

## **The Structure of Judgment in Husserl's Phenomenology: the Character of the Judge through the Habit of Judging**

Márcio Junglos

Instituto Federal Sul-riograndense – IFSUL/Brazil

### **Abstract**

This article intends to demonstrate how judgments in Husserl's phenomenology constitute themselves. For a better understanding, we will perform an analysis from the perceptual bases to the position-taken by the Ego. Although judgments characterized themselves by a position-taking, such a position-taking based itself on the constitutive foundation. The constitutive foundation involves a noetic (thematising, the constituting) and a noematic (thematised, the constituted) structure. Therefore, while judgments can be representative of a natural attitude, an objective attitude, they can constitute an open attitude as well. Such a constitutive structure reveals that our judgments, although they assume a permanent style, does not mean that they are determinative of the character, for the Ego can always decide otherwise. Notwithstanding as long as they remain a habit, they do portray the person in her personal character.

**Keywords:** Judgments, habits, position-taking, Ego, personal character

### **1. The dynamics of the first memory and the second memory**

Husserl starts his work *On the phenomenology of the consciousness of internal time* suspending the objective time (Husserl 1985, §1, 4). For the author, the temporal apprehensions, the experiences in which the temporal in the objective sense appears, are phenomenological data. In this way, objective space, objective time, and with them the objective world of actual things and events; are all transcendences, - none of these are experiences. In phenomenological terms, the objectivity does not constitute itself in the primary contents but in the apprehension-

characters and in the laws belonging to the essence to these characters (Husserl 1985, §1, 8). Thus, Husserl will seek to bring the *a priori* of time to clarity by exploring the consciousness of time, by bringing its essential constitution to light, and by exhibiting the apprehension-contents and act-characters that pertain to time and to which the *a priori* temporal laws essentially belong (Husserl 1985, §2, 10).

Husserl starts saying that it is evident that the perception of duration itself presupposes the duration of perception, that the perception of any temporal form itself has its temporal form (Husserl 1985, §7, 22). That path will conduct Husserl to the discoveries of an immanent time consciousness and its *a priori* temporal laws. In this way, Husserl analysis the running-off continuity (*Ablaufskontinuität*) (Husserl 1985, §10, 29) of an enduring object (like a tone) whose phases are the continua of the running-off modes belonging to the different time-pointes of the duration of the object. This running off process changes continuously. Since a new now is always entering on the scene, the now changes into a past, and as it does so, the whole running-off continuity of pasts belonging to the preceding point moves downwards uniformly into the depth of the past.

In consonance with Husserl, every actually present now of consciousness, is subject to the law of modification, to wit, it changes into retention of retention and does so continuously. Retentional consciousness really contains consciousness of the past of the tone, which one could say, *primary memory* of the tone. Thus, the tone primarily remember in intuition is something essentially different form the perceived tone and different form sensation of the tone (Husserl 1985, §12, 32). Husserl would say that it may be the case that a human consciousness can have memories, even primary memories, only after it has had perception; but the opposite is also conceivable. Over against this, we teach the *a priori* necessity that a corresponding perception, or a corresponding primal impression, precede retention. In this way, Husserl insist that a phase is conceivable only as a phase and the now-phase is conceivable only as the limit of a continuity of retentions, just as every retentional phase is itself conceivable only belonging to

such a continuum; and this is true of every now of time-consciousness (Husserl 1985, §13, 33).

Husserl call *secondary memory or recollection* (*Wiedererinnerung*) a re-presentation in consciousness of an object without the necessity of its direct perception, or sensation. Husserl gives an example: after the melody has died away, we no longer have it perceived as present, but we do still have it in consciousness. Thus, the temporal present in recollection is a remembered, re-presented past but not an actually present past, not a perceived past, not a past primarily given and intuited (Husserl 1985, §14, 35). Retention, on the other hand, produces no enduring objectivities but only holds in consciousness what has been produced and stamps on it the character of the just past (Husserl 1985, §14, 37); in the words of Husserl, the primary memory is characterized as a comet's tail (Husserl 1985, §14, 35) attaches itself to the perception of the moment.

In recollection a now appears to us in an entirely different sense than the sense in which the now appears in perception. This now represents a now that is not given. Therefore, the running-off of the melody in recollection represents a just past but does not give it (Husserl 1985, §17, 40-41). According to Husserl, if one considers duration and succession from one point to another as  $A - B$  (original constitution), one also can have the memory of this original constitution as  $A' - B'$ , and again have a memory of such a memory, and so on in infinitum as  $(A - B) - (A - B)' - (A - B)'' \dots$  (Husserl 1985, §18, 43). Thus, we repeat the consciousness of this succession; we re-present it to ourselves memorially in the way that we can do this and do it as often as we choose. *A priori* re-presentation of an experience lies within the domain of our freedom so that the *I can* is a practical *I can* and not a mere idea (Husserl 1985, §18, 42).

