The Losable Now

How a phenomenological structural claim can earn a kill condition, and what that still does not buy

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Abstract

Husserl wanted phenomenology to be a rigorous science of the structures of experience, a "first philosophy" that would ground the special sciences rather than compete with them. A century later phenomenology is more often filed under unfalsifiable introspection: interesting descriptions, no way to be wrong. This paper argues that the reproach lands on the wrong target. Phenomenology's serious currency is not the momentary content of a private report but the invariant structures that any experience of a given type must exhibit: the figure and ground of perception, the horizon, and above all the temporal structure of the living present, in which a now is thick with retention of the just-past and protention of the about-to-come. These are structural claims, and structural claims can be given the treatment the Academy's general method paper demands of any consciousness claim: a losable empirical prediction held to matched measurement quality. I develop the neurophenomenological bridge (Varela 1996; Lutz et al. 2002) into an explicit protocol: trained first-person structural reports, calibrated to the reliability of the third-person measurement they are compared against, must covary with a specified neural signature, or the structural claim is not doing empirical work and should be withdrawn. Whether first-person data can be made rigorous is itself disputed, and I treat the skeptics fairly. Bridging a structure to a signature does not explain why there is experience at all. I state that firewall plainly and locate the wager honestly.

1. The reproach, and why it is half right

The standard indictment of phenomenology is quickly stated. It trades in first-person description; first-person description is not intersubjectively checkable; what cannot be checked cannot be wrong; what cannot be wrong is not science. On this reading Husserl's ambition, announced in *Ideas I* (1913) and pressed again in *The Crisis of the European Sciences* (1936), to found a rigorous science of consciousness, was a category mistake from the start. You can describe your experience all day; you can never be corrected.

I want to grant the strongest form of this reproach before resisting it, because half of it is correct. The half that is correct: a bare introspective report of a passing episode ("the coffee smells rich to me now") carries no kill condition. There is no state of the world that would show the reporter wrong, and a claim with no

possible defeater buys no empirical standing. **FACT**: on the received Popperian and post-Popperian criteria that most working scientists apply, an assertion immune to disconfirmation is not thereby false, but it is not doing empirical work either. Phenomenologists who wave this away do their own tradition no favors.

The half that is wrong is the identification of phenomenology with that bare report. Husserl's method was never the cataloguing of private episodes. It was eidetic: the search, through imaginative variation, for the invariant that a phenomenon cannot lose without ceasing to be the phenomenon it is (Husserl 1913; Gallagher and Zahavi 2020). The datum of interest is not "the coffee smells rich to me" but "perceptual presentation of an object always presents one profile while co-intending the profiles now hidden," a claim about the *form* of any perceptual act whatever. That is a structural claim. And structural claims, I will argue, can be made to risk something.

2. Structure, not episode: what phenomenology actually asserts

Consider three of phenomenology's load-bearing structures.

First, figure and ground. To perceive an object is to perceive it as standing out from a field that recedes; the ground is co-present precisely as not-attended. You cannot construct a perceptual field that is all figure, and the attempt to describe one collapses into incoherence. This is not a report about how perception happens to feel to me; it is a claim that perception has this form necessarily, on pain of not being perception.

Second, the horizon. Every perceptual object is given with a horizon of further determinations I could bring to intuition (the back of the cup, its weight, its interior) and every present moment sits within a horizon of a wider situation. The object is never given all at once yet is given as more than the given profile.

Third, and for my purposes central, the internal structure of time. In the lectures collected as *On the Phenomenology of the Consciousness of Internal Time* (Husserl 1991), Husserl argues that the experienced now is not a knife-edge instant. To hear a melody is not to hear an isolated tone while remembering, as a separate act, the tones before it. The just-elapsed tone is still held, as just-elapsed, in what Husserl calls retention; the next is anticipated, as about-to-arrive, in protention. The living present is this thick triadic structure, retention and primal impression and protention, continuously renewed. Strip out retention and you do not get a leaner now; you get no experience of succession, hence no melody, hence arguably no unified experience at all.

Notice what kind of claim this is. It is not "time feels flowing to me." It is: *any* temporally extended experience must exhibit the retention-protention structure, because without it the manifold of moments could not be given as one unfolding whole. It is a claim about the conditions of possibility of a type of experience. Gallagher and Zahavi (2020) rightly stress that this is what gives phenomenology its grip: it isolates structures that generalize across subjects and, in principle, across any subject of that experience-type.

3. A framework aside: structures as closures

The Academy's Closure lens offers one way to read what a phenomenological structure is, and I flag it as C's reading, not as a result the argument needs. In that idiom, openness (the manifold, the not-yet-determined) settles into a determinate "this" by adopting rules that let it stay itself across change; that settling is a Closure (Cl), with the rules R that hold it together and a persisting identity M against a field m.

