

ARCHIVE: Deutsches Literatur Archiv, Marbach am Neckar

FULL ARCHIVAL REFERENCE: Deutsches Literatur Archiv, Marbach am Neckar, Briefe von Franz Wieacker an Gadamer (from 1945 to 1991) – A: Gadamer

PERSON: Franz Wieacker

SHORT DESCRIPTION OF CONTENT: 25 letters from Franz Wieacker to Hans-Georg Gadamer (from 1945 to 1991).

PERSON VISITING ARCHIVE: Tommaso Beggio

DATE VISITED: 13.-14.2.2014

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KNOWN REFERENCES IN LITERATURE: Some letters are quoted in M. Avenarius, "Universelle Hermeneutik und Praxis des Rechtshistorikers und Juristen. Die Entwicklung ihres Verhältnisses im Lichte der Diskussion zwischen Gadamer und Wieacker", in Meder, Carlizzi, Mecke, Sorge (eds.), *Juristische Hermeneutik zwischen Vergangenheit und Zukunft*, pp. 59-105.

NOTES ON THE ARCHIVAL SOURCE:

A folder containing letters from Franz Wieacker to Hans-Georg Gadamer during the time 1945-1991 [Tommaso Beggio: not all copied at the moment]. Some letters are typewritten and some others handwritten.

1. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 14<sup>th</sup> of March 1945, four pages long (not numbered). It is handwritten and very difficult to be read. At the beginning Wieacker tries to explain the difficulties of the period he's going through and he probably refers to the opportunity to answer back to a previous letter by Gadamer.

2. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 23<sup>th</sup> of August 1949(?) [Tommaso Beggio: doubts about number 9], seven (small) pages long, not numbered. It is handwritten and the text is illegible.

3. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

A short letter (like a postcard) written the 28<sup>th</sup> of December 1954, when Gadamer was in Heidelberg. The letter begins with a request, but the handwritten text is then hard to be read (even if there is a reference to the topic "Interpretationen"). In the end Wieacker writes he would like to send Gadamer something about Savigny (in 1956 Wieacker writes the paragraph on Savigny in

H. Heimpel, T. Heuss, B. Reifenberg (eds.), *Die grossen Deutschen. Deutsche Biographie*, dritter Band, Wien, 1956<sup>1</sup>).

4. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

A letter, two pages long (not numbered), written on the 4<sup>th</sup> of January, 1957. It is handwritten and therefore difficult to be read and understood. Wieacker writes something about his work in Göttingen.

5. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 30<sup>th</sup> of August, 1957. One page long, typewritten. Wieacker writes to Gadamer about the decision to come to Heidelberg the 5<sup>th</sup> of September, apologizing for the delay in communicating him this decision, but he has spent some time in Athens for a meeting with some Greek colleagues. Then he deals with some other personal matters.

6. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 19<sup>th</sup> of October, 1957. It is typewritten, one page long [Tommaso Beggio: there are some typing mistakes, quite common in Wieacker's letters]. Wieacker tries to explain to Gadamer why he's got to reject his kind invitation to go to Heidelberg to work there for some time. The reason of Wieacker's refusals depends on the weather conditions of the Neckar valley, that make him depressed and irritable and he couldn't work as he would like to do.

He experienced the same during the time he spent in Freiburg.

The best time to move to Heidelberg, in case, would be during the "Ferienmonaten", considering the better weather conditions [Tommaso Beggio: there is a short handwritten note on the left side of the sheet].

7. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 14<sup>th</sup> of August, 1958. Two pages long, not numbered, handwritten. The letter deals with a lecture held by Heidegger at the University of Heidelberg and with the participation of Wieacker himself to some activities of this University (even if the excerpt is not so clear).

8. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 5<sup>th</sup> of July, 1959. Handwritten, one small page long (it's like a postcard – letterhead of the "Institut für Römisches Recht und gemeines Recht Göttingen"). It's difficult to read what Wieacker wrote; anyway the letter begins with a request from the latter to Gadamer.

9. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 10<sup>th</sup> of June, 1961. Two small pages long, not numbered, handwritten. Not easy to be read, at the beginning of the text Wieacker invites

Gadamer to take part in a Symposium on the 15<sup>th</sup> of the same month [T.B.: I cannot understand the rest of the letter].

10. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 7<sup>th</sup> of February 1961. Two small pages long, not numbered and handwritten. The text is almost completely illegible.

11. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

A typewritten letter, dated 8<sup>th</sup> of October, 1961, two pages long (not numbered). Some mistakes in typewriting [Tommaso Beggio: quite common for Wieacker]. Wieacker depicts the importance and usefulness of Gadamer's work "Intendimento e rischio" and of the hermeneutics position here expressed. There is a critique to Hegel's dialectic too. Then Wieacker deals with the topic of "subjective und objective Interpretation". He says that many jurists find these two options contradictory and this problem reflects on the idea they have of the judge, but this is not his point of view.

12. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter of the 11<sup>th</sup> of November, 1961. Handwritten, two pages long, not numbered. It's difficult to understand what Wieacker wrote. It is the answer to a previous letter by Gadamer (apparently) and he says he would go to Heidelberg the 16<sup>th</sup> of December. There is than a reference about a Symposium on hermeneutics.

13. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 8<sup>th</sup> of January, 1962. Typewritten, a page long. Wieacker writes to Gadamer about a symposium he is organizing in Göttingen. He is in touch with other people who will take part in it. Mr. Dörren, involved in the organization, has got to write to Gadamer, to invite him to this symposium. Wieacker is enthusiastic about the participation of the latter, also because not only jurists will participate at the conference, but theologians, philologists and experts in Natural Sciences too [Tommaso Beggio: a fact, quite weird: Wieacker asks Gadamer a sort of approval to invite some "Habilitationen"]. Then Wieacker refers to Gadamer's Hermeneutics: he dealt with the topic in a debate with historians and in a work about the condition of Legal history studies. The same theologian Bultmann, as Wieacker reports, studied Gadamer's "Wahrheit und Methode" and remained deeply fascinated.

14. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written by Wieacker the 21<sup>st</sup> of January 1962. Two pages long, not numbered, handwritten. The text is illegible.

15. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter of the 26<sup>th</sup> of January 1962, typewritten, two pages long (not numbered). Wieacker replies to a previous letter by Gadamer and explains that he and some of his colleagues want to organize a "Colloquium", on the 12<sup>th</sup> of February, and they are glad to have Gadamer holding a lecture [Tommaso Beggio: quite fun the passage in which Wieacker writes that if Gadamer wants to come on Monday, after lunch "würden wir in kleinem Kreise einnehmen und Ihnen Gelegenheit zu einer Siesta in der "Sonne" geben"]. Gadamer's presentation will deal with the topic of Hermeneutics and Wieacker writes he is particularly interested in the specific differences between juridical and historical Hermeneutics (and he quotes the different position by Emilio Betti). In this case, as in a previous one – see letter of the 8<sup>th</sup> of January 1962 – not only jurists will take part in the Colloquium, but also philologists and theologians. Such a high consideration of Hermeneutics Wieacker demonstrates, as we could understand in reading that he will dedicate to it part of the time of a lecture he will hold in April in Athens (about the present condition of legal history) and that he deals with this topic in his seminars about roman "fides" and "bona fides" [Tommaso Beggio: in this letter we can find mistakes in typewriting too – see 8<sup>th</sup> October 1961].

16. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 16<sup>th</sup> of February, 1962. Handwritten, two pages long, not numbered. Wieacker thanks Gadamer for his presence at a Colloquium held in Göttingen [Tommaso Beggio: then I'm not able to understand what Wieacker wrote].

17. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 11<sup>th</sup> of April , 1963. Typewritten, two pages long, not numbered. Reply to a previous letter by Gadamer. Wieacker is thankful for the notes the latter wrote him about the piece of writing he presented in Athens [see letter of the 26<sup>th</sup> of January 1962]. In particular, Wieacker found very important the information Gadamer gave him about Betti's "pragmatischen Auslegungsgeschäft" and the "fundamentalontologischen (?) [Tommaso Beggio: written in this way and with the question mark] Prämissen", as well as the interpretation of what Gadamer thought about "Die Rede vom 'Phantom' des geschichtlichen Gegenstandes". Wieacker informs Gadamer that he's preparing a hermeneutic model of the Legal History scholarship (precisely: "des Rechtshistorikers"). By the way, Wieacker writes from Meran (Italy), where he is since a few days. Mistakes in typewriting [Tommaso Beggio: see previous typewritten letters – 26<sup>th</sup> of January, 1962 and others].

18. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 28<sup>th</sup> of April 1963. Handwritten, it seems a postcard (two sides). It's difficult to read the text [Tommaso Beggio: it seems to me that Wieacker thanks Gadamer for the kind welcome the latter gave him, but I don't know where].

19. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 14<sup>th</sup> – but the date is rectified by hand in 8<sup>th</sup> – of July, 1965. Typewritten, two pages long, not numbered. Some mistakes in typewriting [Tommaso Beggio: see previous typewritten letters – 11<sup>th</sup> of April, 1963 and others]. Wieacker thanks Gadamer, because the latter sent him the “Supplementum” of *Wahrheit und Methode* second edition. Wieacker refers to the preface of this second edition and to Gadamer’s effort to solve some misunderstandings (appeared in the scholarship after the first edition). According to Wieacker’s opinion, this effort was successful. One of the main topic of Gadamer’s work was the critique of “Historismus”, which aroused the strong criticism by the legal historians. Wieacker again explains he is doubtful in sending him a “Pronunciamento über ‘Den heutigen Stand der Naturrechtsdiskussion’”, which took place in Düsseldorf’s Landesakademie. Then it begins a part about the juridical dogmatic [Tommaso Beggio: this passage is very important]. I.a., Wieacker deals with the topic of the disrepute of the “Gesetzespositivismus”. The last part of the letter is dedicated to the problem of the “Rechtshistorischen Hermeneutik”. With regards to his “Notizen zur rechtsgesch. Hermeneutik”, Wieacker clarifies he only wanted to supply elementary row materials for “metodische Aussagen”. Wieacker continues saying that Gadamer’s book could seem having found inspiration in Droysen’s theories, but he is not competent enough to try to understand and say if this supposition is true. In the end, Wieacker explains how thankful to Gadamer he is and then reports his recent meeting with Betti in Marburg.

20. Deutsches Literatur Archiv – Letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 10<sup>th</sup> of February 1975. Handwritten, three pages long, not numbered. As for the other handwritten letters, it’s difficult to understand what Wieacker wrote.

21. Deutsches Literatur Archiv – letters from Wieacker to Gadamer – A:  
Gadamer

Letter written on the 3<sup>rd</sup> of May, 1975. Typewritten, two pages long, not numbered.

Wieacker thanks Gadamer for his “Schdewaldt-Rezension” and at the same time asks for a favour. Wieacker would like to be invited to the “Heidelberger Jahresfeier” of the Akademie of Heidelberg by Gadamer and would like to know how to organize the overnight in that city. Otherwise Wieacker hopes to meet again Gadamer in June, in Bonn.