The original appearing is something fixed, something of which we are conscious through affection. Re-presenting, on the other hand, is something free, a free running through. We can carry out the re-presentation more quickly or more slowly, more distinctly and explicitly or more confusedly, in a single lightning-like stroke or in articulated steps, and so on (Husserl

1985, §20, 47-48). To such a degree, a re-presentation has a second and different sort of intentionality, one proper of itself. Now this new intentionality has the peculiarity to be a counter image (*Gegenbild*) (Husserl 1985, §23, 52) of the intentionality that constitutes time.

Conforming to Husserl, is necessary to distinguish within every re-presentation between the reproduction of the consciousness in which the past enduring object was given, that is to say, was perceived or in some way originally constituted. Thus, it is important to consider that the whole is reproduced, not only the then-present of consciousness with its flow but *implicite* (Husserl 1985, §25, 54) the whole stream of consciousness up to the living present as if everything new would react on the old. In this sense, we have one intention that in itself is an intention aimed at the series of possible fulfillments. For Husserl, in the unity of time-consciousness the reproduced duration is the foreground; the intentions directed toward the insertion of the duration into time make conscious a background, a temporal background.

As reported by Husserl, not only reproductive positing of temporal being belongs to their essence, but also a certain relation to internal consciousness. Thus, the appearing of the external, as an experience, is a unity belonging to the consciousness of the internal and to the consciousness of the internal corresponds the reproduction of the internal (Husserl 1985, §27, 57). Hence, when we reproduce an event or an object we do not represent the perception of it, rather we represent the perceived, that which appears as present in the perception. Such perceived constitutes intuitively to my memory as an intuitive representation of the not-now (Husserl 1985, §27, 59), constituted in a counter image of perception, in a re-presentation of the earlier perception.

## **2. Time is fixed and time flows: both intertwined with a unique flow of consciousness**

Husserl presents a problem: time is fixed, and yet time flows. In the flow of time, in the continuous sinking down into the past, a nonflowing, fixed, identical, objective time constituted itself. It happens because the object that appears

pushed back remains apperceptively preserved precisely in absolute identity. The continuous modification of the apprehension in the continuous flow does not concern the apprehension's as what (*als was*) (Husserl 1985, §31, 65), its sense. When the phenomenon recedes into the past, the now receives the characteristic of being a past now; but it remains the same now, except that it stands before us as past in relation to the currently actual and temporally new now. The same event with the same absolute temporal extension continually appears as identically the same, except that the form of its givennes is different (Husserl 1985, §31, 69).

Husserl says that every point that pushed back in time can made (repeatedly) the zero-point (*Null-punkt*) (Husserl 1985, §32, 70) of a temporal intuition. Such process has the property as capable of continued without limit. If there were a limit, a now would correspond to it, which nothing had preceded, and that is evidently impossible. This temporal intuition presents itself as fundamental temporal evidences that can be immediately grasped and that become evident because of the intuitions of data of the temporal positions (Husserl 1985, §33, 73).

According to Husserl, it is important to distinguish consciousness (flow), appearance (immanent object), and transcendent object (when the immanent object is not a primary content). In every consciousness, we find an immanent content. In the case of contents that are called appearances, this immanent content is either the appearance of something individual (of something in external time) or the appearance of something not in time (like a judgment) (Husserl 1985, §37, 76). For Husserl, it is possible to verify a growth from every new primal sensations and modifications. Nevertheless, we find a single flow that breaks down into many flows, but this multitude has a kind of unity that permits and requires us to speak of one flow. In this sense, primal sensations have their continuous succession in a continuous running-off (*Ablaufs*), and primal sensations have their being-together, their being-all-at-once (*Zugleich*) (Husserl 1985, §38, 77).

For Husserl, every adumbration of consciousness of the retention possesses a double intentionality: ones serves for the

constitution of the immanent object, like a tone; it is this intentionality that we call primary memory (*primäre Erinnerung*) (Husserl 1985, §39, 80) of the just sensed tone, or just retention of the tone. The other intentionality is constitutive of the unity of this primary memory in the flow; it is continuous retention of the continuously preceding phases. Consequently, there are two inseparably united intentionalities, requiring one another, interwoven with each other in the one, unique flow of consciousness (Husserl 1985, §39, 83). The immanent contents are experiences in the customary sense like the data of sensation, appearances of objects, the acts of asserting, wishing, willing, and so on, and the reproductive modifications corresponding to them (phantasies, memories) (Husserl 1985, §40, 84).

