

Dieter Henrich's Early Approach to the Transcendental Deduction of the Categories¹

[*A abordagem inicial de Dieter Henrich para a dedução transcendental das categorias*]

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Abstract

The anxious over-reaction against psychologism has still shaped Dieter Henrich's early interpretation of the proof-structure of the transcendental deduction of the second edition of the Critique of Pure Reason. From this over-reaction against psychologism, the role of the concept of synthesis and the role it plays in the transcendental deduction of categories is underestimated. This underestimation of the concept of synthesis obscures the proof structure of the transcendental deduction.

Keywords: Dieter Henrich; Kant's transcendental Deduction of Categories; Synthesis; transcendental psychology.

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Some Introductory Remarks

The German philosopher Dieter Henrich died on December 17, 2022 at the age of 95. He was one of the most important experts on the philosophy of Immanuel Kant and German Idealism. As early as the 1950s, he had written essays on Kant's philosophy, with which he opposed Martin Heidegger's interpretation of the philosophy of Kant. Later he wrote important and influential essays on the transcendental deduction of the categories of Kant's *Critique of Pure Reason*. Finally, he devoted himself more to German Idealism and wrote extensive books about its origins. In addition to his interests in the history of philosophy, he also had interests of a more systematic nature. Contrary to the *zeitgeist*, he stuck to a theory of subjectivity, which he opposed to the philosophy of some Heidegger adepts, to French postmodernist philosophy, and to the naturalistic tendencies in the Anglo-American analytic tradition. Nevertheless, he was also open to the new possibilities opening up within the analytic tradition. He had been in fruitful exchange with Peter F. Strawson, Donald Davidson, Hilary Putnam, and Héctor-Neri Castañeda.

However, we will see that he was also a child of his time and did not always oppose the *zeitgeist*. His paper on the proof-structure of the transcendental deduction of the second edition of Kant's *Critique of Pure Reason* (henceforth B-Deduction) (Henrich, 1969) was shaped by assumptions, informed by the over-anxious reaction against psychologism, that have not been questioned much since Neo-Kantianism.

Henrich's Question about the Proof-Structure of the B-Deduction

Béatrice Longuenesse has written in her landmark book *Kant and the Capacity to Judge*:

Cohen's epistemological reading, Heidegger's phenomenological reading, and Strawson's analysis of 'transcendental arguments' have one thing in common, as paradoxical as such an agreement may seem: they all stand firmly under the banner of antipsychologism (Longuenesse, 1998, p. 5).

Dieter Henrich's interpretation of the B-Deduction in the 1969 essay about the proof-structure of the B-Deduction and also that in his book *Identität und Objektivität* (Henrich, 1976) can be added to this list. The Neo-Kantians in Marburg, as well as those of the Heidelberg and Freiburg schools (*südwestdeutscher or badischer* Neo-Kantianism, above all Wilhelm Windelband and Heinrich Rickert), already propagated a strict anti-psychologism. This anti-psychologism was reinforced by the writings of Gottlob Frege and Edmund Husserl, such that psychologism could be set aside as a failed project. No one wanted to be associated with psychologism anymore, regardless of which philosophical school they belonged to. However, when the Neo-Kantians pronounced the motto "back to Kant", they were referring to a Kant freed from all varieties and traces of psychologism. Because the Kantian psychology of capacities (*Vermögenspsychologie*) was considered a variant of psychologism, Peter F. Strawson wrote in his otherwise highly meritorious book *The Bounds of Sense*:

I have treated the Deduction as an *argument*, which proceeds by analysis of the concept of experience in general to the conclusion that a certain objectivity and a certain unity are necessary conditions of the possibility of experience. And such an argument it is. But it is also an essay in the imaginary subject of transcendental psychology (Strawson, 1989, p. 20f).

Kant distinguished empirical from rational psychology, but (as far as I know) he did not know of a transcendental psychology. He opined that the only sentence of rational psychology is the sentence "I think". After 1785, he no longer thought much of empirical psychology, which he would have preferred to replace with anthropology. "Transcendental psychology" is a

pejorative term designed to render entire passages from the *Critique of Pure Reason* redundant and worthless for a rational reconstruction of an otherwise ingenious approach.

