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The Normativity of Kant's Logical Laws

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Abstract

According to received wisdom, Kant takes the laws of logic to be normative laws of thought. This has been challenged by Tolley (2006). In this paper, I defend the received wisdom, but with an important modification: Kant's logical laws are constitutive norms for thought. The laws of logic do tell us what thinking is, not because all thoughts are in conformity with logical laws, but because all thoughts are, by nature, subject to the standard of logic.

1 Constitutive and normative laws

There are different ways a law might govern some state or phenomenon. Laws can be normative, constitutive, or constitutive norms. Laws for *F*s are *normative* if they determine what is a good *F* or a bad *F*. For example, the laws of a nation determine what actions are legally permissible, legally obligatory, and legally impermissible. But they do not thereby determine what counts as an action: even illegal actions are actions. Laws for *F*s are *constitutive* if they determine what is an *F* and what isn't an *F*. For example, the rules for sonnet form determine what counts as a sonnet. If a poem closely follows the right rhyme scheme, but is only 12 lines long, then it isn't a *bad* sonnet—it isn't a sonnet at all. Laws for *F*s are *constitutive norms* if evaluability in light of the laws determines what is an *F* and what isn't an

F. For example, if I am on a large field with goals at opposite ends, surrounded by other players, I only count as playing football (soccer) if certain actions are evaluable as wrong or right according to the laws of football. For example, if passing the ball using my hand counts as wrong, but kicking it forward counts as permissible, I am playing football. If those actions have no normative status at all, or a different status, then I'm not playing football. I am playing football as long as my actions are held to the standards (norms) of football. If I punch the ball towards goal using my hand, I can still count as playing football, so the laws are not purely constitutive. In this case, I am playing football as long as punching the ball (when not the goalkeeper) counts as an illegal move.¹

One question we can ask about the laws of logic, then, is whether they are constitutive, normative, or constitutive norms. Some philosophers have taken the laws of logic to be *laws of thought*, particularly Kant and Frege.² If the laws of logic are constitutive laws of thought, then we cannot have thoughts that violate the laws of logic: we cannot have illogical thoughts. If they are normative for thought, then illogical thoughts are bad, but they are still thoughts. If they are constitutive norms, then we count as thinking as long as our thoughts are evaluable as right or wrong in light of those norms: I can have illogical thoughts, as long as they are counted as bad, in light of the laws of logic.

Kant has traditionally been understood as claiming that the laws of logic are normative.³

In logic, however, the question is not about *contingent* but about *necessary* rules; not how we do think, but how we ought to think. ... In logic we do not want to know how the understanding is and does think and how it has previously proceeded in thought, but rather how it ought to proceed in thought. Logic is to teach us the correct use of the understanding. (9:14: Kant, 1992, 529)

However, this interpretation has been challenged by Tolley (2006), who argues that Kant takes the laws of logic to be constitutive. The aim of this paper is, in part, to show that Tolley's interpretation is wrong. I will argue that Kant is committed to the laws of logic being normative, at least in some sense. I will argue that, on the assumption of a plausible and undemanding conception of 'thought', we can make best sense of Kant's view of the laws of logic if we take them to be constitutive norms for thought. Tolley is correct to cast doubt on a purely normative reading, but he goes too far in claiming that the laws of logic are straightforwardly constitutive.

I am not alone in my reading of Kant. For example, MacFarlane (2002) writes,

The laws of logic, by contrast, are defined as the "... necessary laws of the understanding and of reason in general, or what is one and the same, of the mere form of thought as such ..." (JL:13). By "necessary laws of the understanding," Kant means "... those [laws] without which no use of the understanding would be possible at all ..." (JL:12), that is, *the norms constitutive of thought*. (MacFarlane, 2002, 53, emphasis added)

In discussing the formality of logic, Dutilh Novaes writes

For our purposes, the most salient uses of the term 'formal' as pertaining to constitutive rules or norms concern the Kantian thesis of the existence of laws of thought as constitutive of the understanding as such. This ... has (at least) two distinctive components, which must not be conflated: the idea that the laws of thought are completely dissociated from the physical world ... and the idea that the laws of thought have a normative import. (Dutilh Novaes, 2011, 328)

Nevertheless, this view needs further defence.

2 Preliminaries

Before proceeding, I want to clarify the terms of the present discussion. First, some matters of Kant interpretation; second, some clarification of the kinds of norms and the notion of 'thinkability' involved.

The key passage from Kant offered above, and a fair portion of the textual evidence discussed below, come from Kant's lectures on logic. These are a contentious source, because they are based on student notes rather than prepared by Kant himself for publication. It seems reasonable, *ceteris paribus*, to place more weight on Kant's published works, rather than these lectures. In this instance, that means the *Critiques* and his published essays. There is, however, a complication. In the relevant published texts, Kant isn't so much concerned with what he would call 'pure general logic' (what we would usually call 'logic'). In particular, although he does discuss pure general logic in the *Critique of Pure Reason*, there Kant is more concerned to give an account of *transcendental logic*, which takes account of the conditions of intentionality. It is only in his lectures on logic that his attention is centred on logic. Hence, we might allow ourselves to give these lectures a little more weight in the present context. Moreover, were Kant particularly unclear or equivocal in these lectures, we might worry about layering interpretation on top of an already suspect source. However, we get some very clear statements about the nature of logical laws (as above). With these considerations in mind, then, I will continue tentatively to draw on the logic lectures, but I will also take care to draw on Kant's directly written published works, and highlight where these issues arise.

