



James Smith

Wert, Rechtheit and Gut
Adolf Reinach's Contribution to
Early Phenomenological Ethics

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James Smith
Wert, Rechtheit and Gut

AD FONTES

STUDIES IN EARLY PHENOMENOLOGY

7

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*Dedicated to the memory of Dr Thomas A. F. Kelly,
who taught me what philosophy is and why it is so very important.*

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EDITORIAL NOTES AND ABBREVIATIONS

S.W.	<i>Sämtliche Werke</i> , a collection of Reinach's published and posthumous works edited by Barry Smith and Karl Schumann that appeared in 1989. Unless otherwise specified, this refers to volume I, 'Die Werke'.
Grundbegriffe	Reinach's 1906 paper 'Die Grundbegriffe der Ethik'.
Überlegung	Reinach's 1912/13 article 'Die Überlegung: ihre ethische und rechtliche Bedeutung'.
Grundzüge	'Grundzüge der Ethik', an extract from Reinach's 1913 lecture course 'Einleitung in die Philosophie'.
Grundlagen	Reinach's 1913 monograph 'Die apriorischen Grundlagen des bürgerlichen Rechtes'.

This book contains references from sources in both English and German. Passages from the works abbreviated as 'Grundbegriffe', 'Grundzüge' and 'Überlegung' are cited from the indicated page in Lebech and Smith, eds., *Adolf Reinach: Three Texts on Ethics* (Munich: Philosophia Verlag, 2017). Where other titles or quotations from German texts are given in English, I have cited a published translation if one is available. In other cases, the translation is my own.

Some passages quoted from the *Sämtliche Werke* contain notes inserted by the editors. Likewise, some quotations from existing translations contain notes inserted by the translator. For clarity, these notes have been maintained with the original square brackets, i.e. [], while my own editorial notes are indicated with braces, i.e. {}.

INTRODUCTION

*Whether there is objective knowledge of values
is perhaps the most important [question] in the world.*¹

From the beginning to the end of Adolf Reinach's philosophical career, the subject of ethics was a recurring theme in his thought. Yet, in his lifetime, Reinach never published a treatise solely on ethics at all; his published discussions of ethical questions all appeared in works primarily relating to the philosophy of law, and his lengthiest reflection on ethics formed part of a lecture course that he never prepared for publication. This does not mean that Reinach's writing on ethics was minor or unimportant, but, for many years after his death, his works were scattered and inaccessible, with some of the most substantial parts surviving only as transcripts recorded by Reinach's students during his lectures. Today, although Reinach's extant comments on ethics exist together in a published form, they are far from the best-known part of his body of work and are in fact somewhat overlooked.

The goal of this book is to investigate and evaluate Reinach's contributions to early phenomenological ethics. 'Early phenomenological ethics' here refers to a philosophical tradition of ethics that prevailed among the realist phenomenologists of the Munich and Göttingen circles in the early twentieth century, and one that is still relevant today. In the chapters that follow, we will explore the nature of Reinach's contributions in this field. Although Reinach was a pioneer in phenomenological value-theory, a common theme in early phenomenological approaches to ethics, his work goes much further, as Reinach attempts to address a wide range of problems. In doing so, he identifies three separate concepts in ethics: the concept of moral values (*sittliche Werte*), the concept of moral rightness (*sittliche Rechtheit*) and the concept of goods (*Guter*). Each of these concepts is apportioned its own ethical sphere, and each is capable of accounting for questions in ethics that the others cannot. In this way he reconciles non-formal values with formal duties, and these in turn with the hierarchical concerns of the good human life. He also explores contrasting ethical assessments, the nature of willing and motivation, the problem of freedom, and the boundaries between ethics and the philosophy of law. We will also show that Reinach's work had a

¹ Adolf Reinach, *Sämtliche Werke*, ed. by Karl Schumann and Barry Smith (Munich: Philosophia Verlag, 1989), vol. 1, p. 505, paragraph 1.

traceable influence in the development of phenomenological ethics by Dietrich von Hildebrand and Edith Stein, and that he at least anticipated (if not influenced) some of the ideas put forward by the most famous phenomenological ethicist of his lifetime, Max Scheler.

To borrow a distinction from Reinach's own work, however, there is a difference between the *goal* of an undertaking, that which one sets out to do, and the *purpose* for which the goal is pursued. Our goal of investigating Reinach's contribution to early phenomenological ethics is pursued for the broader purpose of encouraging and aiding future study of Reinach's work. This book is intended not as the last word on Reinach's ethics, but as one step towards a greater understanding and appreciation of that work.

REINACH'S LIFE AND LEGACY

As far back as our knowledge of his life goes,² Adolf Reinach was a man of diverse interests. The oldest of three siblings, he was born in Mainz in 1883, though his name is much more closely associated with Munich (where he carried out his undergraduate studies) and Göttingen.³ He belonged to 'a distinguished Jewish family ranking side by side with the patricians of Mainz';⁴ his father Wilhelm was a factory owner.⁵ He first came into contact with the world of philosophy through reading the works of Plato at grammar school, and developed an immediate attachment to the discipline that was to become the focus of his career; but this was no foregone conclusion.

² Karl Schumann and Barry Smith, writing in 1987, commented on a general lack of biographical work on Reinach: 'The few existing published biographies of Reinach are, if not unreliable (Oesterreicher 1952), then at best very succinct (Avé-Lallemant 1975, 172-74, Crosby 1983, XI-X)'. Schumann and Smith, 'Adolf Reinach: An Intellectual Biography', in Kevin Mulligan, ed., *Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology* (Boston: Martinus Nijhoff, 1987), p. 1. Schumann and Smith later added another introduction to Reinach's life, in German, to the second volume of the S.W.

