

## Theme and variation:

Foucault's historical apriority as criticism of Kant's concept of a priori  
Marita Rainsborough

**Como citar:** RAINSBOROUGH, M. Theme and variation: Foucault's historical apriority as criticism of Kant's concept of a priori. *In*: SANTOS, L. R.; LOUDEN, R. B.; MARQUES, U. R. A. (org.). **Kant e o A Priori**. Marília: Oficina Universitária; São Paulo: Cultura Acadêmica, 2017. p. 313-324.

DOI: <https://doi.org/10.36311/2020.978-85-7983-928-3.p313-324>



All the contents of this work, except where otherwise noted, is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Unported.

Todo o conteúdo deste trabalho, exceto quando houver ressalva, é publicado sob a licença Creative Commons Atribuição - Uso Não Comercial - Partilha nos Mesmos Termos 3.0 Não adaptada.

Todo el contenido de esta obra, excepto donde se indique lo contrario, está bajo licencia de la licencia Creative Commons Reconocimiento-NoComercial-CompartirIgual 3.0 Unported.

# **THEME AND VARIATION: FOUCAULT'S HISTORICAL APRIORITY AS CRITICISM OF KANT'S CONCEPT OF A PRIORI**

*Marita Rainsborough*

## **INTRODUCTION**

Current criticism is focusing on a priori knowledge and the differentiation between a priori and a posteriori knowledge, in particular with regard to their objectives and their significance. The starting point for a consideration of a priori knowledge and the differentiation between a priori and a posteriori is, as a general rule, a “background theory of knowledge (or justification).”<sup>1</sup> (CASULLO, 2013, p. 250). The focus in this context is on a correct interpretation of the objectives of the concept being criticised and, in addition to differentiating between varying forms of knowledge, simultaneously on an appropriate characterization of knowledge in general. Foucault's criticism of Kant's concept of a priori knowledge develops into both a new concept of a priori knowledge and the differentiation between a priori and a posteriori as well as also a new concept of knowledge in general. By limiting a priori knowledge in the sense of formal knowledge to the field of mathematics and logic as the condition for valid judgements and the subordination of this field to the historical a priori, which provides the conditions under which formal structures such as mathematical formulae may occur in specific historical situations in accordance with the rules of discursive practice, the conditions of reality for knowledge are subjected to certain historical conditions. Foucault argues that the position of a priori knowledge continues to be logical, coherently justifiable and significant – however only within the context of the concept of its historiography. Does Foucault succeed in refuting the wide-ranging criticism of a priori knowledge by means of <https://doi.org/10.36311/2020.978-85-7983-928-3.p313-324>

his new formulation of the a priori? Does he interpret Kant's theory of apriority adequately in this context? Is he able to overcome Kant's theoretical implications, which, by characterizing human cognitive faculties as transcending time, result in an anthropological definition, and once again rehabilitate a priori knowledge?

### **KANT'S APRIORITY AND THE CONCEPT OF *ACQUISITIO ORIGINARIA***

Kant's doctrine of the natural acquisition of a priori knowledge is simultaneously a criticism of the doctrine of innate ideas as expounded by, for example, Plato and Descartes, and of the empirical view of aposteriority represented by Aristotle or Hume. Kant's theory can be seen as a theory which mediates between empiricism and innatism, the latter both in the form of the concept of existing as well as also potentially inborn ideas.<sup>2</sup> Oberhausen (1997, p. 129) writes in this context of Kantian conciliatory thought.<sup>3</sup>

Kant's doctrine of the *acquisitio originaria* is not a completely new theory on the origins of cognition drawn from a radical rejection of all traditional explanations. Kant rather more combines elements of the empirical with elements of the innatist approach. In his own understanding he thus reconciles empiricism with innatism. (OBERHAUSEN, 1997, p. 132).

