

Adolf Reinach: An Annotated Bibliography

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When the present volume was first conceived, it was confidently believed that a survey of the literature on Reinach's thought could be kept within comfortable limits. It rapidly became clear, however, that this was not the case. Reinach's discoveries in the sphere of speech act theory have, it is true, gone almost unnoticed. Reinach has nevertheless enjoyed an enduring notoriety among those working in the philosophy of law, and ever since its appearance in 1913, Reinach's work on "Die apriorischen Grundlagen des bürgerlichen Rechtes" has served as the principal representative of phenomenological, aprioristic and ontological/realist approaches in this discipline. His name accordingly appears in the majority of the more substantial general treatises in the discipline (or at least in those treatises and reference works published in countries whose law and philosophy have been influenced by the Germanic tradition: Edwards' great *Encyclopedia of Philosophy* does not contain even a mention of Reinach).

The goal of completeness has therefore been abandoned in what follows, and items containing merely passing references to Reinach's work have been listed only where they are of particular historical importance or bear evidence of some more substantial influence. The list has been compiled with the assistance of N. Bokhove, A.G. Conte and M.-E. Conte, J. Crosby, N. Duxbury, J. Joerden, S. Paulson, H. Spiegelberg and the indefatigable librarians of the University of Erlangen.

§1 WORKS BY REINACH

Under the Sigil *Ana 379, C I (Reinach)* the Bayerische Staatsbibliothek has preserved a short review (by Reinach?) of F. Berolzheimer, *System der Rechts- und Wirtschaftsphilosophie*, vol. I (Munich: Beck, 1904), the original publication and author of which has not been traced. Two further questions concerning possible Reinach publications remain unanswered: 1) In a letter to Conrad of September 1910 Reinach refers to his plans to publish an article to be entitled "Natur und Freiheit", but this has not been found; 2) Dietrich von Hildebrand, in his *Moralia* (1980, p. 247), refers to a 'nicht erhalten gebliebenen Aufsatz [by Reinach] über Gesinnung'. Further details as to Reinach's *Nachlass* can be found on p. 27 above, and in Avé-Lallemant 1975.

- 1905 *Über den Ursachenbegriff im geltenden Strafrecht*, Leipzig: Barth (Dissertation, Munich). Psychology, Reinach argues, is capable of assisting in the clarification of the legal meaning of the concept of cause via appeal to the notion of a *psychic regularity*. This same notion can help also in the clarification of the probable intent of specific laws. From the point of view of Reinach's later philosophy, the work may be seen as a study of the legal determinations [*Bestimmungen*] of positive law and of the development of aids for their practical interpretation. There is as yet however no suggestion of his doctrine of the *a priori* structures underlying legal formations.
- 1910 "William James und der Pragmatismus", *Welt und Wissen. Hannoversche Blätter für Kunst, Literatur und Leben (Beilage zum Hannoverschen Courier)*, no. 198, 28.9.1910, repr. in Reinach (forthcoming); English translation in this volume.
- 1911 "Kants Auffassung des Humeschen Problems", *Zeitschrift für Philosophie und philosophische Kritik*, 141, 176–209, repr. in Reinach 1921, 1–35.
- 1911a "Die obersten Regeln der Vernunftschlüsse bei Kant", *Kant-Studien*, 16, 214–33, repr. in Reinach 1921, 36–75.
- 1911b "Zur Theorie des negativen Urteils", in A. Pfänder, ed., *Münchener Philosophische Abhandlungen* (Festschrift for Theodor Lipps), Leipzig: Barth, 196–254, repr. in Reinach 1921, 56–102.
- 1912/13 "Die Überlegung; ihre ethische und rechtliche Bedeutung", *Zeitschrift für Philosophie und philosophische Kritik*, 148, 181–96, 149, 30–58, repr. in Reinach 1921, 121–65.
- 1913 "Die apriorischen Grundlagen des bürgerlichen Rechtes", *Jahrbuch für Philosophie und phänomenologische Forschung*, I/2, 685–847, and as Separatum, 1913 and 1922; repr. in Reinach 1921, 166–350 and as Reinach 1953.
- 1914 "Paul Natorps Allgemeine Psychologie nach kritischer Methode", *Göttin-gische gelehrte Anzeigen*, no. 4, 193–214, repr. in Reinach 1921, 351–76. Natorp had claimed that the I can never be an object of consciousness and thus it cannot form part of the subject-matter of psychology. The latter is restricted to the contents of consciousness, i.e. to all of that of which one is conscious. Reinach argues that it is grounded in the essence of *cogitationes* that they can exist only as experiences of an I. Thus he defends the Cartesian view according to which the *cogito* is the starting point of our knowing, and he insists that the I is present in each and every experience. However, the pure I – as distinct from the empirical person – is not a thing with characteristics; Natorp may therefore be correct in his view that it 'does not admit of any explanation'. But this does not rule out the clarification of the ways in which it interrelates with other elements in essential structures.

In grasping itself the I is both bearer and end-point of a grasping act. Un-

like Natorp, who insisted that each relation must have two terms, Reinach sees no difficulty here, since intentionality is not a relation in the usual sense. (Cf. Brettler, pp. 95f.)

- 1921 *Gesammelte Schriften*, herausgegeben von seinen Schülern (mainly by Edith Stein), with an Introduction by Hedwig Conrad-Martius, Halle: Niemeyer.
- 1921a “Vortrag über Phänomenologie” (lecture delivered in Marburg in 1914), first publ. in Reinach 1921, 379–405, repr. in Reinach 1951.
- 1921b “Über das Wesen der Bewegung” (prepared by E. Stein from seminar notes in Reinach’s *Nachlaß*), first publ. in Reinach 1921, 406–61. Contains an analysis of continuity and of the essence of traversing of space, the results of which are then applied to Zeno’s paradoxes. A motion is a continuous process; it should not be thought of as a series of single part-processes somehow combined together.
- Reinach asserts that it is self-evident that all real motion requires a bearer, but denies that this implies that all perception of motion involves the perception of a bearer. I can speak of motion and intend motion without at the same intending something that moves. (Cf. Brettler, pp. 90f.)
- 1921c “Anhang” (extracts on impersonalia from Reinach’s *Nachlaß*), first publ. in Reinach 1921, 117–20.
- 1921d “Bruchstück einer religionsphilosophischen Ausführung” (28 Sept.–3 Oct. 1917), Section 1, “Das Absolute”, in Reinach 1921, xxxi–xxxvi.
- 1928 *Genshōgaku ni tsuite*, (Tetsugaku ronsō [Collection of Philosophy] 2), Tokyo: Iwanami. Japanese trans. of 1921a, with introductory note by Renzō Ikegami.
- 1934 *Los fundamentos apriorísticos del derecho civil*, Barcelona: Libreria Bosch, Spanish trans. of 1913 by José Luis Álvarez. See Álvarez M. Taladriz 1934.
- 1951 *Was ist Phänomenologie?*, ed. with a foreword by H. Conrad-Martius, Munich: Kösel.
- 1953 *Zur Phänomenologie des Rechts. Die apriorischen Grundlagen des bürgerlichen Rechts*, mit einer Vorbemerkung von Anna Reinach, Munich: Kösel, new edition of Reinach 1913.
- 1966 “What is Phenomenology?”, Eng. trans. of Reinach 1921a by David Kelly, *Philosophical Forum*, 1, 231–56.
- 1969 “Concerning Phenomenology”, Eng. trans. of Reinach 1921a by Dallas Willard, *The Personalist*, 50, 194–211.
- 1973 “Zur Phänomenologie der Ahnungen” (MS dated Embagneux, 26 July 1916) in Brettler, 245–47, with English translation, “On the Phenomenology of Premonitions”, 242–44. The act of apprehending (knowing) and the state of conviction, Reinach here argues,

contrast with one another clearly enough, if one considers that the case of apprehending concerns a temporally punctual act which cannot *endure* more or less, whereas we can live in a conviction as long as we like. Furthermore a set of convictions often comes to life in us without being founded in an act of apprehending or at any time having been so founded. Observed from this point of view, there is no doubt that we have to class premonitions with the founding structures, not with the founded ones — i.e. to those which by their essence are open to being founded. Through premonitions we grasp — or believe ourselves to grasp — the previously hidden. And in premonition a conviction also can be founded, which in strength and inner certainty need be in no way inferior to the conviction based upon knowing. (trans. p. 244, slightly amended)