On C's reading the invariant structures of experience are candidate closures. The figure-ground form is a Closure of the perceptual field: openness (an undifferentiated field) resolves into a "this" (the figure) governed by rules (the ground recedes, the figure is bounded) that let the percept remain the percept it is. The living present is a temporal Closure: the flux of moments settles into a now that stays a now by holding its edges, retention behind and protention ahead. The melody is heard as one thing because the temporal structure closes the manifold into a unity that persists (M) against the passing tones (m) under the rule R that each impression is retained as it sinks and each is anticipated as it rises.

I use this only as a heuristic. The phenomenology and, below, the neuroscience carry the weight; the framework supplies a vocabulary for saying why these particular structures matter (they are what lets experience be self-identical across change) and nothing more. If the empirical protocol in section 5 fails, the closure gloss fails with it, and rightly.

4. The bridge: matched data quality between first and third person

How does a structural claim about the living present become a losable prediction? Through the bridge Francisco Varela named neurophenomenology (Varela 1996), sharpened into a rule about measurement quality.

Varela's proposal, in "Neurophenomenology: A Methodological Remedy for the Hard Problem," was that first-person and third-person accounts of a mental event should stand in a relation of reciprocal constraint. Disciplined first-person description is not decoration on the neuroscience and not a datum the neuroscience must merely accommodate; it actively guides the analysis of the neural data, and the neural data in turn discipline the description. Neither side is sovereign. The empirical bet is that structures found on one side will be matched by structures on the other, and that where they fail to match, one of the descriptions is wrong.

Lutz, Lachaux, Martinerie, and Varela (2002) turned this into an experiment. Presenting subjects with a depth illusion that emerges only after fixation, they collected, trial by trial, trained first-person reports of the subject's cognitive context just before the stimulus (state of preparation, quality of attention, presence or absence of distraction), and used those reports, not the experimenter's stimulus categories, to cluster the trials. Clustered by first-person state, the electrical brain activity that had looked like noise resolved into distinct and stable patterns of phase synchrony. The subjective category did work the objective category alone could not: it partitioned the neural dynamics. Lutz and Thompson (2003) generalized the strategy and, importantly for my argument, insisted that the first-person reports be produced by *trained* introspection with explicit elicitation, not by naive verbal report.

Training is the hinge. The move that makes phenomenology losable is the demand I will call **matched data quality**: the trained first-person structural report must be held to a measurement standard

commensurate with the third-person signal it is compared against. Concretely, before any neural comparison, the reports themselves are characterized as measurements: their test-retest reliability across sessions, their inter-rater agreement when independent trained observers describe the same structured task, and their sensitivity and specificity in discriminating experimental conditions the experimenter has manipulated but withheld from the reporter. Only reports that clear a preregistered reliability threshold, one no laxer than the reliability we demand of the neural measure, enter the analysis. This is what answers the skeptic on the skeptic's own ground. The complaint was that first-person data cannot be checked. The reply is not that they can be checked by fiat but that their checkability is itself measured, and reports that fail the measurement are excluded exactly as a drifting electrode would be.

5. The losable prediction

Take the structural claim at issue: the living present has retention-protention structure, and this structure is what unifies a temporally extended experience into one whole. The neurophenomenological reading says this temporal closure should have a neural signature in the large-scale dynamics that integrate activity across a window of time, for instance transient long-range phase synchronization spanning the tens-to-hundreds-of-milliseconds window over which retention and protention operate. The structural claim is doing empirical work only if trained reports of the *structure* covary with that signature under matched data quality.

> **Prediction.** Trained observers, reporting on the temporal grain of experience during a task that manipulates it (for example, tone or motion sequences varied so that on some trials the succession fuses into one flowing whole and on others it fragments into separate events), will produce structural reports (fused versus fragmented, richly retentive versus thin) that (a) meet a preregistered reliability threshold no laxer than that of the neural measure, and (b) covary, trial by trial and within subject, with a specified neural signature of temporal integration (transient long-range phase synchrony over the relevant window), at an effect size exceeding what the stimulus labels alone predict, as in the Lutz et al. (2002) design.
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> **Kill.** If reports that clear the matched reliability threshold show no better-than-stimulus-label covariation with the specified signature (or with any pre-committed alternative signature) across adequately powered, preregistered replication, then the claim that the retention-protention structure is doing empirical work is not supported, and it should be withdrawn as an idle description rather than defended by reinterpretation after the fact.

Two features make this a genuine wager and not a rigged game. First, the signature and the reliability threshold are fixed in advance; the phenomenologist cannot, on seeing null data, relocate the structure to whatever the neural data happen to show. Second, matched data quality cuts both ways: if the reports fail reliability, the phenomenological claim is not vindicated by default, it simply never entered the contest, and a tradition that keeps failing to produce reliable structural reports has thereby learned something about itself.

