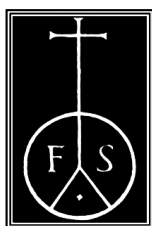


STUDI KANTIANI

XXXII

2019

OFFPRINT



PISA · ROMA

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2019

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Periodicità: annuale / Erscheinungsweise: jährlich
Frequency: annual / Périodicité: annuel

Abbonamento annuale / Jahresbezug / Annual subscription
Souscription annuelle

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Stampato in Italia · Printed in Italy

ISSN PRINT 1123-4938

E-ISSN 1724-1812

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MELISSA MERRITT, *Kant on Reflection and Virtue*, Cambridge, Cambridge University Press, 2018, pp. xvi-219.

WORKING with Kant's concept of reflection is no easy task, not least because this concept is one of the most volatile concepts in Kant's entire terminology. However, the notion continually resurfaces, playing a central role in crucial parts of Kant's philosophy; be it his theory of concept formation, his critique of the metaphysics of his rationalist as well as empiricist predecessors or his theory of value. For those reasons alone, a book length project on Kant's concept of reflection seems a daunting but important task. Put on top of that the wish to put forward a theory that can encompass theoretical as well as practical reflection and thus contribute to a unified account of reason and you have a very ambitious and tremendously exciting task ahead of you. Merritt's book is just this: exciting and ambitious; and it will prove an important resource for students of Kant, of reflection, and of virtue ethics and epistemology alike. The book is tightly argued and draws on sources often ignored or less emphasized by other Kant scholars, and to that extent it is also a resource allowing easy access to the far corners of Kant's *opus* including some of the more apocryphal texts. Where these latter texts are concerned, however, Merritt always takes great care to trace them back to passages in Kant's handwritten notes whenever possible.

Central to Merritt's account is Kant's claim that «all judgements [...] require reflection» (*KrV*, A 261 B 317). On one account of reflection (which I shall call the *two-step* account), this claim both overburdens the cognizing subject and threatens to over-intellectualize trivial everyday tasks. On the two-step account, reflection involves a deliberative 'stepping back' from the judgment at hand in order to reflect on what to do or to think before actually committing to doing or thinking anything. Taking reflection to be a deliberately undertaken activity in the theoretical sphere threatens to disregard cognitive activity that is not «deliberate in any direct or interesting way, like sensible experience» (p. 3). In the practical sphere a similar set of problems arises, since the picture of the moral agent emerging on the two-step account is one of a person actually identifying their maxims in each instance of action. The agent is then supposed to be committed to submitting these maxims to the appropriate tests (e.g. the so-called 'CI-procedure'), i.e. the agent 'steps back' «from the immediacy of action» (p. 5) to reflect on the moral status of their maxims in each instance and before doing anything. There are good reasons to find this version of the Kantian reflective ideal unattractive. For one, it is not clear one can always identify one's maxims, and even if one could, that a reflective stepping back is required; surely, there is often no time for this type of reflection and in many cases, the situation might require of us that we act quickly, such that stepping back might even be considered morally wrong. According to Merritt, however, this two-step account of reflection «should be dismissed as a tired caricature» (p. 52), which is what the book sets out to do.

The argumentative trajectory of the book is to first work out an account of «what Kant takes *reflection* to be – in general terms – so that we might, down the road, arrive at a more stable and compelling account of its role in moral life» (p. 7). The book is divided into two parts that follows this trajectory: in Part 1, Merritt gives us her take on Kant's general account of reflection, and in Part 2, she puts herself to the task of explaining how to save Kant's reflective ideal in the context of moral agency. It will be helpful to think of Merritt's account of reflection as an attempt at developing an account that answers the *over-demandingness objection* mentioned above. In contrast to the two-step account Merritt aims at an account that can salvage Kant's claim that «all judgements require reflection» from the charge of being cognitively over-demanding or over-intellectualizing. Now, part of what gets this objection going is the assumption that every time we judge we need to reflect – an assumption which seems justified by Kant's text. Nevertheless, as Merritt rightly points out, in order to avoid the over-demand-

