HUSSERL AND HAUVELAND ON CONSTITUTION

ABSTRACT. Both Husserl and Hauveland develop an account of constitution to address the question of how our mental episodes can be about physical objects and thus, through the intentional relation, bridge the gap between the mental and the physical. The respective theories of the two philosophers of very different background show not only how mental episodes can have empirical content, but also how this content is shaped by past experiences or a holistic background of other mental episodes. In this article I first outline and then contrast their positions in order to show how the notion of constitution can be adopted to address major problems of contemporary philosophy of mind, especially the question of how the mind can be related to its physical environment.

Perception is, as Husserl puts it at the beginning of his Analyses of Passive Synthesis, an imposter who pretends to be what by its own nature it cannot be. Our perceptual experiences are about physical objects, even though only parts of these physical objects are actually perceived. I see a table over there, for example, even though only a part of it, the surface of the tabletop, lies in my visual field. My perceptual experience is nonetheless about the table as a whole, and not about the surface of its front. This example suggests that the content of our perceptual experience is not fully determined by our sensory input. In order to resolve this problem and explain how we can be intentionally directed towards objects, Husserl develops his theory of constitution according to which the agent constitutes the object in the very act of perceiving it.

Very recently, John Hauveland has developed an account of constitution that puts forth a new understanding of the relation between mind and world. Hauveland’s theory, strongly influenced by Kant’s, is interesting for two reasons. First, he tries to give an account of how we can be directed towards objects in our mental episodes; in other words, like Husserl he uses the notion of constitution to explain intentionality. Second, he applies his account to problems that are raised in contemporary philosophy of mind.

In what follows I will outline and compare Husserl’s and Hauveland’s notions of constitution. I will first outline the development of Husserl’s account of constitution in the context of the development of his overall philosophical position. Then I will discuss Hauveland’s use of the notion...
Finally I will point out that there are notable parallels – as well as disagreements – in the work of two philosophers who come from very different backgrounds which will show, as I hope, that the notion of constitution can be applied successfully to address some of the most central problems of contemporary philosophy of mind.

1. HUSSERL’S NOTION OF CONSTITUTION: A SHORT OUTLINE OF ITS DEVELOPMENT

In his attempt to explain intentionality Husserl developed his notion of constitution, according to which we constitute the objects towards which we are directed. In my visual experience of a computer screen, for example, I am constituting the screen I am seeing. This does not mean, however, that I am creating the screen, rather it explains how I can perceive it as a computer screen. With his theory of constitution, Husserl can show how the content of my current experience is shaped by my past experiences and, in a second step, how these experiences themselves are in turn constituted.

Since the notion of constitution played a central role in Husserl’s philosophical writings throughout his life, it changes with all the major changes in his overall philosophical system. Husserl never introduced the notion of constitution in a systematic way; Fink correctly points out that it plays the role of an ‘operative concept’, i.e., a basic, undefined concept that serves to formulate the definitions of other concepts of the theory. For this reason I will outline Husserl’s notion of constitution in a historical way.

When Husserl first developed his notion of constitution in *Logical Investigations* his account is strongly influenced by his distinction between intentional form and sensory matter or, as he calls it, the ‘matter-form schema’. In this period Husserl distinguished between intentional and non-intentional moments of the mental acts. The latter are like unstructured, raw sense data, which by themselves could not be directed towards an object. Intentionality comes into play only when these moments are apprehended by the intentional moments of the act. Husserl did not hold, however, that we do have raw sensations as independent acts on which the full-fledged acts of perception are based. Sensory matter and intentional form are moments of one and the same act: they could not exist independently of each other.

Husserl introduced the notion of constitution in the context of meaning. When one reads or hears a word, one is primarily directed towards the physical appearance of this word (the ink on the paper or the sound waves, for example). One is also directed, however, towards the meaning of the word and, in consequence, towards the object to which it refers. By treating
the marks of ink on the paper as symbols or representations that stand for something else, we are directed, so to speak, through these symbols towards other objects. In these acts the meaning of the word is constituted.

Husserl then extended this analysis to perception, where we are faced with a similar situation. When we look at an object, we see only one side of it under a certain perspective, or, to put it in Husserlian terms, we have only an aspect [Abschattung] of the object. However, we do see the whole object and not only a part of it. The part of the object that we can see stands for the whole object in a similar sense as the material form of the word stands for its meaning. We perceive, so to speak, the full object through the aspect. The object is constituted in a series of perceptions, each of which gives us only one of its aspects.

The main application of the notion of constitution in *Logical Investigations* was in the context of the perception of what Husserl calls ‘categorical objects’. Apart from simple objects like this table or this book, we can also perceive facts as we do when we see *that the book lies on the table*. Husserl called these objects to which we predicate form ‘categorical objects’ or ‘states of affairs’. We are directed towards these objects in acts of categorical perception. Their ontological status is different from that of simple objects, for they are based on simple objects, but they come into existence only when they are constituted, i.e., when the mind uses its predicative power of giving form to the state of affairs. “Thus, the categorical formation or creation of the form of the state of affairs means that the state of affairs has its form not independently of the predicative act. It is rather constructed or constituted by it” (Süssbauer 1995, p. 263 [my translation]). Once they are constituted, however, they can be identified and recognized. Hence, they are created in the process of constitution.

In the light of his later account and compared to the other contexts where Husserl used the notion of constitution in *Logical Investigations*, the constitution in categorical perception is very atypical, for it is the only context where the object is created in the process of constitution. With this single exception we can state that it is one of the cornerstones of Husserl’s theory that constitution requires an actual object corresponding to the act, the existence of which is independent of its being constituted.

