

Theory and History of Ontology

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Annotated Bibliography on Adolf Reinach

PUBLICATIONS IN GERMAN

Abbreviations: (GS = Gesammelte Schriften; SW = Sämtliche Werke)

1. Reinach Adolf. *Über Den Ursachenbegriff Im Geltenden Strafrecht*. Leipzig: J. A. Barth, 1905.

(SW pp. 1-43).
"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."
Barry Smith - *An annotated bibliography* - p. 300.
2. ———. "William James Und Der Pragmatismus." *Welt und Wissen. Hannoversche Blätter für Kunst, Literatur und Leben* (1910).

(SW pp. 45-50)
3. ———. "Die Obersten Regeln Der Vernunftschlüsse Bei Kant." *Kant Studien* 16 (1911): 214-233.

(GS pp. 36-55; SW pp. 51-65)
4. ———. "Kants Auffassung Des Humeschen Problems." *Zeitschrift für Philosophie und philosophische Kritik* 141 (1911): 176-209.

(GS pp. 1-35; SW pp. 67-93)
5. ———. "Zur Theorie Des Negativen Urteils." In *Münchener Philosophische Abhandlungen. Festschrift Für Theodor Lipps*, edited by Pfänder, Alexander. 196-254. Leipzig: J. A. Barth, 1911.

(GS pp. 56-116; SW pp. 95-140).
Revised edition in: *Metaphysica. International Journal for Ontology and Metaphysics*, Vol. 0, no. 0, pp. 37-103, April 1999.
6. ———. "Die Apriorischen Grundlagen Des Bürgerlichen Rechtes." *Jahrbuch für Philosophie und phänomenologische Forschung* 1 (1913): 685-847.

New edition with the title "*Zur Phänomenologie des Rechts. Die apriorischen Grundlagen des bürgerlichen Rechts*" and a preface by Anna Reinach, München, Kösel, 1953.
(GS pp. 166-350; SW pp. 141-278)
7. ———. "Die Überlegung: Ihre Ethische Und Rechtliche Bedeutung." *Zeitschrift für Philosophie und*

philosophische Kritik (1913).

First part Vol. 148 (1912) pp. 181-196; second part Vol. 149 (1913) pp. 30-58.
(GS pp. 121-165; SW pp. 279-311)

8. ———. "Paul Natorps 'Allgemeine Psychologie Nach Kritischer Methode'." *Göttingische gelehrte Anzeigen* 4 (1914): 193-214.

(GS pp. 351-376; SW pp. 313-331).

"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. Unlike 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."

Barry Smith - *An annotated bibliography* - p. 300-301.

9. ———. *Gesammelte Schriften*. Halle: Max Niemeyer, 1921.

Edited from his students. With a preface by Hedwig Conrad-Martius (XXVI+461 ppages).
(This edition is now superseded by *Sämtliche Werke*).

10. ———. "Über Das Wesen Der Bewegung." In *Gesammelte Schriften*. 406-461. Halle: Max Niemeyer, 1921.

Prepared by Edith Stein from seminar notes in Reinach's *Nachlass*.

(SW pp. 551-588).

"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."

Barry Smith - *An annotated bibliography* - p. 301.

11. ———. *Was Ist Phänomenologie?* München: Kösel, 1951.

With a preface by Hedwig Conrad-Martius

Lesson held at Marburg in 1914 with the title *Über Phänomenologie* and first published in GS pp. 379-405 (SW pp. 531-550).

12. ———. *Sämtliche Werke. Textkritische Ausgabe in 2 Bänden*. München: Philosophia Verlag, 1989.

Critical edition by Karl Schuhmann and Barry Smith in two volumes.

Band I. Die Werke

I. Teil

Kritische Neuausgabe (1905-1914)

Geleitwort von Eberhard Avé-Lallement XI; Vorwort der Herausgeber XIV-XVIII;

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11. Über impersonale Urteile (1908?) 347-350; 12. Notwendigkeit und Allgemeinheit im Sachverhalt (1910) 351-354; 13. Nichtsoziale und Soziale Akte (1911) 355-360; 14. Die Vieldeutigkeit des Wesensbegriffs (1912) 361-363; 15. Über Dingfarbe und Dingfärbung (1913) 365-367; 16. Einleitung in die Philosophie (1913) 369-513; 17. Zum Begriff der Zahl (1913/1914) 515-529; Über Phänomenologie (1914) 531-550; Über das Wesen der Bewegung (1914) 551-588; Aufzeichnungen (1916/17): A. Zur Phänomenologie der Ahnungen 589-591; B. Notizen auf losen Zetteln 592-604; C. Bruchstück einer religionsphilosophischen Ausführung 605-611.

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13. ———. "Platons Philosophie [Vorlesung] Summer Semester 1910." In *Josef Seifert. Ritornare a Platone. La Fenomenologia Realista Come Riforma Critica Della Dottrina Platonica Delle Idee. In Appendice Un Testo Inedito Su Platone Di Adolf Reinach*. 224-237. Milano: Vita e Pensiero, 2000.

