

# Judgment and Ontology in Heidegger's Phenomenology (penultimate draft; please cite published version)

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Heidegger stressed the importance of “negative assertions” in phenomenology.<sup>1</sup> Strategically clarifying what something is *not* can generally help foster a positive appreciation of what something is, but the rule of thumb holds especially well in phenomenology: showing that and how an understanding of some phenomenon is distorting is vital work for coaxing it into view – letting it “show up” – for a more faithful portrayal. Heidegger thus notes in the opening stages of his analysis in *Sein und Zeit* that, with regard to being-in-the-world, there is “nothing accidental about our characterizing it predominantly in so negative a manner.” The “rejection of disguises and concealments,” he continues, makes known what is “peculiar to this phenomenon, and our characterization is therefore positive in a genuine sense.”<sup>2</sup>

My topic in this paper is one dimension of being-in-the-world, namely the capacity to judge. I seek to expose some distortions of the capacity to judge invited by Heidegger's *Sein und Zeit* (hereafter ‘SZ’) and pursued by a number of commentators. My aim, following Heidegger's counsel, is to identify and diagnose these distortions as a way of bringing judgment into view for a more phenomenologically apt demonstration. This exercise in what one might call negative phenomenology, let me stress, is offered within the frame of an overall interest in the interpretation and defense of Heidegger's phenomenology. Close attention to the relevant passages reveals that Heidegger's actual commitment to the distortions of judgment invited by his

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<sup>1</sup> *Sein und Zeit* (Tübingen: Niemeyer, 1927; 17<sup>th</sup> edition, 1993), 58/85. Henceforth cited as ‘SZ’. The second page number, after the slash, indicates the page number of the translation by John Macquarrie and Edward Robinson, *Being and Time* (New York: Harper and Row, 1962). I have at times adapted these translations as well as renderings of passages, when available, from other volumes of Heidegger's *Gesamtausgabe* cited below.

<sup>2</sup> SZ 58/85. Compare the central place of negative assertions in the early stages of Division II, particularly with regard to death and the distinctive structures of end and totality at work in *Dasein*'s being. SZ 246/290.

text and pursued by commentators is in fact far from unequivocal. Moreover, the distortions, to the extent that Heidegger is committed to them, are detachable from the main contours of his system. I also believe that these distortions tend to obscure the ways in which the judgment theme can serve as a fruitful point of entry into Heidegger's overarching project, namely to reawaken the question of being (*Seinsfrage*). While my focus in this paper is confined to the phenomenology of judgment, I'll conclude with some remarks about the larger stakes raised by my analysis.

Issues about judgment and assertion have arisen in Heidegger's contemporary reception largely via the widely discussed ontological distinction between *Zuhandensein* and *Vorhandensein*.<sup>3</sup> Ready-to-hand entities, such as the hammer, are paradigmatically equipment ("pragmata") embedded in teleologically structured contexts of human activity. Present-at-hand entities, such as the rock, are paradigmatically substances and their properties that inhabit nature. A number of commentators link the ontological distinction between equipmental entities and substantial entities to a thesis about the ontological *scope* of judgment. The thesis proposed, in Heidegger's name, is that to judge (or assert) is to comport toward present-at-hand entities.<sup>4</sup> The thesis, more precisely, is as follows: all and only present-at-hand entities are possible topics of

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<sup>3</sup> By "contemporary reception," I mean generally the reception that Heidegger enjoys in the anglophone world, though Ernst Tugendhat's influential commentary will surface a couple of times below.

<sup>4</sup> Commentators united in their endorsement of this thesis include Ernst Tugendhat, Hubert Dreyfus, Robert Brandom, Mark Okrent, David Cerbone, Taylor Carman, and Michael Friedman. Tugendhat: *Der Wahrheitsbegriff bei Husserl und Heidegger* (Berlin: Walter de Gruyter & Co., 1970), 291-294. More recently, "Assertoric sentences...express being in the sense of presence-at-hand" in Tugendhat's *Self-Consciousness and Self-Determination* (Cambridge: MIT Press, 1986), 161. Brandom: the claim is central to his reconstruction of Division I in his "Heidegger's Categories in *Being and Time*" and "Dasein, the Being that Thematiszes" both of which are reprinted in Brandom's *Tales of the Mighty Dead: Historical Essays in the Metaphysics of Intentionality* (Cambridge, MA: Harvard University Press, 2002), henceforth cited as *Tales*. Okrent: "One intends an extant entity insofar as one makes an assertion about it" in his "The 'I Think' and the For-the-Sake-of-Which" in *Transcendental Heidegger*, eds. Steven Crowell and Jeff Malpas (Stanford, California: Stanford University Press, 2007), 166. Okrent's article is henceforth cited as "The 'I Think'" and the volume is henceforth cited as *Transcendental Heidegger*. ('Extant' is Okrent's rendering, following Albert Hofstadter, of *vorhanden*.) Dreyfus: see his *Being-in-the-World: A Commentary on Heidegger's "Being and Time" Division I* (Cambridge, MA: MIT Press, 1991), chapter 4, henceforth cited as *Being-in-the-World*. Cerbone: see "World, World-Entry, and Realism in Early Heidegger" in *Inquiry* 38: 401-421, 1995, especially pgs. 414 – 416. Carman: see pg. 219 of his *Heidegger's Analytic* (Cambridge: Cambridge University Press, 2003). Friedman: see pg. 55 of *A Parting of the Ways: Carnap, Cassirer, and Heidegger* (Peru, IL: Open Court, 2000).

judgment. This thesis thus entails that being a ready-to-hand entity precludes being an entity that serves as the topic of a judgment. While there is conflicting textual evidence regarding Heidegger's commitment to this thesis (to which I will turn), there are various arguments and considerations drawn from Heidegger's text that might seem – indeed, *have* seemed to many a reader – to support this thesis about the ontological scope of judgment. It is these arguments and considerations that have generated the distortions of judgment I seek to expose, diagnose, and ultimately exploit to generate positive insight into the nature of judgment. One consequence of my analysis is the removal of obstacles standing in the way of a whole-hearted interpretive commitment to what I call the ontological diversity thesis: in making judgments, far from being limited to *one* region of being (the present-at-hand), we can and indeed do direct ourselves towards entities of *various* regions of being. Put negatively: no entity is, by virtue of its mode of being, precluded from serving as a topic of judgment. Interpretive charity, I claim, demands that we attribute the ontological diversity thesis to Heidegger and thereby oppose the current consensus among commentators.

The plan of action is as follows. After briefly sketching Heidegger's conception of judgment (section 1), I offer an exposition of Heidegger's regional ontology of substance and of equipment (section 2). I then proceed to lay out the widespread interpretive commitment to restricting the ontological scope of judgment to present-at-hand entities (section 3). After a brief discussion of phenomenological method (section 4), I turn to six candidates for forging the link between judgment and substance (section 5), none of which, I argue, forge the requisite link. I close (section 6) with a positive moral about the nature of judgment earned by the exercise in negative phenomenology and sketch two avenues of further research made available by appreciating the ontological diversity thesis. First (in regional ontology), just as we can learn concretely about the nature of judgment by learning about the ontological *kinds of entities* that figure as topics in judgments, we can, correlatively, learn about regions of being by learning

about the *ways of judging* proper to a region's respective entities. The theory of judgment and regional ontology thus symmetrically inform one another within the frame of the Heideggerian program of phenomenological research. Second (in fundamental ontology), the inquiry into judgment, I'll suggest, offers a particularly fruitful mode of access into what is involved in having an understanding of being. By learning about judgment, then, we can learn about who we are, namely, the kind of beings who live and move and have our being in an understanding of being.

## 1. Judgment

By 'judgment' I mean roughly what Heidegger means by '*Aussage*', introduced explicitly as a topic of investigation in section 33 of *SZ*, and translated variously as 'assertion' or 'statement' or 'proposition' (as in '*Aussagenlogik*'). Heidegger uses '*Aussage*' to mark out what he calls (following Aristotle) the *logos apophantikos*, "the characteristic function of which is to make manifest what is as it is."<sup>5</sup> Such *logos*, in more familiar terms, is *taking-true*. Taking-true has various forms, paradigmatically judgment, belief, and assertion. Heidegger's use of '*Aussage*' is intended to cover them inclusively.<sup>6</sup> There are two reasons for my use of 'judgment' rather than the more standard renderings of *Aussage*. The first is that the other paradigmatic notions of taking-true can be easily defined in terms of judgment. Belief is the *disposition to judge* and

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<sup>5</sup> *Die Grundprobleme der Phänomenologie*, ed. F.W. von Herrmann, *Gesamtausgabe* 24 (Frankfurt: Klostermann, 1975), 255; English translation: *The Basic Problems of Phenomenology*, trans. A. Hofstadter (Bloomington: Indiana University Press, 1982), 180. Henceforth cited as *GA* 24 with German and English page references, respectively.

<sup>6</sup> When Heidegger introduces assertion in section 33 of *Sein und Zeit* (153/195), he introduces it as "the assertion (the "judgment")." At other times, Heidegger switches the terms, such as when he in lecture in 1928 endorses "the theory of judgment (of assertion)" (*der Lehre vom Urteil (der Aussage)*) as having a form of priority in logical investigation. See *Metaphysische Anfangsgründe der Logik in Ausgang von Leibniz*, ed. Klaus Held, *Gesamtausgabe* 26 (Frankfurt: Klostermann, 1977; 3<sup>rd</sup> edition, 1995), 32; English translation: *The Metaphysical Foundations of Logic*, trans. Michael Heim (Bloomington: Indiana University Press, 1984), 24. Henceforth cited as *GA* 26 with German and English page references, respectively. Heidegger of course recognizes a distinction between judgment and assertion, but his use of the terms is indiscriminate because he is more interested in their common structure than their differences.

assertion is the *expression of judgment*. ‘Judgment’ is thus a good title under which to group together the paradigmatic forms of taking-true.