- 1973a “Bruchstück einer religionsphilosophischen Ausführung”, Section 2. “Struktur des Erlebnisses”, and Section 3. “Skeptische Erwägungen”, in Brettler, 250–51; with English translation, “Fragment of a Treatise on the Philosophy of Religion”, 248–49.
- 1976 “Kant’s Interpretation of Hume’s Problem”, Eng. trans. of Reinach 1911, by J.N. Mohanty, *Southwestern Journal of Philosophy*, 7, 161–88 (this issue repr. as K.R. Merrill and R.W. Shahan, eds., *David Hume. Many-Sided Genius*, Norman: University of Oklahoma Press).
- 1978 Excerpts from Reinach 1921a in Italian translation in Adriano Bausola, ed., *Questioni di storiografia filosofica: Il pensiero contemporaneo*, 4, vol. I, Brescia: La Scuola, 41–42.
- 1981 “On the Theory of the Negative Judgement”, Eng. trans. of Reinach 1911b, by Don Ferrari, *Aletheia*, 2, 15–64.
- 1982 “On the Theory of the Negative Judgement”, Eng. trans. of Reinach 1911b by Smith, in B. Smith, ed., 315–77, incorporating translation of Reinach 1921c.
- 1983 “The Apriori Foundations of the Civil Law”, Eng. trans. of Reinach 1913 by J.F. Crosby, *Aletheia*, 3, 1–142.
- (forthcoming) *Sämtliche Werke*, a new edition of Reinach’s works, including a reprint of Reinach 1910 and other additional material, Munich: Philosophia.

§ 2 WORKS ON REINACH

- Ach, Narziß 1913 *Über die Erkenntnis a priori, insbesondere in der Arithmetik*, I. Teil, Leipzig: Quelle and Meyer. On Reinach and *Sachverhalte*, (pp. 39–49).
- Ajdukiewicz, Kazimierz 1948 “Change and Contradiction”, as trans. in K.Ajdukiewicz, *The Scientific World-Perspective and other Essays, 1931–1963*, Dordrecht/Boston: Reidel, 1978, 192–208 (pp. 198f.).

- Alvarez M. Taladriz, J. 1934 "Prólogo" to Reinach 1934, pp. 5–18.
- Amserek, Paul 1964 *Méthode phénoménologique et théorie du droit*, with preface by Charles Eisenmann, Paris: Librairie générale de Droit et de Jurisprudence.
- 1964a *Perspectives critiques d'une réflexion épistémologique sur la théorie du droit: Essai de phénoménologie juridique*, Paris: Librairie générale de Droit et de Jurisprudence.
- 1972 "La phénoménologie et le droit", *Archives de philosophie du droit*, 17, 185–259, Eng. trans. as "The Phenomenological Description of Law", in M. Natanson, ed. vol. 2, 1973, 367–449.
- 1986 "Philosophie du droit et théorie des actes de langage", in P. Amserek, ed. *Théorie des actes de langage* (pp. 135, 147), Paris: P.U.F., 109–63.
- Avé-Lallemant, Eberhard 1971 *Phänomenologie und Realität. Vergleichende Untersuchungen zur 'München-Göttinger' und 'Freiburger' Phänomenologie*, Habilitationsschrift, Munich (mimeographed).
- 1975 *Die Nachlässe der Münchener Phänomenologen in der Bayerischen Staatsbibliothek*, Wiesbaden: Harrassowitz (pp. 171–80). Catalogue of Reinach's *Nachlass* with a biographical sketch.
- Baeyer, Alexander von 1968 "Bemerkungen zum Verhältnis von juristischer und philosophischer Hermeneutik", *Archiv für Rechts- und Sozialphilosophie*, 54, 27–42. Includes some discussion of Reinach's theory of legal determinations.
- 1969 *Adolf Reinachs Phänomenologie. Zum Verhältnis von phänomenologischer Forschung und Geschichtlichkeit*, Dissertation, Bern. See especially the treatment of the distinction between the *a priori* theory of law and natural law; the former is descriptive, the latter normative.
- Baratta, Alessandro 1959 "Natura del fatto e diritto naturale", *Rivista internazionale di filosofia del diritto*, 36, 177–228; German translation as "Natur der Sache und Naturrecht", in A. Kaufmann, ed., 103–63 (pp. 125, 139 of trans.).

1930 “Hexis und Akt. Eine phänomenologische Skizze”, *Philosophischer Anzeiger*, 4, 163–68.

The distinction between hexis and act runs through the entire realm of intentional experiences. Examples of hexeis are: *being acquainted with, knowing, being convinced, believing, loving, wanting*, etc. Examples of acts: *perceiving, recognising, deciding, converting, promising*, etc.

The distinction is not merely a matter of temporal structure (the distinction of interval and point). If one contrasts an action (*Tat*) with, e.g., a state or hexis of being in love, then that which is decisive in this contrast is not the temporal punctuality of the execution of the action. An act, like an action, is a ‘punctual clicking into place’ (*Einschnappen*), and what is primary here is not so much the punctuality as the clicking into place. An action, too, can be described – from the outside – as the clicking into place of a new external situation. Cognition would then correspondingly be the clicking into place of a new knowledge-situation, decision the clicking into place of a new will-situation, etc.

The new distributions of knowledge and will which thereby result are clearly hexial, and thus it is tempting to see the hexis in general as a phenomenon which is in every case the sequel to an act. Hexeis such as knowledge, will and the like, would then simply be the *results* of cognitive or resolute acts, as the new external situation is a result of the action. But clearly not all being can be traced back in this way to a becoming. Just as every action already presupposes some situation – does not *create* the world but rather *changes* it – so every act of cognition presupposes some knowledge, and from this point of view the hexis is *prior* to the act.

1930a *Das Versprechen. Ein Beitrag zur Philosophie der Sittlichkeit und des Rechts*, Dessau: Dünnhaupt, Berlin: Junker and Dünnhaupt (Dissertation, Leipzig). Somewhat superficial criticism of Reinach 1913, defending a view of the

promise along the lines of the old expression-of-intention theory.