German text and Italian translation by Giuseppe Girgenti.

ENGLISH TRANSLATIONS

1. Reinach, Adolf. 1968. "What Is Phenomenology." *The Philosophical Forum* no. 1:231-256.

Translation and introduction by Derek Kelly.

"Reinach's essay is a brief introduction to applied phenomenology. The first part of the essay is exegetical: Reinach explains the philosophic limitations and problems of the sciences of psychology and of mathematics, and discusses in particular the work of Hilbert and Kronecker. In the second part of the paper, Reinach develops the concept of the 'a priori.' He rejects both the positivist conception of solely analytic 'a priori,' and also the Kantian notion of necessary conditions for thought. Reinach argues that the 'a priori' is legitimately seen not as subjective or as necessary for thought, but as a necessity of being."

2. ———. 1969. "Concerning Phenomenology." *The Personalist* no. 50:194-221.

Translation by Dallas Willard.

"This paper attempts to illustrate how phenomenological research is done. For Reinach, phenomenology is an attitude or way of seeing, not a set of truths. It is the examination of essences, or universals, and their interconnections. Reinach discusses and illustrates how such examination is required in descriptive psychology, and how it is essentially dispensed with in mathematics, as understood by Hilbert. There follows a critique of Frege's view of number, and a phenomenological elucidation of the distinction between cardinal and ordinal numbers. Reinach's final remarks are devoted to misinterpretations of the "a priori" and to its correct analysis."

3. ———. 1976. "Kant's Interpretation of Hume's Problem." In *David Hume. Many-Sided Genius*, edited by Merrill, Kenneth and Shahan, Robert, 161-168. Norman: University of Oklahoma Press.

Translated by Jitendra Nath Mohanty.

Published also in: *Southwestern Journal of Philosophy*, 7 (1976), pp. 161-188.

4. ———. 1981. "A Contribution toward the Theory of the Negative Judgement." *Aletheia* no. 2:15-64.

Translated by Don Ferrari.

5. ———. 1982. "On the Theory of the Negative Judgment." In *Parts and Moments: Studies in Logic and Formal Ontology*, edited by Smith, Barry, 315-377. München: Philosophia Verlag.

Translated by Barry Smith.

6. ———. 1983. "The Apriori Foundations of the Civil Law." *Aletheia* no. 3:1-142.
7. ———. 1987. "William James and Pragmatism." In *Speech Act and Sachverhalt. Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 291-298. Dordrecht: Martinus Nijhoff.

Translated by Barry Smith.

8. ———. 1994. "The Supreme Rules of Rational Inference According to Kant." *Aletheia* no. 6:81-97.

Translated by James Dubois.

9. ———. 2013. *The Apriori Foundations of the Civil Law. Along with the Lecture, "Concerning Phenomenology"*. Frankfurt: Ontos Verlag.

Edited by John F. Crosby. With a Foreword by Alasdair MacIntyre.

Translator of *The Apriori Foundations of the Civil Law*: John F. Crosby.

Translator of "Concerning Phenomenology": Dallas Willard.

ITALIAN TRANSLATIONS

1. Reinach Adolf. *I Fondamenti a Priori Del Diritto Civile*. Milano: Giuffrè, 1990.

Traduzione di Daniela Falcioni, presentazione di Bruno Romano.

2. ———. "Platons Philosophie [Vorlesung] Sommer Semester 1910 - La Filosofia Di Platone (Lezioni Del Semestre Estivo 1910)." In *Ritornare a Platone. La Fenomenologia Realista Come Riforma Critica Della Dottrina Platonica Delle Idee*, edited by Seifert, Josef. 224-237. Milano: Vita e Pensiero, 2000.

Appendice al volume di Seifert. Appunti delle lezioni raccolti da Alexandre Koyré.

3. ———. *La Visione Delle Idee*. Macerata: Quodlibet, 2008.

A cura di Alessandro Besoli e Stefano Salice.

Sommario: Introduzione di Stefano Besoli; Profilo della vita e delle opere; 1. William James e il pragmatismo; 2. Le regole supreme delle inferenze razionali in Kant; 3. L'interpretazione kantiana del problema di Hume; 4. Sulla teoria del giudizio negativo; 5. La riflessione: il suo significato etico e giuridico; 6. Sull' *Allgemeine Psychologie nach kritischer Methode* di Paul Natorp; 7. Sulla fenomenologia; Agganciarsi a un'anima. Il domandare e i vissuti sociali della coscienza in Adolf Reinach di Alessandro Salice; Nota terminologica; Indice degli argomenti; Indice dei nomi.

FRENCH TRANSLATIONS

1. Reinach, Adolf. 1996. "Théorie Du Jugement Négatif." *Revue de Métaphysique et de Morale*:384-436.

Traduction et présentation de Marc B. de Launay.

2. ———. 2004. *Les Fondements À Priori Du Droit Civil*. Paris: Vrin.

Traduction de Ronan de Calan.

3. ———. 2012. *Phénoménologie Réaliste*. Paris: Vrin.

