# CAN OBJECTIVITY BE GROUNDED IN SEMANTICS?

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SUMMARY: I. *Introduction*. II. *Simchen's Transcendental Deduction of Objetivity*. III. *Simchen's Semantics*. IV. *Connecting Simchen's Semantics to Simchen's Transcendental Argument for Objectivity*.

## I. INTRODUCTION

There are two topics examined in Professor Simchen's paper. The first and metaphysical topic is the sense in which our judgments in science, ethics, and law might be *objective* and how one should argue for objectivity in that sense. The second topic, this one in the philosophy of language, is about the central question for that discipline: what is the meaning of the terms used in a natural language such as English, and how did such terms acquire such meanings?. It seems to be a central organizing principle of the paper that answering the questions in the philosophy of language will help in answering the questions in metaphysics.

At the close of these comments I shall return to discuss the connection between the two topics. Before doing that it would be well to discuss the topics separately, which I plan to do, starting with the metaphysical question of objectivity.

## II. SIMCHEN'S TRANSCENDENTAL DEDUCTION OF OBJECTIVITY

Simchen puts aside what he calls the "oppositional approach" to metaphysical questions.[1] On this approach —of which I take myself to be an

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[1] Simchen, Ori,"Metasemantics and Objectivity", this volume, p. 719.

exemplar—[2] one isolates a class of judgments, seeks the facts that could make such judgments true, asks whether such facts exist and if so, whether their existence is independent of human belief and convention. The existential and mind-independence questions classify one as a realist, a skeptic, or an idealist of some kind about such facts. One separately addresses the epistemological question of how one discovers and grasps facts of this nature and how one justifies belief in them.

Simchen's motives for putting aside this traditional approach to metaphysics appear to be three fold. First, he doubts "that anything useful can be said about objectivity as a feature of facts considered as truth-makers for our judgments."[3] Call this the intelligibility worry. Second, the history of metaphysics carried on in this way is not reassuring to Simchen: "the familiar back-and-forth refinements can continue without apparent end in sight".[4] Call this the non-resolvability worry. Third and most important to Simchen, there is what I shall call "the gap worry": if we separate questions about the nature of certain facts from questions of how we discover, grasp, and justify our beliefs about such facts (as is done on the "oppositional" approach), then we will have opened up a gap (between what there is and what we can discover/understand/justifiably believe) that we cannot bridge.[5] Because of such a gap, we will always be open to the skeptic's taunt that the evidence we possess is insufficient to justify belief in the things that evidence supposedly evidences.

Simchen's approach, as he himself characterizes it, "has a distinctly transcendental, and so Kantian flavor."[6] Let us first be clear what that flavor is before we probe Simchen's variety of it. On my understanding, a transcendental deduction has three steps to it.[7] First, one does a deep

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[2] See my "Moral Reality", *Wisconsin Law Review*, 1982, pp. 1061-1156; "Moral Reality Revisited," *Michigan Law Review*, vol. 90, 1992, pp. 2424-2533; "Legal Reality: A Naturalist Approach to Legal Ontology", *Law and Philosophy*, vol. 21, 2003, pp. 619-705. These and like-minded essays are collected in Moore, *Objectivity in Ethics and Law: Essays in Moral and Legal Ontology*, U. K., Ashgate Press, 2004.

[3] Simchen, "Metasemantics", *op. cit*., footnote 1.

[4] *Ibidem*, p. 720.

[5] *Ibidem*, p. 719.

[6] *Ibidem*, p. 720.

[7] See generally Lewis White Beck, *A Commentary on Kant's Critique of Practical Reason* (Chicago: University of Chicago Press, 1960), p. 170: "The process of transcendental deduction is not that of linear inference from a premise to its logical consequence. It is a process of taking some body of alleged fact (*e. g*., mathematics or science) which

analysis of some body of alleged fact, seeking its presupposed deep principles. We ask for the conditions of the possibility of those facts being as we believe them to be. At this step we do not ask whether such facts or their presuppositions are true; only if the one indeed presupposes the other. Second, we count the cost of denying such presuppositions, *i. e.*, can we countenance or even imagine a world in which such presuppositions are not true? Third, if we find the cost of abandoning such presuppositions to be too great, we commit to the facts from which they are taken. That is, we affirm such facts to be true.

Simchen's use of this broadly Kantian schema is as follows (using legal judgments as our exemplars). First, Simchen observes that we experience law as a set of statements using terms like "negligence" in a way that endows them with semantic content; such terms, in other words, apply by virtue of their meaning to some things and not to others. In this endowment of our terms with content we presuppose the objectivity of such terms in the sense that we presuppose a distinction between what such terms actually apply to and what they only seem to apply to. Second, we can't imagine experiencing law in any way that did not endow legal terms with content, that did not make them applicable to the world. Third, we should therefore commit to the objectivity of law in the sense presupposed by our practices, *viz*, that there is an objective truth about whether such terms apply or not to a given state of affairs, a truth not captured by the subjectively experienced applicability of such terms by certain legal actors. We should commit to judgments of the form, "x is negligent," as capable of being objectively true in this sense because not to do so would rob "negligence" (and like terms of law) of their content.

Putting it this explicitly reveals my first query about Simchen's argument. Put simply, the analysis in the first step of the deduction doesn't seem very deep: it ends pretty much where it begins. That is, the presupposition of our experience of law (that at the end of the deduction we are to affirm) is pretty much right on the surface of the experience itself. The idea that legal terms have content —that they apply to the world— seems very close to the idea that we must distinguish actual from merely seeming applicability of such terms. This seems close to saying that we experience law as objective in its character, and (in that trivial sense) our

has been challenged and showing (a) what its necessary presuppositions are and (b) what the consequences of denying these presuppositions are".

experience of law "presupposes" its objectivity. In which case, wouldn't it be more accurate for Simchen to argue: we experience law as objective in character, and we can't imagine that it isn't?

To the extent Simchen intends a truly Kantian form of argument here, the closeness of what is presupposed to that from which it is presupposed robs the argument of its force. A transcendental deduction is only persuasive when there exists some differential plausibility between some facts that we experience, on the one hand, and their presuppositions, on the other. It is this difference in plausibility that allows the deduction to endow the one with the greater plausibility of the other. When the presupposition and the facts experienced are one and the same, there can be no such enhancement of plausibility.