This theory of the natural acquisition of apriority is demonstrated particularly clearly in the following quotation taken from Kant's work:

Nevertheless, in the case of these concepts [sc. space, time and the categories], as in the case of all cognition, we can search in experience if not for the principle of their possibility, then for the occasional causes of their generation, where the impressions of the senses provide the first occasion for opening the entire power of cognition to them and for bringing about experience, which contains two very heterogeneous elements, namely a *matter* for cognition from the senses and a certain *form* for ordering it from the inner source of pure intuiting and thinking which, on the occasion of the former, are first brought into use and brings forth concepts.<sup>4</sup> (B 118 in OBERHAUSEN, 1997, p. 118).

This theory addresses aspects concerning issues of the origin and validity of cognition and their extent. According to Kant, a priori ideas develop independently of objects deriving from the rules or laws of cognition; the nature

of the power of cognition and/or cognitive capacities;<sup>5</sup> through experience respectively on the ‘occasion of experience’.<sup>6</sup>

Sensory impressions initiate action on the part of human reason; action which consists of the ordering of these impressions according to logical rules and laws. These rules, which are intrinsically integral to reflecting human understanding as a force, originate from a priori terms resulting from this activity. Put in other words – pure terms originate from the implementation of the *usus intellectus logicus*. (OBERHAUSEN, 1997, p. 117).

He continues, “The acquisition of space and time, pure forms of intuition, takes place analogue to this process.” (OBERHAUSEN, 1997, p. 117). They also presuppose sensory impressions. Kant writes on this subject, “That all our cognition begins with experience is undoubted; how else should the exercising of the cognitive faculty be awakened if not by things which touch our senses [...]? *According to time* no cognition within us precedes experience, which is the beginning of everything” (B1). Oberhausen notes, “The laws of reason define cognition a priori.” (OBERHAUSEN, 1997, p. 105). Kant’s a priori can thus, as Oberhausen correctly establishes, not be viewed simply as synonymous with inborn in the sense of the doctrine of inborn ideas<sup>7</sup> as is the case when Kantian theory is interpreted as a variation of innatism. In his theory of acquisition Kant attributes a priori ideas to rules of thought, thus formal logic becomes the basis of transcendental logic. Logic for Kant is an a priori science; he no longer bases it in ontology. “Kant thus achieves the derivation of categories from the forms of judgement and ideas from the forms of conclusion contained in *The Critique of Pure Reason*, the so-called metaphysical deductions, on the basis of his theory of acquisition.” (OBERHAUSEN, 1997, p. 38). For Oberhausen, the *acquisitio originaria*<sup>8</sup> represents on the one hand a ‘background theory’ which was never fully developed and, on the other, the key to the epistemological turning point of 1772. (OBERHAUSEN, 1997, p. 37). It allows Kant to avoid referencing God, who, as for example in Descartes’ work, authenticates the validity of inborn ideas.<sup>9</sup> Kant rejects the “referencing of God as the explanation for the origin and validity of cognition”; merely assuming the validity of the laws of cognitive faculty on which these are based by reason of their nature. He does, however, insofar refer to a connection to the doctrine of the inborn idea by rejecting “a purely empirical explanation for the origin of cognition.” (OBERHAUSEN, 1997, p. 114). This thus explains why Kant continues to employ certain terms derived from the doctrine

of the inborn idea. (Cf. OBERHAUSEN, 1997, p. 114). “The turning away from the basing of logic on ontology, which had, to all purposes, already been carried out by Reimarus, had, sooner or later, to result in a fundamental reassessment of the relationship between the logical truth of terms and statements concerning the metaphysical truth.”<sup>10</sup> (OBERHAUSEN, 1997, p. 111).

Together with the term *acquisitio derivativa* the term *acquisitio originaria* derives from natural law and thus juristic/juridical diction.<sup>11</sup> Kant transplants the term *acquisitio originaria* to the sphere of epistemology. “The manner in which Kant transplants the term *acquisitio originaria* from its established sphere to a completely new one of epistemology can, over and above this, serve as an example of Kant’s idiosyncratic method of coining terms.” (OBERHAUSEN, 1997, p. 121). Kant himself refers to this conceptual origin in legal discourse:

The Critique admits absolutely no implanted or inborn *ideas*. One and all, whether they belong to intuition or to concepts of the understanding, it considers them as *acquired*. But there is also an original acquisition (as the teachers of natural right call it), and thus of that which previously did not yet exist at all, and so did not belong to anything prior to this act. According to the Critique, these are, *in the first place*, the form of things in space and time, *second* the synthetic unity of the manifold in concepts; for neither of these does our cognitive faculty get from objects as given therein in themselves, rather it brings them about, a priori, out of itself (*Discovery* BA 68).<sup>12</sup> (OBERHAUSEN, 1997, p. 123).