The second reason I use ‘judgment’ is to stress the resolute character of Heidegger’s resistance to Cartesianism in the theory of intentionality. By Cartesianism I mean in this context a conception of the mind according to which private and internal episodes of occurrent consciousness are cast as the locus of intentionality.<sup>7</sup> Neo-pragmatist commentators are especially keen to read Heidegger as a staunch anti-Cartesian (in that sense), and thus read Heidegger’s doctrine of judgment as one that is fundamentally oriented towards assertion.<sup>8</sup> These commentators are hardly alone in thinking that Heidegger’s chief interest is in *overt* behavior. The basic thought here is that the focus on assertion exemplifies Heidegger’s more overarching claim that *Dasein* is “always already outside” *in-der-Welt*. Since an assertion is essentially a move made in public space – overt, performed, “out there” – in contrast to a judgment construed as an inner and private act of the subject, Heidegger focuses on assertion as the exemplary mode of taking-true. The programmatic influence of this metaphorical opposition between an inner act of judgment and an outer act of assertion extends well beyond Heidegger studies, for it shapes

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<sup>7</sup> In another sense, not having anything to do with a *theatricum internum* of consciousness, Heidegger stands in the *legacy* of Descartes. Descartes discovered the *ego cogito*. The aim of Heidegger’s existential analytic, he tells us, is to spell out something left “completely undiscussed” by Descartes, namely the meaning of the being of the *cogito sum*. *SZ* 45-46/71-72. See also *GA* 24, 174/124, where the modern turn to the subject is considered half-hearted (indeed, “dogmatic,” in a no doubt provocative use of that term) because the question of the “being of the subject” is not posed. Here it is also worth mentioning one of Heidegger’s central objections to Husserl, namely that due to Husserl’s insistent scientism about philosophy, the being of the subject is “neglected.” See sections 12-13 of *Prolegomena zur Geschichte des Zeitbegriffs*, ed. P. Jaeger, *Gesamtausgabe* 20 (Frankfurt: Klostermann, 1979); English translation: *History of the Concept of Time: Prolegomena*, trans. T. Kisiel (Bloomington: Indiana University Press, 1985). Henceforth cited as *GA* 20 with German and English page references, respectively. For the sustained diagnosis of this neglect, see (especially sections 46-50 of) *Einführung in die phänomenologische Forschung*, ed. F.W. von Hermann, *Gesamtausgabe* 17 (Frankfurt: Klostermann, 1994); *Introduction to Phenomenological Research*, trans. Daniel Dahlstrom (Bloomington: Indiana University Press, 2006).

An excellent discussion of Heidegger’s lifelong and somewhat tortuous relation to the thought of Descartes can be found in Jean Luc-Marion’s “Heidegger and Descartes” in *Critical Heidegger*, ed. Christopher McCann (New York: Routledge, 1996).

<sup>8</sup> See Brandom’s two Heidegger essays in *Tales*. Mark Okrent, *Heidegger’s Pragmatism: Understanding, Being, and the Critique of Metaphysics* (Ithaca: Cornell University Press, 1988), henceforth cited as *Heidegger’s Pragmatism*.

much contemporary thinking that works in allegiance to the linguistic turn.<sup>9</sup> For Heidegger, however, judgment is not inner or interior at all. Heidegger would therefore find a privileging of assertion unappealing to the extent that such a privileging *leaves intact* an interiorized conception of judgment. Judgment does not need assertion to “get out,” for it is *already* bound up with entities. Judgment, on Heidegger’s view, no less than assertion, is a “way of being towards the thing itself that is.”<sup>10</sup>

Judgment, then, is a form of intentional comportment towards entities.<sup>11</sup> What makes judgment, on Heidegger’s view, a distinctive form of intentional comportment? For our stage-setting purposes here, I offer a brief sketch. Judgment is articulated by three basic elements, “which in their unity delineate [its] full structure.”<sup>12</sup> The first and primary element of the tripartite structure of judgment is making an entity manifest (*aufzeigen*); “all the moments of judgment are determined by its apophantic structure.”<sup>13</sup> Heidegger dubs this first element the *apophantic* character judgment to mark out its basic function (*Grundfunktion*), namely, to make entities manifest. This notion of manifestation is cast as the *truth* of judgments and assertions, thereby putting a teleological condition on being a genuine judgment: to judge, accordingly, is in the first and most fundamental sense to *make an entity manifest just as it is*.<sup>14</sup> The second element of judgment, presupposing the first, is predication (“every predication is what it is, only as a

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<sup>9</sup> The turn’s most vocal and systematic proponent, Michael Dummett, offers a representative formulation of the contrast at issue: “We have opposed throughout the view of assertion as the expression of an interior act of judgment; judgment, rather, is the interiorization of the external act of assertion.” Michael Dummett, *Frege: Philosophy of Language* (Cambridge, MA: Harvard University Press, 1973), 362.

<sup>10</sup> *SZ*, 218/260

<sup>11</sup> *GA*, 24, 295/207

<sup>12</sup> *SZ*, 154/196

<sup>13</sup> Brandom and Okrent refuse to give *Aufzeigung* its due. Both mistake communication as the primary element of *aussagen*: Brandom says, “Assertion is the topic of section 33 [of *SZ*], which offers three significations of assertions. The central one of these is that assertion means communication.” See *Tales*, 315. Okrent says, “The primary sense of ‘assertion’ is an act of engaging in an overt linguistic performance of some type.” See *Heidegger’s Pragmatism*, 65.

<sup>14</sup> Heidegger at *GA* 24: 306/215: “We first ask: what does it mean to say “a judgment is true?” To find the answer it is necessary to go back to the determination of judgment that was first given, that it is manifestation (*Aufzeigung*)...Manifestation has the character of unveiling (*enthüllen*)...This unveiling which is the basic function (*Grundfunktion*) of judgment, constitutes the character traditionally designated as being-true (*Wahr-sein*).” Compare *SZ* 218/261.

making-manifest”), or in other words: *determining (bestimmen)* an entity or entities as being some way.<sup>15</sup> The third element, presupposing the first and the second, is communication (*Mitteilung*), more literally rendered as ‘sharing-with’: “letting someone see with us what we have made manifest by way of giving it a determinate character.”<sup>16</sup> Judgment, in sum, is a determinative communicative making-manifest of entities.

## 2. An Exercise in Regional Ontology: Being Equipmental versus Being Substantial

I begin the exercise in regional ontology with some terminological preliminaries. ‘Entity’ (*Seiend*) is Heidegger’s comprehensive term of art for everything that is: “everything we talk about, everything we have in view, everything towards which we comport ourselves in any way.”<sup>17</sup> ‘Being’ (*Sein*), in Heidegger’s sense, is “that which determines entities as entities, that on the basis of which entities are already understood (*verstanden*).”<sup>18</sup> The difference between being and entities is, in a phrase introduced shortly after the publication of *SZ, ontological difference*.<sup>19</sup>

The world, understood as the totality of what there is, is not a homogeneous structure. The world so understood is rather articulated into *regions of being*. Three large-scale regions figure prominently in *SZ*: the being of equipment, the being of substance (“mere things”) and the being of *Dasein*, the entity whose distinctive and most fundamental mark is to be possessed of an understanding of being (*Seinsverständnis*). Heidegger at times discusses the regionalization of being in more scaled-down terms such as “subject-matters” (*Sachgebiete*) which include “history, nature, space, life, *Dasein*, language, and the like.”<sup>20</sup> These subject matters can be explored by

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<sup>15</sup> *SZ* 155/197

<sup>16</sup> *SZ* 155/197. Of course not *all* judgments are expressed, in the form of assertions or otherwise. Heidegger’s point in including communication in his theory of judgment is that the possibility of assertion is essential to the capacity to judge. As Heidegger notes, “*Die Aussage* can but need not be uttered in articulate verbal fashion. Language is at the *Dasein*’s free disposal.” *GA* 24, 296/208

<sup>17</sup> *SZ* 6-7/26

<sup>18</sup> *SZ* 6/25-26

<sup>19</sup> This phrase is introduced in *GA* 24.

<sup>20</sup> *SZ* 9/29

disciplined forms of investigation. Such sciences and their objects are constituted in terms of basic concepts (*Grundbegriffe*) that articulate the forms of intelligibility at work in the respective regions.

What, then, is the being of an item of equipment? An item of equipment *is* what it is *for*. Heidegger repeatedly spells out the being of equipmental entities by way of a contrast to the being of substantial entities.<sup>21</sup> Descartes succinctly said: “By substance we can understand nothing other than a thing which exists in such a way as to depend on no other thing for its existence.”<sup>22</sup> Characteristic of substantial entities is their ontological independence.<sup>23</sup> They do not need anything or anyone to be what they are.

This independence is two-fold. First, being a substance is possible independent of being in any relation to other substances. Second, being a substance is possible independent of being related in any way to human practice. Contrast the hammer; to be what it is requires having a place, or a part to play, within an interconnected web of equipment, including its fitting “friend” the nail.<sup>24</sup> The hammer is essentially a part bound together with other parts working together in a complex articulable unity.<sup>25</sup>

Heidegger calls the complex unity an equipment nexus (*ein Zeugzusammenhang*), which is articulated by “assignment” (*Verweisung*) relations of broadly pragmatic significance.<sup>26</sup> But the even wider whole that situates this local nexus of mutually dependent elements is the everyday world. The hammer is, one might say, a world-involving entity. It has a point within domains of activity structured by the pursuit of carpentry projects; it is something-in-order-to, which is why a hammer that does not work as it ought to work is *frustrating*, inviting an internal critique. A

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<sup>21</sup> See SZ 318/365 for the link between present-at-hand and substance.

<sup>22</sup> Descartes’ *Principles of Philosophy*, translated and collected in *The Philosophical Writings of Descartes*, volume 1, eds. John Cottingham, Robert Soothoff, and Dugald Murdoch (Cambridge: Cambridge University Press, 1985), 210. See GA 20, 232-233/172 for a citation of this remark.

<sup>23</sup> Such is the “principle of ontological independence,” as it is often called among students of early modern philosophy.

<sup>24</sup> Heidegger: “Equipment is essentially ‘something-in-order-to’.” SZ 66/97

<sup>25</sup> Heidegger: “Taken strictly, there ‘is’ no such thing as *an* equipment.” SZ 66/97

<sup>26</sup> SZ 69/97



specification of the identity of the hammer might run roughly as follows: The hammer is something *with which to drive in nails in order to hold two pieces of wood together toward the construction of something for the sake of the ends pursued by the practice of carpentry, such as being sheltered.*<sup>27</sup> This formulation is a rough casting of the hammer. (Many things are built up and taken apart and otherwise banged on and re-jigged by wielding the hammer.) It is not intended as some kind of once-and-for-all exhaustive formulation of the conditions of being a hammer. The hammer, like all equipment, is a historically structured entity, unsuited to be boxed up in a package that purports to present an atemporal form. The above “specification” is intended to give some abstract sense of the complex and multi-leveled unity of teleological order in terms of which the hammer is what it is.<sup>28</sup>

To be an item of equipment, then, is to have a functional role to play within a holistically structured order of practice.<sup>29</sup> If items of equipment are crucial elements articulating this order, then it is the prepositions in the above specification (what they signify) that are its “joints.” Without the joints, the entities do not hang together properly. But this formulation can mislead. The joints do not merely bind together the entities, as if they are what they are wholly independent of their being joined together. Rather, the joints are, one might say, built into the entities.<sup>30</sup> Without the joints, the entities would not *be* equipmental, in which case they – the

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<sup>27</sup> David Cerbone’s “Composition and Constitution: Heidegger’s Hammer,” eds. Hubert L. Dreyfus and Mark A. Wrathall, *Philosophical Topics: The Intersection of Analytic and Continental Philosophy*, v. 27, no. 2 (1999), 309-329. Henceforth cited as “*Heidegger’s Hammer*”.

