Washington University Jurisprudence Review

Volume 6 | Issue 1

2013

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Recommended Citation

Joseph Margolis, *The Regress Argument in Kant, Wittgenstein, and the Pittsburgh "Pragmatists"*, 6 Wash. U. Jur. Rev. 121 (2013).
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# THE REGRESS ARGUMENT IN KANT, WITTGENSTEIN, AND THE PITTSBURGH "PRAGMATISTS"

**JOSEPH MARGOLIS***

Behind the argument that follows, I insert obliquely, in an informal and unsustained way, the hint of a legitimative rationale favoring "genealogical" readings over "textualist" readings of certain philosophical statements: specifically, for present purposes, statements by Kant and "Kantians" of diverse stripes, some self-styled (aptly or not), some so interpreted by others, all bent on improving, dismissing, or displacing particular doctrines for cause.

Genealogists, I take it, begin with the conviction that a philosophical problem of any importance is bound to be shared, however contentiously, by the authors and critics of compared texts. At their most inflexible, textualists tend to treat the work of the most seminal figures rather piously, so as to disallow anything but an entirely internalist critique (as in reading figures like Plato, Aristotle, Descartes, Spinoza, Leibniz, and Kant). My own sense is that extreme textualism impoverishes philosophy, and that sustained contemporary interest in the import of classic statements can rarely rely on purely textualist readings.

Textualism seems to work quite well in, say, a quarrel reasonably pieced together between Leibniz and Kant (because Kant advances his own thesis with Leibniz in mind), but it rarely works between, say, Peter Strawson and Kant or Wilfrid Sellars or Robert Brandom and Kant; some concessions may be generously conceded to belong to the textualists' model, for example, in Lewis White Beck's comparison of Kant and Hume or Henry Allison's comparison of Kant and Berkeley or Kant and Leibniz, or (even) Kant and Strawson or Paul Guyer.[1] After all, even Kant's "internalist" critique of Leibniz's relational account of space supposes that Kant and Leibniz share a public or "external" problem that they approach from textually very different vantages: each must be read as addressing the pertinent claims the other poses regarding the world they share or how *we* think or must think about such claims.[2] So there is

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1. *See* P.F. STRAWSON, THE BOUNDS OF SENSE: AN ESSAY ON KANT'S CRITIQUE OF PURE REASON (1966).

2. Here, I've benefited more than I can say from a very instructive conversation with, and my reading of a paper by, Professor Manfred Baum (University of Wuppertal). *See* Manfred Baum,



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something of a continuum of exchange between textualist and genealogical dispute; nevertheless, as we approach our own time, debates of this sort are less and less content to restrict matters in a way that favors textualist treatments over genealogical ones.

I concede that we may be fairly drawn to the textualist's practice—piecemeal. But I cannot see that such a picture is at all suitable in a close study of Kant's arguments (or Aristotle's, for that matter) *if* Kant is (as he surely is) the single most important figure in the "modern modern tradition" running continuously (and legibly) in the genealogical way from the mid-eighteenth century to our own day. I don't deny that that may be disputed, but it's a losing gamble. To find our principal questions bruited in Kant ineluctably favors the genealogical over the textualist temper. This may explain why, despite there being very little stomach for enshrining Hegel's conceptual "system" in the textualists' way, many readers (I include myself) are very much taken with Hegel's genealogical exposé of Kant's essential failure to meet (that is, to have met) Hegel's best challenge to his transcendentalism. Very few would now be willing to treat the validity of Kant's apriorism in the textualists' way (say, against Leibniz); the validation of any part of Kant's epistemology surely requires a genealogical slant. That is indeed the bias of the argument that follows—which bias I take to be essential to the pragmatist turn.

Transcendentalism, let me say, has the gravest difficulty distinguishing between genuine synthetic *a priori* truths and projections from experientially promising constraints that our conceptual imagination, on such occasions, finds impossible to outstrip or defeat, so that, as with conceiving a non-Euclidean geometry for the first time, we find ourselves forced to turn with a new regard to historical invention and discovery. We begin to glimpse a convergence between a proto-Critical Hume and a post-empiricist Kant.

## I

It sometimes happens, in contemporary physics, that very complicated, expensive, unbelievably lengthy subatomic experiments of strategic but less than decisive importance simply fail to yield any positive results at all. The scientists who guessed wrong nevertheless come together to share the lesser glory of publishing their failure as a statement of orderly record—and they're right to do so. Philosophy, by contrast, is not an experimental

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*Objects and Objectivity in Kant's First* Critique, *in* KANT'S IDEALISM: NEW INTERPRETATIONS OF A CONTROVERSIAL DOCTRINE 55, 55–70 (Dennis Schulting & Jacco Verburgt eds., 2011).

science, though one hears, of course, of thought experiments frequently enough. Philosophy's history is cluttered with such successful failures: first, because conceivability is often all that's wanted, and, second, because failure even there can serve as a provocation for another try, under the condition of infinite revisability.

Kant, it will be remembered, broached a version of the well-known regress argument in the first and third *Critiques*. What's noteworthy about Kant's mention of the matter—if it's noteworthy at all—is that he was not in the least troubled by its fabled importance: he brushed the regress off as a sort of conceptual gnat, and he was quite right to do so. The trouble (I must say, however thanklessly) is that Kant gained the right to dismiss the regress threat through the presumptive privilege of his transcendentalism: deprived of *that*, the regress argument might easily have been recovered as a matter of some importance, as, in our own time, it has been by Wittgenstein, by Wilfrid Sellars, and by Robert Brandom, all of whom (including Kant) are said by Brandom to have been "Kantians" and "pragmatists" of a recognizable sort. The oddity is that the four of them viewed the regress problem in very different ways: Kant couldn't have taken the problem seriously if he had viewed it (as indeed he did) from his apriorist position, and he couldn't have been a Kantian in Brandom's sense; Wittgenstein dismisses the regress argument (in any sense close to Kant's) in a way (for cause) that, rightly read, would apply decisively against the "Kantian" cast of Sellars's and Brandom's solutions; and neither Sellars nor Brandom actually provides a pertinently arguable form of the regress claim, or any clue to support Brandom's conjecture that they are committed to the same sort of solution. Disaster all around, you might say.

I find myself in the unenviable position of reporting disappointment with all three of the sanguine thought experiments I've mentioned: Kant's, Sellars's, and Brandom's; also, with the problematically positive import of Wittgenstein's seemingly negative finding; the sizable mistake of thinking that any of the four were actually "Kantians" of Brandom's sort; and the sheer awkwardness of claiming to discern the undeniable thread of "Kantian" continuity running from Kant himself to Brandom, by way of an issue (the regress argument) that effectively requires the abandonment of apriorism (the very basis on which Kant rightly dismisses the regress argument's slim importance).