The metaphysical deduction<sup>13</sup> of the categories based on forms of judgement relates to the aspect of the origins of ideas and, according to Oberhausen, has a place-holder function as regards the theory of *acquisitio originaria*, whereby the, in some cases, absence to a large extent of the term in Kant can be explained.

Kant’s a priori theory encompasses the a priori forms of sensualism, space and time; the a priori ideas of the intellect and reason; the categories and the ideas which “determine the use of reason in the entirety of all experience according to principles”.<sup>14</sup> Apriority can, according to Kant, be defined by its determination; by thought itself and by the independence of experience; through purity – its characteristics are necessity and strict generality – and it displays an affinity to logic.

The laws of logic, for Kant, preserve truth in the sense that they preserve truth about the world as we understand it. Thus, we can see that Kant is giving us a transcendental argument for the apriority of logical principles. No world would be comprehensible to us if it did not incorporate some logical principles. And these must be the same as the principles that we use to comprehend things. Thus, we constitute the empirical world in accordance with our principles of logic. (MARES, 2011, p. 171).

According to Kant, a statement concerning things is, in itself, impossible. The search for purely a priori forms of knowledge, in particular with regard to synthetic judgements which expand knowledge, is linked to Kant's attempt to create a philosophy within the scope of which metaphysics is accorded a scientific status, i.e. goes beyond speculative knowledge, allowing a clear differentiation to be made between knowledge and belief. Purity, necessity and strict generality as criteria for this type of knowledge guarantee trans-temporal certainty and validity. In addition to theoretical knowledge, practical action by means of the categorical imperative is also based on a priori knowledge,<sup>15</sup> just as, in the *Critique of Judgement*, the term is used to substantiate teleological knowledge, which forms the basis of the Kantian philosophy of history. It is thus possible to differentiate in Kant's work between epistemological, ethical and aesthetic/teleological apriority. In contrast to Foucault Kant views a priori knowledge as, by virtue of its truth respectively certainty, dependability and universal validity, primarily knowledge providing the foundation for all areas of philosophy; for the concept of philosophy itself and regarding human beings in the anthropological and political context. The basis for this is his concept of man as a citizen of two worlds, as *homo phaenomenon* of the sensory world and as an intelligible being (*homo noumenon*).

### **FOUCAULT'S HISTORICAL A PRIORI AS A CRITICISM OF KANT'S APRIORITY**

Today's alternative concepts of geometry, arithmetic and logic display a historical rootedness in the Kantian view of apriority. "It seems that Kant's view has the same problem with logic as it does with geometry." (MARES, 2011, p. 172). Kant's concept of space remains rooted in Euclidean geometry; his concept of time within the scope of the idea of the infiniteness of the world – a world without beginning or end – contradicts current physical models: "The same

complaint can be made about Kant's view of time. Our intuition of time, Kant claims, is of something with infinitely long duration and no start. It may be that, in fact, time had a starting-point in the Big Bang, and may well have an end in a big crunch." (MARES, 2011, p. 181). Foucault's criticism of the Kantian assumption of a specific inventory of the a priori forms of sensualism; the categories of understanding and the ideas of reason based on the use of rules and/or laws of cognitive powers whose analysis allows a complete listing of a priori forms, terms and ideas through their referencing of formal logic allows an innovative understanding of apriority to become clear in Foucault's work. His referencing of Kant's apriority can be understood as a historiography of the Kantian ideas of a priori; a form of the "theory of the relative a priori." (Cf. MARES, 2011, p. 122). Foucault writes of an 'épistémologie historique' (Cf. GORIS, 2014, p. 3). According to Foucault, apriority is subject to continuous societal and historical changes and can, also in its scope, only be more clearly conceived of within the scope of complex analytical procedures. This function is performed by discourse analysis, itself based on empirically given material, in an archaeological process which is, additionally, supplemented by a genealogical process of power analysis. In Foucault's work knowledge proves itself to be formed by discourses which are based on specific rules of formation, also offering subject positions for the individual, which in turn are subject to specific power strategies.