But Kant was very aware of the difference between psychological and epistemological, or logical, questions. It was also clear to him that epistemological or logical questions cannot be answered by means of psychology. The following quotes from §13 of the *Critique of Pure Reason* prove this:

Jurists, when they speak of entitlements and claims, distinguish in a legal matter between the questions about what is lawful (*quid juris*) and that which concern the fact (*quid facti*). And since they demand proof of both, they call the first, that which is to establish the entitlement or the legal claim, the **deduction** (Kant, 1998, p. 219f [KrV B116]3).

I therefore call the explanation of the way in which concepts can relate to objects *a priori* their **transcendental deduction**, and distinguish this from the **empirical** deduction, which shows how a concept is acquired through experience and reflection on it, and therefore concerns not the lawfulness but the fact from which the possession has arisen (Kant, 1998, p. 220 [KrV B117]).

Such a tracing from the first endeavors of our power of cognition to ascend from individual perceptions to general concepts is without doubt of great utility, and the famous Locke is to be thanked for having first opened the way for this. Yet a **deduction** of the pure *a priori* concepts can never be achieved in this way; it does not lie down this path at all, for in regard to their future use, which should be entirely independent of experience, an entirely different birth certificate than that of an ancestry from experiences must be produced. I will therefore call this attempted physiological derivation, which cannot properly be called a deduction at all because it concerns a *quaestio facti*, the explanation of the **possession** of a pure cognition. It is therefore clear that only a transcendental and never an empirical deduction of them can be given, and that in regard to pure *a priori* concepts empirical deductions are nothing but idle attempts, which can occupy only those who have not grasped the entirely distinctive nature of these cognitions (Kant, 1998, p. 221 [KrV B118f]).

We cannot attest psychologism to any thinker writing this. Of course, Hermann Cohen, Martin Heidegger, Peter F. Strawson, and Dieter Henrich would agree and yet they assumed that Kant could not free himself from a certain residue of psychologism. This could be due to the fact that Kant repeatedly spoke of the capacity (*Vermögen*) of understanding or reason. Sensuality is also treated as such a capacity. Such ways of talking about these capacities could have given rise to attributing to Kant a remnant of psychologism.

But Kant's distinction between understanding and sensuality is not based on a psychological investigation. This distinction is based much more on epistemological investigations. The German philosopher Friedrich Anton Koch has further developed arguments that can already be found in Kant, for example, in the chapter "On the amphiboly of concepts of reflection" of the *Critique of Pure Reason* and also in Strawson's *Individuals*, in which he shows that numerical and qualitative identity diverge (Strawson, 1971, p. 121ff). If we assume, following Koch, that qualitative identity is based on purely conceptual descriptions and we further assume that there can be two different water drops that do not differ in terms of conceptual description, then numerical and qualitative identity are not identical. However, on a level of purely conceptual description, numerical and qualitative identity cannot be distinguished. If we now ascribe to ourselves the ability to describe things as well as to distinguish things in space and time, despite fitting the same description, then we could also be credited with the capacity of having descriptive concepts as well as the capacity of identifying particulars in space and time. The first capacity is what Kant calls "understanding" and the second is "sensibility". The distinction is based on epistemological and logical considerations, but not on psychological ones. So if we attribute a psychology to Kant, then it should be an epistemological psychology, not a transcendental one. Kant's ostensibly psychological considerations thus turn out to be epistemological or logical

3 KrV: so I will give the original pagination of the *Critique of Pure Reason* 1787.

considerations. However, antipsychologism suspected that whenever capacities were discussed, a psychological argument crept in where an epistemological or logical argument actually belonged. If Kant was then to be freed from the alleged psychologism, what remained was an argumentation framework that was of course only a ruin compared to the structure that Kant originally presented to us. This is what happens to the argumentation within the transcendental deduction of the categories, if one considers the synthesis as an eliminable psychological remainder. Strawson in particular viewed synthesis as part of a discarded transcendental psychology, but Henrich paid no attention to the synthesis either.

It is striking that Henrich pays almost no attention to §15 of the B Deduction, in which synthesis plays a prominent role. Instead, Henrich does not let the argument of the transcendental deduction begin until §16, where the original-synthetic unity of apperception is presented as an unmediated premise. For Strawson, too, this original-synthetic unity of apperception appears as a premise, which he then also interprets as ordinary empirical self-consciousness. But Kant is not only concerned here with the self-ascription of thoughts, which, however, can be overlooked if one excludes the topic of synthesis from the outset. Henrich also overlooks the fact that the original-synthetic unity of apperception as a theme is already prepared in §15, although one can hardly imagine that such a gifted and masterful Kant scholar isn't aware of this. This can only be explained by the fact that the subject of synthesis is to be consciously avoided.