The regress issue must be read loosely enough to permit Brandom to apply his misleading labels "Kantian" and "pragmatist" to Gottlob Frege, who could not possibly have endorsed Kant's transcendentalism and who would have dismissed the regress argument flat-out if (being a platonist of

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sorts) he'd considered it at all. But Frege is needed (opportunistically) to bring Sellars and Brandom on board—though there's no gain to be had in the maneuver since neither Sellars nor Brandom succeeds in making the regress issue worth the bother. In fact, their treatment of it does no more than pave the way for replacing the usual textual scruple of addressing Kant's problems in his own terms, favoring instead what I call a "genealogical" alternative—an effort I support in principle but would need to assess case by case in practice—that tolerates inventive conjectures about how to salvage options suggested by Kant's texts that Kant himself would never endorse: as famously, and at some cost, undertaken in the so-called "subtractive" strategy of P.F. Strawson.[3]

That's the best I can do with deflecting your instant rejection of Brandom's strategy. Except that, in my opinion, it's becoming increasingly doubtful that textualist readings of Kant, unyieldingly opposed to fresh genealogies, can expect to claim (indefinitely) to be worth the bother: think, for instance, of Henry Allison's honorable but unsuccessful reading of Kant alongside Allison's fair critique of Strawson.[4] Or, consider the challenge of Brandom's inferentialism, which may be the single most debated, recent, self-styled "Kantian" effort at redirecting the largest energies of Anglo-American and European philosophy along rather unexpected lines. Brandom's challenge has, willy-nilly, given a new sort of energy to the regress argument and, I should add, to related arguments—for instance, to something like a drastically simplified "completeness" argument. Brandom, you realize, speaks of his program as involving a sort of "semantic logicism,"[5] which obliges us to reckon with it, which takes precedence over merely textual matters, and which cannot be dealt with without turning genealogical. Of course, it's the sheer daring of Kant's apriorism that draws us to genealogical liberties to save some version of transcendental analysis from Kant's own excesses.

It's worth mentioning, for the record, that the truest "Kantian" of the new breed that includes Sellars and Brandom is undoubtedly John McDowell, who proceeds genealogically as well, but very sparely, and who is openly Wittgensteinian in explicating the meaning of "following a rule" (in the sense in which Wittgenstein is himself effectively occupied with dismantling Kant's apriorism), the very premise that introduces and ultimately neutralizes the thrust of the regress argument. McDowell never

3. *See* STRAWSON, *supra* note 1.

4. *See generally* HENRY E. ALLISON, KANT'S TRANSCENDENTAL IDEALISM (2004).

5. *See* ROBERT B. BRANDOM, BETWEEN SAYING AND DOING: TOWARDS AN ANALYTIC PRAGMATISM 27–30 (2008) [hereinafter BRANDOM, SAYING AND DOING].

directly engages the regress argument (as far as I know), though, more by genealogical than by textualist means, he favors important parts of Kant's treatment of realism and normativity (whether he converges or diverges with or from Sellars or Brandom).

Once we begin to argue genealogically, however, the difference between Kantian and anti-Kantian philosophical maneuvers becomes quite difficult to define. McDowell treats the problem of "following a rule" (a fundamental Kantian issue if there ever was one), as directly bearing, according to his reading of Wittgenstein, on the import and right analysis of the realism question (which, of course, is another essential Kantian issue). But you cannot fail to see that, in following Wittgenstein on *rules*, McDowell is effectively obliged to discard Kant's transcendentalism (but would otherwise have had to address the regress problem); he might also then have drawn from the fate of transcendentalism important clues about the right analysis of judgments about the world (that is, "rule-following" as read in Wittgenstein's terms). You begin to see the sense in which McDowell (not unlike Brandom and not unlike Richard Rorty) finds a residual realism that Kant and Wittgenstein may be said to share that does *not* depend on Kant's apriorism. Here, McDowell explicitly speaks of "transcendental empiricism."[6]

All this contrives new forms of "Kantian" thinking that must find laxer ways of drawing on textual materials in Kant than would normally be

6. *See* JOHN MCDOWELL, *Wittgenstein on Following a Rule*, *in* MIND, VALUE, AND REALITY 221, 254–55 (1998). *See also* JOHN MCDOWELL, *Experiencing the World*, *in* JOHN MCDOWELL: REASON AND NATURE, (Marcus Willaschek ed., 2000); JOHN MCDOWELL, MIND AND WORLD (1994); RICHARD RORTY, PHILOSOPHY AND THE MIRROR OF NATURE (1979). I have, I should add, deliberately not mentioned McDowell's Woodbridge Lectures (1997), which afford the most sustained impression of McDowell's attraction to Kant. *See* John McDowell, *Lecture I: Sellars on Perceptual Experience*, 95 J. PHIL. 431–50 (1998); John McDowell, *Lecture II: The Logical Form of an Intuition*, 95 J. PHIL. 451–70 (1998); John McDowell, *Lecture III: Intentionality as a Relation*, J. PHIL. 471–91 (1998) [hereinafter McDowell, *Lectures*]. But a careful reading shows unmistakably that McDowell is primarily interested in *Sellars's* "Kantian" treatment of perception vis-à-vis the "transcendental" (but not transcendental*ist*) treatment of the realism issue. In fact, I venture to say (and trust I'm reporting the matter fairly when I say) that McDowell is primarily interested in Sellars's reliance on the "receptivity" or "passivity" of initially acquiring the sensory content of perception, in his (Sellars's) reading of the transcendental conditions of Kant's account of perceptual content. I think this adequately explains why McDowell does not address Kant's treatment of the regress issue (which surfaces in a distinctive way in Sellars's EMPIRICISM AND PHILOSOPHY OF MIND, the principal site of the analysis offered in the Woodbridge Lectures themselves). *See* SELLARS, EMPIRICISM, *infra* note 9. I think I'm right that Brandom's "Study Guide" to Sellars's paper does not address the regress issue either. *See id.* I'm inclined to think that McDowell sees Brandom's use of the regress material (in MAKING IT EXPLICIT) as a somewhat fruitless diversion. (I have no evidence for this conjecture.) Effectively, the three lectures explain very thoroughly indeed just where McDowell follows, and departs from, Sellars, as well what McDowell means by his own "transcendental empiricism." *See* McDowell, *Lectures*, *supra*.

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favored. I cannot see how the temptation can be successfully opposed—or why it should be. It doesn't surprise me at all that arguments that tend to show that "just about everyone" is a pragmatist tend to be matched by arguments that show that just about everyone is a Kantian. We already have it, from Hilary Putnam, that in asking whether Wittgenstein was a pragmatist, he might (as he concedes) as easily have asked whether Wittgenstein was a neo-Kantian.[7] Of course. The convergence is already implicit in comparing Charles Peirce and Ernst Cassirer with regard to the openendedness of inquiry. The fact is, the regress argument enters Kant's *Critiques* rather quietly, but it has been energetically recovered as a result of Brandom's choosing to introduce his inferentialism (in *Making It Explicit*[8]) as, in its own way, a Kantian-inspired solution to what *he* takes to have become of Kant's regress problem interpreted to suit his own reading of Wittgenstein's remarkably influential analysis of what it is to "follow a rule." Extraordinary zigzag! A good deal of Brandom's genealogy is, frankly, fiction; but the new form of the controversy is certainly not fiction.

The curious thing is that both Brandom's program (very possibly the single most widely debated philosophical proposal now in the analytic lists—also possibly, then, beyond those boundaries) and Kant's transcendental vision (after the deep innovation of the third *Critique*) are placed at mortal risk in a fresh way that may begin to define the future promise of Western philosophy itself. I can well believe that there's more than a hint of insuperable failure (not unfamiliar in Kant's case and somewhat early it may seem in Brandom's, without claiming any parity in their respective contributions), which signifies our approaching as near as we have ever been to the actual close of the immense interval spanning Kant's original triumph and the last energies of the linguistic turn. So Brandom's genealogical fiction has its own unforeseen ironic lesson to bestow.

I find the prospect miniaturized in the revival of the regress argument, otherwise eccentrically linked to some of the more strategic contests of our day. More than that, I fancy that the grand defect of the third *Critique* is rendered almost impossible to discount, by retracing the frailties of the regress matter back to Kant by way of Brandom's unquestionably clever genealogy. I trust you will be patient with the reconstructed argument: the

7. HILARY PUTNAM, PRAGMATISM: AN OPEN QUESTION 27 (1995).

8. *See* ROBERT B. BRANDOM, MAKING IT EXPLICIT: REASONING, REPRESENTING, AND DISCURSIVE COMMITMENT (1994) [hereinafter BRANDOM, MAKING IT EXPLICIT].

verdict on Kant insists on making its appearance only at the very end of the story.