ingness objection, reflection must also be something we can fail to do. Her suggestion is to note, that the salient term «require» carries a double meaning. On one understanding, «require» denotes a constitutive relation: to say that judgements require reflection amounts to the claim that reflection is a necessary condition for judgment or that reflection is constitutive of judgment. However, we can also take the term «require» in a normative sense. On such a reading, all Kant is saying is that all judgment – in order for it to be a *good* case of judging – must include reflection. Drawing this distinction between two kinds of requirements to reflect will allow us to accommodate the assumption above without falling for the over-demandingness objection. Merritt specifies the rather broad definition of the constitutive requirement to reflect by saying that it is «basically pure apperception» (p. 24). Thus, failing to meet this constitutive requirement to reflect, i.e. failing to co-represent an «I think» with any other representation, means failing to think at all. On the other hand, the normative requirement to reflect is only a condition of our thinking «well» (p. 8). While all thought requires that one has «some tacit handle on oneself as the source of a point of view» such a *constitutive* requirement to reflect should be distinguished from a *normative* requirement to reflect, which consists in «the *deliberate* consideration of whether one has reason to φ or to take it that p » (p. 18). Merritt calls the type of reflection that fulfills the minimally constitutive requirements to reflect, *reflection-c*, and the type that lives up to the normative requirements to reflection *reflection-n*. Thus, the overall strategy should be clear. The constitutive requirement to reflect, *reflection-c*, is so minimal that there is no way it can be overly taxing on the subject's cognitive capacities. Since this kind of reflection is constitutive of thinking itself it cannot plausibly be cashed out in a two-step account on which it would have to be distinct from thinking.

Meanwhile, it is not true that all thinking presupposes reflection-n. Merritt argues (in chapter 2) that reflection-n finds «a more nuanced articulation» (p. 54) in what Kant calls the three maxims of healthy human understanding which she summarizes as: «to think for oneself [...] to think in the position of another; or to think in the position of everyone else [...], and] to think always consistently with oneself» (p. 55). Each maxim describes a certain attitude towards my thinking, which I could perfectly well fail to have. The normative requirement to reflect on this account amounts to me acknowledging myself as the author of a coherent thought about an object that is independent of me and available for each judging subject. For example, consider the case of me making the judgment: 'the cat is on the mat'. On Merritt's account, the normative requirement to reflect is fulfilled when (1) I take myself to be the author of that judgment (I am ultimately responsible for the claim), which means (2) that I commit myself to no judgment that would contradict that claim (e.g. 'the cat is not on the mat') and finally (3) that I acknowledge that the truth of my judgment is contingent upon matters of fact independent of me (i.e. there actually being a cat on a mat). I could of course make the judgment without reflecting-n, only I would not have taken this specific stance towards my own judgment. Thus, we can see how Kant's claim that *all* judgments require reflection does not on its own entail that his account is vulnerable to the over-demandingness objection.

Nothing said so far precludes Merritt's account of reflection-n from being a two-step account, on which reflecting-n involves stepping back in order to deliberate «whether one has reason to φ or to take it that p ». If that were the case, Kant would still be vulnerable to a modified version of the over-demandingness objection. On this account namely, all judging *well* (i.e. all judging satisfying reflection-n) would involve a demanding act of deliberation. However, as seen from the maxims above, on Merritt's account, reflection-n consists in an attitude towards thinking, and not a separate act of thinking itself. Thus, none of these maxims requires any particular 'stepping back' on part of the judging subject, nor that the subject performs any other action prior to judging: «Reflection-n can therefore be conceived adverbially, in terms of the manner in which one puts one's cognitive capacities to use *in concreto*. It is not

a separate, discrete activity: something further that one might ‘do’ on the occasion of judgment» (p. 77). Even when judgment satisfies the normative requirement to reflect, that requirement is not satisfied by any extra cognitively demanding act on the agent’s part.