A similar observation can be made regarding the question “from the way in which the manifold of an empirical intuition is given” (Kant, 1998, p. 253 [KrV B144]). The German word “wie” can be translated as “how”, but is in the Cambridge Edition translated as “the way in which”. I only mention this because I want to call this question the “question of how”. Since Neo-Kantianism, this “question of how” has been dismissed as a psychological one. If the topic of synthesis is to be avoided and the “question of how”, then not much that makes sense can be gained from the second proof step in the B-Deduction.

If one avoids the “question of how”, then the question arises as to what contribution the second proof step in the B-Deduction adds at all. In 1969, Henrich apparently advocated the so-called restriction thesis more out of embarrassment than out of complete conviction. This restriction thesis stated that in the second proof step of the B-Deduction a restriction had to be lifted. But what restriction should be lifted? At the end of the first paragraph of §21, which is the transition from the first to the second proof step Kant writes (emphasis mine):

In the sequel (§26) it will be shown from the way in which the empirical intuition is given in sensibility that its unity can be none other than the one the category prescribes to the manifold of a given intuition in general according to the preceding §20; thus by the explanation of its *a priori* validity in regard to all objects of our senses the aim of the deduction will first be fully attained (Kant, 1998, p. 253 [KrV B144f]).

Kant is here talking about “all objects of our senses”. But that doesn't mean that in the first step of the proof it's just a matter of some objects of our senses. And here, too, Kant speaks again of the way in which (“question of how”) the manifold is given in intuition and its unity. If we insist, as Henrich did at the Kant conference in Marburg in 1981, that we should ignore the “question of how” (Tuschling, 1984) and look at the last sentence of §20 (Kant, 1998, p. 252 [KrV B143])⁴, then there is no need for a second proof step. If I correctly understood Henrich's argumentation, as he presented it at the Kant Conference in Marburg in 1981, then, in his opinion, the decisive step in the B-Deduction had already been taken in §16. Kant opens §17 with the following two sentences:

The supreme principle of the possibility of all intuition in relation to sensibility was, according to the Transcendental Aesthetic that all the manifold of sensibility stand under the formal conditions of space and time. The supreme principle of all intuition in relation to the understanding is that all the manifold of intuition stand

⁴ “Thus the manifold in a given intuition also stands necessarily stands under categories”.

under conditions of the original synthetic unity of apperception (Kant, 1998, p. 248 [KrV B136]).

The first principle was proved in the Transcendental Aesthetic, and the second principle in §16. It seems to me that going from the results in §16 to the conclusion in §20 seems to have been trivial for Henrich, so that in §16 the crucial point in the proof of the B-Deduction has already been proved. I remember that §16 always played such a prominent role in his seminars in Munich (Germany) on the transcendental deduction of the categories. But if we look more closely at the two opening sentences of §17, we can see, that Kant gives only two formal conditions for the manifold given in an intuition. And these formal conditions are only necessary but not sufficient conditions for knowledge. In the further argumentation steps after §16, Kant still has a lot to prove within the B-Deduction.

Henrich's new approach: the legal explanatory model

As I have already mentioned, Henrich never seemed to be really satisfied with the explanatory model that he presented in 1968. However, it seems to me that the question he developed in his 1969 essay is still relevant. I mean the question that Henrich raised and which Alison Laywine now calls "Henrich's Challenge" (Laywine, 2020, p.209), about the relationship between the two proof steps in a proof in the B-Deduction. According to Henrich, however, this question could only be raised if one understood the word deduction in the sense of a syllogistic deduction or a demonstration. But as we have already seen, in §13 Kant distinguishes different concepts of a deduction. An empirical deduction aims to show the circumstances under which we acquired a concept, whereas a transcendental deduction should show how a priori concepts can relate to objects. A transcendental deduction is not concerned with the history and circumstances of the acquisition of a concept, but with the justification for its use and to what extent that use is justified.

But in Henrich's view, the B-Deduction has been read far too often as a chain of syllogisms. However, if one orients oneself to §20, then it makes sense to read the B-Deduction as a proof with a polysyllogistic structure.