## II

I'm drawn to the regress problem in Kant in good part because Kant is obviously untroubled by its presence in his account of the faculty or power of judgment. I'm also drawn to the regress problem because Wittgenstein (who appears to be addressing an evidentiarily construed version of Kant's account of rules) simply "dismantles" the Kantian-like answer and, with it, the original problem. Brandom (interpreting Sellars) believes he's resurrected the regress problem in the evidentiary spirit Wittgenstein favors, which extends the supposed "pragmatist intent" of Kant's original treatment of the regress issue—which "thereby" restores, in turn, the true force and relevance of Kant's original regress question—for later "Kantians" like Sellars and Brandom himself, who are no longer apriorists but who respect the evidentiary form of the Kantian question. Neither Sellars nor Brandom, it should be noted, addresses the regress problem *in* Kant's transcendental*ist* way: they reject Kant's apriorism, Sellars sketches his sense of the sort of condition that might relieve us of the regress worry (which broaches a deeper question that goes beyond our terms of reference here), and Brandom introduces a completely artifactual makeshift (presumably advancing Sellars's resolution, which is more than doubtful), which he believes provides a satisfactory answer to Kant and Wittgenstein *and* Sellars (all in the spirit of Frege's "pragmatism"). Finally, I'm drawn to the problem because none of this seems to me to make much sense at all in the terms given.[9]

9. Sellars does indeed pursue a different line of speculation regarding the regress argument developed from the conjecture of the 1949 paper *Language, Rules and Behavior*, *infra* note 21—which Brandom favors—in the more important 1956 *Empiricism and the Philosophy of Mind* paper (which John McDowell favors, though he does not appear to concern himself with the regress issue in Sellars's text). The essay has been reissued in WILFRID SELLARS, EMPIRICISM AND THE PHILOSOPHY OF MIND (1997) [hereinafter SELLARS, EMPIRICISM], with an Introduction by Richard Rorty and a Study Guide by Robert Brandom. In the *Empiricism* paper, the regress issue is inseparable from Sellars's attempt to construe a "Kantian" (but not an apriorist) account of the conditions of perceptual (or empirical) realism. The larger theme has been reworked by McDowell as a (Sellarsian-inspired) form of what McDowell names "transcendental empiricism." Brandom's Study Guide of the EMPIRICISM piece shows very clearly that he reads Sellars in quite a different way from McDowell's treatment. I anticipate exploring McDowell's argument in some depth in another essay: the regress issue is not the best vehicle for examining the realism question in McDowell, or in pragmatism and analytic philosophy in general. Brandom does appear to have been influenced by McDowell's reading of Sellars's *Empiricism* piece. But his solution of the regress problem very definitely depends on his reading of Wittgenstein and the Sellars of the *Language, Rules and Behavior* paper, *infra* note 21.

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Brandom supposes that Kant's apriorism is an extravagance or wrong turn that can be abandoned without abandoning the idea of judgment's disciplinary rules; that Frege's logicism is more pragmatist than platonist; that Wittgenstein is right about the pragmatic analysis of discourse vis-à-vis inferentialism and Kant's treatment of the regress problem (once apriorist presumptions are set aside); that Wittgenstein is mistaken about the "right" way to dismantle the regress problem; that Sellars correctly glimpses the source of the paradox's resolution but leaves the issue inadequately resolved; and that he (Brandom) has now rethreaded the nerve of the entire tradition that runs from Kant, through Frege, through Wittgenstein, through Sellars, through the development of the resources of modern logic, to the algorithmic powers of AI-simulation, which can be adjusted pretty well as we please in order to capture the inferentially freighted uses to which discourse is standardly put. Voilà! I take the argument to have failed to meet its own requirements.[10] But, here and now, I mean only to trace the vagaries of the regress issue itself. It's in this limited sense that I intend my report of a rather massive philosophical failure to exhibit some of the redeeming features of the physicists' severely negative reports of their own failed work.

In any event, I think it is safe to say—viewing the work of my gang of four (Kant, Wittgenstein, Sellars, Brandom) and leaving McDowell aside for the time being (since, on the issue before us, McDowell, apart from his own expository skill, pretty well repeats Wittgenstein's "answer" to Kant in the manner of Stanley Cavell's reading of rule-following)—that we already have four very different accounts of the regress issue (all deemed "Kantian"). But I've also suggested that since the regress issue is itself inseparable from that of the analysis of rules, it's not surprising that McDowell's genealogical use of Kant's treatment of the understanding generates its own problematic interpretation of Kant's texts (regarding realism, or even regarding meaning, truth, and naturalism). This interpretation, then, affects an assessment of McDowell's reading of Sellars's reading of Kant—hence, of McDowell's "transcendental" treatment of perceptual realism.

McDowell, I would say, is closer to Kant than Brandom is. But he is also closer to Wittgenstein than Brandom is. I find that McDowell is also

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Since McDowell does not engage the regress question, it seems reasonable to postpone addressing his very different position for the sake of a more accommodating entry.

10. I provide a version of the counterargument in my paper Joseph Margolis, *Beyond Brandom's Pragmatism* at the First European Pragmatist Conference, Rome, Italy (Sept. 19–21, 2012), *available at* http://www.nordprag.org/papers/epc1/Margolis.pdf.

closer to Sellars than Brandom is; hence, that he and Brandom have very different views. As it happens, McDowell has no need to repeat Kant's answer to the regress issue, or Wittgenstein's answer; he's not likely to have felt obliged to take a stand on Brandom's view of the matter. McDowell *is* drawn to Sellars's "Kantian" treatment of perception in the latter's *Empiricism and the Philosophy of Mind*, where Sellars actually airs the regress question in "empiricist" and "rationalist" terms—in a spirit very different from that in which he engages the regress question in his earlier papers (which Brandom draws on).[11] It's entirely possible that since, in his reading of the *Empiricism* paper, McDowell gains an important clue to a potentially powerful defense of a "transcendental" approach to the realism question—a clue he finally casts as a form of "transcendental empiricism" (McDowell's term)—he may have decided to save his argumentative powder for a better cause. In any case, McDowell's issues require an entirely different approach.[12]

The regress problem is now an industry often (exaggeratedly) regarded as a Kantian industry. Wittgenstein and the others, now including McDowell, Sellars, and Brandom (a trio simplistically collected as the "Pittsburgh pragmatists" or the "Pittsburgh School"), and Kant himself (if you allow the joke) are said to be "Kantians" in the arch sense of that philosophical shorthand that merely emphasizes that Kant was indeed the decisive figure who, countering Hume's too tepid transcendental instincts, magisterially entrenched the principal distinction between the descriptive and the normative in every quarter of human understanding and reason. The others mentioned are automatically deemed to have championed the same, or much the same, distinctions. But that cannot be right, whatever overlap may be conceded.

One hears something of the sort casually but inaccurately bruited in the spirit that belongs to the efforts to "re-enchant" the world, going well beyond the times and fears of Max Weber's reporting the so-called "disenchantment" of the world—as in McDowell's urging an ineluctable conceptual need to readmit normativity, necessity, intentionality, and rationality at whatever level of analysis *we* admit the cognizing role of subjective agents, where "subjective" is not construed psychologically. This seems to me to move too quickly (on McDowell's part) as it fails to address the principled relationship between Kantian causality and Kantian freedom, the laws of nature and the rules of reason, or the theory of the

11. *See* SELLARS, *supra* note 9.
12. *See* MCDOWELL, *supra* note 6.

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human self itself, which, in my opinion, Kant (not unlike Hume) very nearly neglects.