<sup>28</sup> The prepositional specification offered above is a very rough rendition – an artificial X-ray – of the rich body of prepositions one finds in section 18 of *SZ*. The last prepositional construction, the “for-the-sake-of-which,” has a special status. It always “pertains to the being of *Dasein*, for whom, in its being, that very being is essentially *at issue* for it” (*SZ* 84/117), and serves as an anchor for the rest of the joints. It is not the last stop in a regress of teleological conditions; if anything it is rather that which prevents any such regress from beginning in the first place. It is a matter of interpretive dispute how precisely to specify the object of the for-the-sake-of-which construction (social role, self-understanding, style of life, the “meaning of life,” an understanding of being). My purposes in this paper do not require my taking a stand on this issue.

<sup>29</sup> Heidegger calls this role ‘*eine Bewandtnis*’, variously translated as ‘involvement’ (Macquerrie and Robinson), ‘function’ (Albert Hofstadter), or ‘relevance’ (Joan Stambough). My use of ‘role’ follows the practice of John Haugeland (who also uses ‘employment’).

<sup>30</sup> Heidegger: “Each single piece of equipment *carries* this equipmental nexus along with it, and it *is* this equipment only with regard to that nexus.” *GA* 24, 414/292

entities themselves – would cease to be. Here the everyday world in terms of which the entity makes sense has been lost, or, one might say, is dead. Compare the fate of a word, or phrase, in a language that is no longer living, a language for which there is no such thing as *le mot juste*. Hence Heidegger’s term for items of equipment that have (to use the traditional terms) existence or actuality: “intra-worldly entities” (*innerweltlich Seiendes*).

There are at least two questions one can ask about an entity. The first concerns what it is. The second concerns whether it is. An accurate response to the first kind of question has traditionally been taken to give the essence of something. Heidegger’s successor term for essence is the ‘what-being’ (*Was-sein*) of an entity. An accurate response to the second kind of question – is it, or is it not? – has traditionally been taken to give the existence or actuality of something. Heidegger’s successor term for existence is the ‘that-being’ (*Das-sein*) of an entity, what he also sometimes characterizes as “how it is.” What-being and that-being are two constituents of the being of an entity.<sup>31</sup>

The what-being of an item of equipment, then, is its role, what it is for. The that-being of an item of equipment is its readiness-to-hand.<sup>32</sup> To be ready-to-hand is to have a current “space” of possibilities of use. Ready-to-hand is at once a yes-or-no answer to the question of whether an item of equipment *is* and an indication of the kind of considerations at stake in considering the question. Recall the “joints” built into an equipmental entity, without which it would cease to be. To say that the that-being of an entity lies in its current possibilities of use is to say that its that-being stands or falls with the everyday world of significance in terms of which it is.<sup>33</sup>

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<sup>31</sup> GA 24 24/18. Heidegger calls this the “basic articulation of being.”

<sup>32</sup> Heidegger cleanly distinguishes these two constituents of the being of equipment at GA 24, 292/414-415.

<sup>33</sup> It will not always be crystal clear with these entities whether or not they *are*. This is not because the bald assertion that an item of equipment *is* is embroiled in geopolitical controversy (e.g., weapons of mass destruction, to take a recent case). Such matters introduce what Heidegger would call “ontic”, or empirical, questions, sometimes worthy of contested evidentiary considerations. It is rather because the very *sense* of that-being characteristic of these entities might well admit of degrees. Consider the following example. In what state of being (that-being) is the beautiful old Viennese typewriter – still “usable”, one might say, but never now enjoying an occasion for use – sitting very peacefully on a friend’s entry table in the walkway through which one enters her apartment? It looks in perfect shape. But to stop there would be to neglect its

Heidegger's remarks on *Vorhandensein* are less than expansive, for substantiality serves mainly as a point of contrast to *Zuhandensein* in the early stages of *SZ*, but the being of natural substance seems relatively clear. The what-being of natural substance consists of its basic spatiotemporal properties, including presumably its powers of causal exchange. The that-being of natural substance is *independence*, or what one might call *on-its-ownness*.<sup>34</sup>

Three brief comments are in order about this regional ontological sketch. First, regional ontological distinctions are distinctions between two sorts of *entity*, not merely two ways of *encountering* or *taking* entities. To be a ready-to-hand entity, then, is to be a different *sort* of entity than a present-at-hand entity; as we have seen, the very terms of essential identity (what-being) across the respective regions of being are *entirely* different. Compare the way in which a number (abstract entity) is a different sort of entity than a grain of sand (physical entity).<sup>35</sup>

Second, however, regional ontology in the Heideggerian context is not pre-critical metaphysical hubris, purporting to deliver results in the science of being in glorious isolation from inquiry into our *modes of access* to entities. Investigating the various ways entities *present* themselves to those who are equipped with an understanding of their being is internal to the enterprise.<sup>36</sup> The systematic study of regions of being thus essentially includes an account of the

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being. Our vision must be directed at an entity, but in such a way that the being of the entity becomes the theme. Attend to the scene, if you'll imagine it. Note the character of the item's withdrawal from circulation; it has here become a quaint piece of ornamentation. Next, register that this particular exemplifies a trend. The typewriter still has its devotees, of course, but these folks are pretty old-fashioned. Realize, then, that a thriving practice in terms of which the typewriter stands poised to do what it does, i.e., to be what it is, is very much "on the way out." Come to see, finally, that the entity before us, in all of its luster, is in fact decaying, as the prepositional joints that nurtured and sustained it gradually wither away, left behind by a world of laptops, on-line applications, and so on. If the conclusion I urge is to be disputed, I hope to have at least outlined the frame within which the dispute may take place.

<sup>34</sup> See John Haugeland's "Letting Be" in *Transcendental Heidegger*.

<sup>35</sup> David Cerbone has offered an elegant account of the notion of a *mode of being* in "Heidegger's Hammer". John Haugeland, in his "Truth and Finitude: Heidegger's Transcendental Existentialism" in *Heidegger, Authenticity, and Modernity: Essays in Honor of Hubert L. Dreyfus*, volume 1, eds. Mark Wrathall and Jeff Malpas (Cambridge, MA: MIT Press, 2000), 43-78, endorses a similar interpretive view, if I understand him. Mark Okrent likewise adopts a version of this line in his *The 'I Think'* in *Transcendental Heidegger*, 165.

<sup>36</sup> *SZ* 52/193: "Our investigation is about being itself insofar as being enters into the intelligibility of *Dasein*."

modes of access proper to each respective region. The primary mode of access to a ready-to-hand entity is, predictably, *using* it, or more broadly construed, *having to do with* it. Mode of access to present-at-hand entities, on the other hand, involves hypothesis formation, experimentation, observation, and so on.

Third, Heidegger's central claim in the theory of intentionality is the thesis that any intentional comportment toward an entity presupposes an understanding of the being of that entity. Without the prior understanding of the being of an entity in place, comportment towards an entity *as* an entity is not possible. Judgment is a form of intentional comportment towards entities. Accordingly, any judgment presupposes an understanding of the being of its respective topic. The foregoing exercise in regional ontology is a sketch (however incomplete) of *what* precisely is understood in the understanding of being that is prior to, and thereby enabling, judgment about entities.

I now turn to judgment and its relation to the ontological distinction between ready-to-hand entities and present-at-hand entities. It is a virtual consensus among commentators that judgment is correlated with present-at-hand entities. It is this thesis (at once) in regional ontology and the theory of judgment that is wrapped up with the distortions of judgment I seek to expose, diagnose, and ultimately exploit to generate positive insight into the nature of judgment.

### 3. Judgment and Substance

It is worth initially noting that restricting the ontological scope of judgment to the region of the present-at-hand is on the face of it quite implausible. After all, we manifestly do make judgments and offer assertions about ready-to-hand entities throughout the course of our engagement with them, *thereby* sustaining our orientation towards them *as* ready-to-hand entities. The wrench fits the nut; my rook is well-positioned; the car has arrived. These (and many others) are ordinary everyday judgments that take ready-to-hand entities as their respective topics. Such judgments, to

the extent that they carry out their basic function, do what they are supposed to do: they make their respective topics manifest (as being so-and-so) just as they are. Such ordinary everyday judgments surely shed doubt on the viability of restricting the ontological scope of judgment to present-at-hand entities.

Heidegger appears to register the point when he straightforwardly allows for judgments about ready-to-hand entities in his discussion of propositional truth in section 44 of SZ. With a seeming lack of concern about the very distinction between ready-to-hand entities and present-at-hand entities, he says that “the entities to which it [the assertion] is related as something that uncovers, are *either ready-to-hand or present-at-hand*.”<sup>37</sup>

Another piece of textual evidence that discourages burdening Heidegger with a commitment to restricting the ontological scope of judgment comes from Heidegger’s extensive 1927 discussion of the truth of assertions in chapter four of *The Basic Problems of Phenomenology* (*Die Grundprobleme der Phänomenologie*). In that text, Heidegger claims that in judging, the one who judges *already* understands the particular mode of being (*Seinsart*) of the entity about which he is judging.<sup>38</sup> This certainly suggests, though it does not conclusively establish, that the ontological scope of judgment, according to Heidegger, is *diversified*: that is, in making judgments, far from being limited to *one* region of being (the present-at-hand), we can and indeed do direct ourselves towards entities of *various* regions of being.

A third piece of textual evidence worth appreciating is drawn from Heidegger’s philosophical practice rather than any of his explicit pronouncements about judgment’s ontological reach: Heidegger himself offers *hundreds* of assertions about *Dasein* (an entity) throughout the course of the existential analytic. While the precise status of Heidegger’s ontological assertions of course raise pressing methodological questions, there can be little

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<sup>37</sup> SZ 224/267 (my emphasis)

<sup>38</sup> Heidegger: “The assertor already understands the mode of being of the entity about which he is speaking, even before making his assertion.” GA 24, 211/301

question that with these assertions Heidegger makes *claims to the truth* about *Dasein*.<sup>39</sup> So how could Heidegger coherently hold that assertion is restricted to present-at-hand entities?

These three pieces of textual evidence, in concert with the intuitive plausibility of entities other than present-at-hand entities serving as topics of judgment (particularly ready-to-hand entities), make it exceedingly tempting to conclude that, according to Heidegger, the following thesis is true: no entity is, in virtue of its being, precluded from serving as a topic of judgment. I'll proceed to call this thesis the *ontological diversity thesis* concerning the scope of judgment.