- 1937/38 “Zur Philosophie des Eigentums”, *Archiv für Rechts- und Sozialphilosophie*, 31, 324–51. Historical study, setting out from the criticism of Reinach’s *a priori* theory of property.
- Battifol, Henri 1949 *Problèmes de base de philosophie du droit*, Paris: Librairie générale de Droit et de Jurisprudence (p. 194f.)
- Becker, Oskar 1923 “Beiträge zur phänomenologischen Begründung der Geometrie und ihrer physikalischen Anwendung”, *Jahrbuch für Philosophie und phänomenologische Forschung*, 6, 385–560. On Reinach 1921b (p. 544).
- Binder, Julius 1915 *Rechtsbegriff und Rechtsidee*, Leipzig: A. Diechert, repr. Aalen: Scientia, 1974 (pp. 2, 128).
- 1925 *Philosophie des Rechts*, Berlin: Georg Stilke, (pp. 49–64, 48, 724f, 730, 909f.), repr. Aalen: Scientia, 1967. On Reinach’s comparison of propositions of law and mathematics: every jurist who reads these ideas for the first time ‘faßt sich unwillkürlich an den Kopf’ (p. 152).
- Bloch, Ernst 1961 *Naturrecht und menschliche Würde*, Frankfurt: Suhrkamp (pp. 164–68: ‘Reinach und phänomenologische Rechtsschau; Auswahl unter Leerformen’).
- Blumenfeld, W. 1931 *Urteil und Beurteilung*, (*Archiv für die gesamte Psychologie*, dritter Ergänzungsband), Leipzig: Akademische Verlagsanstalt (pp. 81–86 “Das negative Urteil”).
- Bobbio, Norberto 1934 *L’indirizzo fenomenologico nella filosofia sociale e giuridica*, Turin: Istituto giuridico della R. Università (pp. 70ff.).
- Bodenheimer, Edgar 1969 “Phänomenologie und Rechtsquellenlehre”, in T. Würtenberger, ed., 72–92. See Reinach, for all his faults, as having laid the foundation for a deeper treatment of the *a priori* dimension (of ‘*sachlogische Strukturen*’) in law (p. 79f.).

- Bosanquet, Bernard 1914 "Critical Notice: *Jahrbuch für Philosophie und [p]hänomenologische Forschung*, Erster Band, herausgegeben von E. Husserl", *Mind*, 23, 587–97 (pp. 594–6). Bosanquet accuses Reinach of confusion in regarding the legal obligation created by e.g. a social act of promising as prior to the moral duty to observe a promise. 'None the less for this difference of opinion,' he goes on, 'I recognise the excellent work done here in bringing home the difficulties of a full and clear statement in answer to such questions as "What is the essence of a promise? of representation? of property?"' (p. 596)
- Brettler, Lucinda 1973 *The Phenomenology of Adolf Reinach: Chapters in the Theory of Knowledge and Legal Philosophy*, Dissertation (under R. Klibansky), McGill. Extremely useful synoptic treatment, making clear the groundlessness of many of the more superficial criticisms of Reinach's realist theory of cognition, of his theory of *a priori* structures and of his philosophy of law. Consider, for example, Brettler's comparison of Reinach and J.L. Austin:
- There are numerous . . . points where Austin's work in the end confirms Reinach's conclusions, but by contrast the former shows itself to be fragmentary, to lack a sufficiently global approach to the speech act. The stages of analysis presented by *How to Do Things with Words* appear to fall from a phenomenological point of view within the stage of concept and word analysis preliminary to analysis of the essences themselves. (p. 190)
- Brimo, Albert 1964 *De l'unité des doctrines phénoménologiques et axiologiques dans la théorie générale du droit*, Toulouse: Annales de la Faculté du Droit.
- 1967 *Les grands courants de la philosophie du droit et de l'état*, Paris: A. Pedone (pp. 375ff.: "La vision phénoménologique du Droit: L'éidétique juridique de Husserl à Adolphe Reinach").

- Brodmann, Erich 1921 *Recht und Gewalt*, Berlin and Leipzig: W. de Gruyter (pp. 83f).
- Burkhardt, Armin 1986 *Soziale Akte und Textillokutionen*, Tübingen: Niemeyer. A detailed comparison of Reinach on social acts with the accounts of Searle and Austin who are criticised for committing the ‘ontological fallacy’: they find forces in utterances.
- Conrad-Martius, Hedwig 1921 “Einleitung” to Reinach 1921, v-xxxvii.
- 1951 “Vorwort” to Reinach 1951, 5–17.
- 1957 *Das Sein*, Munich: Kösel. Especially ch. A.2, “Das sachverhaltsimmanente Sein”, on Pfänder and Reinach (pp. 19–31).
- 1983 “[Reinach as a Philosophical Personality]”, Eng. trans. of extracts from Conrad-Martius 1921 by J.F. Crosby, *Aletheia*, 3, xxx–xxxii.
- Conte, Amedeo G. 1962 *Saggio sulla completezza degli ordinamenti giuridici*, Turin: Giappichelli (p. 104).
- 1970 “Studio per una teoria della validità”, *Rivista internazionale di filosofia del diritto*, 47, 331–54 (pp. 341ff.).
- 1981 “Variationen über Wittgensteins Regelbegriff”, in R. Haller, ed., *Sprache und Erkenntnis als soziale Tatsache*, Vienna: Holder-Pichler-Tempsky, 69–78.
- 1985 *Nove studi sul linguaggio normativo* (1967–1978), Turin: Giapichelli, (p. 49).
- Conte, Maria-Elisabeth 1983 “La pragmatica linguistica”, in C. Segre, ed., *Intorno alla linguistica*, Milan: Feltrinelli, 94–128 (p. 98).
- Cossio, Carlos 1952 “Las posibilidades de la lógica jurídica según la lógica de Husserl. El manejo fenomenológico en Adolf Reinach”, *Revista de la Facultad de Derecho* (Buenos Aires), 1294–1306.
- 1960 “La norma y el imperativo en Husserl. Notas analíticas para su estudio”, *Anuario de Filosofía del Derecho* (Madrid), 7, 51–169, Part IV: “El manejo fenomenológico de Adolf Reinach” (pp. 125–38). Parts I and II of this paper are

published under the same title in *Revista Brasileira de Filosofia*, 10, 1960, 43–90 and translated as “La norme et l’impératif chez Husserl” in *Mélanges en l’honneur de Paul Roubier. Tome 1: Théorie générale du droit et droit transitoire*, Paris: Dalloz and Sirey, 1961, 145–98.

The Spanish and Latin American literature on Reinach has been dealt with in what follows only cursorily. This applies in particular to the work of Cossio. The influence of Reinach’s *a priori* theory of law is clear e.g. from Cossio’s “Phenomenology of the Decision” in G. Ireland, *et al.*, eds., 354–400.

- _____ 1964 *Le teoría egológica del derecho y el concepto jurídico de libertad*, 2nd ed., Buenos Aires: Abeledo-Perrot (p. 353).
- Crosby, John F. 1982 “Towards Deriving What Ought to Be in the Nature of What Is”, in E. Morscher and J. Seifert, eds., *Vom Wahren und Guten*, Salzburg: St. Peter, 187–204.
- _____ 1983 “A Brief Biography of Reinach”, *Aletheia*, 3, ix–x.
- _____ 1983a “Reinach’s Discovery of the Social Acts”, *Aletheia*, 3, 143–94.
- Crosby, John F. and Seifert, Josef 1981 “Introduction [to Reinach 1981]”, *Aletheia*, 2, 9–14.
- Davie, George 1977 “Edmund Husserl and ‘the as yet, in its most important respect, unrecognised greatness of Hume’”, in G. Morice, Ed., *David Hume. Bicentenary Papers*, Edinburgh: Edinburgh University Press, 69–76.
- Dempe, Hellmuth 1928 *Über die sogenannten Funktionen der Sprache. Ein Beitrag zur Sprachphilosophie im Anschluß an die Sprachtheorie Karl Bühlers*, Dissertation (under P.F. Linke), Jena, repr. as *Was is Sprache? Eine sprachphilosophische Untersuchung im Anschluß an die Sprachtheorie Karl Bühlers*, Weimar: Böhlau Nachfolger, 1930 (p. 45: on the relation between assertion and conviction in Reinach’s 1911b).