All of this is put instantly at considerable risk by the seemingly reasonable attempt to answer or dissolve "the regress question." One sees this at once when one adds (on Brandom's initiative) the name of another would-be "Kantian," Gottlob Frege, who admits in the strongest possible way the essential kinship between logic and ethics, and is a figure who (like Kant) influenced Wittgenstein and the Pittsburgh philosophers and pertinent others (Saul Kripke, Rorty, Putnam, and Michael Dummett, say) but in ways that cannot possibly mark them as Kantians. "Like ethics," Frege observes, "logic can also be called a normative science."[13] But what does Frege mean by that? Surely not what Kant meant and not what Peirce meant—and not what Brandom means. Frege, I presume, has nothing to say about the reenchantment theme; he could not possibly be satisfied with Kant's transcendental strategy (for instance, applied to arithmetic), and he has no particular interest in the regress argument. The double idea that Frege continued Kant's distinction and was in a way a pragmatist as well is, I must say, no more than a fantasy on Brandom's part. Similarities between Kant and Frege are essentially coincidental and almost always misleading. Of course, if normativity were read in Kant's transcendental(ist) way, the regress argument itself would dwindle to a mere nuisance. I should add, as a sudden thought, that it's not at all easy to make the case that the normativity of the ethical and of the logical are in principle similar. I don't believe they are. I take the difference to signal the incompletely resolved problems—different problems—confronting Sellars, Brandom, and McDowell.

## III

The use of the epithet, "Kantian," is certainly in good part due to Richard Rorty's gentle influence and Robert Brandom's ready ear. Let me, therefore, offer a few specimen remarks from Brandom's genealogy of the regress problem, in his *Making It Explicit*, which suggests a potentially good use of what, otherwise, may be too quick a liberty:

> Kant's lesson [Brandom remarks] is taken over as a central theme by Frege, whose campaign against psychologism relies on

13. Cited by Brandom, from a longish, previously unpublished fragment of one of Frege's essays, titled *Logic* (1897), now included in GOTTLOB FREGE, POSTHUMOUS WRITINGS 126, 128 (Hans Hermes et al. eds., Peter Long & Roger White trans., 1979).

> respecting and enforcing the distinction between the normative significance of applying concepts and the causal consequences of doing so;[14]

> Another thinker who, like Wittgenstein, takes his starting point from Kant's and Frege's appreciation of the normative character of intentionality (for him, coeval with language use) is Wilfrid Sellars . . . . Like Wittgenstein, Sellars sees that an adequate conception of [the] norms [for using language correctly] must move beyond the pervasive regularist tradition, which can understand them only in the form of [explicit] rules;[15]

and, finally,

> What Wittgenstein shows [—"the lesson Wittgenstein has to teach Kant," to which Brandom adds: Kant already "appreciates the point that Wittgenstein is making"—] is that the intellectualist model [the propositionally explicit model, presumably Kant's] will not do as an account of the nature of the normative as such. For when applied to the norms governing the application of rules and principles, it generates a regress, which can be halted only by acknowledging the existence of some more primitive form of norm [which Brandom calls "pragmatist," by way of another liberty].[16]

Here you have the most succinct clues possible regarding the general reading of the regress problem (and of other aspects of normativity and intentionality) that belongs to what is now widely viewed as the "Kantian" thrust of "Pittsburgh pragmatism," much too influential at the moment to be scanted or ignored for merely verbal or textual reasons. In fact, though it would take us too far from my present concern to extend the list of those affected by this development, the list of the kind of "Kantians" being featured here—favoring normativity's proper place in the vocabulary of our day, much more than the resolution of the regress problem—could very reasonably be extended to include such figures as Charles Peirce (who may very possibly have had an inkling of Frege's view of normativity and who implicitly outflanks the regress problem by his own "long run" argument), signaling his indifference to any opportunistic mate of what Max Weber calls "Occidental rationalism," a soulless, purely

14. BRANDOM, MAKING IT EXPLICIT, *supra* note 8, at 11.
15. *Id*. at 33–34.
16. *Id*. at 23 n.31. I've taken some liberties with the third citation, in order to bring it into accord with the other two; but the wording, except where indicated, is entirely Brandom's.

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exploitative, instrumentalist reading of reason gaining ground through the entire sweep of capitalism. (Something of this last concern appears in McDowell.) But what's needed in the accounts of the "Pittsburgh Kantians" are the fully formed alternatives (on issues like normativity and realism) to replace what they can no longer subscribe to, having rejected Kant's transcendentalism.

I risk mentioning this sort of issue within the bounds of the regress theme because we learn thereby that its resolution (such as it is) always depends on more than any merely formal or methodological considerations. It may in fact be resolved by invoking one or another sort of the normatively informed privilege of the faculty of understanding: in Kant, though not compellingly (as far as I'm concerned), by the use of apriorist powers; more interestingly, in the context of legal questions threatened by an evidentiary sort of regress, by the simple device of that enactive instrument we call a judge's or jury's "verdict"—which overrides the regress of mere judgments.

For Kant, the regress issue is, finally, a matter of stupidity. In the law, outside of philosophy, the regress problem is normally resolved with an eye to limited resources and practical necessity; it has little bearing on the philosophical question. Genealogically, Wittgenstein is the implacable opponent of Kant's apriorism. McDowell is essentially a Wittgensteinian on the analysis of rules, but he does not follow Wittgenstein on other related issues—he follows Kant, or Sellars's Kant, or his own "correction" of Sellars's Kant—who may be Kant no more. Brandom effectively abandons the regress issue after giving reasons to believe he thinks he's solved the puzzle along Sellarsian lines; but he nowhere spells out the argument. I see no evidence that Sellars could possibly agree with Kant's apriorism, and Brandom cannot afford to agree with either Kant or Wittgenstein (or Frege, for that matter).

My own view, read in the simplest way, is that the regress problem is little more than a benign form of skepticism: it cannot be solved, read in the theorizing spirit in which it's posed. But it can be borne lightly enough as the honest consequence of abandoning every form of foundationalism and cognitive privilege (without abandoning confidence or certainty wherever, in the course of practical life, the degree of assurance we can muster is sufficient to offset the seeming skepticism that looms). Skepticism could never be Kant's nemesis, or Wittgenstein's—it's no more than the *verso* of our abandonment of unconditional argument. Kant's weakness rests, rather, with *our* doubts about his ever having satisfactorily drafted compelling grounds for the apriorist assurance he tenders—on which (if conceded) the force of the regress argument

dwindles to zero. It's Kant's own failure that confirms the regress problem's special life. Wherever realism is firmest evidentiarily, so also is the regress argument, which we read as skepticism. In that sense, Wittgenstein never defeats skepticism, and never needs to. The argument of the *Investigations* dismantles Kant's picture of the occasion for its routine appearance: it becomes inconsequential, as our crisp claims in favor of propositional certainty retreat in the face of Wittgenstein's opening exercises (Brandom's inferentialism, for one.[17] Wittgenstein gives us reason to believe that the threat of evidentiary regress is stalemated by the need for practical responses, in a manner not at all dissimilar to the function of the verdicts of a court of law, now cast more laxly and informally in terms of the apt competence of the members of societies that share a form of life and its usual language games.