In chapter 3, Merritt argues, that reflection-n is not a condition obtaining only once the subject is capable of having sensible experience. This is spelled out in terms of an account of «attention» as «the most basic engagement of agency» we need in order to have sensible experience, and hence «in order to be knowers at all» (p. 82). Reflecting-n, Merritt argues, realizes this basic epistemic agency, such that we could and should locate this type of reflection at every level of cognitive agency – not just at the level of deliberate action. This is still not over-intellectualizing sensible experience, since reflection-n is not the deliberative stepping back that asks what I should, prior to paying attention, direct my attention to. «Rather, a central question that the reflective person bears in mind, and continually returns to, is: *What am I paying attention to, and why?*» (p. 107). By reading the relation between reflection and attention in this way, Merritt aims to save e.g. sensible experience from the two-step caricature, which would have each instance of directed attention be a result of deliberate reflection and thereby over-intellectualizing the basic cognitive activity of ‘having experience’.

In the second part of the book, Merritt aims to integrate this account of reflection into the moral or practical reflective ideal. She does this by arguing for two theses: the *specification thesis* and the *skill thesis*. The highly original and (undoubtedly for some) provocative *specification thesis* is «that moral virtue is general cognitive virtue inflected for the specially practical use of cognitive capacities» (p. 113). As Merritt rightly notes, this thesis presupposes a certain view of reason as a single cognitive capacity, which admits of distinct theoretical and practical use. In chapter 4, Merritt starts out by presenting a plethora of textual evidence for this latter claim. She goes on to argue that such a view of reason as a single cognitive capacity allows us to recognize «some basic standard of its good use» (p. 121) which is nothing but the three maxims of healthy human understanding from chapter 2. This means, according to Merritt, that given the *specification thesis*, the three maxims amount to a «general standard of cognitive virtue» (p. 121). Arguing for this latter claim is the aim of chapter 5. In this tightly argued chapter, Merritt situates Kant in the debate on contemporary virtue epistemology in order to go on to argue that healthy human understanding counts as a notion of cognitive virtue, by showing first that it counts as good cognitive character and secondly that Kant is committed to a notion of good cognitive character as cognitive virtue.

Granting that Kant has a notion of general cognitive virtue and that this is the standard described by the three maxims of healthy human understanding is not enough, however, to grant the plausibility of the *specification thesis*. We still need an account of how this becomes relevant to actions in our practical life. In chapters 6 and 7, Merritt aims to better this situation by showing how it makes sense to view moral virtue as a specification of cognitive virtue. In a first step, Merritt argues for the *skill thesis*, i.e. that «moral virtue is a certain sort of ‘free’ skill – one governed by the adoption of morally obligatory, rather than discretionary ends» (p. 184). She starts by pointing to the often-overlooked distinction between unfree and free skills. While unfree skills are «based on necessitating habit» and function by «responding blindly and mechanically to stimuli» (p. 179), free skills, on the other hand, «embed reflection directly into the activity itself» (p. 174). Such skills «are fundamentally skills of judgment and discernment» (p. 169) which freely deploy the resources deemed most relevant in the situation. Importantly, according to Merritt, virtue is a special sort of free skill, which aims at morally obligatory ends rather than discretionary ends. The maxims of healthy understanding as general cognitive virtue are embedded into action as a free skill.

In the last chapter, Merritt turns to settle the question of the role of motivational force in this picture. Her strategy here turns on denying any substantive distinction between cognitive and motivational aspects of virtue. Virtue does involve strength, but strength here should not

be understood in terms of «a special force» for overcoming obstacles (p. 187). Merritt points us to the fact that, for Kant, the virtuous and holy will have the same kind of strength. Rather, the strength in question is to be understood in terms of the determinacy of a commitment to morality in general. Such determinacy on the skill model is exactly «the extent to which one can have a concretely action-guiding thought by means of it» (p. 188). Hence, there is no sharp distinction to be drawn between a cognitive and a motivational aspect of virtue.