The above has consequences for the overall interpretive aim of this paper. Kant does not, to my knowledge, explicitly make a threeway distinction, as I have, between constitutive laws, normative laws, and constitutive norms. Moreover, as noted, his primary concern was not with the nature of (pure general) logic, and the most reliable sources are focused on other (albeit related) matters. As such, it would be

over-ambitious to claim that Kant explicitly had in his head at the time of writing the precise view which I offer below. Rather, I offer the view that the laws of logic are constitutive norms for thought as the best way to do justice to the various claims made by Kant. This view strikes what I take to be the best balance between the clear and unequivocal statements that logic is normative for thought, and those passages which appear to support a constitutive reading. I think one can conjecture that Kant would find this interpretation a reasonable way to capture the range of claims he makes about logical laws, even if he didn't put things in precisely these terms.

Let me now clarify the kind of normativity implicated in these constitutive norms. There are different ways we might think of a norm. Sellars (1969) classically distinguished between 'oughts-to-do' (rules of action) and 'oughts-to-be' (rules of criticism).⁴ A rule of action says something like: *if one is in circumstance C, one ought to do action A*. In these cases, Sellars argues, in order to conform to the norm an agent needs to have concepts of C and A.

The important feature, for our purposes, of general categorical oughts of the above form is that for actual existence to conform to these oughts is a matter of the agents to which they apply *doing A* when they are actually in the specified circumstance C; and this, in turn, a matter of their setting about doing A when they *believe* that the circumstances are C.

It follows that the 'subjects' to which these rules apply must have the concepts of *doing A* and *being in C*. They must have, to use a current turn of phrase, the appropriate 'recognition capacities.' Sellars (1969, 507–8)

A rule of criticism is of the form

Xs ought to be in state φ , whenever such and such is the case. Sellars

(1969, 508)

In this case, there is no longer the conceptual requirement.

This time, however, the conformity of actual existence to the ought does not, in general, require that the Xs which are, in a sense, the *subjects* of the rule, i.e. that to which it applies, have the concept of what it is to be in state φ or of what it is for such and such to be the case.

Sellars (1969, 508)

This distinction is important when we come to ask what kind of norms—even in the case of constitutive norms—could be active in the case of logical laws. Taking the laws of logic to be oughts-to-do that are constitutive of thinking would be deeply implausible. For that would mean that it is constitutive of thinking that we are subject to these logical norms and, moreover, that we know what the laws of logic are and what cognitive circumstances call for the application of which law. That would mean that only (successful) students of logic and logicians could count as thinkers, which would be rather unfair on everyone else.

Much better, then, to understand the norms as rules of criticism, standards against which our mental activity must be evaluable in order for that activity to count as thinking, where we don't need to be explicitly aware of those laws. One might think that, nevertheless, thinkers need at least *some* implicit awareness of the laws, such that, for example, they would be prepared to correct themselves when shown a logical error. Hence, the truth lies somewhere between these two extremes. Thinkers should not be required to have full logical recognitional capacities in order to count as thinkers, that is, they shouldn't need to be accomplished logicians. But they should be sensitive to logical correction and tuition.

Dutilh Novaes captures this thought in terms of acknowledging the authority of logical norms.

So (according to the Kantian view) the formal (i.e. constitutive) laws

of thought are binding in the sense that any thinker must be responsible towards them, and must thus acknowledge their authority over him/her. Should he/she refuse to do so, then indeed his/her 'thoughts' can no longer be viewed as thoughts properly speaking, as they are no more than erratic ruminations. (Dutilh Novaes, 2011, 328–9)

Taschek (2008) makes a similar point.

To acknowledge the categorical authority of logic will involve one's possessing a capacity to recognize—when being sincere and reflective, and possibly with appropriate prompting—logical mistakes both in one's own judgemental and inferential practice and that of others. Moreover, upon recognizing such a mistake in one's own case, one will feel an unconditional obligation to correct it. (Taschek, 2008, 384)

If the laws of logic are norms that are genuinely *constitutive* of thought, it is not surprising that, given enough prompting, we should be sensitive to them. But it doesn't follow from this that we should be able to start out as thinkers with a clear and explicit grasp of these laws.

Finally, a word on what I mean by 'thought' and 'thinking'. To say what I have said before: 'I have in mind a conception which includes something as minimal as 'entertaining a proposition', as well as more robust thoughts such as 'opining that p', beliefs, propositional knowledge, drawing inferences, and so on. The core idea is that some propositional content should be involved. So, for example, cases which are not obviously propositional, for example, cases of mental imagery, or trying to remember a melody, will count as cases of thinking in my sense only if they are accompanied by some propositional content. This isn't a very demanding condition; for example, in trying to imagine a scenario, I may often have a description in mind to guide my imagining, which is propositional in form.' (Leech, 2015, 2)

If we are able to think something, then we have meaningful thought constitu-

ents put together in a meaningful way. There will thus be *some* constitutive rules for thoughts, namely, those that ensure their meaningfulness. Thoughts must be 'grammatical' or 'well-formed', in the sense of being put together the right way, for example, one couldn't think that *Socrates philosopher*, but rather, perhaps, that *Socrates was a philosopher*. For Kant, meaningful thoughts need not also succeed in referring to objects. He took thoughts about God, freedom, the soul, and noumena to make sense (he wrote many pages on them), whilst lacking objective validity: 'even if we cannot **cognize** these same objects as things in themselves, we at least must be able to **think** them...' (Bxxvi).⁵ So, for example, one can think that *God is good*: such a thought is well-formed, it makes sense, although it lacks an object.