- Diedler, Daniel 1975 *La théorie de l'a priori en droit d'Adolf Reinach*, mémoire pour le diplôme d'études supérieures, Université de Paris-II (mimeographed).
- Dobretsberger, Josef 1927 "Die Begriffsbestimmung des Rechts in der phänomenologischen Rechtsphilosophie", *Zeitschrift für öffentliches Recht*, 6, 246–58 (pp. 249ff.). Also in Rudolf Aladár Métall, ed., *33 Beiträge zur reinen Rechtslehre*, Vienna: Europa-Verlag, 1974, 47–60.
- Dombois, Hans 1954 "Das Problem des Naturrechts" (first published in Norwegian), Ger. trans. in W. Maihofer, ed., 444–62 (p. 453).
- Donius, Charles 1957 "Existentialisme, phénoménologie et philosophie du droit", *Archives de philosophie du droit*, 2, 221–31. Brief survey of existentialist and phenomenological philosophy of law.
- Dreier, Ralf 1965 *Zum Begriff der 'Natur der Sache'*, Berlin: de Gruyter. Esp. § 16 (pp. 60–66) on institutional and phenomenological legal theory. The phenomenological method rests on the premiss that there is an agreement between the *a priori* and the empirical realm. Reinach's concepts are therefore not presuppositionless, but can be reduced to empirical ones.
- Edlin, Gregor 1932 *Rechtsphilosophische Scheinprobleme und der Dualismus im Recht*, Berlin-Grunewald: Rothschild, Beiheft 27 to *Archiv für Rechts- und Wirtschaftsphilosophie* (pp. 121, 137, 180).
- (Eikema) Hommes, Hendrik Jan (van) 1966 "De betekenis van Edmund Husserls transcendentale fenomenologie voor de rechtswetenschap", in *De fenomenologische methode in de rechtsfilosofie*, (Handelingen van de Vereniging voor Wijsbegeerte des Rechts, L/1) Zwolle: Tjeenk Willink, 5–32 (pp. 6, 10ff., 28).
- _____ 1972 *Hoofdlijnen van de geschiedenis der rechtsfilosofie*, Deventer: Kluwer (pp. 227f.), Eng. trans. *Major Trends in the History of Legal Philosophy*, Amsterdam and New York: North-Holland (pp. 260f.).
- Elsenhans, Theodor 1915 "Phänomenologie, Psychologie, Erkenntnistheorie", *Kant-Studien*, 20, 224–75. Argues that,

despite all protests to the contrary, the phenomenological method is not able to exclude empirical elements. Thus in order to verify the results of Reinach's analysis, the reader must call to mind various actual cases in which he has made or received promises, and he can never rule out the possibility that this verification will not itself be subject to future correction. This casts doubt on the claim that a single exemplification of the relevant structure is a sufficient basis for the grasping of the essences involved.

- Emge, Carl August 1924/25 “Über die Zusammenhänge zwischen Soziologie und Rechtswissenschaft einerseits, zwischen Religionsphilosophie und Geschichtsphilosophie und Rechtsphilosophie andererseits, eine Vorschule der Rechtsphilosophie”, *Archiv für Rechts- und Wirtschaftsphilosophie*, I: 17, 524–69, II: 18, 30–57, III: 18, 271–317 and also as a book: *Vorschule der Rechtsphilosophie*, Berlin: Rothschild. See II, pp. 31, 54, on the treatment of the tie between essential structures in law and more general structures in society.
- 1928 “Das Apriori und die Rechtswissenschaft”, *Archiv für Rechts- und Wirtschaftsphilosophie*, 21, 519–36 (p. 535).
- Engisch, Karl 1971 *Auf der Suche nach der Gerechtigkeit. Hauptthemen der Rechtsphilosophie*, Munich: Piper, (esp. pp. 19f. on essential insight and pp. 223–27, a generous summary of Reinach's philosophy of law):
- We cannot deal with all the details of Reinach's work, but risk only the following general criticism, that the 'eternal laws' of the a priori theory of law are either analytic judgements or they are not evident (p. 227).
- 1983 “Formale Logik, Begriff und Konstruktion in ihrer Bedeutung und Tragweite für die Rechtswissenschaft”, in Günter Kohlmann, ed., *Festschrift für Ulrich Klug zum 70. Geburtstag*, vol. I, *Rechtsphilosophie, Rechtstheorie*, Cologne: Deubner, 33–54 (pp.37f.).

- Falkenberg, Gabriel 1982 *Lügen. Grundzüge einer Theorie der sprachlichen Täuschung*, Tübingen: Niemeyer (Linguistische Arbeiten, 86).
- 1984 “Unaufrichtigkeit und Unredlichkeit”, *Mitteilungen des Deutschen Germanistenverbandes*, 31, 15–19. Refers to Reinach’s ‘pioneering attempt’ to produce a taxonomy of speech acts.
- Fassò, Guido 1970 *Storia della filosofia del diritto*, vol. III, *Ottocento e novecento*, Bologna: Il Mulino (pp. 303ff.); French trans., *Histoire de la philosophie du droit, XIX^e et XX^e siècles*, Paris: Librairie générale de Droit et de Jurisprudence, 1976, (pp. 197f.).
- Fechner, Erich 1956 *Rechtsphilosophie*, Tübingen: Mohr (Siebeck) (Reinach’s ‘logical rationalism’: p. 41).
- Friedmann, Wolfgang 1967 *Legal Theory*, 5th ed. (1st ed. 1949), London: Stevens and Sons (pp. 208, 360).
- 1971 “Fenomenologia e scienza del diritto”, *Rivista internazionale di filosofia del diritto*, ser. 4, 48, 327–53 (pp. 331f.), Eng. trans. as “Phenomenology and Legal Science”, in M. Natanson, ed., vol. 2, 343–65 (pp. 347f.). Reinach as anticipator of later French phenomenology of law.
- García-Baró, Miguel 1983 “Adolfo Reinach o la plenitud de la fenomenología”, *El Olivo*, 7, 217–31. A clear introduction to the realist phenomenology to which Reinach contributed. Describes Reinach’s 1911a as an ‘extremely discreet’ objection to or improvement on what is described as Husserl’s claim that the singular-ideal distinction coincides with the real-ideal distinction.
- Gardies, Jean-Louis 1962 “Le droit, l’apriori, l’imaginaire et l’expérience”, *Archives de philosophie du droit*, 7, 171–97. Gardies attempts to axiomatise positive law as Hilbert axiomatised Euclidean geometry and thereby to obtain alternate sets of legal postulates analogous to those of non-Euclidean geometry.