Supposing that Simchen's argument can be taken to be an instance of a transcendental deduction, my second query is whether such deductions can ever succeed in establishing what they seek to establish. My general take on such modes of argument is that they either prove too little or they prove too much. Take the "too little" horn of the dilemma first. Such deductions threaten to collapse into an analytic psychology, of the kind Kant in his ethics dubbed a "metaphysical deduction."[8] They so collapse when the costs of giving up some concept is bearable, and so the conclusion sought to be established —the presupposition of the concept— is hardly one we must affirm.

As an illustration, consider Ronald Dworkin's early foray into this kind of analytic psychology. In his famous hard cases argument,[9] Dworkin noted that we conceive of law in such a way that litigants never approach judges as supplicants of a favorable exercise of judicial discretion; they always appear as claimants of legal rights even in the hardest of hard cases. A condition for the possibility of there being legal rights in hard cases is that there is law governing such cases; if there is no obvious law governing the case (which there is not because it is a hard

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[8] In Kant's ethics a "metaphysical deduction" seeks a kind of pure, a priori knowledge of concepts (such as the concept of duty), without showing us that our concepts give us knowledge of the objects to which such concepts purport to refer. As Beck puts it, "The metaphysical deduction is Kant's effort to discover what the categories are; the transcendental deduction is his effort to show that they are valid". *Commentary*, *cit.*, footnote 7, p. 110.

[9] Ronald Dworkin, *Taking Rights* Seriously, Cambridge, Harvard University Press, 1978, pp. 2-4.

case), then there must be a "seamless web" of unobvious law, consisting of moral principles having some institutional support in other parts of the obvious law.

There is nothing in this argument as stated[10] that compel us to affirm either our concept of law or its presupposition. For we can easily imagine revising our concept slightly; the rhetoric of lawyers arguing hard cases is seen as just that, rhetoric, not to be taken seriously as requiring beliefs by anyone that there really are legal rights in hard cases. In which case the cost of not affirming the presupposition of these practices – a kind of natural law view of the law governing hard cases – is one we might easily pay. That would leave Dworkin's "deduction" as only a bit of uncommitted, third person, psychological analysis: we conceive of law and law practice in ways presupposing a seamless web view if it.

I take it that Simchen does not think we could imagine that legal terms like "negligence" are not endowed with content in the way that we could imagine that there were no legal rights in hard cases. So let us swing to the other horn of the dilemma. Suppose we find it literally inconceivable that we did not experience sequences of events (for example) in ways that did not divide them up between those orderly ones supporting induction and those variable ones that do not.[11] Such inconceivability would mean that we find unintelligible any ways of thinking that fails to draw this distinction. (As Willard Quine put it (in a quite different context): if there were a question to beg, we would be begging it).[12] That would mean we cannot self-consciously *affirm* either this distinction or the presupposition of it (*viz* causation), not at least as an act of affirmation conditioned on acceptance of the distinction. Because we cannot imagine

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[10] One can perhaps beef up Dworkin's counting of the costs of giving up the practice in question. For some suggestions, see Moore, "Legal Principles Revisited", *Iowa Law Review*, vol. 82, 1997, pp. 867-891, reprinted in Moore, *Educating Oneself in Public: Critical Essays in Jurisprudence*, Oxford, Oxford University Press, 2001.

[11] Kant's transcendental deduction against Hume's causal skepticism.

[12] Quine, W. V. O., *Word and Object*, Cambridge, MIT Press, 1960. Quine was referring to our inability to see others linguistic behavior in a way that did not indicate a distinction (between affirmation and denial) being drawn by those where behavior it was. As another example, consider the way that Simon Blackburn (*Ruling Passions*, Oxford, Calrendon Press, 1998, pp. 54-59) regards the principle of charity in attributing representational states of belief and desire to another creature: Blackburn transforms the principle from a heuristic into an "a priori principle of interpretation" so that we cannot see a creature that did not conform to the principle as even having beliefs or desires.

*not* accepting the distinction in question, so we cannot imagine having to proclaim that we *must* accept the distinction and its presupposition because it is too costly not to. Rather, we simply affirm that causation exists. We affirm, analogously, that the statement, "x is negligent," is objectively true; we do not affirm that it must be regarded as true because otherwise we must change our ways of thinking in certain ways.

When successful, in other words, transcendental deductions seem to prove too much. Such successful deductions are indistinguishable from standard realist arguments framed, not in terms of experiences and conceptualizations it would be costly to give up, but in terms of reasons for believing certain propositions to correspond with how things (objectively) are.[13]

In addition to these two queries about Simchen's use of a transcendental deduction-like argument, I also wonder about his motives for wanting to use such a form of argument. About the first too motives mentioned above – the unintelligibility and non-resolvability worries – I shall say little. Partly this is due to the fact that Simchen himself does not say enough to reveal why he is skeptical of the traditional metaphysical enterprise; also, I have elsewhere laid out why I think the enterprise is worthwhile, susceptible of progress, and productive of not only an intelligible answer, but a true one as well.[14]

Simchen's gap motivation merits closer attention. I have two questions here. One is whether the gap (between the realist's truth conditions, on the one hand, and graspability, discoverability, and justification conditions on the other) should force a change in our metaphysical modes of argument. Simchen, like the skeptic and the constructivist in metaphysics, worries about being ship wrecked on the side of metaphysics if ever he admits of a kind of metaphysics that allows a gap to exist between epistemology and metaphysics. I should have thought that the lesson of books like Gil Harman's *Thought*[15] was that such fears are groundless. They are the product of notions of graspability, discovery, and justification that are too demanding. The lesson we should take from such a gap is a lesson in epistemology, not in metaphysics: we should

[13]  I am not so naïve as to think that any dedicated Kantian would be convinced by these abbreviated remarks. Simchen himself would weaken the deduction so that it displays impossibility but not inconceivability; this, so that we can conceive of what is impossible.

[14]  See note 2, *supra*.

[15]  Gilbert Harman, *Thought*, Princeton, Princeton University Press, 1971.

relax what we require in order to understand something, discover something, justify belief in something, so as to accommodate the fact that our conclusions (in some sense) always outrun our evidence for them. Given the relative firmness of our belief in induction, physical objects, other minds, and the past, in the face of what we recognize to be less than overwhelming evidence for any of them, a proper understanding of a non-foundationalist epistemology is to relax our epistemological beliefs.[16]

Second, supposing the worry about the gap to be a genuine worry, I wonder whether Simchen's response could adequately assuage such a worry. We certainly have the experiences on which Simchen's transcendental deduction rests, viz, we ascribe content to our concepts. In so doing we do indeed seek those "objective similarity relations" between particulars we call kinds, different from the merely "seeming similarities" that historical persons see (or even epistemically idealized persons would see). Yet in that seeking are we not presupposing just the gap Simchen fears, re-appearing now within his own preferred mode of argument? Is there not still a gap between what there is (objective similarities), and what our actual (and even our best) theories can accommodate (actual or hypothetical seeming similarities), that Simchen's approach does not close? In which event, I fail to see why a fear of gaps would motivate Simchen's approach (again, even conceding *arguendo* that the gap fear is a genuine fear).