This is just one interpretation one might have of Kant's view of thought. It is an interpretation which *prima facie* allows room for contradictory thought. An alternative, more demanding, conception of thought might, for example, require not only that a proposition be entertained, but that it be non-contradictory. One might charge, then, that Tolley and I are simply attributing different conceptions of thought to Kant, rather than strictly disagreeing only over the status of purported contradictory thoughts. I do not have space here to defend my own interpretation of Kant on thought, but one can perhaps take this paper as a whole as contributing to that interpretation. If I am right that Kant holds this relatively undemanding view of thought, then the following is a plausible interpretation, I contend, of what he has to say about the laws of logic and their relation to thought. If the reader disagrees with my conclusions here, then the implication may be wider than merely Kant's view on logical laws; this will have consequences for what the reader takes Kant to understand by 'thought' itself.

With all this in place, let us proceed.

3 Can there be contradictory thought? Arguments for.

Tolley claims that, for Kant, there are three conditions on the normativity of a law:

1. The “subjects” of the law—those beings which are governed by, or subjected to, the law—must both be able to succeed *and be able to fail* to act (or be) in accordance with the law.
2. The *subjects* of a norm *must retain their identity* as beings that are subjected to this specific sort of law regardless of their (actual) accord with it. This latter condition is important, as it implies that evaluative ascriptions in light of norms (e.g., x as “in” or “out of accord”) institute a division *within* some otherwise well-defined class.
3. The *laws must retain their validity* or bindingness over their subjects regardless of the (lack of) *actual* adherence to the norms by their subjects—though, to be sure, there must be the possibility of such adherence (to uphold the traditional formula that “ought” implies “can”). (Tolley, 2006, 375)

Note already that these conditions can be fulfilled by a constitutive norm, as much as a normative law. If being *G* is a constitutive norm for *F*s, then (1) *F*s can be both *G* and non-*G* (as long as the former counts as good, the latter as bad); (2) something can retain its identity as an *F* regardless of whether it is *G* or not, as long as being *G* would be good for the *F*, and failing to be *G* would be bad; and (3) regardless of whether *F* is actually *G* or not, the norm that *F*s should be *G* would still be binding.

Tolley takes Kant’s writings to commit him to the view that we cannot think illogical thoughts. His worry is then that this is incompatible with logical laws being merely normative, in the sense captured by these three conditions. (1) If we cannot

think illogical thoughts, then we cannot fail to think in accordance with the laws of logic. (2) One would not count as a thinker, if all one's mental states were contrary to logical laws. (3) It would be unclear what relevance the laws of logic would have for us, if we never had the kind of mental state, *thoughts*, that are in accord with them.

This line of argument only works if Kant is, indeed, committed to the view that there cannot be contradictory thought, that is, if one purported to be thinking a contradiction, one would in fact be doing something else. I think Kant is not so committed. There are convincing reasons to understand Kant as taking contradictions to be meaningful and false.

First, it seems clear to me that *we can* in fact think contradictions, and I have argued this in detail elsewhere (see Leech, 2015). I suggested above that if we have meaningful thought constituents (e.g., concepts, propositions) put together in a meaningful structure, then we have a meaningful thought. So, for example, if it is fine to think *that grass is green*, and also fine to think *that grass is not green*, it seems strange to suppose that merely putting these together gives us something that one cannot think, that is, *that grass is green and grass is not green*. One might have trouble *believing* or *committing to* such a thought, but that is not what is at issue.⁶ The question is whether such a content can be entertained in thought, not whether it can be endorsed.

These considerations aside, what concerns us here is Kant's view. Is he committed to the thinkability, or to the unthinkability, of contradictions (or neither)? In order for key parts of Kant's work to make sense, we must be able to understand and think contradictions. Hence, I take him to be committed to the thinkability of contradictions, that is, that we can think meaningful thoughts that are contradictory. Otherwise it would be impossible for him to have expressed, and for us to grasp, these philosophical points.

Let us first consider some of the 'obscurities and contradictions' (Aviii) into which Kant argues human reason inevitably falls: the Antinomies. In these sections of the *Critique*, Kant argues that reason appears to be inevitably led into contradiction by its own workings. Each Antinomy consists of two arguments, thesis and antithesis, each seemingly acceptable but leading to opposing conclusions. Kant argues that, if we assume transcendental realism—that our knowledge is of things in themselves (not appearances)—then the conclusions of the Antinomies are contradictory, for example, the world is both infinite and finite. However, Kant argues that these conclusions can be shown to be compatible under the assumption of transcendental idealism (A504–5/B532–3), the assumption that our knowledge is of appearances, which are (in some sense) distinct from things in themselves.⁷ For example, if we give up the assumption that we can cognize the world as a determinate whole, then it is false both that the world is determinately finite, and that it is determinately infinite. Rather, the world is of indefinite extent.

We must take care here. Kant doesn't explicitly claim that, when reason falls prey to antinomial reasoning, we thereby think contradictions. But I contend that in order for us (and Kant) to understand the Antinomies—to make sense of his arguments there—we need to be able to think contradictions. Recall: this is not to say we need to be able to *believe* or *endorse* them, just to entertain contradictory content in thought. It is in this sense that Kant is committed here to the thinkability of contradictions. The thought is this: we could not understand Kant's arguments in the Antinomies without being able to entertain a contradiction in thought; to recognize the difference between contradictions and contraries;⁸ and to recognise that the transcendental realist will be saddled with a commitment to contradictions. We need to be able to recognise, *in thought*, so that we can follow the argument and continue on to the right conclusions, that under the assumption of transcendental realism, the thesis and antithesis combine to form a contradiction. For example,

we might conclude that the world is finite in extent, and that the world is infinite in extent. Only once we've recognised that *the world is determinate and finite and the world is determinate and infinite* is a contradiction, will we be moved to find a way to reject some assumption to avoid this contradiction (namely, the assumption that the world is determinate in its extent). We can only follow the steps of the argument if we can think and understand such a thought, recognise that it is a contradiction, and respond accordingly.