In the following years Husserl extended his notion of constitution to a broader realm of objects. Husserl, who did not publish again for a full decade, presented this new development in his courses, mainly in the ones on *Time Consciousness* in 1905 and on *Thing and Space* in 1907. He discussed not only the constitution of the objects of outer perception, but also the constitution that takes place in acts of inner perception, i.e., in acts that are directed towards other mental acts, as is the case when I
remember the very act of seeing the tree before my window (as opposed to remembering the tree). This is the first time that Husserl talked not only about the constitution of the objects of our conscious experiences, but also about the constitution of these experiences themselves.

One of the basic assumptions of Husserl’s phenomenology of time consciousness is that our mental acts are temporally extended. They consist of partial intentions of which Husserl distinguished three kinds: retentions, primal impressions, and protentions. Retentions are the parts of the act that are directed towards the object as it appeared just a moment ago; primal impressions are directed towards the object in its present state; and protentions form expectations about the object’s future states. When we perceive temporal objects like melodies, we can perceive only one of their temporal parts at a moment. Husserl explained the fact that we can perceive temporal objects – and not just temporal parts of them – by showing how they are constituted in the temporally extended act of perception.

Based on this analysis, Husserl could explain various layers of constitution; he showed not only how temporal objects are constituted in our mental acts, but also how these mental acts themselves are constituted. In addition, if we shift our attention from the object of the partial intentions to these intentions themselves we realize that they are all part of one and the same consciousness; in other words, they form one stream of consciousness. Thus, the stream of consciousness, Husserl argued, is constituted by the totality of these partial intentions. Consequently, we can find three levels of constitution in Husserl’s account of time consciousness: the object of the episode, partial intentions, and the stream of consciousness.

(1) The things of experience in objective time… (2) the constituting appearance manifolds of various levels, the immanent units in pre-empirical time; (3) the absolute, time-constituting stream of consciousness. (Husserl, 1991, p. 77)

This period is marked by some major developments of Husserl’s philosophical position. In 1905 he started to elaborate the phenomenological reduction. This development, which is often described as Husserl’s ‘transcendental turn’, the outset of his ‘transcendental phenomenology’, marks, as Ströker points out, “a borderline between two different, although closely related, meanings of the Husserlian concept of constitution” (Ströker, 1993, p. 105).

It was not until 1913, with the publication of Ideas I, that Husserl presented his phenomenological reduction in writing. With this book he aimed to introduce phenomenology to a broader audience. Since Husserl was introducing a very original and complex line of thought, he decided not to discuss some of the topics that became relevant for his account of constitution and that he had developed earlier. He did not consider his
critique of the matter-form schema that he began to develop in 1907 and
did not talk about time consciousness, “so as to maintain free of confu-
sion what first becomes transparent from the phenomenological standpoint
alone” (Husserl, 1931, p. 236 [Hua III/1, p. 182]).

After the publication of *Ideas I*, the notion of constitution is given an
even more central position in Husserl’s thought. This can be seen from the
subtitle of the second, posthumously published volume of *Ideas: Studies
in the Phenomenology of Constitution*. One of the crucial steps in this
development is the distinction between static and genetic phenomenology
that Husserl developed from 1917 on. Static phenomenology describes the
kind of phenomenology that Husserl had previously developed. It takes for
granted that we are dealing with certain realms of objects, like physical or
mathematical objects, and certain kinds of mental acts, like perceptions or
memories, in which these objects are given. The task of static phenomen-
ology is to describe the regularities and structures of the experiences in
which we are directed towards these kinds of objects.

In genetic phenomenology, on the other hand, one asks how it comes
about that we are dealing with these kinds of objects. Rather than assuming
that there are certain realms of objects, genetic phenomenology explains
how we constitute them. The question is no longer how we can perceive
physical objects. It is instead: how does it come about that we constitute
the realm of physical (or mathematical or etc.) objects? “The object is no
longer the guidepost as it is in static phenomenology. It is rather something
that has come to be” (Bernet et al., 1993, p. 201).

The aim of genetic phenomenology was to give an account of how we
constitute objects towards which we are directed by analyzing the compon-
ents out of which our experiences are built. Husserl did that by going back
to his analyses of the temporal structure of consciousness, arguing that
both the mental act and its object are constituted from the partial inten-
tions that belong to one’s stream of consciousness: retentions, protentions,
and primal impressions. Each of these partial intentions is directed toward
some object, like the tone of a melody. The object itself, the melody, is con-
stituted by the series of partial intentions that are directed toward a series of
tones. The act of hearing the melody, on the other hand, is also constituted
by these partial intentions. It consists of all those partial intentions that are
directed towards the same object, namely the melody.

In order to explain why these constitutional processes take place the
way they do we also have to take the history of the subject into account.
Husserl argued that whenever someone constitutes an object, this consti-
tution leaves a kind of trace. If one constitutes a certain object very often,
one forms a habit that shapes future constitutions:
That a nature, a cultural world, a world of men with their social forms, and so forth, exist for me signifies that possibilities of corresponding experiences exist for me, as experiences that I can at any time bring into play and continue in a certain synthetic style, whether or not I am at present actually experiencing objects belonging to the realm in question. ... This involves a firmly developed habituality, acquired by a certain genesis in conformity with eidetic laws. (Husserl 1960, p. 76)

Our past mental episodes form a retentional background which in turn accounts for the possibility of having any mental episodes at all.11

Husserl’s late account of constitution is shaped by his critique of the matter-form schema that he held in his early writings. We have seen above that in his course on time consciousness in 1905 he argued that partial intentions are composed of raw data that are apprehended by intentional forms. He held that the same matter that is at one moment apprehended in a primal intention as present will be apprehended at the next moment in a retention as past. Between 1907 and 1909 he started to criticize this schema. His main argument against the schema was that it presupposes that there is a constant sensory content that is apprehended by different forms. He pointed out that an impression of sound, for example, can only be apprehended as present. In the next moment there is no longer the impression of the sound that is just apprehended in a different way, but a consciousness of having had an impression. “In short, there is a radical alteration, an alteration that can never be described in the way in which we describe the changes in sensations that lead again to sensations. . . . One must not materialize the contents of consciousness” (Husserl 1991, p. 336).