The textual evidence, however, is far from decisive. There is in fact a passage located in the heart of section 33 of *SZ* that calls Heidegger's commitment to the ontological diversity thesis into serious question. Indeed, it is precisely this passage has been largely responsible for the widespread interpretive tendency to restrict the scope of judgment, in Heidegger's name, to present-at-hand entities. Heidegger writes:

The entity which is held in our fore-having – for instance, the hammer – is initially ready-to-hand (*zunächst zuhanden*) as an item of equipment. If this entity becomes the 'object' of an assertion (*'Gegenstand' einer Aussage*), then as soon as we begin with this assertion, there is already a change-over (*Umschlag*) in the fore-having. The ready-to-hand entity with which we have to do turns into something about which the assertion that makes manifest is made. Our fore-sight is aimed at something present-at-hand in what is ready-to-hand. Both by and for this way of looking at it, the ready-to-hand becomes veiled as ready-to-hand... When an assertion has given a determinate character to something present-at-hand, it claims something about it as a "what" and this "what" is drawn from that which is present-at-hand as such. The as-structure of interpretation has undergone (*erfahren*) a modification. In its function of appropriating what is understood, the 'as' no longer reaches out into the role totality. As regards its possibilities for articulating reference-relations, it has been cut off (*abschnitten*) from that significance which, as such, constitutes environmentality. The 'as' gets pushed back (*zurückdrängen*) into the uniform plane of that which is merely present-at-hand. It sinks (*sinken*) to the structure of just letting one see (*Nur-sehen-lassen*) what is present-at-hand in a determinate way. This leveling (*nivellieren*) of the originary 'as' of circumspective interpretation to the 'as' with which the present-at-hand is given a determinate character is the specialty of assertion (*der Vorzug der Aussage*). Only so does it obtain the possibility of making something manifest in such a way that we sheerly look at it.<sup>40</sup>

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<sup>39</sup> See *GA* 24, 317/222 on ontological propositions.

<sup>40</sup> *SZ* 157-158/200-201

Call this *the influential passage*. In no uncertain terms the influential passage announces a firm link between judgment and present-at-hand entities. The passage thus challenges the just cited evidence for Heidegger's commitment to the ontological diversity thesis: if we take the specialty remark near the end of the passage to claim a *strict* correlation between judgment and present-at-hand entities, then Heidegger seemingly has an inconsistent position regarding the ontological scope of judgment. After all, if all and only present-at-hand entities are the topics of judgment, then it cannot be true that any ontological kind of entity, *as* the entity that it is, can be the topic of a judgment.

The influential passage, however, invites a compromise position that avoids attributing inconsistency. The "specialty" remark claiming a "leveling" tendency at work in judgment can be read as follows: the practice of judging is somehow *propelled toward* the present-at-hand, but is not necessarily limited *to* the present-at-hand. Making a judgment about an entity is a move toward *treating* it, whatever its being, *as if* it is a present-at-hand entity. According to this suggestion, then, judgment serves to cover up the ready-to-hand, "veiling" the ready-to-hand entity *as* ready-to-hand. Judgment, so construed, functions as a kind of prism *through which* its topic comes before the judge as present-at-hand. Making a judgment thus somehow *drives* the one who judges to consider the entity toward which he comports *as* present-at-hand. Accordingly, Heidegger's compromise position is that there is a peculiar *affinity* at work in judgment for present-at-hand entities, thus sidestepping the aforementioned threat of inconsistency.<sup>41</sup>

Heidegger says in the influential passage that when making a judgment there is a "change-over" (*Umschlag*). We take the entity *as* so-and-so, but in such a way that the *as* "no longer reaches out into the role-totality," for the *as* has been "cut off" from the structure of everyday significance.<sup>42</sup> What is striking about the above passage is the insinuation of *inevitability*, as if we *cannot help* but find ourselves "pushed" toward the present-at-hand as soon as we "begin" to

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<sup>41</sup> I am grateful to David Cerbone for bringing this interpretive proposal to my attention.

<sup>42</sup> Compare Heidegger's notion of the *Entweltlichung* at SZ 112/147.

make a judgment. Heidegger's choice of verbs to articulate the character of the *Umschlag* – *sinken, zuruckdrängen, erfahren* – suggest a force pulling judgment toward the present-at-hand akin to gravity, always to be reckoned with and never to be escaped. The question arises: In what does this seemingly inescapable affinity for the present-at-hand at work in judgment consist?

The question is indeed pressing in light of the aforementioned intuitive plausibility of ready-to-hand entities serving as topics of judgments. When we direct ourselves toward ready-to-hand entities in the mode of judgment, it is certainly natural to think, we understand the entities at issue in our judgments *in terms of their being*. We comport ourselves towards such entities so as to make them determinately manifest *just as they are*. What is it, then, about the very making of a judgment, a mode of interpreting entities *as* entities, that strips, or tends toward stripping, the entity from its place in the worldly role-totality? More urgently: In what sense would engaging in interpretation “appropriate what is understood,” as Heidegger says in the passage – when *what* is understood is a *ready-to-hand* entity – if the “as” that constitutes the interpretation “no longer reaches out” into the role-totality? After all, if a ready-to-hand entity's place in the role-totality is what *makes it* the entity that it is, then cutting an entity off from its place in the role-totality would clearly amount to a *failure* to appropriate what is understood, that is, a failure of *interpretation*. Heidegger has a technical term for this kind of deep failure of interpretation, namely *ontological perversion (ontologische Verkehrung)*.<sup>43</sup> So yet another way of posing the question about the inescapable affinity for the present-at-hand at work in judgment is as follows: Must we enter into a form of “ontological perversion” when we make judgments about entities that are not present-at-hand? If so, *why*? What is the *source* of this purported failure of interpretation?

I will proceed to consider six candidates, drawn largely from various places in Heidegger's text, for understanding what this alleged affinity amounts to. I'll argue that these

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<sup>43</sup> SZ 269/313. Compare Gilbert Ryle's notion of a “category mistake.”



candidates either fail entirely to forge a link between judgment and the present-at-hand; or, in one case, the link that is forged is weak at best, and thereby not sufficient to secure a strong, or inexorable, affinity for the present-at-hand at work in judgment, as the influential passage above suggests. Focusing on the candidates will provide the basic materials for our exercise in negative phenomenology. I offer the following brief preparatory remarks on phenomenological method to set up the discussion of the six candidates.

#### 4. Exemplars and Phenomenological Method

What sorts of results are we seeking in phenomenological investigation, and how do we go about arriving at them? These questions of course introduce a book length set of issues. I here just want to make one point about the place of *exemplary* cases (real or imaginary) in phenomenological investigation. Heidegger says,

Phenomenology means..to let that which shows itself be seen from itself in the very way in which it shows itself from itself...Phenomenology neither designates the object of its searches, nor characterizes the subject-matter thus comprised. The word merely informs us of the ‘how’ with which what is to be treated in this science gets exhibited and handled. To have a science of phenomena means to grasp its objects in such a way that everything about them which is up for discussion must be treated by exhibiting it directly (*direkter Aufweisung*). The term descriptive phenomenology, which is at bottom tautological, has the same meaning. Here description does not signify such a procedure as we find, say, in botanical morphology; the term has rather the sense of prohibition – the avoidance of characterizing anything without such demonstration.<sup>44</sup>

The claim that the descriptive character of phenomenology has the sense of a “prohibition” stems from Heidegger’s belief (inherited from Husserl) that much of traditional philosophy operates under some assumption or another that its topics *must* be a certain way, or *cannot* be some other way. Such assumptions, whatever the subject matter, serve to discourage attending to the relevant phenomenon as it *actually* presents itself and delivering descriptions that capture, or “exhibit,” the phenomenon on the basis of this unprejudiced attention.

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<sup>44</sup> SZ 34-35/58-59

The phenomenological call “*zu den Sachen selbst!*” does not represent the aspiration to reach some kind of pure unvarnished contact with matters of philosophical investigation, shorn of any mediation by ways of thinking about them. That would be a naïve and dubiously coherent proposition. Heidegger’s talk of “direct exhibition” is not under any such illusions.<sup>45</sup> The call rather bids us to resist rushing towards a conception of some phenomenon – or more often, an explanation – without first earning a clear understanding of *what* the phenomenon is. The strategy one finds running throughout the phenomenological tradition is the painstaking description of *exemplary* cases, offered to reveal the heart, or “essence,” of the phenomenon at issue. The appreciation of such cases so described engenders a form of understanding whose opposite is a “free-floating thesis,” the understanding of which is empty, as if not filled up – unfulfilled – by the subject matter of investigation. Phenomenological description thus sets out to bring the topic at hand “before” us, putting it, so to speak, “on display.” The phenomenologist is in this sense akin to a curator, crafting an exhibition that best reveals the matter to be understood.

The result does not take the form of a list of necessary and sufficient conditions sharply specifying the phenomenon in question.<sup>46</sup> The result is rather a circumscription of the *core* of some phenomenon, where this “core” captures the central and pervasive features that make the phenomenon what it is. Hence the demand to carefully pick and describe cases that do not risk distracting but rather bring into view, by exemplifying, the phenomenon at issue.

Charles Taylor has argued powerfully that Heidegger’s use of the phrase ‘*zunächst und zumeist*’ (firstly and mostly) throughout *SZ* is not to be understood as an empirical report on the temporal ordering (*zunächst*) or statistical regularity (*zumeist*) of dimensions of our relation to the world. Rather, Heidegger’s use of these terms, Taylor suggests, stands in the tradition of transcendental philosophy, articulating original conditions without which we could not

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<sup>45</sup> *SZ* 38/61

<sup>46</sup> I am grateful to John Haugeland for stressing this point to me.

meaningfully engage with the world (knowledgably or otherwise).<sup>47</sup> We can add to Taylor's suggestion by saying that Heidegger's use of *zunächst und zumeist* is in the service of articulating the structure of our relation to the world *via* the description of exemplary cases. The mode of proof deployed in such descriptions is not transcendental deduction, but rather phenomenological exhibition.<sup>48</sup> I offer the following constraint on any adequate phenomenological investigation: in setting out to describe the phenomenon, one must develop and work off of exemplary cases. Within the frame of this constraint, I turn now to the six candidates. Heidegger claims that there is a peculiar affinity for the present-at-hand at work in judgment. Our question: *in what does this affinity consist?*

## 5. The Alleged Affinity for Substance

### 5.1 *Judgment as Staring*

I begin the exercise in negative phenomenology with the closing remark from the influential passage cited above (section 3), about “dwindling to just letting one see.” This is one of a number of passages where judgment and assertion is cast by Heidegger as a form of comportment marked by “just looking,” or “observing” or “pure beholding,” even “staring.”<sup>49</sup> Couple this construal with his claim “the less we just stare at the hammer-thing (*Hammerding*), and the more we seize hold of it and use it, the more original does our relationship to it become, and the more unobscured does it show up as that which it is,”<sup>50</sup> and we seem to have an argument for the conclusion that judgment is a move away from the ready-to-hand and perhaps a “sinking” toward the present-at-hand. The premise that links judgment to staring is dubious, however, so the argument fails entirely to convince.