## III. SIMCHEN'S SEMANTICS

I turn now to Simchen's semantic project. Professor Simchen has joined myself,[17] David Brink,[18] Nicos Stavropoulos,[19] and others[20] in

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[16] An argument laid out at somewhat greater length in Moore, "The Plain Truth About Legal Truth", *Harvard Journal of Law and Public Policy*, vol. 26, 2003, pp. 23-47, reprinted in Moore, *Objectivity*, *cit.*, footnote 2.

[17] Moore, "The Semantics of Judging", *Southern California Law Review*, vol. 54, 1981, pp. 151-295, "A Natural Law Theory of Interpretation", *Southern California Law Review*, vol. 58, 1985, pp. 277-389; "Do We Have an Unwritten Constitution?", *Southern California Law Review*, vol. 63, 1989, pp. 107-139.

[18] David Brink, "Legal Theory, Legal Interpretation, and Judicial Review", *Philosophy and Public Affairs*, vol. 17, 1988, pp. 105-148; Brink, "Realism, Naturalism, and Moral Semantics", *Social Philosophy and Policy*, vol. 18, 2001, pp. 154-176.

[19] Stavropoulos, Nicos, *Objectivity in Law*, Oxford, Clarendon Press, 1996.

[20] *E. g.*, Katz, Leo, *Bad Acts and Guilty Minds*, Chicago, University of Chicago Press, 1987, pp. 82-96.

thinking that "K-P" Semantics (after Kripke-Putnam)[21]: (1) is the correct semantics for most terms in a natural language like English; and (2) in the correct semantics for legal terms like "negligence". I shall consider each of these two issues in turn.

## The Search for the Correct General Semantics

Simchen argues that the target of the new, K-P semantics is criterial semantics, according to which the meaning of any term is given by a set of individually necessary and jointly sufficient conditions for its correct usage. Actually the target of K-P semantics is considerably broader than that,[22] and since it matters to understanding both K-P semantics and Simchen's version of it, I shall first portray against what K-P semantics was directed.

### A. *The Target: Conventionalist Semantics*

On the traditional view of semantics, the meaning of words is a matter of convention. The conventions of our linguistic community have assigned certain properties as fixing the extension of a word like "gold," or they have assigned the word "gold" to name certain particular hunks of metal (whatever their properties might be). In either case, there are certain analytically necessary truths, statements that are true by convention: "gold is a yellow, ductile metal", or "the stuff in storage at Ft. Knox is gold," might be an example of such truths.Conventionalist semantics comes in quite a few varieties. A useful way of organizing those varieties for present purposes is by the resources available to answer the critique of K-P semantics. Let us accordingly group conventionalist semantics into three levels, the levels organized by the degree of reconstruction

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[21] Kripke, Saul, *Naming and Necessity*, Oxford, Blackwell, 1970; Putnam, Hilary, "The Meaning of «Meaning» Language, mind and knowladge", *Minnesota Studies in the Philosophy of Science*, vol. 7, 1975; pp. 131-193, reprinted in Putnam, *Mind, Language, and Reality*, Cambridge, Cambridge University Press, 1975. By "K-P semantics", I mean to include both what Simchen would classify as Kripke's and Putnam's semantics and their metasemantic story as to why their semantics is correct.

[22] Putnam, for example, quite explicitly directs his argument against criteriological as well as criterial semantic theories. See Putnam, "Is Semantics Possible?", *Mind*, *Language, and Reality*, *cit.*, footnote 21, p. 139.

contemplated for the facts of raw, linguistic usage. At the first and most shallow level, there is what might be called the behavioral semantics of ordinary language philosophy. On this view of semantics, the conventions that give a word its meaning are those conventions accurately generalizing how most native speakers use the word. What it would be odd and not odd to say is used as the touchstone of the meaning of words. Consider the word, "voluntary." Gilbert Ryle urged that it would be odd to call an action voluntary if it were not up for some kind of appraisal; from this usage fact Ryle concluded that "voluntary" could not mean, a willed bodily movement – for many of such movements are not up for appraisal.[23]

I call this a behavioral semantics because it does no reconstructive work on the raw data of linguistic usage. (It does not even divide conventions of usage between the semantic conventions related to truth, and the pragmatic conventions related only to appropriate utterance.) The second level of conventionalist semantics does some reconstruction of raw usage facts. It distinguishes semantic conventions from merely pragmatic conventions, regarding the semantic conventions as extension-determiners. (An extension in semantic theory is the class of things of which a predicate is true).

At this level one parses usage into one of two kinds of extension-determiners. One is in terms of definitions, which are lists of properties anything within the extension of some predicate analytically must possess. The other is in terms of paradigmatic exemplars, particulars that analytically must be within the extension of the predicate for which they are paradigms.[24] I shall describe each briefly in turn.

The criterial theory that Simchen mentions is one kind of definitional theory of semantics. It holds that the meaning of a term like "bachelor" is given by a crisp definition: anything that is unmarried, male, and a person is a bachelor. Such a definition gives three properties, possession of each of which is individually necessary and possession of all of which is jointly sufficient for the correct usage of the word, "bachelor." Another definitional theory is the criteriological theory, according to which

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[23]  Ryle, Gilbert, *The Concept of Mind*, London, Hutcheson, 1949, p. 69.
[24]  I explore these in greater depth in my "Semantics", *op. cit.*, footnote 17, pp. 281-292, and "Natural Law Theory", *op. cit.*, footnote 17, pp. 291 and 292, num. 25, pp. 295-291.

there is a list of properties analytically connected to each meaningful word; only, the properties are not individually necessary, and no subset of the properties is jointly sufficient, for correct application of the word.[25] Rather, there is simply an overlapping of properties, some determining the extension on some occasions while other properties determine the extension on other occasions. Still, even on this less crisp definitional theory, the entire list of properties is jointly necessary and jointly sufficiet for correct use of the word.