In later writings, Husserl generalized this point in his critique of sense-datum theories. He never explicitly rejected the assumption that there are raw sense data that play a central role in the constitution of objects. He did claim, however, that all parts of consciousness are constituted. Husserl stated that “consciousness consists in nothing but consciousness, and even sensation and phantasma is consciousness” (Hua XXIII, p. 265 [my translation]12), which means that there cannot be any raw data that are directly given to consciousness. In his study on the phenomenology of association, Holenstein shows that even though Husserl never explicitly drew that conclusion, there are clear passages that show that he overcame the matter-form schema also in the context of the constitution of objects.13

In the context of genetic phenomenology Husserl also develops his transcendental idealism. Since he tries to explain the various realms of objects by constitutional processes that are performed by the subject, it seems that he implies that the existence of these objects presupposes the existence of a subject that constitutes them.14
In his later phenomenology Husserl talked about several levels of constitution: (1) spatio-temporal nature; (2) people and animals; (3) artifacts; (4) values; and (5) morals and customs. Each of these levels is based on the lower ones in the sense that we could not constitute the higher levels if we had not constituted the lower ones. This does not mean that there is a causal connection between these levels, in which the lower levels bring about the higher ones. For my purposes, the basic processes of constitution are of central importance.

Husserl developed the distinction between active and passive constitution in the context of genetic phenomenology by arguing that in the former the ego is involved while in the latter it isn’t. The first level of constitution is, according to Husserl, passive. We constitute the spatio-temporal world with its basic elements (physical objects etc.) only due to the temporal structure of consciousness and laws of association. These features do not involve the ego. The constitution of cultural objects, abstract entities, etc., on the other hand, cannot be reduced to these basic processes. It does involve an ego that actively constitutes it. Both active and passive constitution can create a habit and shape future constitution. “Not only passive formations of unity but also actively produced configurations of sense become habitual acquisitions of the subject” (Bernet et al. 1993, p. 202).

In Husserl’s last texts, kinesthetic experiences play a more and more central role in passive constitution. Together with the temporal structure of consciousness and association they are seen as one of the three levels of passivity.

In conclusion we can state that according to Husserl’s theory of constitution, we are constituting the objects towards which we are directed in our mental acts. This does not mean, however, that we are creating the object when we constitute it. Husserl rather argues that the constituted object exists independently of the act in which it is constituted – with the exception of objects towards which we are directed in categorical perception. Through his analysis of the temporal structure of our mental acts Husserl realizes that not only the objects, but also the mental acts in which we are directed towards them are constituted. In addition, he argues that every process of constitution leaves a trace as every mental episode becomes part of a retentional background without which we could not have mental episodes in the first place.

This historical discussion of the development of Husserl’s theory shows how closely his notion of constitution is intertwined with his overall phenomenological position. In order to better see how this notion can be used to address questions relevant to contemporary philosophy of mind,
I will now turn to analyze how the idea of constitution was developed by a contemporary philosopher, namely by John Haugeland.

2. HAUGELAND’S CONSTITUTIVE STANDARDS

Haugeland introduces his notion of constitution with an argument against causal theories of perception that was first developed by Dretske. According to these theories we perceive objects as objects because our perception is caused by them. I see a bicycle, for example, because there is an actual bicycle in front of me that causes a certain visual experience. Dretske criticizes this argument. He notes that the object cannot cause the experience directly, but only over several steps of a causal chain. When I see a bicycle, the light that comes from the sun is reflected by the bicycle and has to travel through the air until it hits my eyes, where it causes certain neuro-physiological processes that finally cause the visual experience of the bicycle. The object itself is only one of many causal antecedents of the perception. Now Dretske raises the question: what allows us to single out this specific part of the causal chain as the object of the experience? Causal theories cannot explain why one of the causal antecedents should play a more special role than the other ones.

Dretske’s contention is that in order to single out the object of the experience we have to put our emphasis not only on the causal chain that brings about the experience but also on informational relationships between the experience and its object. The basic idea is that a state of affairs can carry information about its causal antecedents. However, informational relationships differ in two important respects from causal ones.

First, a state of affairs can carry information about one of its distant causal antecedents without carrying information about proximal ones. This is the case when a state of affairs can cause another one in various different ways. Let us consider the example of a friend who sends me an email message every week. He writes them on a program that runs on his server and, when he is done, clicks the send-button; the message is sent to my server. It is not sent directly, though, it has to pass through several other computers and possibly a satellite before it arrives at its destination. There is a wide variety of paths from my friend’s server to mine, and two messages do not have to take the same path to travel from one server to the other. In fact, they typically take different paths. In other words, receiving a message from my friend can be caused by different kinds of causal chains (some of them involving a satellite, some not, etc.). The fact that there is an email in my mailbox does therefore carry information about a distal cause (his composing the message on his server) without carrying information about
a more proximal one (the particular path the message takes from his server to mine).

Second, if a state of affairs carries information about one of its causal antecedents, it can at the same time carry information about the causal antecedents of this latter state of affairs. When I hear that the doorbell is ringing, for example, my sensory experience does not only carry the information that the doorbell is ringing, but also that somebody pressed the doorbutton. The experience, thus, carries information not only about its object, but also about causal antecedents of its object. The information that the doorbell is ringing, however, has a special status because we get the information that somebody pressed the doorbutton via this information and not vice versa. Thus, the experience gives a primary representation of the ringing of the bell, but not of the pressing of the doorbutton.

