it, normative oomph?

Kitcher addresses the role of normativity in her account. On her view, a subject "can use a principle normatively only if her thinking of, or representing, the norm and her judgment are also understood as necessarily connected." Kitcher argues that we are not usually entirely blind to principles—ordinary people have a grip on the principle of causality, for instance. Yet Kitcher adds that

²⁵Compare: "the *laws of reason*, generally speaking, are binding on us once we (no matter how implicitly) apperceive ourselves as *rational* beings. In other words, the laws of reason are binding on us once we make judgments in light of them, and we cannot judge other than 'in light of them' since our judgments problematic validity is premised on these laws" (204; cf. 210).

²⁶Kitcher (2011, 142)

²⁷Kitcher (2011, 168)

²⁸Kitcher (2011, 232). She cites a number of passages in support, e.g., AA 16:11, AA 24:791, cf. R1620 AA 16:39, R1602 AA 16:31-32.

²⁹E.g.: "Ordinary people do not operate blindly by the *a priori* principle of causation; they have some grip on the abstract principle through particular causal laws and can partially confirm it and them through examples. Presumably the same would go for other categorical principles" (Kitcher 2011, 230).

[O]rdinary understanding need not be blind to its principles at any level, except the earliest where the principles by which it scrutinizes sensations and adds transcendental content to representations are unconscious.³⁰

So on her view, though I am implicitly aware of the *connection* in all cases of cognition, I am initially *entirely unaware* of the *rule* itself that grants that connection normative oomph.

I don't think this is consistent with Pollok's account. Pollok claims that the categories "can be seen as the norms that enable sensible impressions to be 'read as experience'" (229). So from the outset, the categories are being "used" as norms; they never function merely as (part of) unconscious, unrecognized principles governing experience. Pollok's account cannot have it that the principles go *unnoticed* or *unrecognized* when we project to apperception. The implicit recognition must be present *from the outset* if the principles are to be *both* constitutive *and* normative for judgment. Otherwise, his account would collapse to the constitutivist account: some features of judgment would be generated according to principles *of which we are not originally conscious*. The original function of the understanding would not involve *recognition* of norms.

I think that the implicit use account is a natural avenue for Pollok to pursue. However, unlike Kitcher's version of the implicit use account, Pollok will need to explain how recognition of norms accompanies *every* use of the understanding, and what exactly the mental attitude is that we "implicitly" take towards these principles. And as Kitcher's own account illustrates, "implicitly abiding by" or "implicitly using" the principles does *not* entail that we are implicitly *aware* of those principles. In fact, the implicit use view seems soundly consistent with the constitutivist view. After all, the understanding might "legislate" laws in a way that does not automatically entail that the human subject *recognizes* such laws.³¹ As a result, I remain unsure of how Pollok can square his views with the implicit use account.

³⁰Kitcher (2011, 231); cf. R1579 AA 16:18

³¹For this reason, I don't think that Pollok's "natural right" theory of the legislation of the laws of the understanding will help to explain how principles are *normative*, as opposed to merely constitutive (for Pollok's account, see 206-211).

Conclusion

To sum up, I suggested that the constitutivist view would be opposed to important facets of Pollok's account of normative oomph. In section 2, I noted some objections that the constitutivist would raise against Pollok, while also pointing to the constitutivist's resources to avoid these worries by distinguishing between thought, cognition, and assertion. In section 3, I argued that the constitutivist is likely to view pure apperception as a consciousness of *thinking*, not as a consciousness of the *principles* for thinking or as an objective standpoint for knowledge claims. I then suggested two proposals that might explain how "projection to apperception" grants us an awareness of principles governing judgment. I then argued that Pollok's account does not sit easily with either of these proposals.

My commentary here has focused on only a small portion of Pollok's rich book. Though I think his account of constitutive normativity faces some serious challenges, the problems regarding law-giving and normativity I have pointed to remain some of the most perplexing facets of Kant's critical philosophy—ones that continue to burden readers of Kant's work. I hope this commentary has brought out what is at stake for those who accept Pollok's solution to these puzzles.

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