The paradigm version of this second level of conventionalist semantics is known as the Paradigm Case Argument, or PCA semantics.[26] Here it is not words but things that are linked by convention to the word whose meaning is in question. On this view, the meaning of a word like "gold" is given by the things (pieces of gold, presumably) early speakers noticed and baptized with the label, "gold." "Gold" necessarily applies to those things; if one didn't apply the word to those items, he would be said not to know the meaning of the word – because it is those items that give the word its meaning.

The extension of "gold" includes more than these paradigmatic exemplars. It also includes those items that are similar to the paradigm cases of gold. Such similarity is not to be cashed out in terms of certain properties that the similar items share. For if this were possible, then one could frame a definition out of such properties.[27] Rather, the analogies between paradigmatic and penumbral instances within the extension of "gold" are based on a primitive similarity relation, a relation not limited to a few properties in respect of which two things might be similar.

The third level of conventionalist semantics is what I have called "deep conventionalism.[28] Here one iterates the reconstructions of usage

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[25] A view often attributed to Wittgenstein in his *Philosophical Investigations*, 3rd. ed., Oxford, Blackwell, 1958, p. 67. See Wellman, Carl, "Wittgenstein's Conception of the Criterion", *Philosophical Review*, vol. 71, 1962, p. 433 and ff.; Lycan, Bill, "Non-Inductive Evidence: Recent Work on Wittgenstein's «Criteria»", *American Philosophical Quarterly*, vol. 8, 1971, pp. 109 and ff.; Rorty, Richard, "Criteria and Necessity", *Nous*, vol. 7, 1973, pp. 313 and ff.

[26] See the citations in my "Semantics", *op. cit.*, footnote 17, p. 286.

[27] A point much stressed by legal theorists who adopted PCA semantics. See Hart, H. L. A., "Positivism and the Separation of Law and Morality", *Harvard Law Review*, vol. 71 1958, pp. 593-629; Borgo, John, "Causal Paradigms in Tort Law", *Journal of Legal Studies*, vol. 8, 1979, pp. 419-455, p. 437.

[28] See Moore, "Natural Law Theory", *op. cit.*, footnote 17, pp. 298-300.

done at level two, so that a term's usage yields two layers of semantic conventions. There are conceptions (or interpretations) of the meaning of some words given either in terms of definitional properties or in terms of paradigmatic exemplars; and there are concepts giving the meaning of words, again conceived either in terms of properties or exemplars.[29] The definitions or exemplars giving the meaning of concepts are more general, deeper, more agreed-upon, than are the definitions/exemplars making up the conceptions of such concepts. The idea is to accommodate considerable disagreement between the conventions that constitute distinct conceptions while preserving the idea that there is still a convention-based meaning for every word in terms of that word's concept.[30]

## B. *The K-P Critique of Conventionalist Semantics*

There are two shoals on which all forms of conventionalist semantics founder. One has to do with when a word should be said to change its meaning. Both disagreements within a culture at a time, and disagreements between cultures over time, are hard to make sense of on conventionalist accounts of meaning. If you (or the ancient Greeks) mean by "whale," "a big fish," and I mean something mammalian, how can we disagree? After all, you and the Greeks have fixed the meaning of "whale" one way, and I have fixed it another, so we will just talk past each other even though both sides use the same word, "whale." Or you (and Norman Malcolm[31]) mean by "dreaming" the only criterion we had for dreaming prior to 1950, viz, a waking remembrance of occurrences during sleep known not to be real. Certain scientists discover REM and EEG patterns usually accompanying dreaming, and hypothesize that we do not remember all that we dream. If you fixed the meaning of "dreaming" by the criterion of waking remembrance, then the idea of an unremembered (and certainly an unrememberable) dream is literally senseless.[32]

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[29] See generally Gallie, W. B., "Essentially Contested Concepts", *Proceedings of the Aristotelean Society*, vol. 56, 1956, pp. 167-198; Dworkin, Ronald, *A Matter of Principle* Cambridge, Harvard University Press, 1985, pp. 128-131.

[30] The use to which Dworkin puts such deep conventionalism in *Law's Empire*, Cambridge, Harvard University Press, 1986.

[31] Norman Malcolm, *Dreaming*, London, Routledge, 1959.

[32] Hilary Putnam, "Dreaming and Depth Grammar", in Butler, R. J. (ed.), *Analytic Philosophy*, Oxford, Oxford University Press, 1962, First Series; reprinted in *Mind, Language and Reality*, *cit*., footnote 21.

As Kripke and Putnam originally pointed out, this inability to capture our sense that these disagreements are meaningful (because the words in terms of which such disagreements are carried on do not change their meaning when used by the opponents in such disagreements), and that one side of such disagreements is or at least can be right (so that science is capable of progress), is a damning indictment of conventionalist semantics. Equally damning is another implication of conventionalist semantics, this one having to do with the idea, not of changing meaning, but of running out of meaning. Suppose one comes across a piece of metal that is white and ductile; on the criteriological and PCA versions of meaning, there is no answer as to whether or not this piece is or is not gold, for it shares only some of the properties definitive of gold (on the criteriological view) and it is only somewhat analogous to paradigmatic instances of gold (on the PCA view). The word is vague, meaning we have run out of conventions sufficient to place the item definitely in or definitely out of the extension of "gold".

Yet most of us sense that there is an answer as to whether the thing is or is not gold. "Gold", that is, seems to have a meaning sufficient to determine whether or not these items are within its extension; since we have run out of conventions, meaning must be constituted by something other than these conventions.

These two theoretical considerations militate strongly against any form of conventionalist semantics, at least for any discourse where: (1) meaningful, theoretical disagreement about the extension of some predicate exists in the face of there being differing definitions, paradigms, or other supposedly extension-fixing conventions; and (2) meaningful questions about the extensions of some predicate exist in the face of there being no relevant or non-vague definitions, paradigms, or other supposedly extension-fixing conventions. Such considerations point to an alternative semantics, K-P semantics. Simchen helpfully divides this into semantic and metasemantic theses. The semantic thesis is that the meaning of a word is given by (or at least heavily influenced by) its extension. The metasemantic thesis explains how this could be so: speakers discover certain exemplars they provisionally think might be instances of a kind; they baptize the kind with a word (*e. g.*, "gold"); there is a causal chain of usage with each succeeding speaker intending to refer to the kind first baptized with the label, "gold"; expertise develops about what that nature is and what are its exemplars; paradoxically, it may turn out that the

initial items people took to be exemplars of the kind are in fact not such exemplars, but merely lucky heuristics to the discovery of the kind.