One might respond that we don't need to think the contradiction itself, we need merely to recognise that reason is taking us down a risky path, towards an act in which we would no longer be thinking.⁹ But how, roughly, would this work? We notice that one respectable line of reasoning will lead us to conclude that p. We notice that another, equally respectable line of reasoning will lead us to conclude that not-p. What stops us continuing? Recognising that it would be, in some sense, a bad thing to end up concluding both p and not-p. But if we get that far, we've just entertained the thought that p and not-p, recognised that we don't want to endorse that thought, and decided to change tack. To recognise impending contradiction in some other way may be possible, but would require a much more complicated story, one that I leave the onus to develop on my opponent.

Elsewhere in the *Critique*, Kant presents the principle of contradiction as 'the supreme principle of all analytic judgments' (A150/B189).

For, **if the judgment is analytic**, ... its truth must always be cognized sufficiently in accordance with the principle of contradiction. For the contrary of that which as a concept already lies and is thought in the cognition of the object is always correctly denied, while the concept itself must necessarily be affirmed of it, since its opposite would contradict the object. (A151/B190–1)

Note: Kant does not say that the contrary of a concept contained in the subject

concept is *always* denied, but that it is always *correctly* denied, hinting towards a normative reading. But that is not my main point. Kant takes the trouble to argue that some cases of what we always thought were analytic judgments are in fact synthetic, in particular, cases of arithmetical and geometrical judgments. If the principle of analytic judgments is the principle of contradiction, and if contradictions cannot be thought, then there would appear to be a fairly simple and obvious test for whether a given judgment is analytic or synthetic: try to think its negation, and if you fail to think anything, the judgment is analytic (if you succeed in thinking, it's synthetic). If Kant argued in this way, that would count as evidence toward the view that he takes contradictions to be unthinkable. But he does not. He invites us to inspect the content of our subject concepts, for example, $7+5$, and to discover that—contrary to expectation—the predicate concepts, for example, $=12$, are not to be found there. He does not point out that we are able to think *that it is not the case that $7+5=12$* . (See B14–18). Moreover, this is supposed to be a notable discovery.

Mathematical judgments are all synthetic. *This proposition seems to have escaped the notice of the analysts of human reason until now, indeed to be diametrically opposed to all of their conjectures.* (B14)

If thought really *ceases* when we attempt to think the negation of an analytic judgment, rather than that of a synthetic judgment, one would have thought someone might have already noticed this. One might think that it would be more obvious what the analytic judgments are. This, then, adds more weight to the view that it is correct to read Kant as committed to the position that contradictions can be thought (even though, in light of the laws of logic, they *shouldn't* be).

In the *Critique of Judgment*, Kant presents maxims of common human understanding.

- (1) To think for oneself;
- (2) To think in the position of everyone else;
- (3)

Always to think in accord with oneself. . . . The third maxim, namely that of the **consistent** way of thinking, is the most difficult to achieve, and can only be achieved through the combination of the first two and after frequent observance of them has made them automatic. (5:294–5 Kant, 2000, 174–5)

‘Consistent thinking’, or ‘thinking in accord with oneself’ is not presented here as mere triviality, but rather as a significant achievement, only possible through hard work. Inconsistent thought is not, therefore, an impossibility, but a common problem which we must work hard to overcome.

Kant also makes explicit claims about contradictions. In his lectures on logic, he claims that they are false.

A cognition that contradicts itself is of course false. (9:51: Kant, 1992, 559)

A cognition is false if it contradicts itself. (24:826 Kant, 1992, 283)

If contradictions are false, then there is a content that we can think and recognise as false. So Kant cannot think that there is no thought at all here.

There are various responses to this. First, one might take a second-order thought to be sufficient to account for such cases. Rather than being able to think *p and not-p*, we can think *it is a contradiction that p and not-p*, and hence, via this non-contradictory thought, recognise that *p and not-p* is false.¹⁰ But there are at least two problems with this. One: to be able to understand the whole thought *it is a contradiction that p and not-p*, we need to be able to understand the parts, including *p and not-p*. In other words, if the whole thought is meaningful, then surely the parts are meaningful too. Two: even in the second-order thought, we are attributing properties of falsehood and contradictoriness to *something*. But what, if not a thought or cognition? It seems strange to attribute a property such as falsity to something that is not itself a meaningful thought.

A second line of response would be to suggest that there are two kinds of falsity: the kind that occurs when a meaningful thought gets things wrong; and the kind that occurs when a purported thought cancels itself out.¹¹ So, when Kant says that a contradictory cognition is false, he is in fact saying that there is no such cognition. Just as a false friend is no friend at all, so a false thought—in some cases—is no thought at all.¹² However, this proposal invites a number of questions. Falsehood is attributed to *something*: what is it, if not a cognition or a thought? One suggestion, which I will look at in more detail below, is that there is ‘nothing’. But then why would Kant attribute falsity here, rather than saying there is nothing at all? Also, if Kant had in mind a second notion of falsity, one would expect to find some evidence for it. But again, although there are passages (considered below) where it looks like Kant takes contradictions to be ‘nothing’, he doesn’t in the same place claim they are false. I think we can, thus, tentatively take Kant at face value when he says that a contradiction is false. (Tentatively also because these passages are from the logic lectures.)