While Kant primarily bases his deduction of a priori ideas on logic, Foucault takes as his starting point the historic material of a given archive which contains all the rules characterizing a discursive practice and which he views as the entirety of the factually formulated discourses of an epoch. In this context, Foucault not only takes into consideration linguistics; practices and rituals – the medial basis is also incorporated by means of the 'dispositif'. The examination of monuments results in the development of fundamental categories, rules, relationships, subject positions, etc. for an era. Foucault seeks in particular to identify the rules of in- and exclusion; of the distribution of standpoints and their scarcity through which the discourses of an era are structured. In this context fundamental statements are not only of a linguistic nature but rather can, for example, take the form of graphic curves or mathematical formulae. In contrast to Kant Foucault's concern is not to undertake a precise examination of the specificity of individual cognitive powers but rather to identify their structuring according to fundamental, historically differing rules of formation in cognitive processes within the scope of which they are likewise addressed. Space and time

in Foucault's work, for example, are thus not solely sensory concepts but rather phenomena which are linked to all cognitive abilities and, in historical terms, are differently conceived of and shaped. For Foucault the history of knowledge is also the history of space; he combines space and the ordering of knowledge. He develops a topological foundation for all thought; Foucault's theory of space must thus be viewed as the basis for understanding his philosophy overall. The absolutely unthinkable respectively the unspeakable of an era cannot be contained in its knowledge system; it can only appear on the fringes. Discourses must thus be organized according to rules which are specific to a given epoch in order for them not to be excluded from the sphere of the speakable, thus, for example, to be considered as madness. The outcome is an order of things based on time-specific oppositions such as, for example, true and false, normal and pathological, reasonable and mad. The outcome is a historical a priori which defines the cognitive possibilities of an epoch. The endowment with reason itself is subject to historical conditions.

In *The Order of Things* Foucault defines the term 'historical a priori'<sup>16</sup> as follows:

"This a priori is what, in a given period, delimits in the totality of experience a field of knowledge; defines the mode of being of the objects which appear in that field; provides man's everyday perception with theoretical powers and defines the conditions in which he can sustain a discourse about things which is recognized to be true."<sup>17</sup> (FOUCAULT, 1974, p. 204).

He defines the three epistemes of similarity, representation and man<sup>18</sup> as the respective historical a priori of the historical eras of the Renaissance, the Classical age and the modern era.<sup>19</sup> In addition to this, he clarifies the term within the context of his methodological work *The archaeology of knowledge* in the chapter 'The historical a priori and the archive', in which he presents his method of archaeology and clarifies the central terms such as discourse, discursive formation, statement, archive, etc.

Moreover, this a priori does not elude historicity: it does not constitute, above events, and in an unmoving heaven, an atemporal structure; it is defined as the group of rules which characterize a discursive practice [...]. The a priori of positivities is not only the system of a temporal dispersion; it is itself a transformable group. (FOUCAULT, 1981, p. 185).