The main payoff of such a semantics is its ability to handle the two theoretical concerns that sink all forms of conventionalist semantics. People can meaningfully disagree because the terms they employ have the same meaning, *i. e.*, the same thing to which their words refer. People do not run out of meaning as fast as they run out of conventions because meaning is a function of the world and its nature, which may only be partially known and thus only partially reflected in conventions.

### C. *Three Versions of K-P Semantics in Legal Theory*

It is an interesting question as to what is required to make the K-P metasemantics story plausible for some realm of discourse. Let me distinguish three possibilities here, roughly corresponding to three generations of K-P semanticists within legal and moral theory.

a. *The standard model.* Those of us who were Hilary Putnam's students in the early 1970's when he was writing "The Meaning of «Meaning»" took away the following interpretation, what I shall call the "standard model" of K-P Semantics.[33] On this model K-P Semantics is appropriate when but only when two sorts of facts are true. First, there is (what Simchen aptly calls) an environmental fact: the world must contain the item to which apparent reference is being made in the use of the word in question. In the case of singular terms, these items will be particulars; in the case of general predicates, these items will be universals, namely, kinds.[34] For such kinds to be apprehended there must in addition be particulars whose similarities *inter se* suggest that there is a kind of which they are instances. Such kinds, on the standard model, must not be mere aggregation of individuals; rather the kind must have a nature sufficiently robust and unitary that it can be referred to without mention of its instances. Secondly, there must be what I have elsewhere called "facts of

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[33]  See Moore, "Semantics", *op. cit.*, footnote 17; "A Natural Law Theory", *op. cit.*, footnote 17. See also Platts, Mark, *Ways of Meaning*, London, Routledge, 1980.

[34]  Thus Putnam carefully separates the question of whether speakers intend to refer to a kind, from the question whether there is in fact a kind, using the example of jade. See his "Meaning", *op. cit*., footnote 21.

usage",[35] and what Simchen terms, "social facts".[36] On the standard model there are three such usage, or social, facts:

a) Speakers must use the predicate in question with indexical intentions, that is, an intention to name whatever local stuff happens to be around them. In Putnam's famous example, we on Earth use "water" to refer to the local stuff around here ($H_2O$, as it turns out), but the speakers of English on Twin-Earth use "water" to refer to their clear, colorless, life-giving, etcetera, local stuff (XYY, as it turns out).[37] "Water" is thus indexical in the same was as "I" (Bar-Hillel's original example of indexicals[38]), depending for its reference on whatever is in the environment of the original speakers.

b) Speakers must use the predicate in question with referential (versus attributive) intentions.[39] The distinction is most easily grasped with singular terms, so to use one of Leo Katz's examples:[40] your wife directs you to meet "the man in the Brooks Brother suit, the Yves St. Laurent tie, and the Gucci shoes". If her intention is to refer to some one particular person, no matter what he is in fact wearing, then her intention is referential; if her intention is to refer to whoever is wearing these three items, then her intention is attributive. For predicates like "gold" analogously, if we speak intending to name a kind whatever its properties turn out to be, our intentions are referential; if we speak intending to name whatever class of individuals turns out to possess the gold-making properties we take to be definitive of gold, then our intentions are attributive.

c) Speakers must be willing to defer to any well-evidenced expertise others may possess about the true nature of the kind to which all refer. Putnam calls this the "division of linguistic labor",[41] while Simchen relabels it "linguistic deference".[42] It is this deference that makes it plau-

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[35] Moore, "Hart's Concluding Scientific Postscript", *Legal Theory*, vol. 4, 1998, pp. 301-327, reprinted in Moore, *Educating Oneself, cit.*, footnote 10, pp. 100-102.

[36] Simchen, "Metasemantics", *op. cit.*, footnote 1, *passim*.

[37] Putnam, "Meaning", *op. cit.*, footnote 21.

[38] Bar-Hillel, "Indexicals," *Mind*,

[39] Keith Donellan's distinction. See his "Reference and Definite Descriptions", *Journal of Philosophy*, vol. 75, 1966, pp. 281-294.

[40] Katz, *Bad Acts*, p. 85.

[41] Putnam, "Meaning", *op. cit.*, footnote 21.

[42] Simchen, "Metasemantics", *op. cit.*, footnote 1, p. 728. Simchen pays greater attention to linguistic deference in Coleman and Simchen, "Law", *Legal Theory*, vol. 9, 2003, pp. 1-41.

sible how any individual speaker can "mean more than he knows" because he can rely on and incorporate the knowledge of others in his referential intentions.

One might well call the standard model of K-P semantics the realist model for that semantics' applicability. For the environmental fact required is a realism about kinds, and the social facts required are facts true only of speakers who are themselves some kind of realist in their metaphysics. My own early application of K-P semantics to legal and moral theory,[43] together with like applications by David Brink[44] and Mark Platts,[45] illustrate this realist understanding of K-P semantics.

b. *The pedestal model.* A less robustly metaphysical view of K-P semantics has been developed by Nicos Stavropoulos[46] (and perhaps Ronald Dworkin, if one accepts Stavropoulos' likening of Dworkin's interpretivism to K-P semantics).[47] On this model, the environmental fact needed to ground K-P semantics is quite modest: only that there be certain particulars that can be classed together, and a concept so grouping these particulars together and which is accepted by the speakers who use the word.[48] The usage facts are also comparatively modest: speakers need to have indexical intentions, making their words' reference hostage to the accidents of environment; and speakers must be willing to defer to expertise when it is possessed by those with theories about the concepts that group the particulars in question. (This latter feature is what leads Simchen to accuse Dworkin and Stavropoulos of placing theorists on a pedestal, thus my name for this model).[49] On the "pedestal" view, there

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[43] Moore, "Semantics", *op. cit*., footnote 17; "Moral Reality", footnote 2; "A Natural Law Theory", *op. cit*., footnote 17 ; "Unwritten Constitution"; "Moral Reality Revisited".

[44] Brink, "Legal Theory"; Brink, *Moral Realism and the Foundations of Ethics*, Cambridge, Cambridge University Press, 1989. David is more guarded in the metaphysical commitments of K-P semantics in his "Semantics and Legal Interpretation (Further Thoughts)", *Canadian Journal of Law and Jurisprudence*, vol. 2, 1989, pp. 181-191.

[45] Platts, *Ways of Meaning*, *cit.*, footnote 33.

[46] Stavropoulos, *Objectivity in Law*, *cit.*, footnote 19.