Here, Brandom is on both sides of the "pragmatist's" fence: in the name of inferentialism, he embraces Wittgenstein's proposal to replace the analysis of verbal meaning by the analysis of the discursive "use" of language, in "doing" whatever we do linguistically; but, in support of his inferentialist paradigm, Brandom unconditionally rejects Wittgenstein's exemplary language games (meant to explain what we "do") as betraying inferentialism itself![18] No satisfactory argument is ever given; the textual treatment is completely perfunctory. Nevertheless, Brandom's intended argument remains in its way decisive. You must bear in mind that Brandom construes his own brief as utterly loyal to Kant's deepest intention regarding the regress threat, though he (Brandom) is hardly tempted to defend any apriorist strategy. I've already signaled that Kant divides the question between its apriorist and empirical application and that, as a consequence, no serious regress *ever* arises, as far as Kant is concerned. Frege's confidence in logicism may be a fair analogue of Kant's transcendental assurance, but the two conceptions play entirely different roles. Brandom, of course, is loyal to *Sellars's* "Kantianism," but not to Kant's apriorism. As a result, under the pressure of his own attempt to mount an all-purpose argument, Brandom finds Sellars's incipient inferentialism (which claims to be inspired by Kant and which Brandom is set to "complete" in *Sellars's* Kantian manner), implicitly—splendidly—championed, in the *Investigations*, in *Wittgenstein's* well-known analysis of "rules."[19] Even here, however, Brandom misreads Wittgenstein's

17. *See* BRANDOM, MAKING IT EXPLICIT, *supra* note 14.

18. *See* BRANDOM, SAYING AND DOING, *supra* note 5.

19. *See* LUDWIG WITTGENSTEIN, PHILOSOPHICAL INVESTIGATIONS § 219, at 85e (G.E.M. Anscombe trans., 1963).

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instruction: Wittgenstein's treatment of the regress problem cannot be separated from his larger account of language and language games.

I'm convinced that Sellars reads Kant "genealogically" (in the sense already supplied): Sellars is certainly aware that his notion of "material inference" entails the abandonment of Kant's apriorism. In effect, Sellars means to displace Kant's apriorist certainty about the right application of the rules of judgment bearing on actual perception and experience—disarming the very point of Kant's "stupidity" charge and (somehow) encouraging Brandom's innovation. Here, the "textualist" and "genealogical" readings of Kant are in clear conflict. In addition, Brandom's solution is never made explicit.

If you have all this in view, you cannot fail to see the significance ("Kantian," "Sellarsian," *and* "Wittgensteinian") in the following rather brilliantly concocted summary Brandom ventures in the opening chapter of *Making It Explicit*:

> If correctnesses of performance are determined by rules only against the background of correctnesses of application of the rule, how are these latter correctnesses to be understood? If the regulist understanding of all norms as rules is right, then applications of a rule should themselves be understood as correct insofar as they accord with some further rule . . . . The question of the autonomy of the intellectualist conception of norms, presupposed by the claim that rules are the form of the normative, is the question of whether the normative can be understood as "rules all the way down," or whether rulish properties depend on some more primitive sort of *practical* propriety. Wittgenstein argues that the latter is the case.[20]

I cannot imagine a cleverer summary to put Brandom's would-be *solution* of the regress problem in the best "Kantian" light. First of all, it shows how to commit *Kant* to the regress problem Kant eludes; and, second, it shows that Sellars grasps Kant's evasion and "rescues" Kant for the sake of *his* (Kant's) putatively "pragmatist" intent (if, indeed, that is the right way to read Kant—which I very much doubt). But if you grant Brandom's reading of Sellars's reading of Kant's pragmatist intent, then you may also hold (with Brandom) that Wittgenstein's analysis of "rule-following" has penetrated the extravagances of the Kantian doctrine even more powerfully: that it has demonstrated that Kant could not meet the regress threat if it arose, that Wittgenstein has completely disarmed it, and, as a

20. *See* BRANDOM, MAKING IT EXPLICIT, *supra* note 14, at 20.

consequence, that Brandom is its beneficiary. The argument is a complete *non sequitur*. First, because if Wittgenstein's analysis is valid, the Sellarsian and Brandomian answers are irrelevant; and, second, because Brandom actually rejects Wittgenstein's account of language games, which accords with Wittgenstein's own resolution of the regress issue. I'm persuaded that Brandom goes completely wrong in his reading of Wittgenstein—hence, also, in assessing the philosophical plausibility of both Sellars's and his own inferentialist programs.

I take Brandom's mistaken reading here to account for his mistaken explanation of Wittgenstein's supposed confusion, in the *Investigations*, in claiming that language "has no downtown": that is, that we cannot count on "some more primitive sort of *practical* propriety" (Brandom's own phrasing, cited above) beyond the explicit rules of discursive inference to solve the regress problem—something, say, akin to Sellars's extraordinarily puzzling (pregnant) summary: "[t]he mode of existence of a rule is as a generalization written in flesh and blood, or nerve and sinew, rather than in pen and ink."[21] Sellars, you realize, deliberately replaces *Kant's* explicitly transcendental account of rules with his own postulated rules "written in flesh and blood"—genealogically contrived—in order, first, to disallow any apriorism in the "pragmatic" replacement and, second, to avoid the need for any completely explicit or determinate *rules* his own glimpse of inferentialism might require in order to end the regress threat.[22] There's no doubt that Sellars believes a suitable "propositional" equivalent can always be provided for such "implicit" rules (in flesh and blood), but he never explains how that might be done in any demonstrably valid way. It's there, of course, that Brandom suggests his sort of algorithmic, AI-simulative constructivism to fill the gap the regress yields.

The idea seems possible in the abstract, but Brandom advances no reason to think he can meet the actual challenge of Wittgenstein's treatment of the inferential complexities of language games in any evidentially pertinent sense. There's the failure of Brandom's quarrel with Wittgenstein, on two counts, perhaps three. Brandom "does not see" that Wittgenstein is clear that if determinate rules are needed to end the regress problem, then the project is hopeless. He also fails to see that the regress

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21. WILFRID SELLARS, *Language, Rules and Behavior*, *in* PURE PRAGMATICS AND POSSIBLE WORLDS: THE EARLY ESSAYS OF WILFRID SELLARS 129, 139 (Jeffery F. Sicha ed., 1980) [hereinafter SELLARS, PURE PRAGMATICS]. For Brandom's extraordinarily problematic account of Wittgenstein's conception of language, see BRANDOM, SAYING AND DOING, *supra* note 5, at 41–43; on his intended solution of the regress problem, see *id.* at 69–97.

22. SELLARS, PURE PRAGMATICS, *supra* note 21.

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threat can be stalemated without denying that we may be entitled to claim that we're actually "following the rule" even when we cannot convincingly demonstrate that we are. Finally, Brandom neglects the fact that the regress problem (and its resolution) affects all of our language games and our sense of the very structure of natural language use (the point of Brandom's worry about the lack of a "downtown").

Let me put the point a little more bluntly, to prepare the ground for the final lesson encumbering Kant. It's true that when Wittgenstein offers his well-known examples of how to continue a given arithmetic series according to a seemingly straightforward rule—"add 2," for example—which nevertheless is contested by fluent speakers who seem to interpret the rule differently but cannot provide a further rule to bring such differences to an end, he himself ventures a specimen admission (which Brandom *misreads*) that entitles him to affirm in good conscience that he *was* "following the rule" and still saw nothing wrong in how he proceeded.[23] At the same time, Wittgenstein shows just how all of us may reach a point at which nothing can be gained by adding another enabling or irenic rule:

> When I obey a rule, [Wittgenstein says, frustrated, let us suppose, by the disbelief of others he thought believed he was following the rule acknowledged,] I do not choose.
>
> I obey the rule *blindly*.[24]

The sense of this is that we may be, and are not infrequently, obliged to fall back to the fluency of responding within the normal practices, expectations, and tolerances belonging to our way of life. If you read Wittgenstein this way, you see that he is certainly Kant's opponent. The linkage between norms and rules cannot be entirely determinate or assuredly uniform; and, although it is not incorrect (Wittgenstein assures us) to *say* we are following a rule in making the judgment we make, we are always close to being unable to advance an interpretation of the rule we say we're following that will assuredly be recognized to fix determinately and uniquely the correct way to respond. The upshot is that the Kantian model (in the first *Critique*), applied to the world of practical life, cannot be counted on to solve the regress problem: the very admission of rules of application (in effect, interpretations of the rules to be applied) simply extends the regress problem. Sellars's seemingly helpful

23. WITTGENSTEIN, *supra* note 19, § 219.
24. *Id.*

improvement is no improvement at all. But if the problem arises for Sellars, it arises just as forcefully for Brandom; and if we abandon Kant's apriorism, the Kantian formula will also be caught in the same bramble. Of course, Wittgenstein *resolves* the regress problem by admitting his own form of stalemate, the consensus of an insuperable stalemate—which, in context, is not unlike invoking verdicts rather than mere judgments. If we apply the argument to Kant, abandoning apriorism, then Kant's answer will be no better than Sellars's or Brandom's.