Le présent volume est un recueil visant à rendre accessible aux lecteurs français le versant théorique de la pensée de Reinach et se compose à la fois de textes publiés et posthumes – présentés ici dans un ordre thématique, et non chronologique.

Traduit de l'allemand sous la direction de D. Pradelle, par J.-F. Courtine, M. de Launay, A. Dewalque, J. Farges, D. Pradelle, P.-J. Renaudie et D. Seron.

STUDIES ABOUT HIS WORK

1. "Adolf Reinach: Philosophie Du Langage, Droit, Ontologie." 2005. *Les Études Philosophiques*.

Index: Jocelyn Benoist: Reinach: philosophie du langage, droit, ontologie (avant-propos) 1; Philipp Mayrhofer: Réalisme et fondation chez Adolf Reinach 3; Jocelyn Benoist: Reinach et la visée (*das Meinen*): décliner l'intentionnalité 19; Ronan de Calan: Causalité et nécessité matérielle: Reinach lecteur de Hume 39; Bruno Ambroise: Le problème de l'ontologie des actes sociaux: Searle héritier de Reinach? 55; Sandra Laugier: Actes de langage et états de choses: Austin et Reinach 73; Julien Cantegreil: D'une voie phénoménologique en théorie du droit. Remarques sur le réalisme d'Adolf Reinach 99-112.

2. Ales Bello, Angela. 2004. "The Controversy About the Existence of the World in Edmund Husserl's Phenomenological School A. Reinach, R. Ingarden, H. Conrad-Martius, E. Stein." *Analecta Husserliana. The Yearbook of Phenomenological Research* no. 79:97-116.

"The aim of the essay consists in analyzing one of the most important points of discussion among some of Husserl's disciples: A. Reinach, R. Ingarden, H. Conrad-Martius, E. Stein, that is the existence of the world and the way to prove it. The research leads to two consequences: to pinpoint Husserl's particular and original interpretation regarding "existence" that concludes to the acceptance of it and the difference between his transcendental phenomenology and that one sustained by his disciples that can be called a realistic phenomenology. In this contest E. Stein assumed a peculiar position that to some extent combines the two attitudes."

3. Ambroise, Bruno. 2005. "Le Problème De L'ontologie Des Actes Sociaux: Searle Héritier De Reinach?" *Les Études Philosophiques*:55-72.
4. Baltzer-Jaray, Kimberly. 2011. *Doorway to the World of Essences. Adolf Reinach and the Early Phenomenological Movement*. Düsseldorf: VDM Publishing.
5. Benoist, Jocelyn. 2005. "Reinach Et La Visée (*Das Meinen*): Décliner L'intentionnalité." *Les Études Philosophiques*:19-37.
6. Benoist, Jocelyn, and Kervégan, Jean-François, eds. 2008. *Adolf Reinach, Entre Droit Et Phénoménologie. De L'ontologie Normative À La Théorie Du Droit*. Paris: CNRS Éditions.
7. Brown, James. 1987. "Reinach on Representative Acts." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 119-131. Dordrecht: Martinus Nijhoff Publishers.

"Austin is certainly the founding father of speech act theory as we have known it in recent decades, and one reason why Reinach's views on social acts are worthy of attention is the extent of their anticipation of

Austin's work and their contribution to the understanding of human communicative action. Mother is their bearing on the thesis that fundamental concepts of civil law are found, and not introduced, by positive law. A further reason is that, apart from anticipating the work of others, Reinach explores a kind of social act which appears to have been neglected by subsequent speech act theorists. I refer to representative acts, where one person acts for or on behalf of or in the name of another! I shall first try to set out Reinach's views (sections 1 and 2), and then discuss some issues which they raise, in particular that of sincerity (sections 3 and 4) then that of prior empowerment for representative acts (section 5)." (p. 119)

8. Burkhardt, Armin. 1986. *Soziale Akte, Sprechakte Und Textillokutionen: A. Reinachs Rechtsphilosophie Und Die Moderne Linguistik*. Tübingen: Niemeyer.

"A detailed comparison of Reinach on social acts with the accounts of Searle and Austin who are criticized for committing the 'ontological fallacy': they find forces in utterances."
Barry Smith - *An annotated bibliography* - p. 307.

9. ———. 1986. "Il Filosofo Del Diritto Adolf Reinach, Lo Sconosciuto Fondatore Della Teoria Degli Atti Linguistici." *Teoria.Rivista di Filosofia* no. 6:45-62.
10. ———. 1987. "Verpflichtung Und Verbindlichkeit. Ethische Aspekte in Der Rechtsphilosophie Adolf Reinachs." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 155-174. Dordrecht: Martinus Nijhoff Publishers.
11. Calan, Ronan de. 2005. "Causalité Et Nécessité Matérielle: Reinach Lecteur De Hume." *Les Études Philosophiques*:39-54.
12. Cantegreil, Julien. 2005. "D'une Voie Phénoménologique En Théorie Du Droit. Remarques Sur Le Réalisme D'adolf Reinach." *Les Études Philosophiques*:99-112.