[47] *Id.* at pp. 129-136, 160; compare Moore, "Postscript", p. 102, n. 7 (in *Educating Oneself*, *cit.*, footnote 10).

[48] On Stavropoulos' version of K-P semantics, "key concept-words are intended to pick out the concepts they stand for, whatever their content may be," and "the content of the relevant concepts is determined by substantive theory, which is constrained by paradigmatic applications and abstract characterizations of the relevant practice of application." *Objectivity in Law*, *cit.*, footnote 19, p. 160.

[49] Coleman and Simchen, "Law", *op. cit.*, footnote 42, pp. 10 and 11.

is no need for speakers to have referential intentions with respect to a kind; it is enough that they are willing to defer to experts about a concept of the kind.

c. *Simchen's Version of K-P Semantics.* Like Stavropoulos, Simchen dispenses with any metaphysics of kinds as a presupposition of K-P semantics. The only environmental fact needed is that there be some particulars susceptible to grouping into a class by speakers. (There apparently need not even be a shared concept of how such grouping should be defined.) Simchen also dispenses with referential intentions with respect to kinds, again like Stavropoulos. But unlike Stavropoulos, Simchen rids K-P semantics of any need for linguistic deference; speakers need not be willing to defer to anyone, even in principle, because they rightly think themselves to be in possession of the correct classificatory scheme grouping certain particulars together. Such classificatory scheme is "correct" only in the sense that correctness is here a matter of convention: if some scheme is in accord with the classificatory abilities possessed by most native speakers, then it is "correct".[50]

## D. *Queries About Simchen's Version of K-P Semantics*

Simchen and I are in agreement in rejecting Stavropoulos' version of K-P semantics, although our reasons for doing so are somewhat different. We both think that Stavropoulos has failed to justify any deference to theorists by ordinary users of English predicates. I think that, however, because I link the justifiability of such linguistic deference to there being something, a kind, with a deep nature amenable to theoretical

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[50] *Ibidem*, p. 20: "Schematically, to be a chair is to be taken by the average speaker as having the same intended function, general appearance, and so on, as paradigmatic chairs. Determining whether or not some item bears the sameness relation to a paradigmatic chair is something which an average speaker can be expected to do... the 'essence' of chairs depends on ordinary speakers' everyday classificatory capacities".

See also *ibidem*, p. 22 ("the equivalence relation itself was determined by speakers' ordinary stuff-involving classificatory capacities"); p. 28 ("Whether or not sameness obtains between a given item and a paradigmatic instance of law is determined by the average speaker's ordinary classificatory capacities"); p. 28 fn. 39 ("whether or not the relevant similarity relation obtains... is determined by the average speaker's ordinary classificatory capacities"); p. 30 ("Something belongs to the extension of 'law' just in case it would be deemed by the average speaker as relevantly similar to paradigm cases"); p. 33 ("the extension... is fixed by the average speaker's classificatory tendencies"); p. 39.

treatment; Stavropoulos' requirement that there be a concept justifies only a theory of the nature of that concept, a kind of deep conventionalist semantics at best. Whereas Simchen rejects Stavropoulos' theorizing on the ground that no such theorizing or deference is required (nor is there any in fact for many words) for K-P semantics to be applicable; all that is needed are the ordinary classificatory abilities of native speakers, which abilities require and in fact generate no deference to experts.

Turning to Simchen's version of K-P semantics, my first query is whether his version can garner for itself the two theoretical advantages that K-P semantics possesses *vis-à-vis* all forms of conventionalist semantics. Consider first the constancy of meaning that makes possible radical disagreement. Without the environmental fact that reference to a genuine kind has succeeded, and without the usage fact that speakers typically intend to refer to such kinds in their usage of the relevant words, I don't see how meaning remains constant across very divergent beliefs. All Simchen's version of K-P semantics has to work with is the environmental fact that there are certain particulars picked out by a term, grouped into the extension of that word by the normal classificatory abilities of native speakers, and the usage fact that speaker's intentions are indexical, *i. e.*, the word is intended to pick out whatever particulars are in the vicinity of native speakers.

These two facts are perhaps sufficient to reject criterial semantics, for the actual and intended indexicality of a term makes the ordinary criteria for use inadequate to determine reference; "water" as used on Earth has the same criteria of use as on Twin-Earth, and yet the reference is different in the two different environments. Yet these two facts are not sufficient to show how there can be the converse situation, namely, where the reference is the same but the criteria are different, as in the "whale" and "dreaming" examples earlier. And it is this latter kind of example that is needed to show constancy of meaning despite very different criteria for use. Even if we and the Greeks both happened to stumble across genuine instances of gold, our differing beliefs about the stuff could generate sufficiently different classificatory schemes by the two groups of speakers that there was little overlap–in which case the extension of "chrysos" and of "gold" would differ and we and the Greeks would be talking past each other when we disagreed about the nature of gold.

Now consider the second theoretical advantage of K-P semantics, that of successful reference despite vague, non-existent, or conflicting con-

ventions guiding usage. Only the intent to refer to a kind whose nature outstrips current convention, together with the existence in fact of such a kind, generate the needed implication about successful reference despite indeterminate conventions. The classificatory abilities shared by native speakers is just a convention, and like other conventions it is no more comprehensive than the behavior from which it is constructed. Where ordinary speakers' classificatory tendencies are confused, fragmented, or conflicted, there will be no answer to the question of whether some item is within the extension of some predicate. K-P semantics in Simchen's version fares no better here than any other form of conventionalist semantics.

Which introduces my second query: isn't Simchen's version of K-P semantics just a reversion to some form of conventionalist semantics? Not the definitional form of such semantics, for the reason mentioned earlier (indexicality prevents sameness of definition from guaranteeing sameness of extension). Yet how does Simchen's semantics differ from either PCA semantics or the shallow, behavioral semantics of ordinary language philosophy? Consider each in turn.

Whether Simchen's semantics collapse back into the old PCA semantics depends on how Simchen regards the paradigms which speakers baptize with the name of a class. Many years ago I distinguished strong from weak paradigms.[51] A strong paradigm is a particular that is (analytically) necessarily within the extension of the predicate for which it is a paradigm. Such paradigms are tied by convention to words, so that anything that is a paradigmatic exemplar of blue, or is relevantly similar to such exemplars, is necessarily blue. Weak paradigms, by contrast, are no more than heuristics: they indicate to speakers that they are instances of a kind. But howevermuch such paradigms were the original evidence for the existence of a kind, howevermuch they are the standard learning tools by which a culture teaches the use of the kind-word, weak paradigms may turn out not to be instances of the kind at all. The original exemplar of flat may have been the ocean, the way "flat" is taught may be by pointing at the ocean, yet the ocean is not in fact within the extension of "flat". It just looks flat.