At the 1981 conference in Marburg, Henrich outlined a new interpretation of the transcendental deduction of the categories, which he then elaborated on in an essay from 1989. Henrich seems to have shed his great fear of psychologism a little, because he now speaks bluntly about cognitive capacities. Henrich had discovered that:

By the end of the fourteenth century, there had come into being a type of publication that by the beginning of the eighteenth century (when it had come to widespread use) was known as *Deduktionschriften* ('deduction writings'). Their aim was to justify controversial legal claims between the numerous rulers of the independent territories, city republics, and other constituents of the Holy Roman Empire ... Before the final decisions of one of the Imperial Courts (which were by no means always respected), legal proceedings also required that a deduction had to be submitted by both parties (Henrich, 1989, p.32).

Because these deduction writings, like the transcendental deduction of the categories, should also justify a claim, Henrich assumed that these deduction writings contained a clue on how to read the transcendental deduction of the categories.

However, one should not assume that Henrich doubted that he regarded the transcendental deduction of the categories as a proof because of the legal background of the concept of a deduction that he had discovered. He even concedes that chains of syllogisms are present in the transcendental deduction, but doubts that considering it as a chain of syllogisms captures the specific character of the deduction. On the contrary, he rightly claims that deduction is

compatible with the most diverse forms of argument (Heinrich, 1989, p.39).

I remain skeptical whether this knowledge about the origin of the deduction writings will help us much in our understanding of the internal structure of the transcendental deduction. The version of the transcendental deduction in the first edition of the *Critique of Pure Reason* differs significantly from that in the second edition. Although the internal structure of the transcendental deduction is quite different in the two editions, both refer back to the same legal model. One could know that the transcendental deduction is a question concerning the justification of the use of concepts even without the origin of the concept of a deduction from the deductive writings. I would not go so far as to entirely deny the usefulness of this knowledge of the historical origins of the concept of deduction, but this knowledge is not sufficient for understanding the structure of the argument of the transcendental deduction in both editions. This historical knowledge cannot even explain to us why Kant completely rewrote the transcendental deduction of the categories for the second edition.

Lessons to be drawn from Henrich's and Strawson's Interpretation of Kant's Transcendental Deduction

Today the literature on the transcendental deduction has become so vast that it is difficult to keep track of it. A useful bibliography can be found in a volume edited by Giuseppe Motta, Dennis Schulting, and Udo Thiel, *Kant's Transcendental Deduction and the Theory of Apperception. New Interpretation*. Berlin (Boston 2022). Furthermore, much can be learned from the new literature on the transcendental deduction of the categories. However, I would like to conclude by offering a few thoughts on the lessons to be learned from Henrich and Strawson's interpretations.

We may assume that Kant was constantly aware of the difference between questions about the justification of the use of a concept and questions about a psychological history of the acquisition of concepts. We should not hastily accuse Kant of psychologism. Yet, that is exactly what we are doing when we dismiss much of the transcendental deduction of the categories as obscure transcendental psychology. Rather, we should try to discover the epistemological reasons for the distinctions Kant has made in the area of the psychology of capacities (*Vermögenspsychologie*). It may seem as if I am imputing the simplest of errors to such eminently important scholars as Peter F. Strawson and Dieter Henrich, but there must be an explanation for the hasty dismissal of what I have called the “question of how” and the concept of synthesis. I have no other explanation than that Kant was accused of a certain psychologism.

In his book *Kant und das Problem der Gesetzmäßigkeit der Natur* (1991), Bernard Thöle has given an explanation as to why the “question of how” plays such an important role. He recalls the main purpose of the *Critique of Pure Reason* and explains that “it lies in a critical investigation of the possibility of metaphysical knowledge” (Thöle, 1991, p. 9). For Kant, as Thöle states, metaphysics was first and foremost knowledge based merely on concepts (Thöle, 1991, p. 10). Thus, metaphysics seems to have a seductive proximity to pure science and mathematics. He goes on to characterize the main purpose of the *Critique of Pure Reason* by pointing out that Kant, in wanting to create peace in the eternal battlefield of metaphysics, therefore had to reject the epistemological claims of transcendent metaphysics. However, it must be said why these claims to knowledge are unjustified. As such, Kant has to explain the reasons why the knowledge claims of mathematics and pure natural science are justified, even though they are also based on knowledge a priori (Thöle, 1991, p. 13f). It must therefore become clear why the metaphysician cannot refer to the mathematician or the pure scientist, in order to justify his own metaphysical claims with reference to the mathematician and the pure scientist. All three, the metaphysician, the mathematician, and the pure scientist, ultimately invoke the possibility

of synthetic a priori judgments. To clarify this, Thöle says: "It is particularly important that the elements of intellectual knowledge are fully explored" (Thöle, 1991, p. 15). From this, it becomes clear why the "question of how" is relevant within the transcendental deduction, since, as Thöle puts it: "from the explanation of the way in which concepts a priori can relate to objects, it should result to what extent a legitimate use can be made of them" (Thöle, 1991, p. 15f).