With these two characteristics of informational relations we can, according to Dretske, explain why the object of experience plays a special role in the causal chain. He states that

the object of the experience in question (what it is we see, hear, smell and taste) is that object (or set of objects) whose properties the experience represents in a primary way. (Dretske 1981, p. 162)

This means that the object of the experience is the most proximal of the causal antecedents about which the experience carries information. When I see a red table, for example, the experience cannot carry information about any of the causal antecedents that are more proximal than the red table. Otherwise, the more proximal cause, e.g., some neurological process, would be the object of the experience. In order to show why physical objects and not some neuro-physiological processes are the objects of our experiences, Dretske has to show that one and the same physical object can cause the same experience in various ways. He argues this point by noting that I can see the same red table at one point in bright daylight and later in dim candlelight. In both cases I have the same experience, I see a red table, but the neurological stimulation differs dramatically. Similarly, when I walk around the table I see it from different perspectives. The image projected on the retina changes continuously, but I always perceive the table as rectangular. In these cases, the same kind of object causes the same kind of experience via different kinds of stimulation of the nervous system.

In his article ‘Objective Perception’ Haugeland discusses Dretske’s argument. He shares the concern about causal theories of perception, but criticizes Dretske’s solution of the problem. We have seen that Dretske has to show that an experience cannot carry information about any of its causal antecedents that are more proximal than its object. To support this
Haugeland argues, it is not enough to show that the experience can be caused by different kinds of stimuli, for the question arises of how we determine whether two stimuli are different in kind; “and whether two instances differ in kind depends on which kinds are being considered” (Haugeland, 1996/1998, p. 245). Haugeland points out that Dretske’s argument depends on the negative claim that there is no single kind of stimulus that mediated all and only the constant perceivings, otherwise that kind of stimulus would be the object of our perceptual experiences. In other words, Dretske does not only have to show that “there are respects in which the stimuli differ, … he must argue that there is no respect in which these stimuli (and only these) are all alike” (Haugeland, 1996/1998, p. 254).

And, Haugeland continues, it seems to be impossible to formulate such an argument, because “it seems that there must be such kinds, if sensory perception is possible at all” (Haugeland, 1996/1998, p. 246). If it is possible that we perceive the table from various perspectives, in different light conditions, etc., all these perceptions must have something in common that allows us to recognize them as perceptions of the same object, which means that there must be a projectible classification and thus a kind that all and only those causes would instantiate. In consequence, according to Dretske’s account the kind of stimulus, and not the red table, would be the object of our experiences. This shows that we cannot single out the object of experience in the causal chain on the basis of informational relations as defined by Dretske.

Haugeland proposes an interesting solution to Dretske’s problem. In order to perceive objects as objects, he argues, one has to be committed to constitutive standards. The object of one’s experience, then, is determined not only by the causal antecedents of the experience, but also by the constitutive standards to which one is committed. He illustrates this point with his favorite example, the perception of chess pieces and moves. The material appearance of chess pieces can vary immensely. One can play chess with wooden figures on a board or – like Dr. B. in Stefan Zweig’s novel The Royal Game – with little pieces of bread, some of them colored with dust, on a chequered bed cover. Chess pieces can even take the form of patterns on a computer screen. Whether we perceive something as a chess piece or not does not depend on its physical form, nor on its material properties, but on the function that is assigned to it according to the rules of chess. Similarly, a move of these pieces qualifies as a chess move if it accords with the rules of the game, or at least (in the case of a mistake) if the player who makes the move generally conforms to these rules and is ready to correct an error when one is pointed out. Chess rules, then, are constitutive standards for the perception of chess pieces. In other words,
if one does not know the basic rules of chess, one cannot perceive chess pieces, one cannot see a rook, for example.

Chess perception is a convincing example because it shows nicely how commitment to constitutive standards, namely the rules of chess, enables us to perceive certain sorts of objects and events, i.e., chess pieces and moves. The problem with this example is, however, that it suggests that this holds only in cases where one perceives something, a piece of wood, a bread crumb, etc., as something else, namely as a chess piece. Haugeland stresses, however, that every experience that is about an object presupposes constitutive standards. When we look at the same object and you see a rook while I see a nicely shaped piece of wood, for example, the difference is not that you have constitutive standards while I do not. In order to see an object, we both have to be committed to constitutive standards. The difference between your and my visual experience is that your constitutive standards include the rules of chess, while mine don’t. “What the perception is of is that which the constitutive standards govern” (Haugeland, 1996/1998, p. 253).

The example of chess perception is special also in the sense that its constitutive standards, the rules of chess, can be fully spelled out. This is not true, however, for all of our constitutive standards, nor is it a necessary condition for having them. Haugeland states that even in the case of chess perception it is sufficient to have “some grasp or understanding of the game of chess” (Haugeland, 1996/1998, p. 248). For understanding the game of chess one does not have to be able to fully spell out the rules of the game. In fact, many people who play chess are probably not able to do so. Nor is reading a rulebook sufficient for understanding the game. In many cases we have experiences of objects relative to constitutive standards which cannot be spelled out as easily as chess rules (if they can be spelled out at all), for example when we see rocks, sticks, or clouds. Consequently, being committed to certain constitutive standards cannot be equated with holding a certain set of beliefs.²⁹

On the basis of his account of constitutive standards Haugeland can solve Dretske’s problem. When I perceive a chess piece, it is essential that my perception is actually caused by this chess piece. But how can I single out the chess piece in the chain of causal antecedents of my chess perception? We do that, according to Haugeland, on the basis of the constitutive standards that we are committed to. In case I have a doubt whether I have actually seen a rook or rather a bishop that I have misperceived as a rook, Haugeland argues, the constitutive standards determine where I have to double-check. Let us, for example, assume that due to a strange perspective and lighting, the retinal patterns that are caused by the rook
resemble those that are typically caused by a bishop under normal perceptual circumstances (good light, optimal perspective, etc.). Can we say in this case that I correctly perceive the retinal patterns of a bishop or rather that I misperceive the rook? Haugeland answers that clearly the latter is the case because according to our constitutive standards of chess it is not the retinal pattern but the object on the board that matters. In other words, constitutive standards of chess are about chess pieces rather than retinal patterns.