"Écartant les questions traditionnelles de savoir comment il s'est singularisé dans l'histoire de la doctrine allemande du droit et les raisons qui font de lui l'un des précurseurs de la théorie des actes de langage, la présente étude évalue l'intérêt juridique de l'approche « intuitionniste » de Reinach. L'utilisation conjointe de sa définition de la promesse et des travaux de Jean-Louis Gardies devraient montrer l'impasse théorique et le faible intérêt pratique de son intuitionnisme, et ce faisant contribuer à diriger les recherches phénoménologiques en théorie du droit vers les travaux du Husserl des Idées directrices."

13. ———. 2006. "Adolf Reinach Théoricien Du Droit: Sur La Causalité." *Archives de Philosophie du Droit* no. 49:401-416.

"Bien qu'il ait été commenté par les plus illustres (Husserl, Kantorowicz, Radbruch, Villey...) et que l'on ait récemment pris la mesure de son importance en philosophie, Reinach n'a toujours pas su trouver sa place en théorie du droit. Comprendre l'impasse théorique et le faible intérêt pratique de son approche intuitionniste avait seulement suggéré de rediriger les recherches phénoménologiques en droit vers les œuvres tardives de Husserl. La présente analyse propose de relire Reinach à partir d'un texte de jeunesse quasi inconnu, sa Dissertation de 1905 *Sur le Concept de cause en droit pénal*. Reinach y apparaît alors non seulement un représentant exemplaire des contradictions du positivisme de la fin du XIXe siècle, mais aussi une aide précieuse pour conceptualiser la cause en droit. Précurseur en ce qui concerne les actes de langage, Reinach l'est aussi en ce qui concerne le concept de causalité. Reinach théoricien du droit gagne ainsi pertinence, profondeur et actualité.

14. Crosby, John. 1983. "Reinach's Discovery of the Social Acts." *Aletheia* no. 3:143-194.

Contents: 1. The significance of Reinach's monograph; 2. Reinach as phenomenologist; 3. Reinach's discovery of the "social acts"; 4. Reinach in dialogue with the speech act philosophers: promising as a social act; 5. Continuation of the dialogue between Reinach and the speech act philosophers: the uninventable essence of promising; 6. Towards developing and deepening Reinach's analysis of the social acts; Reinach and Wojtyła; Reinach and Husserl; 7. Reinach's apriori sphere of right and the natural moral law; 8. Legal obligation and moral duty; 9. Some consequences of Reinach's discovery for political, legal, and moral philosophy; conclusion of the dialogue with the speech act philosophers.

15. Davie, George. 1987. "Husserl and Reinach on Hume's "Treatise"." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 257-274. Dordrecht: Martinus Nijhoff Publishers.

"In 1929 Husserl wrote that Hume's real greatness was still unrecognised in its most important aspect. Now I believe that the contribution to Hume studies by Husserl - as conveyed by Jean Laporte in France and Kemp Smith in Britain - and by his pupil Reinach, have gone a long way towards changing this state of affairs, because of a new way of reading Hume's *Treatise* that they introduced. I first set out Husserl's early views on Hume and then turn to Reinach's paper on Hume, which builds on this work, but also goes a long way beyond it and isolates the most important aspect of Hume's achievement." (p. 257)

16. De Vecchi, Francesca, ed. 2012. *Eidetica Del Diritto E Ontologia Sociale. Il Realismo Di Adolf Reinach. / Eidetics of Law and Social Ontology. Adolf Reinach, the Realist*. Milano: Mimesis.

17. DuBois, James. 1994. "An Introduction to Adolf Reinach's 'the Supreme Rules of Rational Inference According to Kant'." *Aletheia* no. 6:70-80.

"In 1911, the same year that he published his work *On the theory of the negative judgment*, Adolf Reinach published two articles on Kant's philosophy: *Kant's understanding of the humean problem* and *The supreme rules of rational inference according to Kant*. More than mere historical studies, these articles extend Reinach's contribution to the fields of ontology and what might be broadly construed as the field of logic."

18. ———. 1995. *Judgment and Sachverhalt. An Introduction to Adolf Reinach's Phenomenological Realism*. Dordrecht: Kluwer Academic Publishers.

Contents: Acknowledgements VII; Introduction 1; 1. Judgments and states of affairs 7; 2. Negation and correspondence 47; 3. Insight and the *a priori* 77; 4. Logic and arithmetic 115; 5. The discovery of social acts 129; 6. Reinach as phenomenologist 145; Bibliography 159; Index 167-168.

"The outline of our study is as follows.

Chapter One explores Reinach's conception of the judgment in terms of a state of belief, an act of assertion, and an ideal meaning-unit. *We* examine his understanding of states of affairs, the objectual-correlates to judgments of all kinds. We further investigate how it is that the mind becomes directed towards states of affairs, and this involves us in a study of Reinach's understanding of the relationships between intentionality, presentation, and intuitive fullness. Particularly here we see Reinach's indebtedness to Husserl. Towards the end of the chapter we consider briefly the concepts of evidence and knowledge -- for a judgment cannot be considered rational unless it is somehow related to objective being through evidence or direct knowledge.