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<sup>47</sup> The transcendental ambition of considerations to be found in the phenomenological tradition is a consistent theme of a number of influential pieces by Taylor, first and foremost “The Validity of Transcendental Arguments,” *Proceedings of the Aristotelian Society*, London, 1978-1979.

<sup>48</sup> See *SZ* 242/286 for the contrast between deduction and exhibition.

<sup>49</sup> *SZ* 61/88, 67/95, 69/98, 73/103, 137/88, among other places.

<sup>50</sup> *SZ* 69/98

We can begin to appreciate this by noting that staring at an entity is neither necessary nor sufficient for judgment. It is not necessary because we judge without staring at the object of judgment. It is not sufficient because we can find ourselves staring at an entity without making a judgment about it, such as in blank or bored fixation. Heidegger's phenomenology does not aim, as I have argued above, to deliver necessary and sufficient conditions. The interest is rather in capturing the core of the phenomenon, its paradigmatic manifestation. Quickly pointing out counterexamples to a claim that on the face of it falsifies judgment is only a preliminary first move in getting at the phenomenon.

The next move is to register that judgments and assertions made "on the fly" in everyday involved dealing are rife – in the workshop, cooking dinner, generally making our way about our familiar haunts. Such mundane activity involving judgment, far from requiring staring, in fact *discourages* staring. The "sheer looking" formulation in the influential passage suggests that we judge *instead* of skillfully engaging with the world. But the exercise of our capacity to judge is paradigmatically an ingredient *within* our skillful engagement. Let me mention a few examples to elucidate this crucial point.

As I am wielding a hammer while hanging paintings, I make a series of situated judgments about whether the nails sufficiently protrude to serve as hooks. As I am salting the soup, I taste it and pass judgment about whether or not it needs more salt.<sup>51</sup> The tasting and judging are essential *parts of* the activity of salting, not *other* than the activity. These and many other activities call on the exercise of our capacity to make entities determinately manifest just as they are – that is, the capacity to judge. We can put the point about judgment being integral to activity in terms of the familiar distinction between knowing-how and knowing-that. Consider another example, walking. I know how to walk to the grocery store from my apartment. One

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<sup>51</sup> I borrow this example from Wayne Martin. What I am calling "on the fly judgments" he calls "snap judgments." See his *Theories of Judgment: Psychology, Logic, Phenomenology* (Cambridge: Cambridge University Press, 2006).

ingredient *of* my knowing-*how* here is my knowing-*that* one needs to take a right at 53rd street and head west.<sup>52</sup> As I am walking on a particular trip to the store, I turn right at 53rd, acknowledging that I have reached 53rd street. The acknowledgment is *in* the turning, not something *other than* the turning. The acknowledgement here is of course not an occurrent mental state, as if a proposition somehow floats before my mind's eye in order for me then to act *on* it. That kind of thing might happen if I were following a memorized set of directions in an unfamiliar area. But quotidian judgments about where we are and where we are headed in familiar territory are not like following directions. Rather, fluent navigational judgment involves a living responsiveness to the truths of the situations we find ourselves in, smoothly integrated within the flow of our competent getting around.<sup>53</sup>

To picture judgment as *holding back* from our working engagement with the situations in which we find ourselves, as at a *distance* from the entities with which we comport, is to offer a characterization of judgment that is simply untrue to the phenomenon. Comportment towards entities in the mode of judgment is a way of being *en rapport* with the entities that environ us.

So: If when Heidegger says “as soon as we begin the assertion, there is a change-over,” he means that as soon as we “begin” the assertion, we start staring, this is manifestly false.

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<sup>52</sup> Paul Snowdon, “Knowing How and Knowing That: A Distinction Reconsidered,” *Proceedings of the Aristotelian Society*, London, 2003.

<sup>53</sup> The claim that recognizably human knowing-how (practical dealing) *involves* knowing-that (successful judgment) does not of course entail a *reduction* of knowing-how to knowing-that. Thus I am certainly not claiming that Heidegger endorsed what Ryle called the “intellectualist legend” in chapter two of *The Concept of Mind* – namely, the thesis that all intelligent knowing-how is a matter of (first) intellectually grasping propositions that (then) guide the intelligent activity. Rather, I am here characterizing knowing-that in terms (“living responsiveness to truths”) that make the Rylean characterization of “intellectual grasp” amount to a *distortion* our situated knowing-that, as if all knowing-that is faithfully modeled on the memorized set of directions case cited above. Knowing-that is not generally something that happens *before* skillful activity. Rather, propositionally structured comportment is *at work* in skillful activity, suitably qualified by appreciating that the propositional structure does not *exhaust* the structure of that activity, and, correlatively, that the world is not *exhausted* by everything that is the case (totality of facts). Heidegger's animus against cognition or propositional knowledge in understanding our relation to the world is a denial that such cognition, *on its own*, is sufficient to establish our connection to the world. Heidegger: “But a ‘*commercium*’ of the subject with the world does not get created for the first time by cognizing (*erkennen*).” *SZ* 62/90. See also the remark at *SZ* 156/199 that *Aussage* is not a “free-floating comportment” but rather “maintains itself on the basis of being-in-the-world.” My phenomenology of judgment/assertion in the above paragraph is *fully consistent* with, indeed an affirmation of, these well-known remarks.

Judgment, expressed or not, is a form of focused paying heed. This, however, is hardly to suggest the kind of detached stance implied by staring, or sheer looking, or notions of contemplation and speculation associated with a traditional conception of *theoria*. (More on this later.) Here it is worth recalling Heidegger’s list of the modes of everyday comportment offered in *SZ*. It includes the familiar “putting something to use,” “working on something,” “holding something in trust.” But the list also includes “interrogating, discussing, exploring, considering, determining (*bestimmen*).”<sup>54</sup> Determining something *as* something (predication), recall, is the second of three constitutive elements that articulate the three-fold structure of judgment (assertion). Heidegger continues, “these modes of being-in (*In-Seins*) have concern (*Besorgen*) as their mode of being.” Making a judgment or offering an assertion about something, Heidegger here insists, is a mode of concerned engagement with it, not a way of staring at it. To depict judgment as staring, I conclude, is to distort it (fatally). Since staring fails to exemplify judgment, it fails to capture the alleged affinity of judgment for present-at-hand entities.

## 5.2 Judgment and Breakdown

A second candidate for understanding the purported affinity of judgment for the present-at-hand draws on Heidegger’s discussion, in section 16 of *SZ*, of “breaks” (*Brüche*) in the contexts of everyday activity. This idea of a break is not present in the influential passage cited above (section 2). However, the idea of break, or better *breakdown*, has appeared promising to some as a phenomenological resource for capturing judgment’s affinity for the present-at-hand.<sup>55</sup>

Heidegger’s official topic in section 16 is how the worldly character of the environment “announces itself” *in* intrawordly entities – how the world, in short, gets “lit up,” hence the title of

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<sup>54</sup> *SZ* at 56/83. A version of the list also appears in *GA* 20: 214/159.

<sup>55</sup> This is a prominent theme of Dreyfus’s work, for which he has credited John Dewey with inspiration. See his *Being-in-the-World*, chapter 4 for a detailed exploration of breakdown, and especially pg. 77 for the link between breakdown and assertion. See also the initial attack on artificial intelligence, especially pg. xxxii of the introduction of *What Computers Still Can’t Do: A Critique of Artificial Reason* (Cambridge, MA: MIT Press, 1994 edition), particularly the remark that begins, “Only if there is some disturbance...” On the breakdown theme, see also Carl Friedrich Gethmann’s “Der Existenziale Begriff Der Wissenschaft” in *Lebenswelt und Wissenschaft*, ed. Carl Friedrich Gethmann (Bonn: Bouvier Verlag, 1991)

the section: “How the Worldly Character of the Environment Announces itself in Intraworldly Entities.” This topic is part of a larger inquiry into “the phenomenon of world” (*die Weltlichkeit der Welt*) the aim of which is to sketch the distinctive contribution of *world* in making up the unitary structure of being-in-the-world. The central idea in the section at issue is this: when we come across something somehow or other unavailable for use (*unzuhanden*), the wider whole in terms of which the ready-to-hand entity is what it is “shows up.” When I am using a hammer, say, I am absorbed (*aufgehen*) in the work at hand. But if the hammer somehow malfunctions, it becomes *conspicuous* as the (now failing) item of equipment that it is, and *therewith* its constitutive relations to other items of equipment come to the fore. Since these relations precisely constitute the everyday world, breakdown of intraworldly entities brings to the fore (as having been at work) the everyday world in terms of which these entities are what they are. Judgment or assertion is not at all a topic of discussion in the section at issue.

There is, however, a rough tradition of thinking about judgment – from Hölderlin, somewhat romantically, to Dewey, naturalistically– that pictures judgment as a result of an interruption in the “flow” of a prior unity of immersed activity (or *Sein* in Hölderlin’s case). Call the line of thought this rough tradition espouses the *breakdown theory of judgment*. The thought here would be to place Heidegger in this tradition and understand the affinity of judgment for the present-at-hand in terms of breakdown. The train of thought is roughly as follows. It is only, or at least generally, when there is a breakdown, or hitch, in the course of our activity that we are prompted to make judgments about the entities with which we deal. On such occasions, ready-to-hand entities show up as unready-to-hand. Encountering an entity as unready-to-hand is a step toward treating it as *vorhanden* – a step, that is, toward severing it from the holistically structured world of everyday significance.

This proposal, it is worth making clear, concerns why there is an affinity for present-at-hand entities at work in judgment. The proposal *presupposes* that the very capacity for judgment

is *already* in place; how else could breakdown result in a *judgment* tending towards the present-at-hand? The breakdown theory of judgment, then, on pain of incoherency, does not aspire to offer a *genetic explanation* of the emergence of the very capacity for judgment. There used to be a time in which there was no ability to judge in the world and therewith no judgments. Then there was a time when judgments existed. It is an interesting empirical question how this transition took place, but this is not a question that concerns Heidegger. With regard to judgment, Heidegger's interest is in *what it is*, not how it *came about*. Heidegger's topic is prior to the question about how the ability to judge came about; we would need first to get clear on what judgment is before we could be in a position to empirically discover when and how it came about.<sup>56</sup>

Moreover, it is here worth adding, Heidegger is at pains to remind us throughout Division I of *SZ* that being-in-the-world, of which judgment is an aspect, is a *unitary* phenomenon. The interest is in the *whole* cloth. The approach is not one of starting with self-standing raw materials and then *adding* to those materials to build up a package.<sup>57</sup> The approach is rather one of patiently drawing the (already) whole constitution into view by charting the connections among its distinguishable but inseparable elements. With those two clarifications registered, I now turn to consider the breakdown proposal head on.