In short, Kant does allow for genuine illogical thought. Key claims of his philosophy implicitly commit him to this, as well as more explicit claims about contradictions. Moreover, as we saw at the beginning, he explicitly states that logic concerns what we *ought* to think. Nevertheless, none of this shows that he doesn’t make different claims elsewhere, or that we shouldn’t allow those other claims to overrule the *prima facie* evidence that Kant’s logical laws are normative. We must also consider the primary textual evidence for the constitutive interpretation.

4 Is there contradictory thought? Arguments against.

Tolley marshalls examples of apparently clear cases of Kant claiming that contradictory judgments are ‘nothing’. The first example is from the *Critique*:

[T]he general though to be sure only negative condition of all our judgments whatsoever is that they do not contradict themselves; otherwise these judgments in themselves (even without regard to the object) are nothing. (A150/B189).

We should first note that this statement concerns *judgments* and not *thoughts* more generally. Earlier in the *Critique*, Kant states that ‘Judgment is ... the mediate cognition of an object’ (A68/B93). Judgments have to be objectively valid—they must succeed in saying something about the world.¹³ But thoughts in general do not, as I noted above. The constraints on objective validity come from both general and transcendental logic. So, for example, a(n objectively valid) judgment must be in accordance with principles of the understanding, such as the principle of causation, but it must also be in accordance with the principle of contradiction. Objectivity of our judgments requires the real possibility of an object, and it is not possible for there to be a contradictory object. (See, e.g., Bxxvi.) Hence, if a purported judgment is contradictory, it cannot have an object, and so is not a judgment at all. Hence it is nothing, *as a judgment*. But it still might be a thought.

Perhaps Kant already accounts for this in adding, ‘*even without regard to the object*’. What does that caveat mean? There is a simple reading in line with my interpretation. It simply says: “even if we disregard the fact that such a judgment wouldn’t agree with its object, because no object is contradictory in nature, we should go further. There is no judgment at all, because judgments are objectively valid, and in this case, the judgment doesn’t simply get the object wrong, it has no object at all, because it fails to conform to constraints on objective validity”. But again, this says nothing about whether or not there can be a (not objectively valid) thought.

Kant makes such a distinction between cognition and thought in the B-Preface.¹⁴ This supports my point to an extent, but also raises another threat.

To **cognize** an object, it is required that I be able to prove its possibility
... But I can **think** whatever I like, as long as I do not contradict myself,
i.e., as long as my concept is a possible thought... (Bxxvi)

The first kind of possibility (connected to cognizing) is real possibility, and the second (possibility of thought) is logical. I will return to this point below.

Tolley takes a further example from Kant's 'Polemic against Eberhard', his 1790 essay 'On a discovery whereby any new critique of pure reason is to be made superfluous by an older one'.

whatever conflicts with [the Principle of Contradiction] is obviously nothing (not even a thought). (8:195: Kant, 2002, 290)

This looks pretty damning. It is stronger than saying that a judgment is nothing; there is *not even a thought*. However, on the previous page (194, in a footnote) Kant writes

The *Critique* has noted the distinction between problematic and assertoric judgments. An assertoric judgment is a *proposition*. ... The judgment: *some bodies are simple*, may, indeed, be contradictory; it can nevertheless still be affirmed in order to see what follows from it, if it were to be stated as an assertion, i.e., a proposition. (8:194: Kant, 2002, 289)

Here Kant allows that one can affirm, that is, assertorically judge, something contradictory. There is therefore a clear tension between what Kant has to say on these two consecutive pages.

How should we resolve this tension? The claim that one can assertorically judge a contradiction is clearly labelled as Kant's view from the *Critique*: 'The *Critique* has noted...'. By contrast, the claim that a contradiction is 'not even a thought' appears in a paragraph beginning,

It is, however, not without mature consideration, and with a purpose that [Eberhard] would gladly conceal from the reader, that he endeavours to demonstrate this transcendental principle [principle of sufficient reason] on the basis of the principle of contradiction. (8:194: Kant, 2002, 290)

Kant's purpose here appears to be to describe a line of thought *from Eberhard*, not from himself. Admittedly, by the time we get to the troublesome claim, the tone seems to have shifted back to Kant's voice:

Now, it is clear that the principle of contradiction is a principle that is valid for all that we can possibly think, whether or not it is a sensible object with a possible intuition attached; because it is valid for thought in general, without regard to any object. Thus, whatever conflicts with this principle is obviously nothing (not even a thought). (8:195: Kant, 2002, 290).

Even so, I think the following is a plausible resolution to the tension. We should take more seriously the remarks labelled as expressing the view of the *Critique*, privileging the *Critique* as an (perhaps the most) important primary source. We can explain away the ensuing remarks as overstated, or at least take them less seriously, given that they are in the context of outlining and attacking Eberhard's view.

Both cases turn on the claim that a judgment or thought is 'nothing'. Kant has more to say about what 'nothing' means. In the *Critique*, he gives an account of four different meanings of 'nothing' (A292/B348). Of particular interest to us is the 'nothing' of contradiction, the *nihil negativum*. According to Kant, there are different reasons that might explain why an empty concept has no object: it might be a consistent concept but fail to conform with the conditions of possible experience (logically possible, really impossible), or it might be self-contradictory (logically impossible).

One sees that the thought-entity (No.1) is distinguished from the non-entity (No.4) by the fact that the former may not be counted among the possibilities because it is a mere invention (although not self-contradictory), whereas the latter is opposed to possibility because even its concept cancels itself out. *Both, however, are empty concepts.* (A292/B348, my emphasis.)