Haugeland’s response to Dretske’s problem shows clearly where the normative element of the mental comes in. Haugeland states that the norms governing the perceptions as such, and in virtue of which they can be objective, are inseparable from the standards governing, and indeed, constituting, the chess phenomena as such. (Haugeland 1996/1998, p. 254)

In a later article ‘Truth and Rule Following’ Haugeland addresses the question of what it means to be committed to constitutive standards, giving a more detailed account of constitution that he develops in close analogy to the notion of rule following. He distinguishes four aspects of constitution: constitutive regulations, constitutive standards, constitutive skills, and existential or constitutive commitment. These are mere aspects of the process of constitution. Unlike Husserl’s layers of constitution, they do not allow for distinctions in the realm of constituted objects. Let me elaborate each in turn.

Constitutive regulations are pretty much like the rules of a game, regulations that set out what the agents or players may or may not, must or must not do. If we take chess as an example, the constitutive regulations settle what moves are legal and when the players are entitled to make them, etc.

Constitutive standards, on the other hand, govern not only the actions of the players, but all phenomena that occur within a game. They not only determine what moves are legal, but also how the game has to be set up. These standards specify what can and what cannot happen in the game and so determine the various positions and figures of that game. In the case of chess the constitutive standards define what a rook is or what castling is, and so on.

The third aspect of constitution, constitutive skills, are “resilient abilities to tell whether the phenomena governed by some constitutive standards are, in fact, in accord with the constitutive standards (Haugeland 1998, p. 323). While, as I have noted above, chess players need not be able to spell out the constitutive standards of a game in order to play it, they have to be in possession of the constitutive skills that are required by the game. A player has to be able to recognize illegal moves, correct them, and insist on their illegality if performed by the other player. Apart from con-
stitutive skills we also have, according to Haugeland, mundane skills that are different from the former, though interdependent with them. Mundane skills “are the resilient abilities to recognize, manipulate, and otherwise cope within the game, including other players, as required and permitted by the rules – in effect, the ability to engage in the play” (Haugeland 1998, p. 323).

Finally, the most basic of the four aspects of constitution is constitutive commitment which Haugeland describes as “a dedicated or even devoted way of living: a determination to carry on” (Haugeland 1998, p. 341). It is a commitment to hold constitutive standards, apply constitutive skills and behave according to constitutive regulations. Haugeland argues that constitutive commitment is a governing rule the authority of which “comes from nowhere other than itself, and it is brought to bear in no way other than by its own exercise” (Haugeland 1998, p. 341). Constitutive commitment, thus, is an attitude to apply rules, a basic rule that cannot be further reduced to other rules.

On the basis of the distinction between these aspects Haugeland sets out his account of constitution. How can he explain that we are directed towards objects? The most basic element of constitution is constitutive commitment, i.e., the commitment to perform constitution in the first place. The objects of perception are constituted according to the constitutive standards that we hold. Chess objects, for example, are constituted because the rules of chess are part of the constitutive standards held by the person who perceives them. Consequently, if the rules of chess had never been invented, chess objects would not exist. Constitutive standards can be applied only on the basis of constitutive skills. In other words, chess players have to be able to see whether a certain move is a legal chess move or not. Finally, the constitutive regulations determine what options a player has, what moves he can make and so on.

We have seen that, according to Haugeland, the objects of perception are constituted according to constitutive standards. What does that entail about the ontological status of these objects? Haugeland answers this question in a deliberately provocative way. “To constitute is to bring into being” (Haugeland 1998, p. 325). He argues, however, that this does not imply that ‘constituting an object’ means ‘creating it’, nor does it mean ‘interpreting something as an object’. Constitution, Haugeland states, rather means ‘letting be’. He clarifies that slogan by defining objects as loci of potential incompatibilities in a constituted domain. But what exactly are loci of potential incompatibilities? When we look at the chess game, for example, our mundane skills allow us to perceive chess pieces and moves. We can perceive rooks and diagonal moves on the chessboard. The
constitutive standards of chess, however, do not allow us to move rooks diagonally. They can only be moved along the vertical and horizontal lines of the board. Consequently, moving the rook diagonally, though conceivable, is incompatible with the constitutive standards of the game. It is, as Haugeland puts it, in the excluded zone.21 Rooks and moves, thus, are loci where the incompatibilities with the constitutive standards can arise. In consequence, they are objective phenomena of the chess game.

Another example of an incompatibility in a constituted domain is a physical object that does not behave as predicted by the laws of physics. In that case, the behavior of the physical object that is perceived on the basis of our mundane skills is incompatible with the constitutive standards that govern the perception of physical objects. This incompatibility might lead to a change in the constitutive standards, i.e., the laws of physics. The physical object is constituted as an object because this incompatibility can arise.

Constitutive standards and the zone they exclude give sense to a distinctive sort of potential incompatibility among particular mundane exercises. Constituted objective phenomena are the loci of these potential incompatibilities. Such loci are what constitution lets phenomena be – namely, as we shall see, empirical objects. (Haugeland 1998, p. 337)

We can discover these incompatibilities only due to our constitutive skills which are co-constituted with the object. Once an incompatibility has been detected, there are several ways to react. If the phenomenon we perceive on the basis of our constitutive standards is an illegal chess move, for example, we have to correct the phenomenon by insisting on the constitutive standards. If, on the other hand, we perceive a physical phenomenon that is incompatible with the constitutive standards, we have two options: (i) we can either have a better look or adjust our instruments of measurement, i.e., improve our constitutive skills; (ii) in some cases we will have to change or improve the constitutive standards, e.g., the laws of physics.