The problem with the breakdown theory of judgment is that it is untrue to the phenomenon. Judgment is not paradigmatically the result of an interruption in our activity: judgment is not an *intrusion* into something else that stands gloriously on its own, namely skillful engagement with entities. As I have just argued, drawing on the examples cited in the above discussion of staring, judging is integrated within the course of our temporally extended engagement with the world. The exercise of our capacity for judgment is paradigmatically an

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<sup>56</sup> Heidegger insists that beginning his investigation with everydayness is not beginning with primitiveness: "everydayness (*Alltäglichkeit*) does not coincide with primitiveness." *SZ* 50/76

<sup>57</sup> *SZ* 53/78. And: *SZ* 132/170. This is the kind of approach that, for example, Brandom takes in the first part of his *Making it Explicit* (Cambridge, MA: Harvard University Press, 1994), starting with reliable differential responsive dispositions – what he calls "pre-discursive practice" – and then adding intellectual ("logical") capacities onto that prior self-standing foundation.



*aspect* of that ongoing skillful engagement, not an *interruption* of that engagement: our primary mode of access to ready-to-hand entities (skillful use) *incorporates* judgment into its “hands-on” engagement. For without judging comportment, the course of the activity could not carry on as it manifestly does. This is not merely because we have to be able to *recover* from interruption by making judgments. It is not merely that skillful activity *on occasion* involves acknowledging how things stand. It is rather because our acknowledgment of how things stand is *integral* to sustaining the concrete activity *as* the activity that it is.

Attention to spheres of activity marked by occasions for deliberation, unlike the relatively unthinking activity of cooking, picture hanging, and walking about, bolster the point. An essential skill at work in the activity of teaching (*being* a teacher) is the ability to make evaluative judgments about the quality of student work. Or consider domains of activity that essentially involve collective deliberative reflection directed *at* possible judgments – for example, proposals in departmental meetings about computer use or fund distribution, or committees set up to determine the terms of our use of biomedical technology. Such collective deliberation is often directed at ready-to-hand entities the very function and meaning of which is a contested matter. The centrality of non-interruptive judgments in debate about such entities – what they are for, whether and how they ought to exist – sheds deep doubt on the breakdown theory of judgment. Contestation of course is not breakdown.<sup>58</sup> Judgment is in these cases integral to the back-and-forth flow of deliberative activity. It is not therefore paradigmatic of our capacity for judgment that its exercise be prompted by an interruption in our knowing how to deal with entities. On the contrary, the exercise of our capacity for judgment is our skillful comportment in the world *at work*.

A secondary problem with the breakdown theory worth noting is that even within the sphere of judgments prompted by breakdown – limited as that sphere is – it is not at all clear why

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<sup>58</sup> Hence one of Heidegger’s central worries about the effect of idle talk (*Gerede*), that it suppresses and holds back disputation (*Auseinandersetzung*). *SZ* 169/213

we would make, or even be tempted to make, the move from the unready-to-hand to the present-at-hand.<sup>59</sup> When there is a break in the meaningful relations that articulate the being of an item of equipment, *what* the item of equipment *is* becomes a theme – that it is for such-and-such, essentially related to those other items of equipment, within this project, for the sake of some more basic end or way of being. *That* comes to the fore *because* the item is failing to serve its assigned function. This is a powerful phenomenological point.<sup>60</sup> But why would there be leveling, or “sinking,” towards the present-at-hand in such a case? A more accurate description of the situation would surely be that the *role* of the *kaput* item of equipment is what shows up in this situation, if anything *accentuating* its status as a (now failing) ready-to-hand entity. After all, a *broken* hammer is a broken *hammer*. Or as Heidegger puts it, “the unready-to-hand is a mode of the ready-to-hand.”<sup>61</sup>

One might rejoin on behalf of the breakdown theory of judgment that someone interested in *why* the item of equipment is not working might be prompted to investigate the matter. Such an investigation might indeed move one to treat the item of equipment as a corporeal chunk of teleological vacuity in order to get at its inner “mechanics.” While plausible, this route to substance does not have much to do with judgment *per se*. Such a question – “why is X not working?” – of course presupposes the capacity for judgment. One cannot ask a question if one has no sense of the very idea of answering one. But this is hardly to ascribe to the comportment of judgment an *affinity* for the present-at-hand. If anything, the result here would involve a link between a certain specialized form of questioning and the present-at-hand.<sup>62</sup> I conclude, then, that

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<sup>59</sup> Gerald Prauss, *Erkennen und Handeln in Heideggers Sein und Zeit* (Freiburg/Munchen: Alber, 1977), 38; Joseph Rouse, “Science and the Theoretical ‘Discovery’ of the Present-at-Hand” in *Descriptions*, eds. Don Ihde and Hugh Silverman (Albany: SUNY Press, 1985), 200-210. See also William D. Blattner, “Decontextualization, Standardization, and Deweyan Science” in *Man and World* 28, 1995.

<sup>60</sup> Breakdown here functions as an existential phenomenological successor to the method of imaginative variation of Husserl’s eidetic reduction.

<sup>61</sup> *GA* 24, 432/304. See also *SZ* 354-355/406.

<sup>62</sup> There must be something right about a connection, for a large range of cases, between some kind of breakdown and being driven to ask *why*. Consider the impulse to undergo therapy, understood as a form of self-interpretation, because of a breakdown in one’s self-understanding. – I find myself stuck. I hurt people

breakdown is not exemplary of judgment. The breakdown theory of judgment has thus failed to capture the source of judgment's alleged affinity for present-at-hand entities.

### 5.3 Judgment as Being Theoretical

A third candidate for understanding the affinity of judgment for the present-at-hand is what one might call "being theoretical." The thought is roughly this. When we engage in an act of judgment, we comport toward the *truth* of things. Judgment is thereby a medium, or vehicle, of knowledge. Since present-at-hand entities are objects, on Heidegger's view, of *theoretical* knowledge, judgment thereby has an affinity for present-at-hand entities.

Heidegger does not in any clear sense define what he means by 'theoretical' in *SZ*. However, in the lectures of the winter semester 1927-1928, devoted to his Kant interpretation, Heidegger does offer some helpful remarks about "*scientific* comportment." The mark of such comportment is that "the struggle is solely aimed at entities themselves, in order to tear the entities from concealment and thereby to assist entities unto their own, i.e., of letting them be what they are."<sup>63</sup> Scientific comportment, one might say, is comportment towards the truth about entities for the sake solely of such truth.

Judgment of course has an essential place within this *wissenschaftlich* mode of being in the truth. But Heidegger offers no reason to think that the very practice of judgment tends toward the sophisticated stance of a research scientist. That such a stance *presupposes* the capacity for judgment hardly means, nor does it entail, that the capacity for judgment tends

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I am close with. Why? Perhaps I am not the person I imagine myself to be. – But here the point of asking why, I take it, is not so much to pass judgment as it is to reach some form of *understanding*. This fundamental orientation toward understanding, one suspects, is not limited to therapeutic contexts, for it applies in the case of asking why something ready-to-hand does not work as well. The intelligibility of the respective entities is different, thus the form of understanding is different. (The form of understanding ready-to-hand entities, for example, is less directly connected to the demand for *change*.) However so, the alleged link between breakdown and judgment remains unforged.

<sup>63</sup> *Phänomenologische Interpretationen von Kants Kritik der reinen Vernunft*, ed. I. Gorland, Gesamtausgabe 25 (Frankfurt: Klostermann, 1977; 3<sup>rd</sup> ed., 1995), 26; English translation: *Phenomenological Interpretation of Kant's "Critique of Pure Reason"* trans. P. Emad and K. Maly (Bloomington: Indiana University Press, 1984), 19.

towards such a stance. Judgment and (what one might call) everyday truth are firmly ensconced in our ordinary non-scientific comportment toward entities. Judgment, that is, is a ubiquitous dimension of our ordinary commerce with the world, and hardly marked by the austere distance of a disengaged stance, much less the contemplative pose *du Penseur*. The categories of judgment and assertion simply *do not imply* detachment, contemplation, reflection, or theory. As Heidegger notes,

Between the kind of interpretation which is still wholly wrapped up in concerned understanding and the extreme opposite case of a theoretical assertion about something present-at-hand, there are many intermediate gradations: assertions about happenings in the environment, accounts of the ready-to-hand, 'reports on the Situation', the recording and fixing of 'facts of the case', the description of a state of affairs, the narration of something that has befallen.<sup>64</sup>

To insist on linking judgment (assertion) with detachment, contemplation, reflection, or theory is to *overintellectualize the capacity for judgment*.

More decisively, at least as an interpretive matter, Heidegger does not restrict scientific comportment to *natural* entities, in the paradigmatic sense of physical substances, or otherwise. Thus even if we were to modify 'judgment' with 'theoretical,' judgment would not, on Heidegger's considered view, exhibit an affinity for present-at-hand entities. Heidegger's example in the Kant discussion of "letting entities be what they are" is the science of *history*. In the first Introduction to *SZ*, where Heidegger discusses the present "crisis" in the sciences, he mentions physics, mathematics, biology – *and theology*.<sup>65</sup> There is no naturalistic scientism in Heidegger's conception of the possibilities of scientific truth. Even ready-to-hand entities *as* ready-to-hand can become objects of scientific comportment, a possibility Heidegger tellingly announces when he says:

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<sup>64</sup> *SZ* 158/201. Hence A.D. Smith's recent charge at pg. 105 of his *The Problem of Perception* (Cambridge: Harvard University Press, 2002) that for Heidegger "there seems to be no medium between treating things as 'gear' (Zeug) and gazing at them in a wholly passive manner" is unfounded. The above cited passage, I note, is yet another (fourth) piece of straightforward textual evidence against restricting the topics of judgment to present-at-hand entities.

<sup>65</sup> *SZ* 10/30

The everyday ready-to-hand context of equipment, its historical emergence and utilization, and its factual role in Dasein – all these are objects for a science of economics. The ready-to-hand can become an “object” of a science *without having to lose its character as equipment*.<sup>66</sup>

Being theoretical, I conclude, is an unpromising candidate for capturing the alleged affinity of judgment for the present-at-hand.