³ Reinach's younger brother Heinrich took up a legal career. He later served as Adolf's commanding officer during the First World War. Their sister, Pauline, entered a Benedictine convent in Belgium in 1924, wherein she remained until her death in 1977. See, Schumann and Smith, 'Adolf Reinach: An Intellectual Biography', p. 2.

⁴ John M. Oesterreicher, *Walls are Crumbling: Seven Jewish Philosophers Discover Christ* (New York: Devin-Adair, 1952), p. 101.

⁵ Schumann and Smith, 'Adolf Reinach: An Intellectual Biography', p. 2.

In his first year and a half at the University of Munich in 1901, 'he attended courses in a range of subjects, including political economy, art history and law'.⁶ The law, his brother Heinrich's chosen profession, was Reinach's other great passion, and remained a theme intertwined with his philosophy for the rest of his life. He also possessed a strong early interest in psychology, which likewise informed his choices of subject matter within philosophy and ultimately his move towards phenomenology.

Reinach's philosophical studies began in Munich under Theodor Lipps. He joined the *Akademische Verein für Psychologie* (Academic Society for Psychology), a weekly discussion group for Lipps's students to discuss psychology and philosophy,⁷ coming into contact with several other philosophers who would later join the phenomenological movement, most notably Johannes Daubert. At this early stage, Reinach reached the conclusion that he 'lack[ed] true sympathy and enthusiasm for the subject-matter' of psychology.⁸ At this point, it seems that Reinach's interest in the law took precedence over his other pursuits.

In 1904, at age 20, Reinach earned his doctorate in philosophy under Lipps.⁹ By the end of that year, he had read Husserl's *Logische Untersuchungen* twice over. Though many found the work difficult to understand, the ideas presented within it appear to have struck a chord with Reinach, and the experience convinced him to alter his plans for future study.¹⁰ The next year, he joined several other Munich philosophers in their 'invasion' of Göttingen.¹¹ His initial stay was enjoyable but short-lived; though he wanted to continue to study under Husserl, with whom he had already founded a personal friendship, he felt it necessary to first complete his degree in the law.

⁶ Ibid., p. 3.

⁷ Schumann and Smith, *Einleitung: Adolf Reinach*, S.W., p. 613.

⁸ Schumann and Smith, 'Adolf Reinach: An Intellectual Biography', p. 4.

⁹ His doctoral thesis, *Über den Ursachenbegriff im geltenden Strafrecht* (*On the Concept of Cause in the Present Criminal Law*), was published posthumously.

¹⁰ Husserl later wrote that 'Reinach belonged to the very first philosophers who fully understood the distinct character of the new phenomenological method' (Husserl, in 'Reinach as a Philosophical Personality', ed. by John F. Crosby, *Aletheia* 3 (1983), p. xi).

¹¹ Three other students from Munich, including Johannes Daubert, made this move around the same time as Reinach; Moritz Geiger, Theodor Conrad, Dietrich von Hildebrand and Hedwig Conrad-Martius followed in later years. (Herbert Spiegelberg, *The Phenomenological Movement: A Historical Introduction*, 3rd edn (The Hague: Martinus Nijhoff, 1982), p. 169)

He returned to the University of Munich for two semesters, before moving on to Tübingen in the winter of 1906. It was here that he first met Anna Stettenheimer, a physicist from Stuttgart studying for her doctorate, who would later become his wife.

In 1909, with his legal studies behind him, Reinach completed a philosophical work entitled ‘Wesen und Systematik des Urteils’ (‘The Nature and Systematic Theory of Judgement’)¹² for a competition in Munich. When the competition was cancelled, Reinach began investigating the possibility of submitting it as a habilitation thesis. Lipps, however, had become ill and was not able to participate in this process. As a result, Reinach returned to Göttingen to attempt habilitation there, submitting ‘Wesen und Systematik des Urteils’ as his thesis. His application was accepted with Husserl’s support and in June of that year he completed the additional requirements to be admitted to the position of *Privatdozent*.

By 1913, when Edith Stein arrived in Göttingen, Reinach was already well established in his new position, being described as ‘Husserl’s right hand’.¹³ In 1910, Max Scheler, who was previously acquainted with Husserl and who believed the two shared an ‘intellectual bond’ that was ‘extraordinarily fruitful’,¹⁴ began to make appearances in Göttingen; ‘he made but little personal contact with Husserl, but all the more with his students’.¹⁵ He and Reinach, among others, worked side by side at this time on Husserl’s *Jahrbuch für Philosophie und phänomenologische Forschung*.

In September 1912, Adolf Reinach and Anna Stettenheimer, now a doctor of physics, were married. Their life together was, however, to be short. ‘Like almost all German intellectuals of the time, Reinach was carried away by the enthusiasm which broke out after the declaration of war between Germany and the allied powers’.¹⁶ In August 1914, mere days after the declaration of war, Reinach volunteered for military service and was transferred

¹² For reasons unknown, plans to publish this work did not go ahead, and it was thought for many years to have been lost altogether (Schumann and Smith, ‘Adolf Reinach: An Intellectual Biography’, p. 15). At their time of writing, no surviving copies were known to exist, but a partial text was eventually recovered and published in the S.W.

¹³ Edith Stein, *Life in a Jewish Family*, trans. by Josephine Koeppel (Washington DC: ICS Publications, 1986), p. 247.

¹⁴ Spiegelberg, *The Phenomenological Movement*, p. 269.

¹⁵ Ibid.

¹⁶ Schumann and Smith, ‘Adolf Reinach: An Intellectual Biography’, p. 29.