Each archaeological analysis poses the question of its fundamental historical a priori, “What historical a priori provided the starting-point from which it was possible to define the great chess board of distinct identities established against the confused, undefined, faceless and, as it were, indifferent background of differences?” (FOUCAULT, 1974, p. 27). He also poses the question, “What were the conditions for this emergence; the price which, as it were, had to be paid for this, its consequences on the real and the manner in which the linking of one specific with specific modalities of the subject for an era, for an area and for given individuals allowed the historical *a priori* to constitute a possible experience.”<sup>20</sup> (FOUCAULT, 2005, p. 778). The search for conditions leaves room for the question of power. Foucault’s concept stands in the tradition of criticism of the Kantian understanding of the a priori which, although it attacks this understanding’s transtemporal validity, however wishes to retain the constitutive character for cognition as the requirement for the possibility of knowledge and thus Kant’s transcendental question.<sup>21</sup> “What we end up with, in this tradition, is thus a relativized and dynamical conception of the a priori [...], but which nevertheless retain the characteristically Kantian constitutive function of making the empirical natural knowledge thereby structured and framed by such principles first possible.” (FRIEDMAN, 2008, p. 370). In this regard, Foucault’s theory of the historical a priori demonstrates similarities to Thomas Kuhn’s theory of the paradigm shift (KUHN, 2012). Kuhn also references Kant:

Though it is a more articulated source of constitutive categories, my structured lexicon [= Kuhn’s late version of ‘paradigm’] resembles Kant’s a priori when the latter is taken in its second, relativized sense. Both are constitutive of *possible experience* of the world, but neither dictates what that experience must be. [...] The fact that experience within another form of life – another time, place, or culture – might have constituted knowledge differently is irrelevant to its status as knowledge. (KUHN, 1993, p. 331f.).

While Kuhn primarily focuses on the history of science and paradigms which evoked its changes over time, Foucault is, over and above this, concerned with the constitution of knowledge in general; he presents a new, modified form of epistemology which does not take its cue from the cognitive subject and incorporates practices of the constitution of knowledge and the handling of knowledge. Foucault’s apriority is thus simultaneously linked with a new conception of the subject.

## CONCLUSION

While in Kant's work, as in Foucault's, the acquisition of a priori cognition increases with experience, Kant envisages the activation of a specific inventory of pure forms, terms and ideas, while in the case of Foucault a historical openness of the a priori must be assumed which even human beings, as epistemes, are subject to. It is not the endowment of the human cognitive ability which is examined but rather the defined structuring of discursive formations. These include the historically variable constitutive conditions of the subject itself to an equal extent. The archaeological search for historical a priori is thus a continuous task, representing, in particular with regard to the relevant present, a socio-political function and, in terms of our own formation, also an ethical-political one. While Foucault initially identifies epistemes as epoch-structuring historical a priori, he differentiates between types of historical a priori for individual discourses, which become increasingly more precise in their diversity and particularity. In contrast to Kant's apriority, which concerns in equal measure the concept of the subject, ethics, aesthetics and socio-historical processes in general, Foucault transfers his concept of historical apriority to his theory of knowledge; does not, however, apply it to the field of power, a fundamental theory in his philosophy. In Foucault's work apriority remains primarily linked to the field of cognition and to processes relating to the formation of the subject. While Kant, for example with regard to ethics, questions the generalizability of personal maxims and views moral laws, the categorical imperative, as a given in a priori terms, for Foucault ethics are sited in particular in the application of self-technologies for the forming of the self, also as a moral subject in the socio-historical context and linked to the concept of life as art. Foucault differentiates between historical forms of power and historical combinations of forms of power, his discursive analytical instruments are not, however, made accessible for his genealogical work and referenced to the power practices which constitute them. While in Kant's work the concept of apriority must be viewed as constitutive for his entire philosophy, in Foucault's case it remains primarily limited to discursive analysis and thus to the field of knowledge. In other areas Foucault only discusses the idea of historicity and processuality in general without further modifying, developing and specifying the concept of apriority. The link between knowledge, power and subject could, taking the concept of historical apriority as its starting point, be defined more precisely and further developed. It can thus be concluded that Foucault does not give sufficient consideration to Kant's apriority, failing to exploit

any possible lessons to be derived from Kant – also in terms of critical content. Seen from a different perspective, Foucault's drawing of boundaries with regard to the usability of the concept of apriority can be understood in the sense of the Kantian critical stance. The concept is subjected to a pragmatic reduction of its radius of application and thus also its usability and significance. The apriority resulting from Foucault's work is, in the final instance, a paradigmatic consolidation of experience; is an apriority in aposteriority.