In Chapter Two, we examine Reinach's claim that negative states of affairs subsist or obtain just as do positive states of affairs. Here a confrontation with Ingarden's ontological investigations is particularly helpful, and something of a compromise position is defended. Reinach's discussion of negation provides us with the opportunity to better understand the nature of concepts and properties, and the peculiar sort of existence espoused by these. Chisholm's view of negative properties and states of affairs is compared to Reinach's, and here too we argue for modifications of both views.

In Chapter Three we examine how Reinach's ontology of states of affairs is seen to lie at the basis of most traditional epistemological distinctions. Thus, distinctions between states of affairs give rise to the differences between necessary and contingent, synthetic and analytic, and formal and material judgments. We investigate further why philosophical insight is possible with regard to the states of affairs grounded in some essences, but not others. At this point we turn to the work of Reinach's student, Dietrich von Hildebrand, where he distinguishes between accidental essential unities, morphic essential unities, and necessary essential unities, only the last of which can be known through insight or essential intuition. We close the chapter with a defense of insight, and a discussion of its place in philosophical argumentation. By the time we reach Chapter Four, we have already investigated the nature of many logically relevant concepts, such as proposition, truth and falsity, implication, ontological modality, analyticity and syntheticity. However, it seems worthwhile to present Reinach's overall conception of logic, a conception which is at the same time classical and original. In connection with his work on logic we discuss briefly Reinach's conception of numbers. Interestingly, Reinach rejects the existence of ordinal numbers, and he argues that cardinal numbers cannot be predicated. As one might expect, his explanation of the ontological correlates to the truths of arithmetic involves a fascinating application of his philosophy of states of affairs.

In Chapter Five we examine his "Apriori Foundations of the Civil Law". Particularly here we are forced

to prescind from many interesting and worthwhile ideas. Our interest in this work is restricted to his discovery of social acts (better known today as speech acts), and in particular the nonasserting or nonjudging character of these acts. These acts are neither correct nor incorrect, for they are not "conforming" acts, or acts of "fit". They are rather "grounded" or "ungrounded" and "effective" or "ineffective". A confrontation of his analysis of promising with that of Searle allows us to test the soundness of Reinach's ontology of essences and his recognition of synthetic *a priori* states of affairs and truths. Finally, we examine Reinach's claim that he has discovered a new sort of object: real, temporal objects, which are neither physical nor mental.

In Chapter Six, our concluding chapter, we look at Reinach as *a* phenomenologist. By the time we reach this last chapter, many will understand why we call Reinach a realist, but they will wonder what characterizes him as a phenomenologist. We present a few key ideas from his lecture "Concerning Phenomenology" and defend an interpretation of the phenomenological attitude as characterized above all by a rigorous fidelity to what is given. While we refuse to take up a confrontation of Reinach's phenomenological realism with the motives for Husserl's transcendental idealism, we do briefly suggest some philosophical reasons which make intelligible Reinach's unwillingness to espouse the "new developments". We conclude the book by suggesting one sense in which Reinach's analysis of human acts stands in need of a "subjective" grounding, though not of the sort Husserl suggests." (pp. 3-5).

19. ———. 2002. "Adolf Reinach's Contributions to Meta-Ethics and the Philosophy of Law." In *The Phenomenological Tradition in Moral Philosophy*, edited by Embree, Lester and Drummond, John, 327-346. Dordrecht: Kluwer.
20. Falcioni, Daniela. 1991. *Le Regole Della Relazionalità: Una Interpretazione Della Fenomenologia Di Adolf Reinach*. Milano: Giuffrè Editore.
21. ———. 2002. "Immanuel Kant Und Adolf Reinach: Zwei Linien Des Widerstandes Im Vergleich." *Kant-Studien.Philosophische Zeitschrift der Kant-Gesellschaft* no. 93:351-370.
22. Gardies, Jean-Louis. 1987. "Adolf Reinach and the Analytic Foundations of Social Acts." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 107-117. Dordrecht: Martinus Nijhoff Publishers.

"One of the most interesting contributions to philosophy in Adolf Reinach's work *The A Priori Foundations of Civil Law* is the analysis the author puts forward of what he generally calls social acts. This analysis is extended to deal with such specific types of social acts as promises, orders, prayers, requests, communications (*mitteilen*), questions, the particulars of which are all gone into by Reinach. When, much later, Anglo-Saxon authors such as Austin and Searle discovered the quite special character of speech-acts it is almost certain that Reinach could have had no influence on them, for they knew nothing of his work. Even if they had had some indirect acquaintance with the work it is by no means certain that they could have profited from its analyses. The intuitionist style that marks the work, which appeared in 1913 as part of the first large wave of the phenomenological movement removes it almost totally from the purview of the analytic approach of the Anglo-Saxon tradition within which the new theory of speech-acts was to find its natural home. Since the two philosophies use quite different languages it would have been difficult to see that there was a shared subject matter and that some at least of the conclusions were the same." (p. 107)

(...)