I am unclear how Simchen's semantics permits any but strong paradigms. After all, if there need be no kind referred to by some predicate,

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[51] Moore, "Semantics", *op. cit.*, footnote 17, pp. 287 and 288.

only some particulars sharing whatever properties as happen to be picked out by the ordinary classificatory abilities of native speakers, then what would make any paradigm only provisionally within the extension of some predicate? To what deeper insight is its status hostage, in the absence of any but the most conventional nature?

If Simchen's semantics does rely on there being strong paradigms, similarity to which determines the extension of each predicate, then Simchen's semantics are indistinguishable from the conventionalist PCA semantics of fifty years ago, a semantics to which K-P semantics was supposed to be the antidote.

Perhaps, however, Simchen wishes to regard paradigms as weak, which is to say, provisional and defeasible. Perhaps the linguistic dispositions of native speakers is held to trump the paradigmatic status of any given particular (although it is hard to see how such classificatory dispositions could dispense with *all* such paradigms, as it should in principle be able to do if the paradigms are truly weak paradigms). Yet then, what distinguishes Simchen's semantics from the behavioral approach of ordinary language philosophy? Common to both is ultimate reliance on what people are disposed to say, such common, classificatory sayings determining what they are talking about.

My third query has to do with why Simchen is attracted to a version of K-P semantics that is stripped of the metaphysics of kinds, stripped of intentions to refer to such kinds in the typical uses of words, and stripped of any deference by ordinary speakers to the expertise others may possess about the nature of such kinds. One temptation for this stripped-down version of K-P semantics could be ontological: one could doubt the realist (*i. e.*, anti-nominalist) metaphysics of kinds, either across the board or at least for many of the predicates making up a language. Simchen's motives, however, do not seem to stem from ontological parsimony. Rather, his doubts are rooted in the usage facts depended upon by the standard version of K-P semantics. He doubts whether ordinary speakers have the metaphysical views he thinks they would have to have in order to intend to refer to kinds with a nature others may know better than do they.

It is worth quoting Simchen here, since he seeks to load the dice a bit. Simchen thinks that any attribution "to ordinary speakers of the metaphysical realist intention to employ 'water' to refer to anything relevantly similar to paradigmatic instances of water from the standpoint of

the world as it is in itself, beyond whatever we might come to believe about the matter",[52] is highly implausible. Or again: "such a view attributes to speakers, when using a kind term N, the intention to refer to everything having the same underlying nature as some paradigmatic sample of N quite apart from what any expert doctrine about the nature of N does or would reveal."[53]

There are several things to untangle in these rather exaggerated characterizations of the referential intentions needed by the standard version of K-P semantics. To begin with, in this context the distinction between Peircean (or Putnam's "internal") realism and metaphysical (or "external") realism, is a red herring. I doubt (as does Simchen) that ordinary speakers' referential intentions are sufficiently fine-grained so as to pick out one or the other of these metaphysical views. Fortunately, however, this does not matter to the issues at hand, which are (1) whether such speakers presuppose that there is a kind to which they intend to refer and about the nature of which they intend to defer when confronted with a better theory (the usage fact); and (2) whether there is in fact such a kind (the environmental fact). As I have argued elsewhere,[54] the internal realist can match the metaphysical realist stride for stride in these commitments, so a presupposition of either form of realism (or the undifferentiated combination of both) is sufficient to support the referential intentions and metaphysical presuppositions I argue are needed to use K-P semantics.

The second clarification has to do with the place of paradigmatic examples and similarity functions in ordinary speakers' referential intentions. We should distinguish the referential intentions of the original baptizers of a kind, from those far down the causal chain of reference. Only the baptizers need have before them puzzlingly similar particulars from which they self-consciously hypothesize a kind; later users need not think about (or even believe in the existence of) any paradigmatic exemplars.[55] Their intentions can be simpler: to refer to a kind with their general predicates in the same way they refer to a particular with their singular

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52  Simchen, "Metasemantics", *op. cit.*, footnote 1, p. 730.
53  Coleman and Simchen, "Law", *op. cit.*, footnote 42, p. 36, n. 43.
54  Moore, "Legal Reality", p. 694.
55  Other than for the word, "meter," can one identify plausible paradigms? Surely any original bits of metal, for example, have been lost to us even if they were our initial samples of gold.

terms. Such later users need have in mind no complex function of similarity relations over certain particulars.

Notice that both of these points simplify considerably the content of the referential intentions the standard version of K-P semantics would attribute to contemporary language users. The first rids that content of any total independence "from what any expert doctrine about the nature of N does or would revea". The second rids that content of any isolation of paradigmatic samples and universal quantification over particulars sharing the nature of such samples. The content of the relevant referential intention is easier: it is to refer to a kind that exists independently of whether the speaker or her community thinks it exists (a realism about universals); and such intention is accompanied by the belief that the nature of the kind may only be partially revealed (to either the individual speaker or to her linguistic community). That these simpler psychological states are required on the standard version of K-P semantics makes the latter version more plausible because these states are more easily ascribed to ordinary speakers.

Having clarified the content of the requisite referential intentions, it remains to clarify the nature of the claim made when it is claimed that a speaker *has* the requisite referential intention and accompanying belief. As Simchen recognizes, this is of a piece with one's general views on what is required to ascribe intentional attitudes to another. One thing that is not required (on this I assume Simchen agrees) is that there be some Joycean phenomenology explicitly containing the content of the intention and the belief. We do not require such conscious recitations to ascribe intentions and beliefs generally, so there is no warrant for requiring such here.