## IV

Before I turn to Kant's actual texts, however, I should like to collect some general findings about the regress problem that help to fix certain strategic aspects of its eccentric significance. For one thing, although it seems to be a relatively freestanding problem that can arise in nearly every philosophical system, its variant forms tend to make it difficult to argue from the vantage of one version of the problem to another. For instance, the form it takes in Kant's account is inextricably qualified by Kant's transcendentalism; whereas the form it takes in Wittgenstein's *Investigations* is profoundly opposed to any apriorist powers. We learn, by comparing arguments, that we cannot quite isolate the seemingly formal problem from its embedding local strategies.

Hence, the regress problem tends to take very different forms, in that it is thoroughly endentured to the higher-order holist convictions that it reflects and draws its strength from, which cannot be easily (or at all) translated into the idiom of opposing theories—in which, very possibly, its own form of regress cannot even arise. Thus, Wittgenstein's approach to the regress problem, in the *Investigations*, is said to "defeat," hands down, the solution of the regress problem in Kant's first *Critique*. Nevertheless, in the *Critique* itself, the problem appears to be no more than a minor nuisance and, in the *Investigations*, it finally has no place at all. So the force of Wittgenstein's implied argument is a function of a contest that arises properly (if it arises at all) at the higher-order level at which the problem itself ceases to be a problem for the partisans of either doctrine; and yet the higher-order commitments remain in continual contest.

The Wittgenstein of the *Investigations* simply *is* the implacable opponent of the kind of facultative privilege Kant embraces. And yet, strangely, the force of Wittgenstein's argument (at the point of confrontation) bids fair to subvert (or weaken) the thrust of Kant's apriorism. (Brandom reads Wittgenstein as instructing Kant, and Kant as having anticipated Wittgenstein. Nevertheless, in grasping Wittgenstein's

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incomparable reflection, we sense the unsuitability of Kant's supposed response.) Because it exposes in its clever way what has been repeatedly exposed respecting Kant, namely the plain fact that Kant fails to provide compelling grounds for adopting his particular version of apriorism. This fact, of course, may itself be displayed in the form of a regress argument of its own that Kant could not obviate by merely invoking *his* treatment of the problem in the first *Critique*. I call these higher-order, more-or-less holist, "rationally instinctive" conceptual visions—which are effectively incapable of being demonstrably validated or invalidated—"metaphilosophical cultures," if I may name an oxymoron thus. They seem too deep or too huge to be open to any reasonably decisive argumentative strategy; and yet they profoundly affect our choice of arguments.

Certainly, it's the *a priori* assurance of the unity of reason that Kant relies on to keep all matters of freedom and causality fixedly bound to one another, so that the transcendental necessities said to be binding on science and morality separately are known to come from the same source and thus to sustain the immense force of Kant's entire *Critique*. But it has nothing in common, at that higher-order level of reflection, with whatever may be the grounds on which Wittgenstein's *Investigations* is thought to be coherent and viable. Is there a disjunctive argument on which to settle the seeming claims in dispute between these two positions?

Wittgenstein's *Lebensform* is hardly explored at all, except (perhaps) negatively, for the sake of countering any and all philosophical fixities of the kind that may be expected to approach those favored by Kant or Frege, who certainly would not agree with one another. Hence—a second lesson—the study of the regress argument proceeds along an intertwined continuum that inseparably links the would-be precision of dependent philosophical strategies and the stubborn, higher-order indemonstrability (not usually characterized as vagueness) of our metaphilosophical "abductions" (rational instincts, to speak with Peirce) that are quite inflexible, often also quite convincing, though they cannot rightly issue determinate claims in their own name. They are inflexible in the plain sense that they come as close as any doctrine (that we may advance) to our most abiding, deepest, most ultimate convictions regarding the way the world is: flux *versus* fixity, for instance. In this sense, I appear to myself as a partisan of the flux regarding reason in the world; Kant is a partisan of the fixity and unity of an adequate form of an encompassing reason. I see no prospect of recovering Kant's sort of confidence in our deeply historied world.

I've already mentioned what may serve as a third lesson. The regress argument signifies—or should signify—to thinkers like Kant and Frege the irrelevance of skepticism. To others, like the Wittgenstein of the *Investigations*, the seeming stalemate of the regress argument signifies no more than an error, the effect of confusing the limited use (if admitted at all) of certain criteria, inferential patterns, analytic strategies, explicit rules and principles we (mistakenly) suppose we must invariably rely on, if we are to understand our form of life at all. The regress dissolves for Wittgenstein when we understand the limits of the explicit devices (those we've managed to regularize for extremely well-worn discursive routines) whenever we come up against puzzle cases that can be effectively resolved only by consensual improvisation. (Such cases normally fall within the boundaries of our actual practice and custom.)

Kant doesn't blink at all at the seeming fatal brilliance of the regress argument and Wittgenstein simply turns the challenge into the analysis of a common misdescription of the actual resilience of our language games. My own suggestion is that we should admit the merit and limitation of both sorts of challenge and response (according to the instructions of their champions), because, at best, skepticism is a tolerable shadow cast by the sufficient light of convincing answers of either sort (if they are indeed convincing). The point remains that the dispute may have consequences for what I've called our metaphilosophical cultures as well as for our strategies of philosophical argument. I see no general or singular advantage here. There is no ultimate victory to be had about all the forms of skepticism. But lesser philosophical arguments do indeed count and have consequences that may shake our deeper argumentative cultures. And, of course, we must not forget that neither Sellars nor Brandom is entitled to the stalemate just proposed (if that is what it is). Because both are committed to a form of inferentialism (Sellars only incipiently, Brandom more ambitiously) that claims to have bested (or to have shown the way to resolve) the regress problem itself. All that's missing are the arguments!

Given these considerations, the regress argument may be deemed to yield two distinct contests: one, the confrontation between Brandom (or Sellars) and Kant, focused on the assumption that the Pittsburgh School retires Kant's transcendentalism without disallowing the transcendental question to assume an *a posteriori* form; the other, the implied confrontation between Wittgenstein and Kant regarding the effect of a strong advocacy or rejection of apriorism (the determinacy of apriorist rules); and, thereupon, the effect of Wittgenstein's posteriorist option on the Pittsburgh solution.