"Reinach's merit is to have given superb demonstrations of the *a priori* character of the pure science of law. He has annihilated psychologism, sociologism and historicism in the legal sphere as surely as Frege had annihilated them in the realm of mathematics. It remains to provide each of his remarkable analyses with its theoretical explanation in order to establish that, in the last instance, the *a priori* judgements whose existence at the basis of civil law he *has* revealed, are themselves analytic." (p. 117).

23. Habel, Irmgard. 1959. *Die Sachverhaltsproblematik in Der Phänomenologie Und Bei Thomas Von Aquin*. Regensburg: Josef Habel.
24. Hillebrand, Dietrich von. 1955. "Die Rechtliche Und Sittliche Sphäre in Ihrem Eigenwert Und in Ihrem Zusammenhang." In *Die Menschheit Am Scheideweg. Gesammelte Abhandlungen Und Vorträge*, 86-106. Regensburg: Josef Habel.

Contains an exposition and development of Reinach's philosophy of law.

25. Hoffmann, Klaus. 1987. "Reinach and Searle in Promising. A Comparison." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 91-106. Dordrecht: Martinus Nijhoff Publishers.

"If one is to believe Mephistopheles, even the devil seems to be bound to keep a promise and the explanation of this state of affairs requires more than just a few words.

In the twentieth century various well-known philosophers have gone into great detail in order to clear up the question why promises can give rise to obligations. The works of Adolf Reinach and John Searle are two outstanding examples of attempts to analyse promising. In what follows I shall compare their accounts as precisely as possible in order to provide arguments for and against the view that the famous analysis by John Searle was already anticipated by Adolf Reinach in 1913.

I begin with an examination of the relation between Reinach's (category of) social acts and Searle's (category of) speech acts in which I concentrate on the relations between entities and laws on the one hand and institutional facts and rules on the other. Finally, I scrutinize the different conception of 'obligation' in the two accounts." (p. 91)

26. Hübener, Wolfgang. 1975. "Die Logik Der Negation Als Ontologisches Erkenntnismaterial." In *Positionen Der Negativität*, edited by Weinrich, Harald, 105-140. Munich: Fink.

"pp. 134f. is a discussion of reinach and Sigwart pn the locus of negation."

Barry Smith - *An annotated bibliography* - p. 314.

27. Husserl, Edmund. 1975. "Adolf Reinach (in Memoriam)." *Philosophy and Phenomenological Research* no. 35:571-574.

Originally published in *Kantstudien*, 23, 1919 pp. 147-149.

28. Ingarden, Roman. 1964. *Der Streit Um Die Existenz Der Welt*. Tübingen: Niemeyer.

"See esp. chapter XI of vol. II/1, *Die Form des Sachverhalts. Sachverhalt und Gegenstand* (includes extensive critique of Reinach *Zur Theorie des Negativen Urteils*) and § 62 of vol. II/2, which contains a criticism of Reinach on movement."

Barry Smith, *An Annotated Bibliography*, p. 316.

29. Kujundzic, Nebojsa. 1997. "Reinach, Material Necessity, and Free Variation." *Dialogue* no. 36:721-739.

30. Künne, Wolfgang. 1987. "The Intentionality of Thinking: The Difference between State of Affairs and Propositional Matter." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 175-187. Dordrecht: Martinus Nijhoff Publishers.

"For Reinach as for Russell, the state of affairs called "the being snub-nosed of Socrates" contains as "objectual elements" (gegenständliche Elemente, gegenständliche Glieder)³⁷ a "real" as well as an "ideal object", "Socrates and the property of being snub-nosed. Reinach clearly recognizes, what some analytical philosophers do not, that "states of affairs cannot be simply stuck together (*zusammengestoppelt*), as it were, out of arbitrary elements"? Only if somebody (rightly or wrongly) can judge or believe that a is P, is there such a thing as the (obtaining or not obtaining) state of affairs, the being P of a (See § 3 above).

Reflecting on attributes like possibility and necessity, Reinach stresses "that it is ... states of affairs and only states of affairs, which can adopt such modalities". I shall try now to clarify the relevance of this Reinachian observation in the final section of this paper." (p. 185 - notes omitted).

31. Laugier, Sandra. 2005. "Actes De Langage Et États De Choses: Austin Et Reinach." *Les Études Philosophiques*:73-98.

32. Lohmar, Dieter. 1992. "Beiträge Zu Einer Phänomenologischen Theorie Des Negativen Urteils." *Husserl Studies* no. 8:173-204.

33. Mayrhofer, Philipp. 2005. "Réalisme Et Fondation Chez Adolf Reinach." *Les Études Philosophiques*:3-18.

34. Mulligan, Kevin, ed. 1987. *Speech Act and Sachverhalt. Reinach and the Foundations of Realist Phenomenology*. Dordrecht: Martinus Nijhoff.