Haugeland’s account of constitution provides interesting ideas. I think, however, that there is a problem with his characterization of constitutive commitment. As I have pointed out above, Haugeland’s distinction between the four aspects of constitution is closely related to the notion of ‘rule following’. His preferred examples are games, mainly chess and baseball. But this strategy leads to the following problem. If Haugeland’s characterization of constitutive commitment is right, constitution is something that we can, but do not have to perform. He states that it takes “self-discipline and resolute persistence” (Haugeland 1998, p. 341) to perform constitution. Does that mean that I can decide whether I want to have constitutive commitment or not? Can I decide to give up constitutive commitment for a two week holiday after a stressful period and then take it up.
again, like a chess game? I think that Haugeland does not point out clearly enough that once we are trained to have a certain constitutive commitment, we can no longer step outside it. We might change our constitutive standards, improve our constitutive skills, etc., but it is impossible to give up constitutive commitment, nor does it take any effort or self-discipline to perform it.

3. SOME CENTRAL FEATURES OF CONSTITUTION

Having outlined Husserl’s and Haugeland’s account of constitution, I will now address the question of what we can learn from them by contrasting their positions. The basic differences between Husserl’s and Haugeland’s notions of constitution stem from the differences in their overall philosophical position. Husserl’s notion of constitution has to be understood within the context of phenomenology, a position that works with a strict method, the phenomenological reduction, and a clear goal, the description of the essential elements of conscious phenomena from a first person point of view. Husserl uses the notion of constitution as an operational concept, i.e., a basic concept that is not defined and that serves to define the other concepts of the theory. Haugeland, on the other hand, does not share this methodological framework. Even though his account is influenced by Heidegger, it is not phenomenological in a narrow sense. Haugeland does not apply the phenomenological reduction, nor does he describe the essential elements of mental acts from a first person point of view. His position reflects the discussion of contemporary philosophy of mind, which results in his adoption of holism and the analogy between constitution and rule following. Unlike Husserl, Haugeland attempts to give a clear characterization of the process of constitution by defining four aspects of constitution.

The central part of both accounts is the constitution of the objects of our mental states and episodes. Both philosophers state clearly that ‘constituting an object’ does not mean ‘creating it’. In other words, objects do not pop into existence in the process of constitution. It is important not to confuse constitution and creation because that would lead to a very crude form of idealism that neither philosopher would accept. Nonetheless, the charge of idealism has been brought up with respect to Husserl’s position. The fact that Husserl characterizes his own position as transcendental idealism seems to be a clear sign that it has idealistic tendencies. Yet, in a letter from 1934, he writes:

No ordinary ‘realist’ has ever been as realistic and as concrete as I, the phenomenological ‘idealistic’ (a word which by the way I no longer use). (Husserl 1994, p. 16 [my translation])
The question of whether Husserl really was a realist or an idealist is still the subject of extensive debate among Husserl exegetes. One can find advocates for every conceivable position: it is argued that Husserl is an idealist, that he is a realist, that he is neutral with respect to this question and even that this question cannot be asked meaningfully in the context of Husserlian phenomenology. I cannot settle this exegetical question here. It is interesting to see, however, that the charge of idealism has been discussed with respect to Husserl and Kant, two philosophers who make extensive use of the notion of constitution, which might suggest that there are some systematic relations between constitution and (transcendental) idealism. Haugeland’s realist account of constitution, however, shows clearly that an account of constitution does not necessarily involve a form of idealism.

Husserl and Haugeland also agree that constitution does not mean interpreting something as something else. Both Husserl and Haugeland would argue that there cannot be a realm of basic objects that are not constituted and which are interpreted as something else in the process of constitution. According to Haugeland, the thesis that constitution is an interpretation of something that is not constituted as something else “is philosophically self-defeating” (Haugeland 1998, p. 326). He explains:

If all constitution were mere counting-as, it would always presuppose, hence never contribute to, an account of objectivity – which would forfeit the point. (Haugeland 1998, p. 327)

In addition, one would have to explain how we can possibly perceive these basic objects – be it atoms, sticks, or etc. – that are then going to be interpreted as something else, e.g., as rooks or tables.

The two philosophers would also reject the thesis that constituting an object means reducing it to some other, more basic object. This project, proposed by Carnap in *The Logical Structure of the World*, assumes that all objects can be reduced by constitutional definition to some basic objects that cannot be further reduced. Neither Husserl nor Haugeland discusses Carnap’s notion of constitution. The idea of reducing objects to other objects of a more basic level by constitutional definition is not compatible with either of their accounts for it presupposes that there are basic objects that form the basis of the system and, thus, are not constituted (in the sense that they cannot be further reduced to other objects by constitutional definition). In addition, the idea of constitutional definition is foreign to both accounts.

We have seen that for both philosophers constitution is not creation, nor counting-as or reducing-to. So what is constitution for them and what are objects constituted from? As I have discussed, Haugeland answers this
question with the slogan ‘constitution is letting be’. He defines objective phenomena in a formal way, namely as ‘loci of potential incompatibilities in a constituted domain’. Haugeland does not explain what objects are constituted from. According to his account, we can conceive objects only relative to constitutive standards. This account does not allow for explaining what a table is in terms of the parts that it is composed of, its atomic structure, for example. Seeing something as a table or as a bunch of atoms means only applying different constitutive standards. According to Haugeland we cannot conceive that there is some raw, unstructured matter, i.e., matter that is not constituted, that every object is composed of.

Husserl’s account of constitution, as we have seen, explains how we can group a series of moments of the stream of consciousness together and thus have one act of perception of one and the same object. According to Husserl, there are various strata of constitution, some of which can be explained in terms of more basic ones, as we have seen in the example of time-consciousness and the constitution of temporal phenomena. Like Haugeland, he argues, however, that one cannot arrive at a most basic stratum that is composed of phenomena that are not constituted. No matter how far down we can go in our analyses, we will always find phenomena that are themselves constituted. The question of how the constituted object is related to the ‘real object’ in the physical world is not relevant for Husserl; he works within the phenomenological reduction and thus brackets the realm of the outer world.