As stated in Husserl, every constituted experience is either impression or reproduction. To the impressional perceiving corresponds the possibility of a re-presentation of it; to the impressional wishing, a re-presentation of it, and so on. In the example of Husserl: to the sensed red, there corresponds a phantasm-red, a re-presentational consciousness to the impressional red (Husserl 1985, §42, 89). In this sense, perceiving is the consciousness of an object. As consciousness, it is also an impression, something immanently present. Husserl places apprehension in two senses: there is the apprehension that constitute itself as something immanent; and there is the apprehension that belongs to the constitution of something immanent (Husserl 1985, §42, 89). Thus, the appearing physical thing constitutes itself because unities of sensation and unitary apprehensions constitute *per se* in the original flows.

In keeping with Husserl, every consciousness in the unitary sense is at the same time necessarily also the unity of the consciousness of something objective to which it refers. However, not every consciousness is itself the consciousness of time; that is to say, consciousness of something temporal, consciousness constituting an intentional time. Husserl gives the example of the mathematical state of affairs (Husserl 1985, §45, 96). Thus, a judging consciousness of a mathematical state of affairs is an impression, but the mathematical state of affairs that stands before me as a unity and in this unity is not

something temporal; judging is not presenting (nor is it re-presenting). In this way, judging can endure for a longer or shorter time; it has its extension in subjective time and can be present or re-presented. Nevertheless, what is judged is not long or short, abiding or fleeting. Thus, what is re-presented is the judgment, not what is judged. Husserl also gives an example of a value. A value has no place in time. On this conjecture, a temporal object may be beautiful, pleasant, useful, and so on, and these it may be for a definite period. However, the beauty, the pleasantness, etc., have no place in nature and in time. They are not things that appear in presentations or representations (Husserl 1985, §45, 98).

### 3. Judgment is a position-taking

In his work *Experience and Judgment* Husserl points out that what appears in the form of an object is a synthesis performed by the operations of the time-consciousness (*Zeitbewusstsein*). The result of temporal constitution is only a universal form of order of succession and a form of coexistence of all immanent data. However, according to Husserl, a form is nothing without content (Husserl 1939, §16, 76). That means that a form does not come as a thing from nothing, it has content, a unity in time-consciousness, representing a higher level of constitutive activity.

It seems that we have a common constitutive unity structure, an immanent conscious of time, but our judgment goes to different perspectives, forming a variation of personal characters, but all formed by the same constitutive original structure. Even in our fantasies, we can find a representation of time, but it is a time without actual, strict localization of position; Husserl called it a quasi-time (Husserl 1939, §39, 196).

In *Cartesian Meditations* Husserl speaks of the habituality of the Ego (Husserl 1973, § 32, 66–67). We can find here the explanation of a sort of constitution of permanent characteristics that distinguish the pure *self* of one person in a different way from the pure *self* of another. As the Ego constituted itself passively and actively, its active side (free acts) takes certain positions with respect to objective data, which, as their own, remain in the continuity of the Ego,

determining this Ego in one way or another. In practice, in the course of his constitutive process the Ego undergoes a process of formation, through which it comes to acquiring permanent and personal properties. Moreover, it is precisely by virtue of this process that it overcomes, in a certain way, its strictly formal determination.

It is as part of this process that the Ego comes to acquire, and then preserve, a permanent style, - the personal character: The Ego shows, in such alterations, an abiding style with a unity of identity throughout all of them: a personal character. As Claudio (2021, 4) says in his article: “The habits, as a matter of fact, are acquired by taking positions (decisions, judgments, etc.) which, as belonging to a permanent Ego, become permanent habitus themselves.”

It is important to take into account that the modes of consciousness have a noetic and a noematic structure (Husserl 1973, §15, 74). We can understand them just by a transcendental reflection performed by a transcendental reduction. In the process of reduction, we abstain ourselves from a natural attitude that takes for granted what is meant, to wit, an attitude of positing thing in an objective abstract sense. That is the noematic side of our consciousness. Instead, the noetic side recognizes the infinite spatial-temporal flux of the consciousness/world. Therefore, the transcendental reflection causes a splitting of the Ego (Ich Spaltung) (Husserl 1973, §15, 73) in relation with the noetic and noematic mode of being. Thus, the Ego is concrete when it is implicated with the appearing world (Husserl 1973, §16, 76) lived by the noematic and noetic structure of consciousness.