- _____ 1965 “La philosophie du droit d’Adolf Reinach”, *Archives de philosophie du droit*, 14, 17–32. Regards as questionable Reinach’s claim that legal structures are irreducible.
- _____ 1972 *Essai sur les fondements a priori de la rationalité morale et juridique*, Paris: Librairie générale de Droit et de Jurisprudence (esp. pp. 173–85).
- _____ 1976 “De quelques voies de communication entre l’‘être’ et le ‘devoir-être’”, *Revue philosophique*, 3, 275–92. Contains an account of the relation between Reinach’s and Searle’s derivations of ‘ought’ from ‘is’.
- Geyser, Josef 1913 “Beiträge zur logischen und psychologischen Analyse des Urteils”, *Archiv für die gesamte Psychologie*, 26, 361–91. A critique of Reinach 1911b.
- Goyard-Fabre, Simone 1972 *Essai de critique phénoménologique du droit*, Paris: Klincksieck.
- Gralla, Erhardt 1966 *Das Problem der inhaltlichen Völkerrechtswidrigkeit internationaler Verträge*, Munich Dissertation
- Gutzwiller, Max 1924 “Zur Lehre von der ‘Natur der Sache’”, *Festgabe der juristischen Fakultät der Universität Freiburg*, Freiburg (Schweiz): Weizinger, as repr. in A. Kaufmann, ed., 14–32 (pp. 26f.).
- Gysin, Arnold 1933 “Tatbestandsanalyse des Versprechens. Eine Untersuchung zur philosophischen Rechtslehre”, *Abhandlungen der Frieschen Schule*, 5, 581–611. An extremely thorough, sympathetic criticism of Reinach’s theory of the promise, incorporating discussions also of Hobbes, Hume and Bassenge.
- Habbel, Irmingard 1960 *Die Sachverhaltsproblematik in der Phänomenologie und bei Thomas von Aquin*, Regensburg: Habbel.
- Haesaert, Jean 1948 *Théorie générale du droit*, Brussels: Bruylant (63ff.).
- Haff, Karl 1924/25 “Die Bedeutung der Rechtspsychologie für die moderne Rechtsfindung”, *Archiv für Rechts- und Wirtschaftsphilosophie*, 18, 133–42. All law is positive law; it is nonsensical

to speak of pre-positive legal elements or structures (p. 135).

- Hartmann, Leopold 1926 *Sind Naturgesetze veränderlich? Eine phänomenologische Untersuchung*, Halle: Niemeyer. See p.8f. (on *Sachverhalte*) and p. 34 (on the opposition between species and determination in Reinach 1911a). Part One is a presentation of Linke's ideas on foundation relations and on natural necessity.
- Hartmann, Nicolai 1913/14 Review of vol. I of Husserl's *Jahrbuch, Die Geisteswissenschaften*, 35, 971–7; repr. in Hartmann's *Kleinere Schriften*, III, Berlin: de Gruyter, 1948, 365–68. Includes a somewhat ironical summary of Reinach's work on the phenomenology of law.
- Heck, Philipp 1924 "Die reine Rechtslehre und die jungösterreichische [= Kelsen] Schule der Rechtswissenschaft", *Archiv für civilistische Praxis*, N.F. 2, 173–94 (p. 193).
- Henkel, Heinrich 1977 *Einführung in die Rechtsphilosophie*, 2nd ed., Munich: C.H. Beck (pp. 296–308).
- Hering, Jean 1921 "Bemerkungen über das Wesen, die Wesenheit und die Idee", *Jahrbuch für Philosophie und phänomenologische Forschung*, 4, 495–543 (p. 499).
- Hildebrand, Dietrich von 1916 "Die Idee der sittlichen Handlung", *Jahrbuch für Philosophie und phänomenologische Forschung*, 3, 126–251 (Dissertation, Munich, revealing especially the influence of Reinach 1911b).
- _____ 1930 *Metaphysik der Gemeinschaft*, Regensburg: Habel, 2nd ed., 1975 (pp.22–34). A development of Reinach's theory of social acts.
- _____ 1955 "Die rechtliche und sittliche Sphäre in ihrem Eigenwert und in ihrem Zusammenhang", in D. von Hildebrand, *Die Menschheit am Scheideweg*, Regensburg: Habel, 86–106. Contains an exposition and development of Reinach's philosophy of law.

- _____ 1960 *What is Philosophy?* Milwaukee: Bruce, 2nd ed., Chicago: Franciscan Herald Press, 1973 (p. 17).
- _____ 1975 “[Selbstdarstellung]”, in L.J. Pongratz, ed., *Philosophie in Selbstdarstellungen*, vol. 2, Hamburg: Meiner, 77–127 (pp.78–80).
- _____ 1980 *Moralia (Gesammelte Werke 9)*, Regensburg: Habel.
- _____ 1983 “[Reinach as a Philosophical Personality]”, written as an introduction to Reinach 1921, first published in *Aletheia*, 3, xv–xxvi.
- Hippel, Ernst von 1925 Review of Schreier 1924, *Archiv für öffentliches Recht*, 9, 119–24 (includes comparison of Reinach and Schreier).
- Holldack, Felix 1919 *Grenzen der Erkenntnis ausländischen Rechts*, Leipzig: Meiner. See esp. the comparison between laws and mathematical propositions; the work includes also a discussion of Reinach on *Überlegung* (pp. 50, 78f.).
- Hruschka, Elisabeth 1967 *Die phänomenologische Rechtslehre und das Naturrecht*, Dissertation, Freiburg (Switzerland). Detailed treatment of Reinach’s philosophy of law.
- Hruschka, Joachim 1965 *Die Konstitution des Rechtsfalles. Studien zum Verhältnis von Tatsachenfeststellung und Rechtsanwendung*, Berlin: Duncker and Humblot. Sees Reinach as a representative of a strict ontological realism in law.
- _____ 1972 *Das Verstehen von Rechtstexten. Zur hermeneutischen Transpositivität des positiven Rechts*. Munich: C.H. Beck (65f.).
- Hübener, Wolfgang 1975 “Die Logik der Negation als ontologisches Erkenntnismaterial”, in H. Weinrich, ed., *Positionen der Negativität (Poetik und Hermeneutik, VI)*, Munich: Fink, 105–140 (pp. 134f. is a discussion of Reinach and Sigwart on the locus of negation).
- Husserl, Edmund 1917 “Adolf Reinach”, *Frankfurter Zeitung und Handelsblatt*, no. 337, Erstes Morgenblatt, 6.12.1917, p. 1.

- 1919 “Adolf Reinach” (obituary article) *Kant-Studien*, 23, 147–49.
- 1974/75 “Adolph Reinach”, *Philosophy and Phenomenological Research*, 35, 571–74: English translation of Husserl 1919 by L. V. Brettler (see also Brettler, 252–54).
- 1983 “[Reinach as a Philosophical Personality]”, Eng. trans. of Husserl 1919 by J.F. Crosby, *Aletheia*, 3, xi–xiv.
- Husserl, Gerhart 1925 *Rechtskraft und Rechtsgeltung. Eine rechtsdogmatische Untersuchung. I. Genesis und Grenzen der Rechtsgeltung*, Berlin: Springer (dedicated to ‘*meinem Vater*’). Husserl comments on the superiority of Reinach’s intuitive approach over the formalism of Kaufmann and Schreier (p. viif.). He sees Reinach’s failure to reach his proclaimed goal of an a priori foundation of law as due to an inadequate range of examples. The material to which Reinach appeals is limited to the then current German civil law and does not take sufficient account of comparative law.
- 1964 “Zur Lehre von den sogenannten Doppelwirkungen im Recht”, in *Recht und Welt: Rechtsphilosophische Abhandlungen*, Frankfurt: Klostermann, 217–48. Credits Reinach with having been the first to show that claims and obligations are a unique type of non-physical and non-psychical temporal object (p. 235).
- 1969 *Person, Sache, Verhalten, Zwei phänomenologische Studien*, Frankfurt: Klostermann (pp. 5n, 55n.).
- Ingarden, Roman 1921/22 Review of Reinach 1921, *Ruch Filozoficzny*, 6, 116–17.
- 1931 *Das literarische Kunstwerk. Eine Untersuchung aus dem Grenzgebiet der Ontologie, Logik und Literaturwissenschaft*, Halle: Niemeyer; Eng. trans. by G.G. Grabowicz as *The Literary Work of Art*, Evanston: Northwestern University Press, 1973. On Reinach on the concepts of *Sachverhalt* and *Gegenstand*.
- 1964/65 *Der Streit um die Existenz der Welt*, Niemeyer: Tübingen, 2 vols., the 2nd in 2 parts. See esp.

ch. XI of vol. II/1, “Die Form des Sachverhalts. Sachverhalt und Gegenstand” (includes extensive critique of Reinach, 1911b) and §62 of vol. II/2, which contains a criticism of Reinach on movement.