According to Husserl’s account, not only the objects that we are directed at in our mental acts, but also these mental acts themselves, are constituted. When I see a table, for example, not only the table, but also the mental act of seeing it is constituted. Conscious phenomena, as we have seen above, are constituted by their temporal moments (retentions, protentions, and primal impressions). This move is quite interesting, undermining as it does the Cartesian idea that thoughts or mental activities are the basic elements of our mental life that cannot be further analyzed.

Haugeland does not talk about the constitution of mental phenomena, but his account can cover this aspect. All he needs to argue is that there are constitutive standards for the realm of the mental. These might be the rules of folk psychology like ‘you can see an object only if this object is actually in front of you’ or ‘if you believe that Paris is the capital of France you cannot at the same time believe that Vienna is the capital of France’. According to these rules, there are potential incompatibilities like ‘I see a table’ and ‘There is no table in front of me’; or ‘I believe that Paris is the capital of France’ and ‘I believe that Vienna is the capital of France’, uttered by the same person, one sentence right after the other. The loci of
these potential incompatibilities are the mental phenomena ‘seeing some object’ or ‘believing that something is the case’. Thus, they are objective phenomena with respect to the constitutive standards of mental phenomena. In consequence, every change in the constitutive standards that govern the realm of the mental brings about a change in our mental lives.

Another element that we find only in Husserl’s account is that every constitution that is performed leaves traces. If we constitute a certain object or kind of objects very often, we form a disposition to perform this constitution in the future. With this idea Husserl can account for the conservative character of constitution, i.e., for the fact that we tend to go on constituting the same (kinds of) objects unless there are strong reasons for a change. The more common a certain way of seeing things is, the stronger the reasons for a change have to be. It is, thus, much more unlikely that one would give up the constitution of everyday objects like chairs than that of objects like neutrinos that are posited by scientific theories.

Haugeland’s theory shows no interest in questions of the nature of these habits or ‘traces’. Since his position is based primarily on skillful behaviour, however, and not, like Husserl’s, on conscious acts, he can account for the conservative aspect of constitution, too. In addition, Haugeland states the conditions for when and how we have to make changes in our constitutive standards or in the constitutive domain. These changes involve considerable reasoning; Haugeland’s theory in this point seems to be more oriented towards our scientific understanding of the world than our everyday experiences that are directed towards objects. Changes in constitutive standards can also take place in mental lives that are not complex enough to reason scientifically at a high level of abstraction and in very simple and basic mental phenomena. In these cases we do not need to reason to effect changes; they do not require any intellectual activity. Haugeland’s approach, thus, seems to require a strategy that is far too complex.

In conclusion, we can state that both philosophers talk about the constitution of the objects of our mental states. Husserl brings in an additional element by arguing that our mental states are also constituted. Haugeland does not talk about the constitution of mental phenomena, but with his theory he can account for that aspect of constitution. I have pointed out that the charge of idealism has been brought up with respect to Husserl’s positions (as well as Kant’s); but Haugeland’s realist account of constitution shows clearly that constitution does not amount to an endorsement of a form of idealism. Finally, Husserl argues that every constitution that is performed leaves a trace which accounts for the conservative character of constitution.
This contrast shows, I believe, how an account of constitution can address problems that are at the center of contemporary discussions in philosophy of mind. It can explain how our perceptual experiences can have empirical content that is determined not only by their causal relation to the environment but also by the holistic background of the person who has these experiences. With this second aspect it can also shed some light on the thesis of the social aspect of consciousness: the constitutive standards necessary for our perception of objects are intersubjective standards in the sense that they can be communicated through language and are based on our social practices. In addition, if we take Husserl’s idea of the constitution of our own mental episodes seriously, we see that even the very fact that we have mental episodes such as perceptual experiences, etc. depends in an essential sense on our interactions with our social and physical environment.

NOTES

* I want to thank John Gibson, John Haugeland, William Seager, Sonia Sedivy, Barry Smith as well as the anonymous referees of this Journal for helpful criticism, suggestions, and comments on earlier drafts of this paper.

1 Cf. Hua Xi, p. 3.


3 For a detailed historical study of Husserl’s notion of constitution cf. Sokolowski (1964) and Ströker (1993).

4 Husserl develops a forerunner of the notion of constitution already in his first book, *Philosophy of Arithmetic*, to explain the origin of basic arithmetical notions like number, collection and set – they are constituted in higher order acts. While in his later account of constitution Husserl insists that the act has a correlated object which is constituted, this does not hold in *Philosophy of Arithmetic*: there are no objects like numbers that correspond to the higher-order acts in which they are constituted. Thus, de Boer argues that the notion of constitution is not yet operative in *Philosophy of Arithmetic*. In *Formal and Transcendental Logic*, some 30 years later, Husserl says in retrospect that his methodology in *Philosophy of Arithmetic* was already what he later called a phenomenological-constitutive analysis. (Cf. 1969, p. 87). Bernet, Kern, and Marbach speak of an “initial, still deficient execution of a phenomenological constitutive analysis” (1993, p. 17). I assume that Husserl’s reasons for modifying this early notion are connected to his critique of psychologism as developed in *Logical Investigations*.

5 “Diese kategoriale Formung oder Erzeugung der Sachverhaltsform bedeutet also, daß der Sachverhalt seine Form, seine gegliederte Struktur nicht unabhängig vom prädikativen Akt hat, sondern sie erst durch diesen konstruiert oder konstituiert wird”.

6 The last part of Husserl’s course *Hauptstücke aus der Phänomenologie und Theorie der Erkenntnis* from 1904/05 was *On the Phenomenology of Time*. It was published, with some changes and some additions, in 1928 by Martin Heidegger. All the editorial work was done by Edith Stein, though. (Heidegger just proofread the manuscript that was edited by Stein
and published it under his name, cf. Boehm, XIXff.) This text is reprinted together with other texts on the same topic in Hua X. The English translation was published in 1991.

