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978-1-009-44600-6 — Reinach and the Foundations of Private Law

Edited by Marietta Auer , Paul B. Miller , Henry E. Smith , James Toomey

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REINACH AND THE FOUNDATIONS OF PRIVATE LAW

This volume introduces the legal philosopher Adolf Reinach and his contributions to speech act theory, as well as his analysis of basic legal concepts and their relationship to positive law. Reinach's thorough analysis has recently garnered growing interest in private law theory, yet his 'phenomenological realist' philosophical approach is not in line with contemporary mainstream approaches. The essays in this volume resuscitate and interrogate Reinach's unique account of the foundations of private law, situating him in contemporary private law theory and broader philosophical currents. The work also makes Reinach's methods more accessible to those unfamiliar with early phenomenology. Together these contributions prove that while Reinach's perspective on private law shares similarities and points of departure with trends in today's legal theory, many of his insights remain singular and illuminating in their own right. This title is also available as Open Access on Cambridge Core.

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For my teacher Claus-W. Canaris

– MA

For Stella, Serena, and Kieran

– PBM

For my teacher Karl S. Guthke

– HES

For Cristina, and my parents

– JT

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