The *nihil negativum* (No.4) is the kind of 'nothing' where nothing falls under a concept because that concept is contradictory. This is not to say that the representation itself doesn't exist (there is no concept/thought), but rather to say that the representation logically necessarily lacks an object.

Kant muddies the waters by entitling this kind of nothing in his table 'Empty object without concept' (A292/B348). This suggests that there is not a concept that is contradictory, but rather no concept at all. This is at odds with his remark, just cited, that it is an empty concept, that is, it is a concept, but an empty one. In this instance, I think we should take the latter statement, that this is a case of an empty concept, more seriously.

First, Kant contrasts these two cases (of an empty concept) with two further cases where we lack sufficient data to have a concept at all, for example, where we don't have the positive data from which to form a negative concept: 'if light were not given to the senses, then one would also not be able to represent darkness' (A292/B349). This contrast suggests that the first two cases are indeed concepts.

Second, it is plausible to think that we can possess and understand contradictory concepts. For example, most philosophers at some time or other have acquired the concept of a square circle. It is because we understand what it means, that we are able to understand why there could be no such thing. Indeed, Kant discusses this example in the *Prolegomena*:

Of two mutually contradictory propositions both cannot be false save

when the concept underlying them both is itself contradictory; e.g., the two propositions: a square circle is round, and: a square circle is not round, are both false. ... The logical mark of the impossibility of a concept consists, then, in this: that under the presupposition of this concept, two contradictory propositions would be false simultaneously; and since between these two no third proposition can be thought, through this concept *nothing at all* is thought.' (4:341 Kant, 2004, 92–3)

Here again we find a tension. On the one hand, one might take this to show that Kant thought that there is no concept of a square circle, because it is 'logically impossible' and through it 'nothing is thought'. On the other, Kant talks of *the concept* underlying the mutually contradictory propositions, and how he can offer the contradictoriness of *this concept* as an explanation of how mutually contradictory propositions could both be false. Now, one might argue that we could explain the falsity of some proposition by appeal to the absence of a concept, hence we could explain why, for example, it is false *that a square circle is round* by appeal to its lack of a subject concept. However, in this case we also need to account for the relevant pair of propositions being *contradictory*. If they both lacked a concept, they would both simply be false. It is because they *share* the same contradictory concept, *square circle*, that we can explain how they are in contradiction with one another. Further, we have already seen how to understand 'nothing is thought' as stating that the concept cannot have an object. The logical impossibility of the concept need not mean that it is logically impossible *that such a concept exist*, but rather that it is logically impossible *that such a concept have an object*.

So, in saying that a concept is 'nothing', in the sense of the *nihil negativum*, we can understand Kant as saying that the concept is logically necessarily empty. If we extend this to judgments and thoughts as well as concepts, then the passages above simply claim that a self-contradictory judgment or thought will logically necessarily

lack an object.¹⁵

We are also now in a position to respond to the worry raised by the B-Preface passage, that ‘possible thoughts’ cannot contradict themselves: ‘I can **think** whatever I like, as long as I do not contradict myself, i.e., as long as my concept is a possible thought’ (Bxxvi). We can now see that there are two ways to understand the logical impossibility of a representation: it might be logically impossible for it *to exist*, or for it *to have an object*. Given all the evidence in favour of Kant’s commitment to the possible existence of contradictory thoughts, we should favour the second reading: I can think what I like, but I shouldn’t contradict myself, because such thoughts are logically impossible, that is, they can’t (logically) be true.

Next, then, in the *Critique*, Kant introduces general logic as containing ‘the absolutely necessary rules of thinking, without which no use of the understanding takes place’ (A52/B76). Tolley takes this to show that Kant took these rules to be constitutive of thought.

Here the clear implication would seem to be that, with respect to the laws of general logic, the understanding simply *cannot act*—that is, it is *not free* to act—without abiding by these “absolutely necessary rules”; otherwise nothing at all would “take place” in thought. Tolley (2006, 384)

I agree that it is difficult to square a purely normative reading with this. But a reading according to which these rules of thinking are *constitutive norms* can easily accommodate the statement. If there were no such rules, then there would be no thought, because it is constitutive of thought to be evaluable in light of those rules. So we might say instead: ‘with respect to the laws of general logic, the understanding simply cannot think without *being subject to*, even if not always abiding by, these absolutely necessary rules’. This is how MacFarlane recommends we read the passage:

By “necessary laws of the understanding,” Kant means “. . . those [laws] without which no use of the understanding would be possible at all . . .” (JL:12), that is, the norms constitutive of thought. Similarly, in the first *Critique* he says that general logic “. . . contains the absolutely necessary rules of thought without which there can be no employment whatsoever of the understanding” (KrV:A52/B76). (MacFarlane, 2002, 53)

Note that Kant uses the phrase ‘absolutely necessary’. Stang (2016) draws out what Kant means by this.

It is *absolutely necessary* that p if and only if $\neg p$ cancels all possibility.
(Stang, 2016, 124)

With this in hand, we can see why Kant continues in the statement above that ‘no use of the understanding takes place’. The idea is that general logical laws are *absolutely necessary* rules for thinking, because their absence would cancel the possibility of any thinking. It is constitutive of thinking that there must be some rules for thinking, hence, if there were no such rules, there would be no possibility of thinking. But that can be understood in two ways, either straightforwardly constitutively (as per Tolley), or constitutive-normatively (as per MacFarlane). We can say: if there were no rules for thinking, thinking would not be possible, because there would be nothing evaluability in light of which would suffice for a mental state to count as a thought. A proper understanding of ‘absolutely necessary’ here thus lends support to some kind of constitutive reading, but does not rule out the constitutive norms reading.