In his 1989 essay, Henrich even argues in a similar direction when he distinguishes between an investigation and a reflection (Henrich, 1989, p. 42ff). Although the *Critique of Pure Reason* is an investigation, it must be based on reflection, since every investigation is based on reflection. Knowledge, he says, only comes about when the various cognitive faculties interlock, but only in such a way that they remain within their limits and are kept under control with the help of reflection.

For that purpose, the mind must implicitly know what is specific to each of its particular activities. This implies, furthermore, that the principles upon which an activity is founded must be known by contrast with the other activities. Reflection consists in precisely this knowledge (Henrich, 1989, p. 42).

The principles important to the critique of pure reason, along with space and time, are the original unity of apperception. Henrich treats the original unity of apperception as the fact to which a deduction has to refer. It is, moreover, the same fact on which the reflection that forms the basis of the investigations within the *Critique of Pure Reason* is based. It seems to me, once again, in Henrich's interpretation, Kant's transcendental deduction of the categories appears too close to Fichte's foundation chapter in his *Wissenschaftslehre* of 1794/95.

Ian Proops has objected to Henrich that it is the metaphysical deduction that provides the fact on which the proof of the transcendental deduction is based (Proops, 2003)⁵. In this way, the transcendental deduction of the categories is brought back into relation to the metaphysical deduction, as Béatrice Longuenesse also strives for, as will be outlined again below.

We must not see the transcendental deduction of the categories only in the context of the large macrostructure of the *Critique of Pure Reason*, but also understand their role in the smaller structure of the Transcendental Analytic. We need to understand its role in relation to its neighboring doctrines, namely, the relation of the metaphysical deduction of the categories to their transcendental deduction and the relation of the transcendental deduction to the chapter on the schematism of the categories. Béatrice Longuenesse examined this in an exemplary manner in her book *Kant and the Capacity to Judge* (1998).

While Strawson's fear of the specter of psychologism is even more pronounced than Henrich's, Henrich has tended to view the transcendental deduction too isolated from the other tenets of the *Critique of Pure Reason*. Both the fear of the specter of psychologism and the tendency to read the transcendental deduction too isolated from other parts of the *Critique* lead to the fact that the second proof step in the transcendental deduction can no longer be understood.

In order to clarify the relationships of the transcendental deduction to the metaphysical deduction of the categories and to the chapter about the Principles of the Pure Understanding, it seems to me useful to follow the reflections of Béatrice Longuenesse from her book on Kant. There she puts forth an opposing argument concerning psychologism and the denial of the usefulness of the metaphysical deduction in Kant:

[N]either the argument of the Transcendental Deduction of the Categories, that is, the demonstration of the role of the pure concepts of the understanding in any representation of an object, nor the System of Principles of the Pure Understanding, can be understood unless they are related, down to the minutest details of their proofs, to the role that Kant assigns to the logical forms of our judgements, and to

⁵ I owe the reference to this article to Nicholas Lawrence.

the manner, in which he establishes the table of categories or pure concepts of the understanding according to the 'guiding thread' of these logical forms (Longuenesse, 1998, p.5).

With her approach to understanding the *Critique of Pure Reason*, she also opens up a way of understanding why Kant completely rewrote the "Transcendental Deduction of the Categories" for the second edition. It is the revised definition of judgment in §19 that, in her opinion, is the outstanding feature of the new version of the transcendental deduction of the categories (Longuenesse, 1998, p. 8). Thus, according to Béatrice Longuenesse, the transcendental deduction of the categories is linked to the metaphysical deduction in a much more direct way than was the case in the first edition of 1781 (Longuenesse, 1998, p. 9).

If we look back from the transcendental deduction of the categories to the metaphysical deduction of the categories, then a sentence from §10 strike us as important:

The same function that gives unity to the different representations **in a judgement** also gives unity to the mere synthesis of different representations **in an intuition**, which, expressed generally, is called the pure concept of understanding (KrV B104f.).

From there it also becomes understandable why the proof that is to be presented in the transcendental deduction of the categories is divided into two proof steps. While the first step of the proof concerns the logical forms of the judgment, the second step of the proof considers the subordination of the intuitions under the logical forms considered in the first step of the proof (Longuenesse, 1998, p. 9).

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