## REFERENCES

- BROCKER, M. *Kants Besitzlehre. Zur Problematik einer transzendentalphilosophischen Eigentumslehre*. Würzburg: Königshausen & Neumann, 1997.
- CASULLO, A. Articulating the A Priori-A Posteriori distinction. In: \_\_\_\_; THURLOW, J. C. (Ed.). *The A priori in Philosophy*. Oxford: Oxford University Press, 2013. p. 249-273.
- FOUCAULT, M. *Die Ordnung der Dinge: Eine Archäologie der Humanwissenschaften*. Frankfurt am Main: Suhrkamp, 1974.
- \_\_\_\_. *Archäologie des Wissens*. Frankfurt am Main: Suhrkamp, 1981.
- \_\_\_\_. Die wissenschaftliche Forschung and die Psychologie. In: \_\_\_\_\_. *Schriften in vier Bänden: Dits et Ecrits*. Band I: 1954-1969. Edition Daniel Defert and François Ewald. Frankfurt am Main: Suhrkamp, 2001. p. 196-222.
- \_\_\_\_. Foucault. In: *Schriften in vier Bänden: Dits et Ecrits: Band IV: 1980-1988*. Edition Daniel Defert and François Ewald. Frankfurt am Main: Suhrkamp, 2005. p. 776-782.
- FRIEDMAN, M. Transcendental philosophy and Apriori knowledge: a neo-Kantian perspective. In: BOGHOSSIAN, P.; PEACOCKE, C. (Ed.). *New essays on the A priori*. Oxford; New York: Oxford University Press, 2008. p. 367-383. (Reprinted).
- GORIS, W. L' a priori historique chez Husserl et Foucault. In: *Philosophy: Foucault: a priori, phénéménologie et histoire de la raison*. Paris: Les Éditions De Minuit, 2014. n. 123. p. 3-27.
- KANT, I. *Gesammelte Schriften*. Bd. 1-22. Preußische Akademie der Wissenschaften. Bd. 23. Deutsche Akademie der Wissenschaften zu Berlin; ab Bd. 24. Berlin: Akademie der Wissenschaften zu Göttingen, 1900.
- KUHN, T. *The Structure of scientific revolutions*. Chicago: University of Chicago Press, 2012.
- \_\_\_\_. Afterwards. In: HORWICH, P. (Ed.): *World changes: Thomas Kuhn and the nature of science*. Cambridge, MA: MIT Press, 1993. p. 311-339.
- MARES, E. *A Priori*. Durham: Acumen Publishing, 2011.
- OBERHAUSEN, M. *Das Neue Apriori: Kants Lehre von einer 'ursprünglichen Erwerbung' apriorischer Vorstellungen*. Stuttgart, Bad Cannstatt: Frommann-Holzboog, 1997.