7 The later part of Husserl’s course Hauptstücke aus der Phänomenologie und Kritik der Vernunft from 1907 which is often referred to as Dingvorlesung [thing-lecture] is published in Hua XVI. The English translation was published in 1997.

8 In his course on time consciousness in 1905 Husserl distinguishes objective time, ‘the time of nature in the sense of natural science’ (Husserl 1991, p. 5 [Hua X, p. 4]) and immanent time, time as it is experienced. For methodological reasons, Husserl suspends all questions concerning objective time, which is why he speaks of pre-empirical time in this quotation. Sokolowski points out that the strategy of suspending objective time ‘fore-shadow[s] the phenomenological reduction of his later philosophy’ (Sokolowski, 1964, p. 74).


10 In the more recent translation (1982) this passage is translated quite differently and, as I think, wrongly. An even clearer statement of this idea can be found in Formal and Transcendental Logic, where Husserl says in retrospect that he did not discuss the topics of time consciousness in Ideas I for pedagogical reasons. Cf. Husserl (1969, p. 286).

11 While Husserl argues in his early texts on time-consciousness that retentions become gradually weaker until they vanish from consciousness, he argues in his later texts that they do not vanish, but form a retentional background. (Cf. Hua XI, 167ff.) In addition, he states: “According to what I have said so far, there belongs a background or underground of un-liveliness . . . to every presence [i.e., to every occurrent mental episode]” (Hua XI, p. 168 [my translation: “Neben dem Gesagten gehört ferner zu jeder Gegenwart ein Hintergrund oder Untergrund von Unlebendigkeit . . . ”] Husserl does not discuss how we come to have our first mental episodes which themselves presumably could not be described in terms of a retentional background of past experiences.

12 “Bewußtsein besteht durch und durch aus Bewußtsein, und schon Empfindungen so wie Phantasma ist ‘Bewußtsein’ “.


14 There is an extensive debate about whether Husserl’s transcendental idealism is actually a form of idealism. I will come back to that topic below without, of course, settling the question.


16 At a later stage Husserl mentions that the difference between active and passive is only a gradual one and that no strict borderline can be drawn. This is because he holds at this time that there are no processes where the ego is not involved; it is, however, involved to a greater or lesser degree.


18 I profited from a discussion with John Haugeland in my formulation of this point.

19 Haugeland argues that being committed to constitutive standards does not even require language capacities, but it does require the having of concepts. This argument is based on the assumption that having concepts does not require language. (Cf. 1996/1998, 255ff). Haugeland tries to support this assumption with a rather adventurous thought experiment about super-monkeys who do not master a language but play chess and thus apply concepts. He does not, however, explain what exactly concepts are. Since this argument is not central for the present point, I will not discuss it in more detail.

Haugeland distinguishes between two notions of ‘possible’: ‘Possible’ in the narrow or strict sense “includes only that which would accord with the constitutive standards, were it to occur”. (Haugeland 1998, p. 332). ‘Possible’ in the wider sense, or ‘conceivable’, “comprises everything that the players, qua players, would have the resources to recognize or otherwise cope with, were it to occur” (Haugeland 1998, p. 332). The excluded zone is “that zone of the conceivable that lies ‘out of bounds’ for some domain – that which, though conceivable, is impossible in the strict sense” (Haugeland, 1998, p. 333).

We have seen above that in *Logical Investigations* Husserl allows for exceptions from this principle: he argues that categorical objects come to exist in the process of constitution. These objects, however, are based on other objects that have to exist independently of the process of constitution. The categorical object or state of affairs *that the book lies on the table*, for example, depends on a book and a table the existence of which does not depend on the constitution of the categorical object.

"Kein gewöhnlicher ‘Realist’ ist je so realistisch und so concret gewesen als ich, der phänomenologische ‘Idealist’ (ein Wort, das ich übrigens nicht mehr gebrauche)". It seems quite important that Husserl made this remark in 1934 and thus in the last period of his work, for sometimes it is argued that Husserl’s early philosophy tends to be realist, while after the publication of the Ideas in 1913 (or after the transcendental turn in 1905/1906) it tends towards idealism. Cf., for example, Ingarden (1939/1998, p. 183).

Cf., e.g., Ingarden (1975), or Philipse (1995). Ingarden states explicitly that there is a connection between the development of Husserl’s notion of constitution and that of his transcendental idealism, cf. (1975, 21ff).


Mayer points out that there are significant parallels between Husserl’s and Carnap’s notion of constitution. (Cf. Mayer (1991) and (1992)). Mayer, however, discusses mainly Husserl’s *Ideas* (vols. 1 and 2). She does not point out that for Husserl there are no basic objects that form the basis of the system but she rather states that the basis of constitution is (for both philosophers) the stream of consciousness. Husserl explicitly argues, however, that the stream of consciousness is constituted. (Cf. Husserl, 1991, p. 77). Cf. also Küng who points out that “it seems, in principle, impossible, that the train of definitions of some constructional system [like Carnap’s] could be an adequate representation of the progression of transcendental constitution” (Küng, 1975, 73). (Carnap’s expression *Konstitutionssystem* is typically translated as ‘constructional sytem’.) Küng goes on to argue that the comparison between Carnap and Husserl can be helpful for an understanding of the higher levels of constitution, i.e., the ones that Mayer is focusing on.

I am referring here to changes that do not need intellectual skills in order to be effected, even when the people who effect those changes are able to perform those skills. Since, for Haugeland, having constitutive standards requires the having of concepts, there needs to be a minimum degree of complexity to one’s mental life in order to be able to effect changes in one’s constitutive standards. Consequently, this argument is not about newly-born babies or animals.