- Ireland, Gordon *et al.*, eds. 1948 *Latin-American Legal Philosophy*, Cambridge, Mass.: Harvard University Press.
- Isay, Hermann 1929 *Rechtsnorm und Entscheidung*, Berlin: Vahlen (esp. pp. 42–47, on phenomenological jurisprudence). ‘Reinach’s results are completely unacceptable . . . However his basic idea is correct, that the phenomenological method must be made fruitful for the investigation of those conscious experiences which yield the legal order of social life’ (p. 44f.).
- Jones, J. Walter 1940 *Historical Introduction to the Theory of Law*, Oxford: Clarendon Press, repr. Westport, Conn.: Greenwood Press, 1970. ‘Perhaps no one has cut himself off from the facts of experience so sharply as Reinach, for whom the foundations of positive law belong to a realm which is not only distinct from the world of Nature but also independent of human understanding, of human organization, and of all the actual course of human or material occurrences.’ (p. 213)
- Jorrín, Miguel 1939 “La fenomenología y el derecho”, *Revista de la Universidad de la Habana*, (pp. 180–189).
- Kantorowicz, Hermann 1919/20 Review of Reinach 1913, *Logos*, 8, 111–15. The review is critical of Reinach’s view that propositions of *a priori* law can be synthetic, but approves of his account of the relation between *a priori* law and positive law. See Muscheler 1984.
- Karelitzki, Arnold 1914 *Urteil und Anerkennung. Ein Beitrag zur Phänomenologie der Erkenntnis*, Dissertation, Munich, 103 pp. Karelitzki expresses his thanks to Daubert, Pfänder and Scheler (in that order), but the body of the work makes clear his indebtedness also to Reinach. Karelitzki draws a distinction between two kinds of knowledge: 1. perceptual knowledge (and

intuitive knowledge in general), which relates to *Tatbestände*, and 2. knowledge bound up with *Meinen*, which relates to *Sachverhalte*.

In the case of the observing consciousness of objects we have to do with a receptive taking up [*Aufnehmen*] of the object . . . In the case of meaningful intending *des sinnvollen Meinens*] the act of consciousness is formed in such a way as to be directed toward the objects in an essentially different way. The mind operates here as it were with a different sort of organ of sense: the objects are not intuited through the inner eye, but rather contacted via the inner sense of touch. The intending subject in effect reaches out towards the object with his mental index finger. (p. 35)

Acts of *Meinen* may be one-rayed or many-rayed. Further:

the mental index finger can bend and transform from case to case in quite peculiar ways, for now it is not merely a matter of straightforward pointing to an object or of coming into contact with it, but rather of uncovering or displaying a given matter or of grasping it . . . It is only this intentional unfolding [*meinende Ausmachen*] in regard to an object that makes room for truth and falsehood; that which I unfold with my acts of meaning can be true or false, according to whether things really do stand so and so with the objects (pp. 45f.)

At the end of his work Karelitzki promises a separate study of the problem of the relation between the *Sachverhalt* and its underlying matter.

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| Kaufmann, Arthur | 1961 | <i>Das Schuldprinzip. Eine strafrechtlich-rechtsphilosophische Untersuchung</i> , Heidelberg: Winter (<i>passim</i>). |
| ————— | 1971 | <i>Rechtsphilosophie im Wandel</i> , Frankfurt: Athenäum (<i>passim</i>). |
| Kaufmann, Arthur, ed. | 1965 | <i>Die ontologische Begründung des Rechts</i> . Darmstadt: Wissenschaftliche Buchgesellschaft. |

- Kaufmann, Felix 1922 *Logik und Rechtswissenschaft. Grundriß eines Systems der reinen Rechtslehre*, Tübingen: Mohr (Siebeck), repr. Aalen: Scientia, 1966 (pp. 81f.). Kaufmann sees Reinach's first step towards a phenomenological philosophy of law as having failed, though it opened up important new questions.
- 1929 *Die philosophischen Grundprobleme der Lehre von der Strafrechtsschuld*, Leipzig and Vienna: Franz Deuticke.
- Kaufmann, Fritz 1959 [untitled] in H.L. van Breda, ed., *Edmund Husserl 1859–1959: Recueil commémoratif publié à l'occasion du centenaire de la naissance du philosophe*, The Hague: Nijhoff, 40–47 (p. 40f.).
- Kelsen, Hans 1965 “Eine phänomenologische Rechtstheorie”, *Österreichische Zeitschrift für öffentliches Recht* 15, 353–409 (p. 353). Review of Amselek, 1964.
- Koebner 1922 Review of Reinach 1921, *Literarisches Zentralblatt für Deutschland*, 73, 964–65.
- Koyré, Alexander 1922 “Bemerkungen zu den Zenonischen Paradoxien”, *Jahrbuch für Philosophie und phänomenologische Forschung*, 5, 603–28. French trans. “Remarques sur les paradoxes de Zénon”, in Koyré's *Etudes d'histoire de la pensée philosophique*, Paris: Gallimard, 1971, 9–35. Draws on Reinach's analysis of motion in his 1921b, arguing that Zeno-like paradoxes will arise wherever the two elements of infinity and continuity are found together (p. 628).
- Kraft, Julius 1926 “Die wissenschaftliche Bedeutung der phänomenologischen Rechtsphilosophie”, *Kant-Studien*, 31, 286–96. Positivist critique; argues that Reinach's synthetic *a priori* propositions of law are in fact analytic; they are held to be synthetic only because they are ‘*erschaut*’.
- Krauß, Heinrich (S.J.) 1954/55 “Naturrecht, positives Recht und apriorische Rechtslehre”, *Stimmen der Zeit*, 80, 228–32. Very sympathetic summary of Reinach 1913; argues that, because he concentrates too much on the essential laws governing institutions and

ignores those governing human nature, Reinach exaggerates the freedom of positive law in relation to the underlying 'natural' structures.

- Kubeš, Vladimír 1982 "Zu heutigen rechtsphilosophischen Theorien und die kritisch-ontologische Auffassung des Rechts", *Archiv für Rechts- und Sozialphilosophie*, Supplementa I, part 1, 429–75. Contrasts Reinach's 'objektivistisch-realistische Richtung' with the 'existentialist' and 'transcendental phenomenological' approaches of G. Husserl, F. Kaufmann and F. Schreier.
- 1986 *Ontologie des Rechts*, Berlin: Duncker und Humblot (Schriften zur Rechtstheorie, Heft 118), (p. 170, pp. 252–254).
- Landsberg, Ernst 1925 "Zur ewigen Wiederkehr des Naturrechts", *Archiv für Rechts- und Wirtschaftsphilosophie*, 18, 347–76. Concludes with very positive remarks on Reinach (p. 376).
- Larenz, Karl 1930 *Die Methode der Auslegung des Rechtsgeschäfts*, Leipzig, repr. Frankfurt: Metzner (pp. 42ff., 57). The reprint contains a "Nachwort" in which Larenz points out that his earlier discussions of phenomenological philosophy of law 'were still influenced by legal positivism, and to the extent that my remarks were directed critically against Reinach and G. Husserl they were unjust to these authors' (p. 108).
- 1931 *Rechts- und Staatsphilosophie der Gegenwart*, Berlin: Junker and Dünhaupt (pp. 44–56). Valuable discussion.
- 1969 "Der Rechtssatz als Bestimmungssatz", *Festschrift für Karl Engisch zum 70. Geburtstag*, Frankfurt: Klostermann, 150–60.
- 1969a "Originäre Rechtssachverhalte", in T. Würtenberger, ed., 132–51. On Reinach's treatment of the opposition between orders and determinations [*Bestimmungen*] (pp. 136ff.).
- 1975 *Richtiges Recht. Grundzüge einer Rechtsethik*, Munich: Beck (pp. 61, 191).
- 1983 *Methodenlehre der Rechtswissenschaft*, 5th ed., Berlin/Heidelberg/New York/Tokyo: Springer (pp. 82f., 108–115, 246).