Contents: Preface VII; Abbreviations employed in the text XIII; Adolf Reinach: an intellectual biography by Karl Schuhmann and Barry Smith 3; Promising and other social acts: their constituents and structure by Kevin Mulligan 29; Reinach and Searle on promising. A comparison by Klaus Hoffmann 91; Adolf Reinach and the analytic foundations of social acts by Jean-Louis Gardies 107; Reinach on representative acts by James Brown 119; Demystifying Reinach's legal theory by Stanley L. Paulson 133; *Verpflichtung und Verbindlichkeit. Ethische Aspekte in der Rechtsphilosophie Adolf Reinachs* by Armin Burkhardt 155; The intentionality of thinking: the difference between State of Affairs and Propositional Matter by Wolfgang Künne 175; On the cognition of States of Affairs by Barry Smith 189; Johannes Daubert *Kritik der "Theorie des negativen Urteils" von Adolf Reinach* by Karl Schuhmann 227; Husserl und Reinach by Karl Schuhmann 239; Husserl and Reinach on Hume's "Treatise" 257; Adolf Reinach's Vortrag über die Grundbegriffe der Ethik by Karl Schuhmann 275; William James and Pragmatism by Adolf Reinach 291; Adolf Reinach: an annotated bibliography by Barry Smith 299-332; Index 333-344.

From the Preface: "Phenomenology as practised by Adolf Reinach (1883-1917) in his all too brief philosophical career exemplifies all the virtues of Husserl's *Logical Investigations*. It is sober, concerned to be clear and deals with specific problems. It is therefore understandable that, in a philosophical climate in which Husserl's masterpiece has come to be regarded as a mere stepping stone on the way to his later Phenomenology, or even to the writings of a Heidegger, Reinach's contributions to exact philosophy have been all but totally forgotten. The topics on which Reinach wrote most illuminatingly, speech acts (which he called 'social acts') and states of affairs (*Sachverhalte*), as well as his realism about the external world, have come to be regarded as the preserve of other traditions of exact philosophy. Like my fellow-contributors, I hope that the present volume will go some way towards correcting this unfortunate historical accident.

Reinach's account of judgements and states of affairs, an account that precedes those of Russell and Wittgenstein, his 1913 treatment of speech acts, his reinterpretation of Hume and aspects of his legal philosophy are the main philosophical topics dealt with in what follows. But his analysis of deliberation as well as his work on movement and Zeno's paradoxes get only a passing mention."

35. ———. 1987. "Promising and Other Social Acts: Their Constituents and Structure." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 29-90. Dordrecht: Martinus Nijhoff Publishers.

"The discovery of what Reinach called *social acts* (in 1913) and Austin *speech acts* (in 1962) was first and foremost the discovery of a type of linguistic action which, Reinach and Austin are convinced, had simply not been noticed hitherto. It is true that both authors present their discovery within a theoretical framework and that they hoped that their accounts of the phenomenon discovered would be taken as representative of new ways of doing philosophy. It is also true that there are great differences between the frameworks and the hopes of the two philosophers. But both are emphatic that their primary objective is to bring into focus, and fully *describe*, a phenomenon of which promising is their favourite example. Other social acts dealt with in some detail by Reinach are requesting, questioning, ordering, imparting information, accepting a promise and legal enactment, which - except for the last two - are all at least touched on by Austin. (*)" (p. 29)

(*) Reinach's theory is set out in his monograph *The Apriori Foundations of the Civil Law*, in particular in § 2 *Claim and Obligation*, § 3 *The Social Acts*, § 4 *The Act of Promising as the Origin of Claim and Obligation*, § 7 *Representation*, § 8 *Enactments and the Propositions which Express Enactments*.

36. Paulson, Stanley L. 1987. "Demystifying Reinach's Legal Theory." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 133-154. Dordrecht: Martinus Nijhoff Publishers.

37. Salice, Alessandro. 2009. *Urteile Und Sachverhalte. Ein Vergleich Zwischen Alexius Meinong Und Adolf Reinach*. Munich: Philosophia Verlag.

"The judgment constitutes a fundamental notion for several disciplines such as descriptive psychology, ontology and logic, and hence its investigation represents a pivotal area of research within theoretical philosophy. Inside the Brentano-School, Alexius Meinong (1853-1920) and Adolf Reinach (1883-1917) made significant contributions to this topic, separating and exploring both the subjective side of judgment (the intentional experience of judging) as well as its objective side (the "state of affairs" or the "objective"). In this publication Meinong's and Reinach's lore regarding the psychological and object-

theoretical aspects of judgment are explicated, compared and evaluated."

38. Schuhmann, Karl. 1987. "Johannes Dauberts Kritik Der "Theorie Des Negativen Urteils"." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 227-238. Dordrecht: Martinus Nijhoff Publishers.
39. ———. 1987. "Husserl Und Reinach." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 239-256. Dordrecht: Martinus Nijhoff Publishers.
40. ———. 1987. "Adolf Reinachs Vortrag Über Die Grundbegriffe Der Ethik." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 275-289. Dordrecht: Martinus Nijhoff Publishers.
41. ———. 1990. "Elements of Speech Act Theory in the Work of Thomas Reid." *History of Philosophy Quarterly* no. 7:47-66.