## NOTAS / NOTES

- <sup>1</sup> In this regard, Casullo differentiates between theory-neutral and theory-dependent arguments.
- <sup>2</sup> “When Kant describes his doctrine of the origins of a priori thought as *acquisitio originaria* he is, on the one hand, thus making clear in what is almost a polemic manner that these ideas are *acquisiti* and thus cannot be inborn. On the other, while these ideas may be acquired, they are not, however, *derivative* from the senses as are empirical ideas, but rather *originaria* since they do not derive ‘from things’ but rather our cognitive capacity brings them ‘out of themselves as a priori’ (*Discovery* BA 68).” (OBERHAUSEN, 1997, p. 127). This quote from Oberhausen as well as all subsequent quotations from German texts are translated by Alison Fry.
- <sup>3</sup> “The aspiration to solve contentious issues not by the mere refutation of one or more stances but rather to reconcile both conflicting viewpoints with one another following impartial examination, thus overcoming the dispute from the inside out, is an expression of the fundamentally conciliatory attitude which Kant shares with his peers.” (OBERHAUSEN, 1997, p. 129). In this context Oldenburg refers to Herman Schmalenbach’s work *Leibniz* (1921). Kant himself writes on this subject, “When men of good understanding [...] state absolutely contrary opinions, then in accordance with the logic of all probabilities it is appropriate to direct the greatest attention to a certain middle way which allows both parties to remain in the right to a certain extent” (A 23f.). Hinske attributes Kant’s antithesis to the Protestant controversy theory of the 17<sup>th</sup> and 18<sup>th</sup> centuries. See also his essay *Kant’s Weg*.
- <sup>4</sup> Oberhausen argues that there is a certain similarity between Leibniz’ concept of a virtual inborn cognition and Kant’s idea of the *acquisitio originaria*. (OBERHAUSEN, 1997, p. 119). Leibniz is, however, not the only author in the history of philosophy to have adopted the premise of the potentially inborn idea. This theory of the dependency of Kantian argumentation on Leibniz’ theory is, for this reason among others, not undisputed among researchers.
- <sup>5</sup> Kant’s theory of laws which, independent of objects, have their origins in the nature of the power of cognition respectively the cognitive faculty, are based on Reimarus, who developed these ideas. (Cf. OBERHAUSEN, 1997, p. 105). “The question which, as a result, inevitably occurs concerning how definitions and statements correspond to the objects themselves is one which Reimarus admittedly did not pose but rather Kant.” (OBERHAUSEN, 1997, p. 106). He continues, “Kant was the first person to think the thought of the autonomy of reason through to the end and, by problemizing this congruence between laws of thought and nature, to identify the consequence of autonomizing reason.” (OBERHAUSEN, 1997, p. 106).
- <sup>6</sup> Kant used the formulation ‘on the occasion of experience’ for the first time in 1766 in his essay *Träume eines Geistersehers* [Dreams of a Spirit-Seer]. (Cf. OBERHAUSEN, 1997, p. 115). “Experience is not the source of these terms but rather merely the cause for initiating the activity of the human mind. During this process pure terms are generated which are thus originally acquired.” (OBERHAUSEN, 1997, p. 115). Kant does not, however, yet attribute any positive guidance of cognition to the pure terms in this essay. (Cf. OBERHAUSEN, 1997, p. 116). “The occasion of experience’ has, since Plato, also been constitutive for the doctrine of the inborn idea, which Kant does not, however, elaborate in his philosophic-historical argumentation. Oberhausen argues that this enables Kant to present his theory as a solution. “By integrating the momentum of the ‘occasion of experience’ into his approach he is able to present his theory of the *acquisitio originaria* as a model for conciliation and thus as the solution of the old dispute between innatism and empiricism.” (OBERHAUSEN, 1997, p. 134). This hypothesis, however, is of a speculative nature and imputes a dishonest handling of the history of philosophy to Kant.
- <sup>7</sup> Oberhausen writes on this subject in Note 19, “Nevertheless the shortsighted equating of Kant’s a priori with the inborn evidently persists.” (OBERHAUSEN, 1997, p. 28).
- <sup>8</sup> Kant had already developed the basic idea for this theory in Paragraph 8 of his inaugural dissertation of 1770, first describing it as the *acquisitio originaria* in a polemical pamphlet aimed against Eberhard in 1790. “[T]he passage in the polemical pamphlet of 1790 is the only one in which Kant himself terms his theory of the origin of a priori thought as *acquisitio originario*, whereby it can, in this context, also be assumed that the reason was the purely external one of being forced to engage with the opponents of his philosophy.” (OBERHAUSEN, 1997, p. 122).