Let us consider one further example. At the beginning of the *Jäsche Logik*, Kant likens the laws of thought to laws of nature. Given that the latter are understood as descriptive laws of how the natural world behaves, one might wonder whether here Kant intends a descriptive rather than prescriptive, hence constitutive rather

than normative, understanding of logical laws.¹⁶

Everything in nature, both in the lifeless and in the living world, takes place *according to rules*, although we are not always acquainted with these rules. — Water falls according to laws of gravity, and with animals locomotion also takes place according to rules. The fish in the water, the bird in the air, move according to rules. The whole of nature in general is really nothing but a connection of appearances according to rules ...

The exercise of our powers also takes place according to certain rules that we follow ...

Like all our powers, *the understanding* in particular is bound in its actions to rules, which we can investigate. (9:11 Kant, 1992, 527)

Perhaps a constitutive reading is supported by Kant's claim that the understanding is 'bound in its actions to rules' [*bei seinen Handlungen an Regeln gebunden*]. One might think that the word 'bound' [*gebunden*] strongly suggests that the understanding *cannot deviate* from these rules. However, this is not at all clear. In German, 'ist an etwas gebunden' does not require a purely constitutive reading.¹⁷ To take an English example: I might say, driving along, that I am bound by the rules of the road to drive below 60 mph, but this doesn't imply that I *cannot* drive faster, just that I *shouldn't*. Or by signing a contract, I bind myself to certain undertakings or obligations, but that doesn't imply that I cannot break the contract, even though doing so may have bad consequences. We can honour Kant's idea that thought is rule-bound by taking the rules of thinking, laws of logic, to be normative in some sense. The understanding is bound to rules, in the sense that it ought to follow certain norms.

5 Freedom and normativity

A large part of Tolley's constitutive interpretation is the contention that there is no fruitful analogy to be drawn between Kant's account of practical or moral normativity, and logical laws. Hence, there is no way to understand the laws of logic as being normative, according to Kant's account of normativity. In this section, I first argue that there are other conceptions of normativity in Kant's work; hence understanding logical normativity in terms of moral normativity isn't necessary. Second, I'll gesture towards where we might find specifically logical normativity in Kant's work.

In brief, Tolley argues that moral laws are only normative, for Kant, insofar as they relate to beings that are not purely rational. It is because we are partially sensuous beings, where our rational will must overcome our sensible desires, that moral laws have a normative status for us. We have a free choice to act morally or not, and the moral law guides, although it does not fully determine, that free choice. By contrast, Tolley argues, we do not have the same capacity for free choice when it comes to thinking: whereas Kant includes an account of "Willkür" for practical free choice, he includes no correlate capacity in his theoretical account.

Unlike in the moral dimensions of human activity (in which we ought to exercise our "free choice" in accordance with the imperatives of practical reason), there is no relevant capacity (or composite of capacities) in view within formal logic for which formal-logical laws as such could then be normative. (Tolley, 2006, 374)

I agree with Tolley that free will is not relevant to Kant's account of logic. Tolley presents a range of convincing evidence, for example (from the *Blomberg Logik*):

Our author [Meyer] speaks in general in this whole section [§§216–48] of cognition, how it relates to free will. In logic, however, the relation

of cognition to will is simply not considered; instead, this belongs to morals. The relation of free will is not an *objectum domesticum* of logic. (24:250 Kant, 1992, 200)

Tolley concludes that, for Kant, 'Logic is simply not concerned with any specific representations of what "ought" to "move" our free will, because it is not concerned with the relationship between free will or volition and cognition *at all*' (Tolley, 2006, 381).

To make sense of any normative element to logical laws, we will need to appeal to a notion of normativity that doesn't turn on free will, that is, it's not open to us to understand deviation from the logical norm as involving some kind of freedom to choose to think otherwise. Is there any evidence that Kant recognised a kind of normativity that does not require free choice? And is there any evidence of Kant having a peculiarly *logical* notion of normativity?

First, we can take evidence in favour of a normative (or constitutive normative) interpretation of the laws of logic—as offered in this paper—to lend support to the view that Kant had a notion of logical normativity. If we add to this Tolley's evidence that logical laws are not related to free will, then we could conclude that Kant recognises a kind of normativity, logical normativity, that does not require free choice. However, such an argument will hardly convince someone of Tolley's persuasion, who doesn't accept the force of evidence for a normative interpretation.

The view that Kant had a notion of logical normativity would be further supported by Kant's using value terms in connection with logic: for example, 'good', 'bad'.¹⁸ I noted above that Kant claims that contradictions are *correctly* denied (A151/B190–1). One might also appeal here to the colourfully negative language with which Kant describes the predicament of reason. The threat of contradiction from the Antinomies leads reason into the temptation of equally unpalatable alternatives, a 'skeptical hopelessness' or 'dogmatic stubbornness', which in turn would

be 'the death of a healthy philosophy' (A407/B433). Contradiction is not itself described as diseased here, but it looms large over the prognosis of ill health. Kant also claims that reason, finding itself 'entangled in a crowd of arguments and counterarguments', cannot simply walk away, but 'on account of its *honor*', must 'reflect on the origin of this disunity of reason with itself' (A464/B492, emphasis added).

What might a positive account of logical normativity look like? Rather than thinking of normativity in terms of evaluating the action of a free choice, we can think of normativity in terms of the existence of a standard against which things count as good or bad, right or wrong (recall Sellars' distinction between oughts-to-do and oughts-to-be). The laws of logic provide a standard against which thoughts are evaluable. There need be no possibility of failure to accord with the law (although for us there is): a perfectly rational being would still be *right*. And there need be no capacity for genuinely free choice: thought can still be evaluated against the standard of logic, regardless of how we came to have one thought rather than another.