6. The firewall: what a signature does not explain

Suppose the prediction is confirmed, repeatedly and across laboratories. It is essential to say precisely what this would and would not accomplish, because the temptation to overclaim here has done real damage to the field's credibility.

It would show that a phenomenological structural claim can be empirically load-bearing: that the retention-protention structure is not merely a way of talking but tracks, and helps predict, an independently measured feature of brain dynamics. That is a substantive result. It would move the structure from the ledger of unfalsifiable description to the ledger of tested science.

It would not explain why there is any experience at all. Varela (1996) was explicit that neurophenomenology is a methodological remedy, not a metaphysical solvent, and I hold to that. A confirmed covariation between the temporal structure of experience and a signature of neural integration is a correlation, disciplined and reciprocal, but a correlation. It tells us that when the living present has this structure, the brain has that dynamic. It does not tell us why the dynamic is accompanied by anything experienced at all, why there is something it is like to hear the melody rather than merely to integrate the tones. The explanatory gap is untouched. Bridging structure to signature answers the question "does this description do empirical work" and leaves the question "why is there experience" exactly where it was. Naturalizing phenomenology, in the sense of the Petitot et al. (1999) program, means finding formal and empirical purchase on the structures; it does not mean, and its most careful contributors never claimed it meant, dissolving the fact of experience into those structures. To read a confirmed prediction as closing the hard problem is to mistake a well-run experiment for a piece of metaphysics it cannot be.

7. Objections, honest tags, and where the risk really sits

I owe the skeptic a fair hearing and the reader honest tags.

DISPUTED: whether first-person data can be made rigorous at all. This is not settled, and I do not pretend it is. The strongest objection is the introspective-report objection sharpened for this context: even trained reports may be theory-laden and shaped by the very elicitation that trains them, so that inter-rater agreement measures shared training rather than shared access to a structure. This is a live worry and the matched-data-quality protocol does not fully dispel it; it only converts it into a measurable question (do independently trained groups, with different theoretical framings, converge on the same structural reports for the same tasks). If they do not, the objection stands. Fair statement: the rigor of first-person data is a hypothesis under test, not a premise.

HYPOTHESIS: that the retention-protention structure specifically has a stable neural signature of temporal integration. The Lutz et al. (2002) result makes this plausible for cognitive-context clustering; it does not establish it for the temporal structure in particular. Section 5 is a proposal for the experiment that would test it, not a report of one.

WAGER: that the general strategy generalizes, that many of phenomenology's structural invariants (figure-ground, horizon, the pre-reflective sense of ownership of one's experience) will each admit a matched-data-quality prediction, and that phenomenology's future as a science lies in producing them one structure at a time. I am betting on this, and I could lose. The bet is falsified in the aggregate if, after a serious run of such experiments, trained structural reports systematically fail to cross the reliability bar or

systematically fail to covary with any pre-committed signature. In that event the honest conclusion is that phenomenology is a valuable descriptive and conceptual enterprise but not, in Husserl's sense, a rigorous empirical science, and I would accept that verdict rather than retreat to unfalsifiability.

A further objection deserves naming: that all this concedes too much to third-person science, letting the neural signature be the real arbiter and reducing phenomenology to its handmaid. This misreads the reciprocity. Under matched data quality the first-person side has veto power too: a neural model that predicts a temporal structure the trained observers reliably deny is thereby constrained, as in the Lutz et al. design where the subjective category reorganized the neural analysis rather than the reverse. Neither description is sovereign; that was Varela's point and it is the point that keeps this from collapsing into eliminativism.

8. Conclusion

Husserl asked phenomenology to be a rigorous science of the structures of experience. The reproach that it is unfalsifiable introspection is half right, and the honest response is not to deny the falsifiability standard but to meet it. The move is to stop defending bare episodic reports, which deserve the reproach, and to press instead the structural claims that were always phenomenology's real contribution: the figure and ground, the horizon, the thick living present with its retention and protention. On C's reading these are candidate closures, structures by which the openness of experience settles into a self-identical "this" and stays itself across change; but the framework is only a lens, and the phenomenology and the neuroscience carry the argument.

A structural claim earns empirical standing when it earns a kill condition. Neurophenomenology supplies the bridge, and matched data quality supplies the discipline: trained first-person structural reports, calibrated to the reliability of the neural measure they are set against, must covary with a pre-committed neural signature, or the structure is idle and should be dropped. This is the phenomenology-side instance of the Academy's general method: a claim about consciousness is worth making only if it is losable, and it is losable only if the first-person data are held to the same measurement quality as the third-person data they answer to.

What such a bridge cannot do is say why any of it is experienced. That firewall stays up. Confirming that the living present covaries with a signature of neural integration would be a real scientific result and no kind of solution to the hard problem. The now can be made losable. It cannot, by being made losable, be made to explain itself.

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