Allow me now to turn to some critical remarks. Though I am sure the highly original and controversial nature of the second part of the book (in particular the specification thesis) will spark much debate, for reasons of space my focus will be on the first part of the book. I will focus on two points. First, Merritt's identification of reflection-c and pure apperception. It is not clear to me that Kant's definition of pure apperception and Merritt's definition of reflection-c are directly compatible. Secondly, Merritt's argument for and implementation of the distinction between reflection-c and reflection-n.

Throughout the first part of the book, Merritt repeatedly insists that reflection-c «is most basically pure apperception» (p. 24, cf. also pp. 15, 27-28, 49, 105-106). She finds her textual evidence for this claim in the *Anthropology* (AA VII 134n) where Kant speaks «of an “inner activity” by which “a concept (a thought) becomes possible” and calls that “reflection”». She goes on to say that Kant «also claims there that pure apperception is the self-consciousness “of reflection [der Reflexion]”: it is the consciousness of “the I as *subject* of thinking (in logic)”» (p. 27). It seems to me, however, that more needs to be said about the textual evidence for the identity of pure apperception and reflection-c than Merritt gives us in order to secure that point. Much of Merritt's case rest on a reading of §6 in the *Jäsche Logic*. There Kant gives us the following definition: «*reflection* [*Reflexion*], i.e. the reflection [*die Überlegung*] as to how various representations can be conceived in one consciousness» (AA IX 94). According to Merritt, we can conclude from this characterization that there is at most a notional distinction between pure apperception and reflection-c. This is because she takes it that the passage commits Kant to the view that reflection is the *source* of the unity of representation in consciousness. This, however, hinges on taking the unity brought forth in reflection to be identical to the unity of consciousness, which is far from clearly the case. Indeed, by Merritt's own lights, it is hard to see how reflection could *create* the unity of consciousness, for on her account, reflection proceeds by «comparing a given mental state against some broader whole» ultimately rejecting or endorsing that mental state given its compatibility with the whole (p. 46-47). These formulations suggest that, far from *creating* the unity of consciousness, *reflection must presuppose that unity of consciousness* as a standard against which to compare the unity of the representations it has created. It thus seems that, even on the terms of Merritt's own account, reflection-c is downstream of pure apperception, for reflection-c presupposes the unity of consciousness in order to get off the ground. On that picture, it cannot possibly be the case that reflection is «basically pure apperception».

Now, one could of course contest Merritt's particular account of reflection-c while still granting the textual and philosophical legitimacy of the distinction within which that account is situated – namely the distinction between reflection-c and reflection-n. However, neither Merritt's argument for, nor her implementation of this distinction is entirely unproblematic. Merritt finds the textual evidence for a division between reflection-c and reflection-n in Kant, in his distinction between pure and applied logic. On her account of that distinction, pure logic deals with the constitutive requirements on thought and applied logic deals with the normative requirements on thought. Given that Kant discusses reflection in the context of both branches of logic, Merritt's interpretation of the distinction between the two kinds of logic entails that Kant recognized a distinction between constitutive and normative constraints on reflection. Thus, Merritt's way of drawing the distinction crucially relies on a constitutivist reading of general logic. But, as I will show in what follows, that reading is problematic on

two counts: *first*, it feeds into a general problem with constitutivist readings of Kant's pure general logic; *second* it creates an exegetical problem for making sense of the status of transcendental reflection. Let me elaborate on these points in turn.