From these considerations, it is stated that the concrete Ego (Husserl 1973, §12, 67) is not a solipsistic Ego, but an Ego that exists with its individual content made up of subjective process, abilities and dispositions, in other words, the Ego is given and not a kind of objective thought which is able to determinate the world. Without doubt, the sense of the transcendental reduction implies (Husserl 1973, §13, 69) that, at the beginning, this science can posit nothing, but the Ego and what is included in the Ego itself, with a horizon of undetermined/determinability (Junglos 2017, 276).

In the process of constitution, the Ego experiences a determinate/indeterminate structure (noetic/noematic). Thus, in spite of a constant process of reduction, abiding convictions can remain, as it is obvious (as a noematic structure). Such volitions, acceptances, believe and so on, develop a particularization of the Ego itself, which Husserl calls personal character (Husserl 1973, §32, 101). Nevertheless, the attitude of openness, to the possibilities brought by the *epoché*, lived by our immanent consciousness of time, forming its ideal types (noematic) together with its implicit flux, develop also our personal character. Thus, our personal character constitutes itself by our very attitude toward the process itself; may be an attitude of openness, or a natural attitude. Therefore, every Ego has its own particular constitution (Husserl 1973, §41, 117), forming a concrete Ego. The concrete Ego includes also the whole of actual and potential conscious life; it includes all constitutional problems without exception (Junglos, 2017, 728).

Corijn van Mazijk, in his analysis of Husserl, says that Judgment is always a willful act by an Ego living in the experience. There can be no judgment without a judger. (van Mazijk 2016, 432). In Husserl's understanding, if the Ego intends to know that 'S is p' on the basis of the perceptual situation 'S is p', it must actively and willingly turn back toward the synthesis 'S is p' as passively accomplished (Husserl 1997, 208). Therefore, The Ego must present or represent the passive synthetic process, but this time in a changed, willful attitude. Importantly, it is here not just any plain object, but rather the passively established connection itself ('S is p') that becomes a theme for the subject. It is because this connection was already a part of the passively accomplished perceptual situation that Husserl can refer to the new accomplishment as a *turning-back*. According to van Mazijk, in order to extract the state of affairs from the perceptual content is thus in a way a reflection upon intentionality itself, in other words, it consists in an active turning back to a synthetic achievement that was already accomplished by a passive consciousness. Thus, van Mazijk affirms that through this process, the Ego has now produced a new kind of object, namely an objectivity of the understanding. Van Mazijk says that Husserl leaves us no

doubt that this conceptual objectivity does not figure at the level of passive experience: it can be never originally apprehend itself in a mere act of reception. However, at the same time, the new conceptual objectivity have figured in some way in the passive perception already. After all, concludes van Mazijk, it is only through an active repetition that the judgment could take place – which means that the theme of the act of judgment was present prior to the judging.

In experience, also, we experience something that is not us, like the world, the objects and other in its mode of givenness. Notwithstanding, such modes of givenness are implicated in our concrete Ego (Husserl 1973, §48, 136). In spite of the transcendental Ego being the endower of meaning, it arrests not itself in a transcendental solipsism. The static analysis (thematized, the constituted) is confronted with the flux genesis of the world, the other, and of our consciousness (the thematising, the constituting). Under these circumstances, the solipsistic Ego split itself in its concreteness by the temporal flux. This means that the other, the world, and the objects implicate themselves in the sphere of our ownness. Now, the surrounding world is just constituted/constituting together with others. Thus, a transcendental subjectivity conceived itself as transcendental intersubjectivity, in other words, the objects, the others, the world, and even ourselves are only understood intersubjectively.

The alter Ego presents itself as accessible of what is not originally accessible (Husserl 1973, §53, 144). Here, Husserl is trying to avoid any identification between the other and us; instead, he tries to reveal a kind of association, analogy that motivates the sphere of our ownness. This motivation is due to the appresentation of the other, whereby she is accessible, because she is in front of us, already there to be analyzed, but at same time, she is inaccessible, because of her own originality. The other cannot be a duplicate of us, but we can objectively conceive that we can do what the other Ego can, and, also, we can be at the place of the other if we want. In Husserl's words, our Ego constitutes itself as Here (in relation to our psychophysical body) and the other as There (in relation to her psychophysical body). Thus, we are able to transfer every There

into a Here (Husserl 1973, §53, 146), but we are not able to uncover its originality, its temporal flux structure. Therefore, we draw the conclusion that, in spite of our objectification characteristic, we are not able to grasp the temporal flux. This means that an original presence will be always ungraspable, although, by perception, it is lived by our transcendental subjectivity.