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There is, of course, a salient site in Kant's first and third *Critiques*, different in important ways from one another, that signals Kant's awareness of how the regress problem may be posed for his own transcendental approach. Though, to be candid, Kant never goes far enough in reconsidering his own fundamental options. For example, Kant never risks the option of the operative (descriptive and explanatory) compatibility of causality and freedom or, indeed, the ineluctable role of causality itself in the formation of whatever we take to be the powers of human freedom—his most systematic, most powerful categories, which he always treats disjunctively. I'd say it was clear, admitting apriorism, that, from Kant's point of view, the regress problem was more a nuisance than a philosophical worry. Although the difference between Kant's two passages (actually, the difference between the two *Critiques*) more than suggests the pressing importance of a much, much wider confrontation, *if*, within the scope of apriorism, we distinguish between the mere "power" of applying rules provisionally conceded to be given (even if *a priori*) in subsuming individual cases under universal rules, from the seemingly inchoate power of actually deciding afresh whether entrenched runs of accepted categories are ample or flexible enough *to be extended* (without distortion) to judgments regarding hitherto neglected or unfamiliar phenomena.

But arguments of this kind clearly put the cart before the horse. This is so because, first, it's inherently uncertain whether, even with regard to the most orderly parts of nature, the would-be laws of nature behave in the way Kant supposes (I don't believe they do).[25] Second, Kant never risks re-examining the possible distortion of his disjunctive, fundamental separation between the domains of nature and freedom—surely, there's a form of causality in cultural life and historical phenomena compatible with human freedom. Third, in grasping the necessity of revising his account of the faculty of judgment in order to accommodate the deviant features uncovered in explaining the conceptual logic of taking aesthetic pleasure in works of art and of supporting teleological judgments, Kant almost completely neglects the much larger and more challenging continent of culturally artifactual (or artifactually transformed) "things" that cannot possibly be subsumed under the categories of what he intends by the inclusive space of "nature": selves, artworks, histories, human actions, institutions, interpretable meanings incarnate in phenomena coherently

25. For a particularly promising brief, see NANCY CARTWRIGHT, THE DAPPLED WORLD: A STUDY OF THE BOUNDARIES OF SCIENCE (1999).

manifesting (at one and the same time) both physical and semiotic features, and so on. And, fourth, it's simply counterintuitive to suppose that the relationship between the cognitive powers of the "understanding" and the run of things that belong to nature—or, of whatever more extended cognitive competences rightly range over the rest of the cognizable things we admit depend on what we loosely call perception and experience—can be settled once and for all by any *a priori* assurances about the scope of such sources or of what we should mean by the enabling rules by which those faculties are said to function.[26]

## V

These last considerations (viewed from the vantage of the third *Critique*) catch up the premature closure of Kant's opening remarks in the Introduction in the Second Book of the Transcendental Analytic (of the first *Critique*): "If the understanding in general is explained as the faculty of rules, [Kant says,] then the power of judgment is the faculty of *subsuming* under rules, i.e., of determining whether something stands under a given rule . . . or not[, that is, a *determining* judgment: sometimes also called a *determinant* judgment]."[27] Here, the power of judgment is completely subordinate, as application, to the *a priori* work of the understanding, which, by providing the very concepts that govern the whole of nature, provides the concepts by which whatever is empirically encountered is thereby rendered intelligible *within the space of nature*. In

26. I'm hinting here, of course, that no small adjustment could possibly save Kant's Critical project. He saw the threat to his theory of judgment and his analysis of enabling rules—and therefore his stonewalling on the regress issue. But Kant could not go further without revisiting the self-deceptive fixities of his own transcendentalism. There's the rationale for reading Kant genealogically rather than in some merely textually constant way. In that sense, no matter how distressing it may be, Sellars and Brandom have "the better of the argument" though not "better arguments."

It would be easy to collect exemplary counterinstructions regarding each of the enumerated objections against Kant's courageous and yet much too timid reopening of what we should mean by the powers of objective judgment, which, of course, can never disjoin cognitional function and the functional application of its supposedly enabling rules; nor, therefore, disjoin whatever reasonably belongs to the "empirical" or "phenomenological" resources of sensibility, perception, experience, feeling, intention and the like matching whatever we find impossible to resist acknowledging within our cognizable world. I offer only a token reminder: Ernst Cassirer goes very far in sketching how profoundly the third *Critique* must be widened beyond anything Kant was prepared to accommodate; but even he, for instance in the chapter on history in ERNST CASSIRER, AN ESSAY ON MAN: AN INTRODUCTION TO A PHILOSOPHY OF HUMAN CULTURE (1944), stops dead in his tracks when it comes to admitting the compatibility between causality and freedom and the need for causal inquiries in the body of historical research compatible with freedom. There's a mortal limitation there.

27. IMMANUEL KANT, CRITIQUE OF PURE REASON 268 (Paul Guyer & Allen W. Wood eds. & trans., 1998) [hereinafter KANT, PURE REASON].

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the third *Critique*, however, in sections IV–V of the published Introduction, Kant considers the profound significance of the plain fact that, within the bounds of specifically human inquiry (not yet assuredly of *nature*), it may happen that "only the particular is given, for which the universal is to be found," in which case "the power of judgment is [Kant says] merely *reflecting* [or *reflective*]."[28]

But then a huge no-man's land is exposed by Kant, signaled but hardly exhausted by the mention of aesthetic and teleological judgment, of what may not fit at all within Kant's conception of the domain of nature, *and yet may persuade us that we are indeed examining part of the actual, cognizable world*. I have no hesitation in suggesting that this will be seen to include the whole of what we now regard as the encultured human world: history, language, semiotic, action and agency, art, human purpose and reflection, custom and institutions, and the like.

You have only to read the gymnastic account Kant gives us of the new-found work of "reflective judgment" to grasp the threat of the completely unresolved dilemma that now confronts Kant's entire system—from which, I dare say, Kant simply shrinks. What Kant says here—beguilingly enough—shows the way to a fresh sense of the regress argument applied to his own *Critiques*, which he can no longer disarm by the devices of the first *Critique*. In one formulation, for instance, he says:

> The reflecting power of judgment . . . can only give itself . . . a transcendental principle as a law, . . . cannot derive it from anywhere else (for then it would be the determining power of judgment), nor can it prescribe it to nature: for reflection on the laws of nature is directed by nature, and nature is not directed by the conditions in terms of which we attempt to develop a concept of it that is in this regard entirely contingent.[29]

Just so!

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28. IMMANUEL KANT, CRITIQUE OF THE POWER OF JUDGMENT 67 (Paul Guyer ed., Paul Guyer & Eric Matthews trans., 2000) [hereinafter KANT, POWER OF JUDGMENT]. I've intruded the usual alternative English expressions for the two functions of the faculty of judgment in the third *Critique* to avoid terminological confusion. Kant's point, of course, is that, in the successful formulation of the *a priori* concepts by which we understand nature, both the universal concept and the particular sensory datum must be "given." The sense of the phrasing preceding the line just cited makes this clear. Kant goes on to say: "The determining power of judgment under universal transcendental laws, given by the understanding, merely subsumes; the law is sketched out for it *a priori*, and it is therefore unnecessary for it to think of a law for itself in order to be able to subordinate the particular in nature to the universal." *Id*. I have benefited considerably from the analysis of the third *Critique* in ANGELICA NUZZO, KANT AND THE UNITY OF REASON (2005).

29. KANT, POWER OF JUDGMENT, *supra* note 28, at 67.

But if—as I anticipate—the new domain (to be searched by reflective judgment) proves resistant to universal causal laws, or requires a notion of causality (engaging and affecting agency) that cannot be reduced to the causality of Kant's conception of nature, or invites interpretive and explanatory concepts that hybridize causality and significance (meanings, say, or symbolic or semiotic or hermeneutic import), or confirms the compatibility of causality and freedom, or rejects any and all simplistic or Kantian-like logical or methodological disjunctions between the natural and human sciences or between theoretical and practical reason (or, between the faculties of understanding and reason, or even between empiricism and Critical philosophy), what then? The entire Critical undertaking would be put at instant risk and Kant's doctrine of the rules of judgment would instantly restore a plausible target for a kind of Wittgensteinian demolition. Kant and Brandom would fail together! I say Kant's admission betrays the fact that he cannot know the bounds and limits of nature: he cannot know, therefore, what perception and historical discovery may yet disclose; he cannot know what is transcendentally required by our own would-be knowledge of nature.