There is some evidence that Kant recognised norms of this latter kind. In the following, he explicitly glosses 'norm' as a standard against which to pass judgment on something.

By virtue of the fact that logic is to be taken as a science *a priori*, or as a doctrine for a canon of the use of the understanding and of reason, it is essentially distinct from *aesthetics*, which as mere *critique of taste* has no canon (law) but only a *norm* (model or standard for passing judgment), which consists in universal agreement. Aesthetics, that is, contains the rules for the agreement of cognition with the laws of sensibility; logic, on the other hand, contains the rules for the agreement of cognition with the laws of the understanding and of reason. (9:15 Kant, 1992, 530)

Both logic and aesthetics contain rules for cognition. In aesthetics, that rule is (only) a norm, in the sense that it provides a standard for passing judgment. The rules of logic are *laws* because they are based on *a priori* principles, rather than empirical principles.

As a canon of the understanding and of reason it may not borrow any principles either from any science or from any experience; it must contain nothing but laws *a priori*, which are necessary and have to do with the understanding in general. (9:13-14 Kant, 1992, 529)

Further, we can also pass judgment on a cognition given a *logical* standard, given relevant *a priori norms*.

The logical perfection of cognition rests on its agreement with the object, hence on *universally valid laws*, and hence we can pass judgment on it according to norms *a priori*. (9:36 Kant, 1992, 547)

These passages hint towards the view that the laws of logic provide *a priori norms* for cognition. But so far this is only a hint. (Not least, because these passages are taken from the lectures on logic.) I leave further work on a positive development of Kant's notion of logical normativity for elsewhere.

6 Conclusion

According to received wisdom, Kant takes the laws of logic to be normative laws of thought. This has been challenged by Tolley (2006). In this paper, I have sought to defend the received wisdom, but with an important modification. There are features of Kant's philosophy that we can only accommodate if the laws of logic are normative in some sense, but equally, some passages are hard to square with this reading. If we take the laws of logic to be constitutive norms for thought, then we can make sense of both sets of seemingly conflicting considerations. The

laws of logic do tell us what thinking is, not because all thoughts are *in conformity with* logical laws, but because all thoughts are, by nature, *subject to* the standard of logic. Finally, if it is correct that Kant's laws of logic are normative in some sense, but not in a sense that would involve something akin to practical free choice, then we must also conclude that there is more to normativity for Kant than moral normativity.¹⁹

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Notes

¹See also MacFarlane (2002, 37) on chess. One might disagree with game examples. Perhaps the reason the game has to be reversed (go back a move) or stopped (the whistle is blown) is because the action didn't count as playing the game at all. I shall not attempt to settle the issue here. My aim is to argue for the constitutive normativity of logical laws, not of the rules of games. These game examples are offered as a (potentially) intuitive introduction to constitutive norms, not as additional evidence that there are such things as constitutive norms. Thank you to an anonymous referee for pressing this point.

²See Leech (2015); MacFarlane (2002); Steinberger (forthcoming); Taschek (2008) for discussion. MacFarlane's paper in particular compares the different ways in which Kant and Frege come to agree on this.

³Tolley (2006) lists: Hanna (2006a,b); Lanier Anderson (2005); MacFarlane (2002); Tiles (2004).

⁴Thank you to an anonymous referee for suggesting this as a helpful distinction in the present context.

⁵See Bird (2006) and Vanzo (2012). I discuss Kant's distinction between thought and cognition at length in AUTHOR2.

⁶I have avoided using the word 'judgment' here, to avoid confusion. For Kant, judgments do not have the equivalent of assertoric force, in contrast to common contemporary usage. See (A74–5/B99–100).

⁷A two-aspect interpretation of transcendental idealism maintains that appearances and things in themselves are not distinct kinds of *object*, but distinct aspects of the same objects. See Allais

(2004) for an instructive overview of the different interpretations, and a defence of the two-aspect interpretation.

⁸A and B are contradictories if and only if they can't both be true and they can't both be false. A and B are contraries if and only if they can't both be true but they can both be false.

⁹Thank you to an anonymous referee for raising this possibility.

¹⁰Tolley considers something akin to this strategy on p.391.

¹¹Thank you to an anonymous referee for this suggestion.

¹²See Tolley (2006, 385).

¹³I am here ignoring questions over whether merely subjectively valid judgments are, for Kant, really judgments. If they are, then in what follows read a silent "objectively valid" before each "judgment". For more on this issue, see Beck (1998); Longuenesse (1998); Sassen (2008).

¹⁴What is the relation between judgment and cognition for Kant? This is another thorny question to which I cannot do justice here. It suffices to say for present purposes, that both cognitions and judgments must be objectively valid, whereas thoughts may fail to be. My interest in the distinction Kant makes between thought and cognition here is primarily to show that thoughts can fail to be objectively valid, and hence that, as judgments cannot, it is significant when Kant is writing about judgments.

¹⁵I see no obvious problem with this extension. If one judges that *p and not-p*, one can have the concept of *things being such that p and not-p*.

¹⁶Thank you to Alberto Vanzo for drawing my attention to this passage.

¹⁷Thank you to Mark Textor (a native German speaker) for confirming this.

¹⁸Thank you to an anonymous referee for this suggestion.

¹⁹Thank you to John Callanan and Sacha Golob for helpful discussions on a version of the paper, to two anonymous referees for this journal for helpful comments, and to Joe Saunders and Bob Stern for a fruitful discussion of Tolley's paper several years ago, which eventually led to some of the work in this paper.

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