As Tyke Nunez has recently shown (*Logical Mistakes, Logical Aliens, and the Laws of Kant's Pure General Logic*, «Mind», 2018, doi: 10.1093/mind/fzy027) constitutivist accounts of logic such as Merritt's (what Nunez calls *formalist* accounts) are hard pressed to account for logical mistakes. Such accounts see the rules of pure general logic as constitutive for thought; and consequently any representation in violation of these rules is ruled out as non-thought. Now, presumably, logical mistakes are thoughts that violate the laws of logic in some way, which on a formalist account would render them not thoughts. But as Nunez goes on to point out, if a representation «is not a thought, then it is not governed by thought's laws, and thus these laws cannot dictate how it ought to be» (NUNEZ, *Logical Mistakes*, p. 13). If whatever I am doing when I commit logical fallacies is not a thought, i.e. not an exercise of the understanding, then the laws (constitutive or normative) of such an exercise did not apply to it in the first place. Thus, what I did was not a violation or misapplication of the laws of logic, hence not, strictly speaking, a logical *mistake*. This seems problematic for Merritt's account since any reflection (including reflection-c) should be able to operate with logical mistakes. Consider a case in which I in (logical) reflection compare two opposing concepts (e.g. 'being rectilinear' and 'having two sides'). Each concept by itself is perfectly consistent; if I try to combine them into one concept, however, i.e. if I try to think them together, I must ultimately reject the resulting concept (the rectilinear figure with two sides) as inconsistent since the two predicates are opposed. This reflection therefore did ultimately not lead to cognition but rather to the rejection of the proposed concept as 'nothing' since the predicates cancel each other out (*nihil negativum* cf. A 292 B 348). We have thus produced a representation that does not conform to the laws of general logic – and it is exactly the exercise of our understanding in reflection, which led to this realization.

These considerations are not to deny that Kant recognized a distinction between reflection-c and reflection-n – indeed, I find this distinction very helpful; they are only supposed to show that that distinction does not line up with the distinction between pure and applied logic. Above, I showed one problematic consequence of that alignment: it leaves Merritt's account hard pressed to explain how an exercise of reflection-c could produce a logical mistake. Now I want to turn to another problematic consequence. Aligning the reflection-c/reflection-n distinction with the distinction between pure and applied logic makes us miss a very fundamental feature of *transcendental* reflection: namely that it is something we do a priori. For, by restricting the normativity of reflection to applied logic, Merritt is implicitly committing herself to viewing reflection-n as necessarily empirically conditioned.

To see why, consider the following passage from the *Critique of pure Reason*. Applied logic, Kant says, is: «a representation of the understanding and the rules of its necessary use *in concreto*, namely under the contingent conditions of the subject, which can hinder or promote this use, and which can all be given only empirically» (A 54 B 78). Applied logic, according to Kant, is a logic based on the empirically contingent conditions of the subject. Such a logic, he says, «can never yield a true and proven science, since it requires empirical and psychological principles» (A 55 B 79). Applied logic is not just a logic applied to empirical data; it is a logic based on empirical principles. To be sure, Merritt does acknowledge that applied logic does not «abstract *entirely* from all empirical conditions under which our cognitive capacities are put to use» (p. 23, my emphasis). On her reading, «pure logic sets to one side certain facts about human psychology that make us liable not to make good use of our cognitive capacities» (p. 23). Applied logic, on the contrary, does not abstract from these facts but rather «is concerned with the problem of how to make good use of our cognitive capacities, having in full view our congenital tendencies to do otherwise» (p. 29). I am not sure, however, that this description sufficiently acknowledges Kant's description of the empirical nature of applied logic. We

should not forget that the «congenital tendencies» acknowledged by applied logic are «contingent conditions» that can only be given «empirically». If Merritt limits reflection-n to applied logic, she is committed to viewing such reflection as an empirically conditioned operation.