- <sup>9</sup> Oberhausen writes in this context, “His principal objection is, however, that the assumption that certain ideas are God-given is incorrectly derived from an explanation which makes any further enquiry impossible, thus ruining philosophy.” (OBERHAUSEN, 1997, p. 76). This type of explanation can be attributed to laziness and convenience.
- <sup>10</sup> Oberhausen asserts that Kant continued to assume the congruence between laws of thought and laws of things until 1772. “Not until 1772 does Kant draw the necessary conclusion from the autonomizing of reason and invert the relationship between the logical and the metaphysical truth by, to use the well-known phrase from the preface to the second edition of the *Critique of pure reason*, only cognizing in things that which we place in them.” (OBERHAUSEN, 1997, p. 112). Oberhausen continues, “The doctrine of the *acquisitio originaria* is, however, based not only on this central change of direction in Kant’s thinking but rather more also supplies the solution for the problem of defining in their entirety the terms used to constitute the world of phenomena.” (OBERHAUSEN, 1997, p. 112). And: “Kant’s so-called metaphysical deduction, the derivation of categories from types of judgement and of ideas from types of conclusion, is thus nothing more than the comprehension of the *acquisitio originaria* of these terms.” (OBERHAUSEN, 1997, p. 112). The same applies to the *facultas cognoscendi inferior*, sensualism, with its pure forms space and time, which have their origins in the original establishment of this power of cognition. (OBERHAUSEN, 1997, p. 113). The laws of cognitive faculty may be inborn, “this may not, however, be understood in the sense that God created or implanted them.” (OBERHAUSEN, 1997, p. 113).
- <sup>11</sup> In Paragraph 10 of the doctrine of *The metaphysics of morals* Kant writes, “I acquire a thing when I act (efficio) so that it becomes mine. – An external thing is originally mine when it is mine even without the intervention of a juridical act. An acquisition is original [recte: an original acquisition, however, is] original and primary when it is not derived from what another had already made his own. There is nothing external that is as such originally mine; but anything external may be originally acquired when it is an object that no other person has yet made his.” (AB 76). On Kant’s term ‘original acquisition’ in the doctrine see: BROCKER, M. *Kants Besitzlehre. Zur Problematik einer transzendentalphilosophischen Eigentumslehre*. Würzburg: Königshausen & Neumann, 1997, p. 103. Oberhausen believes that the origins of the theory of original acquisition in the context of the development of legal doctrine is probable. (OBERHAUSEN, 1997, p. 129).
- <sup>12</sup> “He then identifies this ‘original acquisition’ according to its Latin counterpart ‘acquisitio [...] originaria’ (BA 71).” (OBERHAUSEN, 1997, p. 123).
- <sup>13</sup> In common with ‘antinomy’ the term ‘deduction’ is also derived from a jurisprudential respectively a legal philosophy vocabulary. (Cf. OBERHAUSEN, 1997, p.123).
- <sup>14</sup> Kant, *Critique of Pure Reason*, tr. Dial. 1, 2<sup>nd</sup> Para. (I 334–Re 402); and – in a derived form – postulates, which presume a deduction of synthetic a priori propositions.
- <sup>15</sup> “The success of the Kantian project, however, rests on the derivation of the general moral principle from the supposed facts about good souls or humans as a source of values.” (MARES, 2011, p. 152). Mares comments further on Kant’s apriority in moral philosophy: “As in the case of Kant’s theoretical philosophy, we can criticize the transcendental arguments themselves, but the attempt to find objective moral principles without postulating a mind-independent moral reality is admirable. As we shall see in the next chapter, the attempt to do this in moral philosophy is much more plausible than Kant’s very similar attempt to give a foundation for logic.” (MARES, 2011, p. 153).
- <sup>16</sup> Foucault already uses the term ‘historical a priori’ in 1957 in his essay ‘Scientific research and psychology’. In it he writes on a “historical a priori of psychology” (FOUCAULT, 2001, p. 197).
- <sup>17</sup> To do so he examines the three fields of affluence, natural history and general grammar.
- <sup>18</sup> In Kant’s philosophy man as a citizen of two worlds becomes a historical a priori as episteme which is based on modern human sciences.
- <sup>19</sup> He dates the Renaissance as lasting from approx. 1500 to approx. 1650; the Classicist era from approx. 1650 to approx. 1800 and the humanist age from approx. 1800 onwards.
- <sup>20</sup> In 1984 Foucault contributed an article to an encyclopaedia of philosophy concerning his own philosophy, which is the source of this quotation.
- <sup>21</sup> Kant writes, “I call all cognition transcendental which is occupied not so much with objects but rather with our *mode of cognition* of objects *insofar as this is to be possible a priori*.” (KrV, B 25).