The accessibility/inaccessibility of the other allows a challenge for the openness of our consciousness. The world is given to us and to everyone only as a cultural world, and as having the sense: accessible to everyone (Husserl 1973, § 58, 160). Such world for everyone has an ontological, a priori structure, which is natural, psychophysical, social and cultural.

In the wake of Husserl, Thomas Fuchs says that in perception, the house that we see is also a possible object for others who could see it simultaneously from other sides. Thus, the object gains its actual objectivity, that is, its independence from our own perspective, through the implicit presence of a plurality of other perspectives (Fuchs 2018, 21). Thus, a horizon of perception, but one shared with others. According to Fuchs, a social interaction with others implies a shared reference to objects as well as a contrast and alignment of perspectives, which helps to overcome a merely subject-centered worldview through participatory sense-making. The capacity to share one's perceptions with others in principle results in an increased distance of the subject from the object of perception, that is, in an objectification (Fuchs 2018, 27). In this sense, in perceiving, we always enact and inhabit a space that we share with others.

Ilja Srubar, in his interpretation of Husserl, says that to act in the world is always to act with others. In the relationship of action with others, chains of mutual expectations emerge, which represent a common interpretation scheme, a world-us (*Wir-Welt*). Therefore, if acting is always also social acting, this world-us is always prior to individual experience as a basis (Srubar 2007, 21).

As reported by Shrubar, in our actions with others and in the world, reality is, so to speak, covered in a meaningful dress (*Sinnkleid*) - it becomes a meaningful world. The multiple possibilities of social and individual action of the interpretive

structure experienced in the real world and its respective cultural content make up the spectrum of multiple realities that unfold between the subjective and the social pole, which through systems of appreciative relations of meaning - including the language - become a world of cultural life (Srubar, 2007, 230-231).

#### 4. Conclusion

Through the analysis of Husserl, it is possible to conclude that the personal character emerges constitutively, intersubjectively and culturally. In this context, out of habit, judgments reveal the way in which the Ego characterizes itself. It is evident that not only judgments characterize the concrete Ego in Husserl (attitudes, perception, intentionality, imagination, relationship with the other, with the world and with oneself, etc., they characterize the concrete Ego as well). However, the habit that remains in the way we judge reveals a personal character that assumes, in its constitutive form, the character of the judge. Whereas the constitutive structure of judgments emerges from the perceptual form, judgments involve everything that constitutes the concrete Ego. Thus, how we judge implies our personal character. For example, we cannot say that our attitude towards the other (ethically or not) does not relate itself to how we judge the reality around us. In fact, for Husserl it relates implicitly itself.

We all have the same constitutive structure, the Ego passively and actively constitutes itself. Although the judgments depart find substrate on the constitutive basis that is common to all, it assumes different perspectives. In the process of position-taking, a permanent style is preserved, which characterizes what Husserl will call personal character. Thus, the customary way of judging reveals an attitude that is characteristic of the character of oneself.

The noetic/noematic constitutive structure reveals that our judgments, although they assume a permanent style, does not mean that they are determinative of character forever, for the Ego can always decide otherwise. However, as long as they remain a habit, they do peculiarize the person in her character.

From these analyses, we conclude that the personal character forms itself in the very constitutive process in which we take a position, judging in a certain way. We could infer that if we analyze history, the habit of how we judge, we can also trace aspects of our own character. At least we can say whether the judge has an open attitude or a natural attitude.

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**Márcio Junglos** is Professor of philosophy at Instituto Federal Sul-riograndense – IFSUL/Brazil. He is performing research in the Hermeneutics of inclusiveness. He recently published the article: “Inclusive Hermeneutics: Ethical Perspectives” (ETHIC@- An international Journal for Moral Philosophy, v. 18, p. 175-194, 2020); the book “Hermenêutica Inclusiva” (Nova Petrópolis: Nova Harmonia, 2019) and the article “The ground of experience: implications in the constitution of judgments in Husserl's phenomenology” (META - Research in Hermeneutics, Phenomenology and Practical Philosophy, v. X, p. 333-352, 2018).

**Address:**

Márcio Junglos  
Instituto Federal Sul-rio-grandense – IFSUL  
Campus Venâncio Aires: Avenida das Indústrias,  
1865 – Bairro Universitário Venâncio Aires/RS – BRAZIL  
CEP: 95.800-000 – Phone (51) 3793-4200  
E-mail: [revjunglos@yahoo.com.br](mailto:revjunglos@yahoo.com.br)