#### 5.4 Judgment and the Portability of Language

A fourth candidate for understanding the affinity of judgment for the present-at-hand has been suggested to me by John Haugeland. The suggestion runs roughly as follows:

Judgments are susceptible to formulation in words and sentences. What’s important about linguistic formulation is that it is portable and shareable (iteratively communicable) – you tell me, I tell Ralph, he tells Alice, and so on. This is manifestly fundamental to assertion, and to language generally. But, by its very nature, passing the word along tends to decontextualize. I may have been standing next to you when you told me, and Ralph (who was in the next room) is at least also a carpenter. But Alice has never been in a woodworking shop. This is a progression of ever more decontextualizing – and indeed, a sort of progression that seems integral with the very point and value of explicit assertion. The evening news, scientific reports, history books, gossip, letters home – these are almost all essentially “out of context”.<sup>67</sup>

This interesting suggestion, however, does not capture the elusive affinity of judgment for the present-at-hand, for it rests on a failure to distinguish the decontextualizing of *our relation* to a ready-to-hand entity from a tendency to decontextualize *the entity* itself. When word that “the levies have been breached” was passed along all around the world, *the levies* were not stripped of their role in and around New Orleans, however poorly they were fulfilling that role. Rather, the portability of language has made it possible for many people who are *not there* to know about something that manifestly *remains in context*. Indeed, we would *fail to understand* assertions about the levies on the nightly news if we construed the entities at issue as cut off from the relevant context. The portability of assertions therefore does not provide for the elusive affinity of

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<sup>66</sup> SZ 361/413 (my emphasis)

<sup>67</sup> John Haugeland (personal communication).

judgment for present-at-hand entities. I now turn to a fifth proposal, namely the claim that judgments single entities out, and singling out encourages a construal of the object singled out as present-at-hand.

### 5.5 Judgment as Singling Out

According to the picture Heidegger offers of our relation to the world in his phenomenology of everydayness, we are, first and foremost, engaged in concrete contexts of concern situated in a wider world of significance. These contexts are articulated by a plurality of meaningfully configured entities upon which we rely throughout the course of our activity. The entities so configured are internal to the temporally extended activity; without the entities, the activity could not carry on as it does. One point Heidegger is particularly keen to stress about the structure of our reliance on such entities is the following: in the midst of such engaged activity, as we are “on our way,” we are onto a whole lot of things at once. Often very implicitly – at times, even subliminally – we are mindful and alert to a multi-leveled order of paraphernalia and conditions that structures the overall shape of the terrain, orients our activity within it, and guides our activity through it. Heidegger’s astute descriptions of this sensitive rapport with things – constitutive of our everyday agency “in-progress” – serve as an exceedingly well-needed corrective to a standard empiricist picture of our immediate contact with the world, fixated as it is on the stationary snapshot-like perceptual experience of an isolated thing.<sup>68</sup>

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<sup>68</sup> Heidegger’s descriptions of our engagement with complex unities of entities and conditions portray a picture that surely generalizes beyond domains of activity that so prominently call on *bodily* comportment. Consider another ubiquitous context of concern, or *Umwelt*, namely dialogue. The relevant entities here are not the hammer and its “heft,” nails, lumber, and the workbench. Rather, participation in conversation demands the ability to keep track of and navigate trajectories of meaning, tone, gesture, and status – some stable and settled in place, others more fluid and dynamic – that articulate the ongoing “terrain.”

The picture applies equally well to yet another daily (for some) exercise of craft, namely a stretch of abstract theoretical inquiry and research. See *SZ* 358/409. The labor here, even in its stiller moments, demands an ongoing productive rapport with the “tools of the trade” (texts, notebooks, lab equipment, etc.) with which and through which we are wrapped up in the subject-matter at hand – the environs, one might say, of our minds.

Now, judgment has a vital place within these absorbing contexts of human life. But judgment is an essentially *selective* relation to entities. Even if a judgment is not about a single entity – universal judgments, or some conditional and disjunctive judgments, for examples – it still *picks* entities *out* from a background concrete whole (e.g. a workshop, an ongoing conversation, a subject-matter) *out of which* such entities present themselves. Might this be the key to understanding the affinity of judgment for present-at-hand entities?

There is plenty of room for doubt. After all, to single an entity *out* is not to cut an entity *off* from its relations to other entities, and thereby to “push” the entity toward being grasped or treated as a present-at-hand entity. When making a singular judgment about a ready-to-hand entity (say), we are, in the midst of our engagement with it, singling the entity out so as to make it manifest in its current condition. Consider the judgment ‘the wrench fits the nut’, made quickly on the fly and perhaps uttered simply as “fits!”, or even expressed by a wink or smile.<sup>69</sup> The very content of our wrench judgment says of the tool something about its fitting relation to, one might say, an item of “co-equipment.” To single out a ready-to-hand entity, far from “cutting it off” from the web of significance, is rather to place it *explicitly* where it belongs, squarely within that web.

More decisively, it must be added, judgment is hardly *unique* in singling out. The very idea of intentional comportment, as directedness towards an entity as an entity, suggests singling it out. When I think amorous thoughts of my beloved, I am picking her out and, as it were, zeroing in on her. This hardly means that as soon as I begin these thoughts, my thoughts push me towards treating her as a present-at-hand entity. Singling out does not *exemplify* a tendency

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<sup>69</sup> If the expression of the judgment took the form of such a gesture, then obviously much context and shared understanding must already be in place for the gesture to amount to a joint orientation towards the wrench being fitting for the nut. I note that no matter the expressive vehicle of this judgment (spoken sentence, a single word, a gesture), the judgment here is the *determination of an entity and being so-and-so*, that is, a predication, as Heidegger’s theory of judgment/assertion specifies.

toward the present-at-hand, which is what we need to understand the alleged affinity for the present-at-hand announced in the influential passage.

Singling out has failed to capture the alleged affinity of judgment toward the ready-to-hand. In the influential passage, Heidegger depicts the affinity of judgment for the present-at-hand as something inevitable: singling out does not satisfy this depiction. In my discussion of phenomenological method, I have stressed the role of exemplary cases in exhibiting the paradigmatic manifestation of some phenomenon: singling out does not satisfy this role, for it is hardly paradigmatic of singling out to treat an entity as present-at-hand. I now turn to our sixth and last candidate, namely the subject-predicate form of judgments.

#### 5.6 *Subject-Predicate/Substance-Accident*

Judgments have a subject-predicate structure. Subject-predicate form is correlated with a metaphysical conception of entities, according to which entities are understood as autonomous substances in which properties inhere. Since substance is the basic ontological model for present-at-hand entities, judgments, by virtue of their very structure, encourage a construal of entities as present-at-hand.

There is a long history to this link between grammatical form and ontology (often *via* logic).<sup>70</sup> Placing Heidegger in this history has some plausibility, since he, unlike Brentano and Frege, casts the structure of judgments in terms of subject-predicate form. Tugendhat has remarked that “by objecthood – in *Sein und Zeit* ‘*Vorhandenheit*’ – [Heidegger] meant not only that for which singular terms stand but the whole ontological perspective which results from the

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<sup>70</sup> For a systematic investigation of subject-predicate form, including a defense of its necessity, see P.F. Strawson, *Subject and Predicate in Logic and Grammar* (New York: Harper Row Press, 1974). For a helpful discussion of the correlation between logic and ontology wrapped up with the subject-predicate form in the context of Kant’s philosophy, see Beatrice Longuenesse, *Kant and the Capacity to Judge* (Princeton, NJ: Princeton University Press, 1998), 324-333.



orientation to the sentence.”<sup>71</sup> By ‘objecthood’ Tugendhat means the notion of substantiality that Heidegger draws from Descartes: namely, the idea of an entity, wholly self-standing, *in* which properties inhere, but not needing anything or anyone else to be what it is.

Have we finally discovered the source of the alleged affinity of judgment for the present-at-hand? Not really, or so I want to argue. *There is a genuine invitation here*, unlike the other candidates I have been canvassing. But the invitation subject-predicate structure “offers” to treat entities as *vorhanden* is an offer that one can easily refuse. Moreover, to accept this invitation is to fall prey to an illusion about the relation between judgment and its objects, at least according to Heidegger’s own best teaching about judgment as intentional comportment.

I note first that the invitation surely has a *conditional* character: *If* one isolates a single judgment and focuses on its sentential form, *then* one might be prone to treat the topic of the judgment as *vorhanden*. Thus the “orientation to the sentence” that Tugendhat mentions, more precisely stated, is an orientation to the sentence *abstracted* from its place within any larger structure – i.e., its *use* by someone possessed of an understanding of being of the entity that forms the topic of the sentence. The subject of the sentence expressing the judgment is correlated with the thing; the predicate of the sentence expressing the judgment is correlated with a property that inheres in, or is proper to, the thing. The ontological character of the thing invited by these correlations is one of being what and how it is all on its own. Suppose, then, that subject-predicate structure *so isolated* can indeed invite such an ontological construal. The question arises: why would one be tempted to isolate the sentential form of a single judgment and proceed to take that form, so abstracted, as a guide to understanding the ontological character of entities?

Heidegger’s most basic teaching about judgment encourages suspicion about any such isolationist strategy: it may be a strategy adopted by some philosophers, but it is not the path we take in the midst of making judgments about entities. Judgment, according to Heidegger, is a

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<sup>71</sup> Tugendhat, *Traditional and Analytic Philosophy* (Cambridge: Cambridge University Press, 1982), 415. Compare Stephen Mulhall, *Heidegger and Being and Time* (New York: Routledge, 1996), 92.

distinctive form of intentional comportment towards entities *as* entities. Like all other forms of intentional comportment, a judgment is at once situated within and expressive of an understanding of the being of the entity the judgment is about. If a judgment is severed from its place in the setting of a regionally diversified ontological understanding; if, subsequently, because of that severing we are prone to think of judgment as ontologically committed *merely* by virtue of its sentential form; *then*, perhaps, we might be prone to “accept” the invitation that subject-predicate structure offers and thereby “sink” toward the present-at-hand.

But to sever the sentential form of a particular judgment from its place in our ontologically informed *use* of that form is a peculiar form of self-misunderstanding. It illicitly credits the bare sentential form of judgments with the magical ability to comport towards entities *as* entities, namely as present-at-hand. But only *we* are capable of comporting towards entities *as* entities. We are able to do so, on Heidegger’s view, *thanks to* our understanding of the being of the entities that we make judgments about. Our understanding of being is regionalized, and this diversified ontological understanding is *expressed*, not homogenized, through the exercise of our capacity for judgment. After all, it is *by virtue of* such ontological understanding that our judgments are intelligibly *about* their respective topics. To accept the invitation to treat those topics as present-at-hand entities “offered” by subject-predicate structure, then, is ultimately to enter into a form of deep illusion: it is to cover over, or simply deny, the very understanding – *our* ontologically diversified understanding – that makes it possible for our judgments to have their respective topics in the first place.

If there is indeed some kind of constitutive temptation towards this denial built into the kind of entity that we are, subject-predicate form would hardly *explain* that temptation. At best, this form could perhaps serve as a kind of tool or mechanism to live out that illusion that must otherwise be explained. However so, careful phenomenological reflection on judgment and its objects should dispel any such temptation. Such reflection, after all, appreciates judgment in its

“native soil,” namely *our* comportment towards entities, informed by an understanding of their being – ready-to-hand, present-at-hand, or what have you.