Kant's essential questions, including the regress question, are normally restricted to transcendental matters. But, in the third *Critique*, if I understand it right, that's no longer possible because Kant concedes that we may be able to contrive "empirical" concepts for what we encounter (let us say, laxly, in experience, in order that *we* need not be forced to decide prematurely among the resources of phenomenal and phenomenological perception and experience). Mere empirical judgments (the "power" of judgment in the empirically dependent sense) remain, of course, bound by the constraints of what Kant famously calls "mother wit": "[t]he lack of the power of judgment [in the applied sense] is [Kant adds] that which is properly called stupidity, and such a failing is not to be helped."[30] But now, even that certainty may be thrown into disarray. This is because given the new office of the faculty of judgment, it may always be possible, retrospectively, to cast doubt on some presumed universality (for instance, affecting all the laws of nature that are said to determine, *a priori*, the rules of judgment by which the understanding functions). In that event, the problematic standing of Kant's apriorist claims (as distinct from mere transcendental inquiries) outflanks the assurances of mother wit. Admit that much, and the apodictic spirit of apriorism threatens to appear to be no more than a rhetorical flourish.

30. KANT, PURE REASON, *supra* note 27, at 268.

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The regress argument now seems to yield three distinct contests: one, the confrontation between Brandom (or Sellars) and Kant himself, focused on the assumption that the Pittsburgh School retires Kant's transcendentalism without disallowing the transcendental question to take an *a posteriori* form; a second, the implied confrontation between Wittgenstein and Kant regarding the effect of a strong advocacy, or rejection, of apriorism, without disallowing reference to rules of judgment or rational inference; and, a third, the dispute between the Kant of the first and third *Critiques*, on the assumption that their views are profoundly incompatible or committed to opposed possibilities that could never recover the assurances of the first *Critique*. In this sense, Kant is ineluctably drawn by his own reflections into the heart of our own (and Brandom's) quarrels, which he might have thought he could escape. Problems of the third kind drive the textualists themselves to genealogy.

Wittgenstein may be interpreted as taking Kant to be committed to the *evidentiary* form of the regress argument, since the transcendental issue, Kant acknowledges, must, in making *a priori* inquiries, proceed in some measure *a posteriori*, whether one makes aprior*ist* claims or not. Kant actually says:

> [S]ince universal laws of nature have their ground in our understanding, which prescribes them to nature (although only in accordance with the universal concept of it as nature), the particular empirical laws, in regard to that which is left undetermined in them by the former, must be considered in terms of the sort of unity they would have if an understanding (even if not ours) had likewise given them for the sake of our faculty of cognition, in order to make possible a system of experience in accordance with particular laws of nature. Not as if in this way such an understanding must really be assumed (for it is only the reflecting power of judgment for which this idea serves as a principle, for reflecting, not for determining); rather this faculty thereby gives a law only to itself, and not to nature.[31]

But this, of course, leaves open the grave possibility that Kant's apriorist claims may themselves be no more than undefeated conjectures. In fact, it leaves open the possibility that a dyed-in-the-wool Kantian might either deform our account of "things" that simply do not belong to Kant's conception of nature, in order to remain loyal to Kant's executive

31. KANT, POWER OF JUDGMENT, *supra* note 28, at 67–68.

conception. Such a Kantian might also fail to see that there may be things that meet minimal conditions of "nature" without being reducible to them, or fail to grasp that our "empirical" concepts may be as good as (or better than) what adhering to the (supposedly invariant) conceptual constraints of nature might produce, so that, mistakenly, such conjectures are simply discarded.

Let me close this discussion with a final reference to Kant's third *Critique*, which, if my argument survives, yields the somewhat startling conclusion that Kant must confront the regress issue in the most fundamental way—and therefore, Wittgenstein's counterargument as well—though the regress issue may not, earlier, have seemed as pertinent to Kant's position as to Sellars's or Brandom's. I'm referring to Kant's general hint, in the Preface to the first edition (1790), introducing his innovative conception of judgment as "a special [third] faculty of cognition":

> It can . . . easily be inferred [he says] from the nature of the power of judgment (the correct use of which is so necessary and generally required that nothing other than this very faculty is meant by the name "sound understanding") that great difficulties must be involved in finding a special principle for it (which it must contain in itself *a priori*, for otherwise, it would not, as a special faculty of cognition, be exposed even to the most common critique), which nevertheless must not be derived from concepts *a priori*; for they belong to the understanding, and the power of judgment is concerned only with their application. It therefore has to provide a concept itself, through which no thing is actually cognized, but which only serves as a rule for it, but not as an objective rule to which it can conform its judgment, since for that yet another power of judgment would be required in order to be able to decide whether it is a case of the rule or not.[32]

I think this would have been the mate of Kant's remark about mother wit; but Kant has now effectively offered his opponents a basis on which to call into question the venture of his entire system, as I've tried to show. So that now, it affords a perfectly legitimate ground on which to postpone (indefinitely) the confirmation of any proposed apriorist concepts: they may all be empirical conjectures not yet shown to be true (and perhaps never needing to be shown to be true), and perhaps never even provided

32. *Id.* at 56–57.

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with any viable or compelling principle or rule for deciding the issue; also, without ever showing or being able to show that cognition must be confined to what Kant calls "nature." Intimations of dark matter? Hardly. But surely some unraveling. Where will it end?

The passage just cited is itself a plain admission that the presumptive competence, certitude, and scope of the understanding (*Verstand*) are completely conjectural. This is not merely because there's more to "reality" that we would want to include in a larger "nature" than the first *Critique* could possibly accommodate (in accord with its announced table of categories), but because the *Critique* is inherently incapable of demonstrating (as any concession to genealogical practice would demand) that its apriorist claims—regarding, say, the right analysis of the supposed disjunction between causality and freedom, as well as the analysis of the supposed non-conceptual homogeneity of space and time—could conceivably have foreseen (or convincingly have met) the bearing of all possible (still unknown) empirical discoveries (or the transcendental conjectures they may be said to yield, pertinently). Strict apriorist universality and the historicity of thought and experience appear to be irreconcilably opposed in epistemological contexts.

These concessions also suggest that we may conjecture (in the genealogical mode I'm recommending and have been exploring) that David Hume could easily have been (or could have been taken to be, by us as well as a more sanguine Kant) a quasi-Critical thinker—perhaps even a "transcendental empiricist"—who would have seen at once that the *a priori* must (*faute de mieux*) proceed *a posteriori*, for instance in positing causality as providing a rational (and reasonable) sense of the "transcendental" import of salient, regular sequences of observable events.[33] The entire reflection, I daresay, confirms a deeper continuity among the "Kantians" of Brandom's choosing than he affirms; *and* confirms, as a consequence, the strengthened force of the genealogical objection I've advanced in favor of superseding any merely textualist reading of Kant's transcendentalism. These are the deeper findings I draw from the regress problem. I take them to accord best with a historicized reading of philosophical pragmatism—but I shall not attempt to argue the matter here.

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33. For a brief discussion of the matter, see ALLISON, *supra* note 4, at 26–27, 246–47. Allison's discussion is influenced by that of LEWIS WHITE BECK, ESSAYS ON KANT AND HUME (1978). *See also* DAVID HUME, A TREATISE ON HUMAN NATURE (David Fate Norton & Mary J. Norton eds., 2000); KANT, PURE REASON, *supra* note 27, at 303–04 (second analogy of experience).