- Legaz y Lacambra, Luis 1953 *Filosofía del derecho*, Barcelona: Bosch (pp. 126f.). German trans. as *Rechtsphilosophie*, Neuwied am Rhein: Luchterhand, 1965 (pp. 61, 167–171 of translation).
- Leibholz, Gerhard 1929 *Das Wesen der Repräsentation*, Berlin and Leipzig: de Gruyter (pp. 19, 22: on Reinach's apriorism).
- Leinweber, Adolph 1965 *Gibt es ein Naturrecht?* Hamburg: Cram, de Gruyter and Co. (pp. 39–47, 115, 118, 128). Leinweber defends a position according to which eternal legal structures exist, but finite beings cannot gain insight into them. He criticises Reinach's apriorism because it does not take into account the biological and historical/cultural conditions of human knowledge.
- Linke, Paul F. 1914 Review of *Münchener Philosophische Abhandlungen, Göttingische gelehrte Anzeigen*, no. 1, 1–22.
- 1916 "Phänomenologie und Experiment in der Frage der Bewegungsauffassung", *Jahrbuch für Philosophie und phänomenologische Forschung*, 2, 1–20.
- Lipps, Hans 1925 "Bemerkungen zur Theorie der Prädikation", *Philosophischer Anzeiger*, 1, 57–71, repr. in *Lipps Werke IV*, 177–92 (p. 189).
- 1928 *Untersuchungen zur Phänomenologie der Erkenntnis*, vol. 2, *Aussage und Urteil*, Bonn: F. Cohen, repr. as *Werke I.2*, Frankfurt: Klostermann, 1976 (p. 39f. of the reprint is a criticism of Reinach's concept of negative *Sachverhalt*).
- 1931 *Beispiel, Exempel, Fall und das Verhältnis des Rechtsfalles zum Gesetz*, Berlin: Springer, repr. in *Lipps Werke IV*, Frankfurt: Klostermann, 1977, 36–65 (p. 57).
- 1937 "Bemerkungen über das Versprechen", *Blätter für deutsche Philosophie*, 11, 1–7, repr. in *Lipps Werke IV*, 97–106. Includes criticism of Reinach's and Bassenge's theories of the promise.
- 1937/38 "Verantwortung, Zurechnung, Strafe", *Archiv für Rechts- und Sozialphilosophie*, 31, 167–

- 75, repr. in Lipps *Werke V*, Frankfurt: Klostermann, 1977, 72–81.
- 1944 *Die Verbindlichkeit der Sprache. Arbeiten zur Sprachphilosophie und Logik*, 3rd ed. = *Werke IV*.
- 1954 *Die Wirklichkeit des Menschen*, repr. as *Werke V*.
- Llambíaz de Azevedo, Juan 1940 *Eidética y Aporética del Derecho, Prolegómenos a la Filosofía del Derecho*, Buenos Aires: Espasa Calpe; Eng. trans. as “The Eidetics and Aporetics of the Law” in Gordon Ireland, *et al.*, eds., 401–58. A defence of the *Bestimmung* theory of legal norms.
- Maihofer, Werner 1958 “Die Natur der Sache”, *Archiv für Rechts- und Sozialphilosophie*, 44, as repr. in A. Kaufmann, ed., 52–86 (pp. 65–68).
- 1965 “Droit naturel et nature des choses”, *Archiv für Rechts- und Sozialphilosophie*, 51, 241–64 (pp. 241ff., 261).
- Maihofer, Werner, ed. 1962 *Naturrecht oder Rechtspositivismus?*, Darmstadt: Wissenschaftliche Buchgesellschaft, 2nd ed. 1972.
- Marcic, René 1960/61 “Reine Rechtslehre und klassische Rechts-ontologie”, *Österreichische Zeitschrift für öffentliches Recht*, N.F. 11, 395–411 (pp.410f.). On Reinach’s lecture “Über Phänomenologie” (1921a) as manifesting the rediscovery, after millennia, of an *a priori in re*.
- 1969 *Rechtsphilosophie. Eine Einführung*, Freiburg: Rombach (*passim*).
- Montoro Ballestoros, Alberto 1975 “Significado y función de la teoría fundamental del derecho”, in *La Filosofía del Derecho en España, Anales de la Cátedra Francisco Suárez* (Granada), 15, 215–46.
- Mulligan, Kevin 1980 *Representation and Ontology in Austro-German Philosophy*, Dissertation, Manchester.
- 1984 “Wie die Sachen sich zueinander verhalten inside and outside the *Tractatus*”, in B.F. McGuinness and A. Gargani, eds., *Wittgenstein and Contemporary Philosophy* (= *Teoria*, 5), Pisa; ETS, 145–74.

- Mulligan, Kevin, Simons, Peter M. and Smith, Barry 1984 "Truth-Makers", *Philosophy and Phenomenological Research*, 44, 287–321. Defence of a correspondence theory of truth along the lines of Reinach and the early Husserl, but dispensing with the category of states of affairs.
- Münch, Fritz 1918 "Die wissenschaftliche Rechtsphilosophie der Gegenwart in Deutschland (nach ihren allgemein-philosophischen Grundlagen)", *Beiträge zur Philosophie des deutschen Idealismus*, 95–143 (pp. 123ff.). Criticises uses of the *a priori* in the philosophy of law.
- Muscheler, Karlheinz 1984 *Relativismus und Freiheit. Ein Versuch über Hermann Kantorowicz, (Freiburger Rechts- und Staatswissenschaftliche Abhandlungen)*, Heidelberg: C.F. Müller Juristischer Verlag (pp. 56–65). Muscheler shows how Kantorowicz's review of Reinach is of central importance in his development, Kantorowicz, having 'entirely adopted the essential point of certain of Reinach's ideas. Central to both is the working out of the category of the objective, ideal sense of social acts' (p. 63).
- Natanson, Maurice, ed. 1973 *Phenomenology and the Social Sciences*, 2 vols., Evanston: Northwestern University Press.
- Nauhaus, Walter 1924 *Zur Kritik des Konventionalismus*, Dissertation, Jena (under P.F. Linke), Cf. Use of Reinach's theory of number (p. 71) and of *Sachverhalt* (*passim*: see n.8)
- Neisser, Hans P. 1959/60 "The Phenomenological Approach in Social Sciences", *Philosophy and Phenomenological Research*, 20, 198–212. Reinach's *a priori* judgements are in fact analytic (p. 211).
- Oesterreicher, John M. 1952 "Adolf Reinach, Seeker of the Absolute", in J.M.Oesterreicher, *Walls are Crumbling*, New York: Devin-Adair, 87–118; French trans. *Sept philosophes juifs devant le Christ*, Paris: Editions du Cerf, 1955. Biographical treatment; somewhat speculative.
- Olivecrona, Karl 1971 *Law as Fact*, 2nd ed., London: Stevens and Sons (p. 162f.):