What is required to ascribe intentions and belief is that there be certain dispositions, which is to say that certain counterfactuals are true of the individual who mental states they are. In the case of referential intentions, the most pertinent dispositions are verbal dispositions, specifically: what would the speaker think and say on learning certain surprising facts about some subject of his discourse? To enlist an old intuition pump of mine,[56] suppose the speaker has pronounced as *dead* a person who has lost consciousness and whose heart and lungs have ceased spontaneous functioning because he has been immersed under very cold

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56  Moore, "A Natural Law Theory", pp. 293 and 294, 297-300, 322-328.

water for thirty minutes. What would such a speaker think if presented with the conclusion that the drowning victim "is not really dead" and if presented with the medical evidence supporting that conclusion (intact brain function, revivability, etcetera)? If the speaker's intentions had been attributive in using the word "dead" – so that anything that possesses the properties definitive of "death" for the speaker is necessarily dead – then he should refuse the conclusion as senseless. Such a victim may not be *smead* (a new state defined by brain function), but that victim is necessarily *dead*? Whereas if the speaker's intentions were referential, then he would readily accede to the meaningfulness of the conclusion and to the relevance of the evidence for sustaining it; he would thus regard his own conclusions about death as fallible and recognize that experts' views about death might well be better than his, even though theirs too are fallible. These are the beliefs of a realist about the kind, death, even though such a speaker is wholly ignorant of the realism/anti-realism debate in philosophy.

My own empirical intuition is that such referential intentions are quite widespread, both as to people holding them and as to words with respect to which they are held. Reverting to the death example, surely few native speakers of English will cut the organs out of a drowning victim who meets the prevailing definition of "death" but who is not really dead.

B. The Reach of K-P Semantics: the Search for the Correct Semantics for Terms Used In Law and in Legal Theory.

Simchen and I apparently agree that law is an artifactual notion (what I call a functional kind),[57] that K-P semantics applies to the terms referring to artifacts, and because of these facts, that K-P semantics applies to the terms used both in propositions of law and propositions about law. Yet because of our disagreement about what is required for K-P semantics to be appropriate, this apparent agreement masks some serious disagreements about the semantics of legal terms.

My view about legal terms is the view of the standard version of K-P semantics:

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[57] Compare Coleman and Simchen, "Law", *op. cit.*, footnote 42, with Moore, "A Natural Law Theory", *op. cit.*, footnote 17, p. 301, num. 44, and Moore, "Law as a Functional Kind", in George, R. (ed.), *Natural Law Theories*, Oxford, Clarendon Press, 1992, reprinted in Moore, *Educating Oneself*, *cit.*, footnote 10.

(a) *Environmental facts:* kinds such as contracts and law exist in the world irrespective of us thinking that they exist and words like "contract" used in propositions of law, and words like "law" used in legal theory, take their meaning from the nature of these kinds and not from conventional guides to usage;

(b) *Usage facts*: ordinary users of "contract" and "law":

(i) have indexical intentions to refer to the contract-stuff and law-stuff exemplified around here;

(ii) have referential intentions to name these kinds whatever their properties turn out to be;

and (iii) have the conditional intention to defer to any well developed expertise of lawyers or legal theorists about the nature of these kinds should any such expertise appear.

Simchen, by contrast, is agnostic about (a) and denies (b)(ii) and (b)(iii).

Although disputes about empirical facts between philosophers firmly planted in their armchairs are doubtlessly to be viewed with some skepticism, my own sense is that ordinary language users are actually deferential to legal professionals about terms like "contract" appearing in propositions of law.[58] H. L. A. Hart noticed a facet of this many years ago when he pronounced such legal terms to be "defeasible".[59] My sense also is that ordinary language users and lawyers are *potentially* deferential to legal theorists about terms of legal theory like "legal right", "legal duty", "second-order reasons", "sovereignty," "rule of recognition", "legal system", and ultimately, "law" itself. Remembering that the relevant question is the counterfactual one – what would such speakers think if they were fully informed about a better theory of law, etcetera? – the question is not actual deference to legal theorists by lawyers and laypersons. Nor is the question whether there is currently any such expertise in jurisprudence, nor even whether there will ever be. It is after all quite possible that the lawyers' and the laypersons' current understanding of law (as-

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[58] Simchen appears not to disagree about deference to experts on terms of law (Coleman and Simchen, "Law", *op. cit.*, footnote 42, p. 26), only about deference to experts for terms of legal theory such as "law".

[59] Hart, H. L. A., "Ascription of Responsibility and Rights", *Proceedings of the Aristotelian Society*, vol. 49, 1949, pp. 171-194. I reallocate Hart's defeasibility conclusion towards a K-P semantics basis in "A Natural Law Theory", *op. cit.*, footnote 17, pp. 337 and 338; and in "Legal Reality", pp. 666-669.

suming *arguendo* there is one) just happens to be correct. Then there can be no better theory to which one will or should ever defer. Yet the question is how such language users regard their knowledge of the nature of law. If they regard themselves (collectively) as infallible – because the meaning of "law" is given by conventional criteria and they have grasped those criteria—then they lack the referential intention and deferential attitude I think necessary for K-P semantics. But if they regard their beliefs about law as *in principle* correctible, then they do not think the meaning of "law" is given by conventional criteria but by the nature of the kind to which reference is made. So clarified, I thus think that even for the terms of legal theory like "law", the usage facts needed on the standard model of K-P semantics are present.

## IV. CONNECTING SIMCHEN'S SEMANTICS TO SIMCHEN'S TRANSCENDENTAL ARGUMENT FOR OBJECTIVITY

I find Professor Simchen's version of K-P semantics worth discussing for its own sake. Almost none of the details of those views, however, have much bearing on the larger issue of objectivity. More specifically, one could adopt any of the three versions of K-P semantics above outlined and base Simchen's objectivity argument on it. For this larger purpose, our differences are thus bootless.

Much the same I fear is also true about the difference between all versions of K-P semantics, on the one hand, and almost all versions of conventionalist semantics, on the other.[60] For the only mileage Simchen takes out of K-P semantics is the supposition of the latter that the similarities between particulars making up a kind must be objectively existing similarities, mere subjective (or "seeming") similarities not being acceptable. Yet surely this reality/appearance distinction is available on virtually any of the semantic possibilities we have canvassed. If there are conventional criteria, for example, that give the meaning of "gold", then presupposed is that it is only when those criteria are actually (objectively) satisfied is the word used correctly and that a mere seeming satisfaction is insufficient.

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[60] Only the supposed semantics of a private language (against which Wittgenstein protested) seems ruled out as a possible basis for Simchen's transcendental argument.

Perhaps Professor Simchen would not wish to deny this, allowing that any semantics even plausibly endowing our terms with content must presuppose objectivity. This includes, but is not limited to, the K-P semantics Simchen favors. If this is Simchen's belief, then it is only the organization of the paper that seems to make a stronger claim. The organization —moving from objectivity to K-P semantics and back again— might suggest that the justification for the excursion into K-P semantics is that *only* that form of semantics presupposes objectivity. Whereas in reality perhaps the justification for the excursion is the intrinsic interest of K-P semantics itself.