With these considerations in mind, we can return to the Kantian claim from which Merritt begins: «all judgments [...] require reflection». I think Merritt is entirely correct to hear Kant as claiming here that reflection is a *normative* requirement on all judgments; however, Kant's claim becomes problematic if, with Merritt, we restrict reflection-n to applied logic. Kant makes the claim just before he defines transcendental reflection. Indeed, it seems transcendental reflection is just the type of reflection that Kant thinks all judgments require. Compare [1] Kant's definition of the type of reflection all judgments require with [2] his definition of transcendental reflection (numeration are mine for ease of reference):

[A]ll judgments, indeed all comparisons, require a reflection, i.e., [1] a distinction of the cognitive power to which the given concepts belong. [2] The action through which I [2a] relate the comparison of representations in general to the cognitive power in which it is situated [*darin sie angestellt wird*] and through which [2b] I distinguish whether they are to be compared to one another [*ob sie ... unter einander verglichen werden*] as *belonging* to the pure understanding or to sensible intuition, I call transcendental reflection. (A 261 B 317, *my translation*)

Here the definition of transcendental reflection ([2]) seems to fit neatly with Merritt's general description of reflection. On Merritt's account reflection involved «comparing a given mental state» (the comparison of representations) «against some whole» (the cognitive power in which it is situated) ([2a]), and the «reflection itself» was a matter of «accepting or rejecting that given mental state depending on its compatibility with that whole» (pp. 46-47) ([2b]). Now, to be sure, [2] is a particularized form of [1]. Where [1] talks about all judgments, indeed all comparison of concepts, [2] spells out what such a comparison looks like under reflection. What [2b] does is to spell out in further detail the more fundamental operation of *distinguishing* whether the concepts compared *belong* properly to the understanding or whether they are actually conceptualized forms of representations given in sensible intuitions and thus properly should be compared as belonging or originating there. Thus, I think that there is a good case, which Merritt herself ought to accept, for thinking that when Kant claims that all judgments (normatively) require reflection, the mode of reflection at issue is specifically *transcendental* reflection.

Now, notice that transcendental reflection can be, and indeed is, performed a priori. Indeed, given the possibility of pure intuition, transcendental reflection can even be executed within the confines of (pure) transcendental logic. For one such example, think of Kant's critique of Leibniz' law of the identity of indiscernibles (A 263-264 B 319-320). Kant's point in this context is not that we need reference to empirical space in order to see Leibniz' misstep. All we need is reference to sensibility and the *possibility* of a non-pure use of the understanding, since «multiplicity and numerical difference are already given by space itself as the condition of outer appearances» (A 263-264 B 319-320). We should take care to notice an important distinction here. Of course, locating two actual empirical drops of water in space and thereby distinguishing the two is an empirical task. However, knowing in principle that two objects with the same conceptual determination can nevertheless be numerically distinct (e.g. given different locations in space) can be done a priori. All we need for that is reference to sensibility as a cognitive source different from the understanding.

This, however, is at odds with Merritt's reading of reflection-n as belonging to applied logic. Applied logic, as I argued above, is not merely a logic allowing for reference to empirical data, but a logic *based on empirical principles*. And, as I have shown, transcendental reflection is a normative as well as a *a priori* operation. But this is strictly at odds with an interpretation of reflection-n as being dealt with only by applied logic. Merritt's account forces us to ignore either the a priority of transcendental reflection or the empirical nature of applied logic. Hence, I

think there are strong textual reasons, pace Merritt, for expanding the scope of the normative requirement to reflect beyond applied logic.

These critical remarks notwithstanding, there can be no doubt that Merritt's book makes a compelling case for thinking that the disparate occurrences of the terms *Reflexion* and *Überlegung* throughout the Kantian corpus are in fact manifestations of a unified and complex theory, which embeds theoretical cognition within the context of practical life. The book thus offers a highly original framework for thinking about the relationship between Kant's practical and theoretical philosophy, which gives us a renewed appreciation of the continuity that Kant saw between our cognitive and moral life. In addition, reading the book as an attempt to save the Kantian reflective ideal from the tired caricature of the two-step over-intellectualization also provides significant systematic insights into the still underexplored nature of reflection.

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COMPOSTO IN CARATTERE SERRA DANTE DALLA
FABRIZIO SERRA EDITORE, PISA · ROMA.
STAMPATO E RILEGATO NELLA
TIPOGRAFIA DI AGNANO, AGNANO PISANO (PISA).

★

Dicembre 2019

(CZ 2 · FG 21)