What Reinach says amounts to a very clear statement, in a philosophical language, of the common view. It is particularly valuable because it brings out the difference between rules of conduct and rules of rights and duties and legal qualities. But I cannot see that it is anything more than a restatement. (p. 162)

- Ortega y Gasset, José 1982 *Investigaciones Psicológicas*, in Ortega y Gasset, *Obras Completas*, 10, Madrid: Alianza Editorial, 333–445. What are described as *objetos estructurales* or *objetos totales* are Reinach's *Sachverhalte* (p. 379f.). Philosophers have concerned themselves a great deal with true judgements 'but not with the rest of their body, with the remainder that makes a judgement a judgement, whether it is true or false' (p. 395f.). Ortega gives a lucid account of what is in effect Reinach's distinction between meaning (*Meinen*) and presenting (*Vorstellen*) and asks whether, 'thanks to this distinction, which appears to be of no importance, we shall not possess the key to a whole new philosophy of language' (pp. 396–400). At p. 434 the notion of degrees of belief is introduced, doubt and probability being described as modalities or modifications of belief, though Ortega refers to Husserl and not to Reinach here. García-Baró (1983) points out that Reinach's influence on Ortega is by no means limited to his *Psychological Investigations*.
- Otaka, Tomoo 1928 "Hōritsu no Shakaiteki Kōzō", *Krijo-Hōgakukai-ronshū*, vol. 1., 1928, 97–205, (pp. 112, 124, 175, 188).
- 1931 "Theorie und Praxis in der Rechtswissenschaft", *Zeitschrift für öffentliches Recht*, 10, 82–102 (p. 92: comparison of Reinach and Schreier).
- Peschka, Vilmos 1961 "Die existentialistische Rechtsphilosophie", *Acta Juridica Academiae Scientiarum Hungaricae*, t.III, fasc. 1–2, 17–56.
- 1967 "Le phénoménologisme dans la philosophie du droit moderne", *Archives de philosophie du droit*, 12, 259–86.

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- 1974 *Grundprobleme der modernen Rechtsphilosophie*, Budapest: Akadémiai Kiadó (the original Hungarian version appeared in 1972), esp. pp. 39–43, “Is and ought from the point of view of existential and phenomenological philosophy of law” (on the seminal nature and unparalleled importance of Reinach’s contribution to the is/ought problem).
- Petraschek, Karl 1931 “Rechtsphilosophie”, in H. Sacher, ed., *Staatslexikon*, Freiburg: Herder, IV, 620–39 (pp. 633f., on the “Rationalistisch-aprioristisch-normative Richtung”).
- Poulantzas, Nicos A. 1963 “Notes sur la phénoménologie et l’existentialisme juridiques”, *Archives de philosophie du droit*, 8, 213–35. Sees all supposed *a priori* legal propositions as mere tautologies. Fails to recognise the ontological dimensions of Reinach’s theory of *a priori* structures.
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- 1965 *Nature des Choses et Droit. Essai sur la dialectique du fait et de la valeur*, Paris: Librairie générale du Droit et de Jurisprudence (pp. 29–32: “Les essence aprioriques du droit selon les juristes phénoménologiques: la théorie de Reinach”).
- Radbruch, Gustav 1905 Review of Reinach 1905, *Deutsche Literaturzeitung*, Nr. 35, 2155–56. Radbruch criticises Reinach’s psychologism. He begins by pointing out that the problem of causality in the penal law is treated by Reinach merely as a test-case for certain methodological intuitions. Juridical interpretation – which can be compared to philological interpretation – is for Reinach a matter of the reproduction of the thoughts of the law-giver; thus it presupposes that one finds out his psychic nature. But Reinach’s theory of interpretation is not merely incomplete, since it says nothing about who or what this ‘law-giver’ is; it is also incorrect. For whoever seeks to interpret the law exclusively on the basis of the psychology of the law-giver will have to come to terms with the fact that the latter has in certain circumstances not been thinking at all, or that he has been thinking

with contradictory results. And even in such circumstances the judge still has to come to a clear and consistent decision, and then his decision has nothing to do with the intentions of any law-giver. These intentions are indeed not the instrument of interpretation, as they are for Reinach, but rather the result.

For all his mistaken conclusions, however, Reinach's work is an 'interesting symptom' of the ruling state of turmoil in juridical methodology.

- _____ 1914 *Grundzüge der Rechtsphilosophie*, Leipzig: Quelle and Meyer (p. 34f. identifies Reinach's philosophy of law as a theory based on the 'Natur der Sache').
- _____ 1973 *Rechtsphilosophie*, 8th ed., E. Wolf and H.-P. Schneider, eds., Stuttgart: K. F. Koehler (pp. 116, 240).
- Reale, Miguel 1953 *Filosofia do Direito*, vol. I, Tomo I: *Prope-dêutica filósófica ad usum jurisprudentiae*, Tomo II: *Ontognoseologia jurídica*, São Paulo: Saraiva. (Vol. II not published.) Italian trans. *Filosofia del diritto*, Turin: G. Giappichelli, 1956.
- Recaséns Siches, Luis 1929 *Direcciones contemporáneas del pensamiento jurídico*, Barcelona/Buenos Aires: Labor (pp. 213–36).
- _____ 1963 *Panorama del pensamiento jurídico en el siglo XX*, 2 vols., Mexico: Editorial Porrúa (pp. 253–65).
- Riezler, Erwin 1921 *Das Rechtsgefühl. Rechtspsychologische Betrachtungen*, 1st ed., Munich/Berlin/Leipzig (p.77), 2nd ed., Munich: Biederstein, 1946 (p. 85). Superficial critique of Reinach's theory of the *a priori* sphere of legal formations, confusing Reinach's use of the term 'analytic' with that of Kant. Riezler holds that the *a priori* axioms applicable to the legal sphere are not themselves legal propositions, but rather propositions of logic having no specifically legal content.

- 1924 “Apriorisches im Recht”, *Archiv für Rechts- und Wirtschaftsphilosophie*, 17 (= Kant FS), 264–84 (pp. 266ff.). Detailed treatment, but resting once more on the mistaken presupposition that Reinach’s theory of the *a priori* is identical with that of Kant.
- Ritzel, Hermann 1916 “Über analytische Urteile: Eine Studie zur Phänomenologie des Begriffs”, *Jahrbuch für Philosophie und phänomenologische Forschung*, 3, 253–344. Esp. §10, “Meinen und Vorstellen” (pp. 286–99).
- Rödig, Jürgen 1969 *Die Denkform der Alternative in der Jurisprudenz*, Berlin/Heidelberg/New York: Springer. Includes semi-formal treatment of legal states of affairs.
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- Salomon, Max 1925 *Grundlagen zur Rechtsphilosophie*, Berlin–Grunewald: Rothschild, 2nd ed. (pp. 46–49, 64f.). Critique of Reinach: phenomenology can only describe problems, not solve them.
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in the author's reflection upon the sadly incomplete philosophy of religion of A. Reinach. I wanted especially to determine the correctness and sense of the proposition that 'certain elements, which admit of an infinite intensification [*die unendliche Steigerung fähig sind*], correspond to objectives which contain these elements to a degree which no longer admits of intensification' (from Reinach 1921d).

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