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Life and work

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Abstract:

Philipp Heck was one of the greatest German jurists of the turn of the century. He invented the method of case-orientated solutions in law based on a close consideration of the opposing interests (*Methode der Interessenjurisprudenz*) and the ideas on which he based his method still linger on jurisdiction and doctrines.

Philipp Heck was born in 1858 in St. Petersburg in Russia, but went to a German school and – at least most of the time – had contact to people of German heritage before he and his family moved to Wiesbaden in 1872. After one Semester studying math and sciences in Leipzig he lost his faith to do great in this particular scientific field and changed his major to law. He wanted to accomplish something of huge academic impact and practical value and was sure to achieve this goal as a lawyer. His studies lead him to Leipzig, Heidelberg and Berlin and he taught at the Universities of Berlin, Halle and Tübingen. In Tübingen under the influence of likeminded teachers like Max Rümelin and Heinrich Stoll he connected his ideas to a scientifically based, self-contained method. Therefore the “*Methode der Interessenjurisprudenz*” is also called “*Tübinger Schule der Interessenjurisprudenz*”. It focuses on three main subjects: How must the legislative operate in order to establish new laws? What is the judge allowed to do while applying law? And what is the judge supposed to do when dealing with incomplete and inconsistent law? To answer these questions one has to focus on the different interests which the law and the case is based on. To detect those interests the judge has to follow the historic interpretation of law (*historische Auslegung*). He is bound to the legal basis in all his decisions and not allowed to judge *contra legem*. Heck also emphasises that his method is not linked to a philosophy or ideology.

In the 1920s Hecks method became the leading method in civil law. But this victory did not last for a long time. Just a few years later under the Nazi regime lawyers loyal to the regime discredited his ideas as non-Aryan. Cause to his death in 1943 Heck was not able to re-establish his method in the Federal Republic of Germany after World War II. Instead his former opponents sat on the chairs of German Universities and tried to draw a veil over their Nazi-Past. It is indeed not surprising that they would not deal with Hecks ideas, but focused on fields of law that are not connected to their past. Therefore, Hecks ideas – like the unavoidable incompleteness of law or the conclusion that the application of law cannot be based on a strict formal subsumption only – are well known among the lawyers and law students nowadays, but that his Name falls into oblivion more and more.