In sum, the subject-predicate form of judgment offers a (highly) *conditional* invitation to treat entities as present-at-hand, the acceptance of which ultimately amounts to a form of self-denying illusion. This is far from the kind of *inevitable* “sinking” toward the present-at-hand that allegedly marks the “specialty” of judgment announced in the influential passage.

## 6. Conclusion: The Ontological Setting of Judgment

I have considered six candidates for capturing the source of judgment’s alleged affinity for present-at-hand entities. Not one of them has satisfied the key criterion set by the influential passage, namely, securing some kind of inevitable orientation toward present-at-hand entities exemplary of the very practice of judgment. Subject-predicate structure has emerged as offering a form of invitation to construe the objects of judgment as present-at-hand. I have argued, however, that this invitation is conditional, and it is only tempting to accept the initial condition – the isolation of sentential form – if we turn away from judgment “in action” and therewith enter into a peculiar form of misunderstanding about the relation between judgment and its objects.

At the outset of this paper, I noted that Heidegger stressed the significance of negative assertions in phenomenological investigation. I proposed to turn this methodological moral on Heidegger himself, as a strategy for concretely exploring the phenomenological structure of judgment. To sum up the immediate negative results, then, I offer a series of negative assertions.<sup>72</sup> Judgment is *not* staring and it is *not* faithfully pictured as a breakdown phenomenon. Judgment, moreover, is *not* being theoretical. Judgment does *not* decontextualize its objects due to the portability of its primary means of expression (words). The use of language rather

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<sup>72</sup> I remind the reader that all the following assertions are to be heard within the frame of negating the *exemplary* purport of the characterizations of judgment so negated.

facilitates the possibility of decontextualized forms of our *relation to* the objects of assertion. Judgment *is* singling out, but such a stance of focused paying heed does *not* lead one inevitably to treat the entity singled out as an autonomous bearer of properties. The subject-predicate structure of judgment, moreover, does *not* offer an irresistible invitation to treat the topic of a judgment as present-at-hand. Rather, the invitation is conditional, and accepting it amounts to a denial of our ontologically diversified understanding that, according to Heidegger's basic teaching, makes possible our judging comportment towards entities in the first place.

Has the foregoing discussion *exhausted* the full range of possible candidates for capturing the alleged affinity of judgment for present-at-hand entities? One answers "yes" at one's peril. But I do believe that I have addressed the major considerations – some drawn directly from Heidegger's text, others complementing the text – that have moved so many commentators to assert the link between judgment and present-at-hand entities. I am therefore emboldened to conclude that *no phenomenologically sound reason has been given to support the claim that the "specialty" of judgment is a constitutive orientation toward present-at-hand entities*. Those interested in the reconstruction of the Heideggerian philosophy, I submit, should therefore excise the link between judgment and the present-at-hand from Heidegger's theoretical commitments.

To the extent that the distortions of judgment I have been belaboring are promoted by the attempt to forge the link between judgment and present-at-hand entities, then if we drop the allegiance to that link, we stand poised to drop the distortions. Moreover, appreciating that and how the respective candidates have failed to live up to their promise of capturing the nature of judgment has the constructive effect of generating some positive insight into the structure and character of our lived experience of judging. I can sum up the overarching positive moral of the discussion as follows.

Consider the practice of judgment, as phenomenological reflection demands, from the standpoint of judgment-making – that is, thinking ourselves into what is involved for a subject to

relate to things in the mode of judgment. What are we to make of it? Charles Taylor has urged us to recognize Heidegger's work for its power to help us, as he famously puts it, "overcome epistemology."<sup>73</sup> The promise of this overcoming lies in the dismantling of a traditional modern conception of the human being as a self-contained subject *observing* the world in favor of an engaged agent *in the midst of* the world. There can be no denying that there are rich resources for this brand of anti-epistemological agenda in Heidegger's work. A conception of the human as cut off from the world – or otherwise standing at a distance from it – is certainly a target Heidegger is keen to attack, at least in its traditional modern epistemological guise.

But if we are going to adopt this agenda, we should be resolute in its pursuit. Our capacity for judgment, that is, must not be given away to the traditional modern construal of the subject as a being standing apart from the world. Judgment does not belong sealed up in a box with traditional epistemology, only then to be overcome, or perhaps demoted, by the proper appreciation of Heidegger's work. After all, the exercise of our capacity for judgment is our concerned engagement with entities *at work*, no less situated amid entities than our less cognitive skills. There are strands in Heidegger's writings that depict judgment in terms of a detached or disengaged stance. This depiction tempts a distorted conception of the judging subject as self-contained, at a distance from the meaningful world of entities that frame and guide its activity of judgment. Appreciating the above distortions for what they are should go some way toward exorcising this fantastical picture of our stance in judgment.

Judgment, that is, should be returned to its original home, which is in the first instance an *ontological* setting, not an epistemological one. The rejection of the purported affinity of judgment for present-at-hand entities opens up logical space for a whole-hearted endorsement of what I earlier called the ontological diversity thesis. According to this thesis, we make judgments about entities of various regions of being *as* the entities that they are, that is, in terms of *their*

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<sup>73</sup> Taylor, "Overcoming Epistemology" in eds. Kenneth Baynes, James Bohman, and Thomas McCarthy, *After Philosophy* (Cambridge, MA: MIT Press, 1987).

being. I earlier cited textual evidence suggesting Heidegger's endorsement of this thesis. If I am right that the link between judgment and present-at-hand is tenuous at best, interpretive charity now surely bids us to attribute to Heidegger a firm commitment to the ontological diversity thesis.

Appreciating the truth of this thesis, moreover, opens up a determinate strategy for further pursuing the ontological setting of judgment. By this I mean that we can learn concretely about the nature of judgment by learning about the (ontological) *kinds of entities* that figure as topics in judgments. Correlatively, we can learn about regions of being by learning about the *ways of judging* proper to a region's respective entities. The theory of judgment and regional ontology thus symmetrically inform one another within the frame of phenomenological research. What is the logical form of judgments about (say) ready-to-hand entities? What must ready-to-hand entities be like so as to be represented by judgments with *that* kind of logical form? If we let our conception of judgment remain hostage to a falsified correlation with present-at-hand entities, the pursuit of this phenomeno-logical agenda is simply occluded from view.

A second avenue of further research, not in regional ontology, but rather in fundamental ontology, is worth briefly sketching in conclusion. The ontological setting in terms of which judgment ultimately finds its home, in the Heideggerian context, is *Dasein*, the entity that *makes* judgments. In the immediate aftermath of the publication of *Sein und Zeit* (an incomplete fragment), Heidegger's focus on the *logos apophantikos* severely intensified. Judgment and its science (philosophical logic) occupied hundreds of pages of lecture-course discussion, as well as various essay length interventions. Why judgment?

In much of this work Heidegger is eager to stress that judgment is a promising route to explore the fundamental mark of *Dasein*, namely its being the entity that *is* so as to *embody* an *understanding of being*. Judgment (assertion) is so promising because the difference between

being and entities is something “we constantly make use of” whenever we say ‘is.’<sup>74</sup> It is of course an elemental Heideggerian claim that we make use of an understanding of being in *all* modes of comportment towards entities *as* entities, from the simple act of picking up a hammer to walking by someone in the aisle of the grocery store. But the promise of a sharp focus on judgment as a point of entry into an understanding of *Dasein* is the *explicit* way an understanding of being is “in action” in judgment; it is in this mode of comportment, after all, that we give sense to the word ‘is’, and thereby “make use” of ontological difference.<sup>75</sup> Accordingly, the inquiry into judgment offers a particularly fruitful mode of access into *what is involved in having an understanding of being*. By learning about judgment, in short, we can learn about who we are, namely, the kind of beings who live and move and have our being in an understanding of being.

The direction of elucidation is not one-way, however. A guiding commitment of the “breakthrough to phenomenology,” Husserl’s *Logische Untersuchungen*, is the thesis that *logic has ontological foundations*. As Heidegger stressed, Husserl’s anti-psychologistic commitment to the meanings of judgment as *ideal entities* is precisely a claim for an ontological founding of logic.<sup>76</sup> Heidegger is at one with Husserl in claiming that logic has ontological foundations, but they stand opposed about the entity (and its being) that serves the foundational role. For Husserl, the crucial founding entity is the propositional meaning, the being of which is *ideality*; for Heidegger, by contrast, the founding entity is *Dasein*, the entity that (among other things) judges, whose mode of being is *existence*. So not only *through* the topic of judgment do we find concrete access to the entity marked by an *understanding of being*, but it is *through* such access to *Dasein*

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<sup>74</sup> *Die Grundbegriffe der Metaphysik. Welt-Endlichkeit-Einsamkeit*, ed. F.W. von Herrmann, *Gesamtausgabe* 29/30 (Frankfurt: Klostermann, 1983), 518; English translation: *The Fundamental Concepts of Metaphysics: World, Finitude, Solitude*, trans. W. McNeill and N. Walker (Bloomington: Indiana University Press, 1995), 357

<sup>75</sup> SZ 160/202: “The interpretation of the ‘is’ ... leads us therefore into the context of problems belonging to the existential analytic, if assertion and the understanding of being are existential possibilities for the being of *Dasein* itself.” Heidegger proceeds to promise to work out the *Seinsfrage* in the context of the logos in “Part I, Division III,” which never appeared. It is very likely that the fourth chapter of the *Grundprobleme* (GA 24) on the “being of the copula” includes material that was slated to appear in the third division.

<sup>76</sup> *Logik: Die Frage nach der Wahrheit*, ed. Walter Biemel, *Gesamtausgabe* 21 (Frankfurt: Klostermann, 1976) 50-58

that we discover, according to Heidegger, the ontological foundations of logic. A more comprehensive theorization of judgment in the context of fundamental ontology, however, must await another occasion. Capturing judgment aright at the level of the lived experience of judging, facilitated by an exercise in negative phenomenology, is vital spadework for that more comprehensive endeavor.<sup>77</sup>

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<sup>77</sup> I thank Robert Pippin for his incredulity at my resistance to the “influential passage” discussed above and, more generally, for his wise guidance. I thank John Haugeland for his eye-opening seminars on Heidegger and his incisive comments on an earlier draft of this paper. I thank Wayne Martin for extraordinarily helpful (and countless) conversations on some focused issues in the paper (and much else besides), without which this paper would not have been possible. Adrian Cussins, Paul Miklowitz, and Candace Vogler offered comments on earlier drafts. Material in this paper was presented at a Pacific Division meeting of the *American Philosophical Association* in Pasadena in 2004. My commentator David Cerbone’s thoughtful and challenging remarks on that occasion were (characteristically) instructive. A long conversation with Taylor Carman following that session helped too. Thanks to co-editor Steven Crowell and an anonymous referee for their suggestions. A fellowship from the Andrew Mellon Foundation, administered by the Humanities Division of the University of Chicago, supported work on this paper.