"The account of social acts sketched by Thomas Reid is shown to constitute an anticipation of the theory of speech acts standardly associated with Austin and Searle. Reid's ideas are compared also with that other (and in many ways more important) pre-Austinian speech act theory worked out by the phenomenologist Adolf Reinach in his monograph on the act of promising of 1913."

42. ———. 1993. "Edith Stein Und Adolf Reinach." In *Studien Zur Philosophie Von Edith Stein. Internationales Edith Stein-Symposion Eichstätt 1991*, edited by Fetzer, Reto, Luzius, Rath, Matthias and Schulz, Peter, 53-88. München: K. Alber.

Reprinted in: K. Schuhmann - *Selected papers on phenomenology* - Dordrecht, Springer, 2004, pp. 163-184

43. Seifert, Josef. 1983. "Is Reinach's "Apriorische Rechtslehre" More Important for Positive Law Than Reinach Himself Thinks." *Aletheia* no. 3:197-230.
44. ———. 1992. "Die Philosophie Adolf Reinachs: Bemerkungen Anlässlich Der Veröffentlichung Einer Neuen Kritischen Ausgabe Der Schriften Reinachs." *Aletheia. An International Yearbook of Philosophy* no. 5:432-438.
45. Smith, Barry. 1978. "An Essay in Formal Ontology." *Grazer Philosophische Studien* no. 6:39-62.
- "On the controversy between Reinach and Ingarden concerning negative states of affairs."
Barry Smith - *An annotated bibliography* - p. 328.
46. ———. 1978. "Wittgenstein and the Background of Austrian Philosophy." In *Wittgenstein and His Impact on Contemporary Thought. Proceedings of the Second International Wittgenstein Symposium*, 31-35. Vienna: Hölder-Pichler-Tempsky.
- "On early *Sachverhalt* ontologies."
47. ———. 1978. "Law and Eschatology in Wittgenstein's Early Thought." *Inquiry. An Interdisciplinary Journal of Philosophy* no. 21:425-441.

"The paper investigates the role played by ethical deliberation and ethical judgment in Wittgenstein's early thought in the light of twentieth-century German legal philosophy. In particular the theories of the phenomenologists Adolf Reinach, Wilhelm Schapp, and Gerhart Husserl are singled out, as resting on ontologies which are structurally similar to that of the *Tractatus*: in each case it is actual and possible *Sachverhalte* which constitute the prime ontological category. The study of the relationship between the States of Affairs depicted, e.g., in the sentences of a legal trial and prior fact-complexes to which these may correspond suggests one possible connecting link between the logical and ontological sections of the *Tractatus* and the ethical reflections appearing at the end. It is argued that the latter can best be understood in terms of the idea of a "Last judgment" (with its associated ethical rewards and

- punishments) which would relate to the world as a whole as a penal trial relates to individual complexes of facts."
48. ———. 1982. "Introduction to Adolf Reinach 'on the Theory of Negative Judgment'." In *Parts and Moments: Studies in Logic and Formal Ontology*, edited by Smith, Barry, 289-314. München: Philosophia Verlag.
49. ———. 1987. "On the Cognition of State of Affairs." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 189-225. Dordrecht: Martinus Nijhoff Publishers.
50. ———. 1987. "Adolf Reinach: An Annotated Bibliography." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 299-332. Dordrecht: Martinus Nijhoff Publishers.
- "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."
51. ———. 1989. "Logic and the Sachverhalt." *The Monist* no. 72:52-69.
- "Logic is often conceived as a science of propositions, or of relations between propositions. There is an alternative view, however, defended by Meinong, Pfänder, Reinach and others, which sees logic as a science of *Sachverhalte* or States of Affairs. A consideration of this view, which was defended especially by thinkers within the tradition of Brentano, throws new light on the problems of intentionality and of mental content. It throws light also on the development of logic in Poland. Here the influence of Brentano's student Kasimir Twardowski is especially important, and the paper concludes with a new interpretation of Tarski's work on truth against the background of Twardowski's thinking."
52. ———. 1993. "An Essay on Material Necessity." *Canadian Journal of Philosophy* no. 18:301-322.
- Supplementary volume.
53. Smith, Barry, and Schuhmann, Karl. 1987. "Adolf Reinach: An Intellectual Biography." In *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology*, edited by Mulligan, Kevin, 1-27. Dordrecht: Martinus Nijhoff Publishers.
54. Spiegelberg, Herbert. 1982. *The Phenomenological Movement. A Historical Introduction*.
- Third revised edition (First edition 1960).
About Reinach see pp. 191-200.
55. Stella, Giuliana. 1986. "L' "a Priori" Della Promessa in Adolf Reinach." *Rivista Internazionale di Filosofia del Diritto* no. 63:392-408.
56. Zelaniec, Wojciech. 1992. "Fathers, Kings, and Promises: Husserl and Reinach on the a Priori." *Husserl Studies* no. 9:147-177.

"The author examines several examples (given by Husserl and his pupil, Adolf Reinach, and pertaining mainly to the social sphere) of allegedly analytic and synthetic a priori propositions. In a detailed line of argument -- drawing among others on the theory of speech acts -- the author shows difficulties with classifying some of those examples as analytic."

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