“The Source of All Lawgiving”

I have two aims in this paper: first, to provide a juridical interpretation of the transcendental deduction that Kant offers in the *Critique of Pure Reason*; and second to provide a transcendental interpretation of the central argument that Kant gives in the *Doctrine of Right*.  The transcendental deduction begins and ends with explicitly juridical language: the deduction is said to be the *quid iuris* for categories, which establishes “by what right” we employ them; it concludes having established that right that the understanding is the “lawgiver of nature.”  Many interpreters have characterized Kant’s juridical vocabulary as metaphorical and assigned various aims to his use of it.  I propose to take it at face value, and to argue that the “principles for any possible giving (*Gesetzgebung*) of positive law”  explain the structuring principles of the understanding as “lawgiver (*Gesetzgebung*) of nature.”  In both cases, their status as laws, that is, as things that represent a connection, whether between private rightholders, such as the parties to a contract, or between distinct things, such as a cause and its effect, or a substance and its accidents,  depends on the same type of deduction.

Throughout the critical period, Kant describes both transcendental philosophy and jurisprudence as architectonic, because particular claims within them depend upon their successful integration into a consistent system.  He also regards both as fundamentally focused on dispute resolution: the *Critique* begins and ends with the vocabulary of war and peace; the *Doctrine of Right* takes as its central focus cases in which rights are in dispute.  Understanding the laws under which those disputes could be resolvable and identifying the class of disputes that cannot be resolved is the common subject matter of jurisprudence and transcendental philosophy. The critical philosophy is supposed to bring perpetual peace to the battlefield of metaphysics by establishing the terms on which claims can be established; perpetual peace is the “final end” of the doctrine of right because peace provides the only basis on which claims can be secured under law.  In each case, despotic claims are the source of conflict.  Law and transcendental logic are characterized as unlike navigation, distinctive in their need for rational rather than merely historical knowledge of their subject matter.