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POUND, Nathan Roscoe (1870-1964)

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After Pound was appointed Dean of the College of Law at the University of Nebraska in 1903, his botanical interests were increasingly eclipsed by his energetic concentration on the social, historical, and philosophical aspects of legal education and the law. His professional star rose rapidly, garnering faculty appointments in law at Northwestern University from 1907 to 1909, the University of Chicago in 1909–10, and Harvard University from 1910 to 1916, where he also served as Dean from 1916 to 1936. He became Harvard's first University Professor after stepping down as Dean, teaching from 1936 until his death on 1 July 1964 in Cambridge, Massachusetts.

Pound was a major conduit for new ideas imported from the social sciences that resulted in energizing American legal thought at the turn of the century. He was as profoundly inspired by sociology as Karl LLEWELLYN was by anthropology. Pound's distinctly "sociological turn" was fundamentally important for both sociology and law. His legal theories about the social nature of law revolutionized judicial practice in America and provided an underlying roadmap for US Supreme Court decisions for nearly half a century. Albion W. SMALL, the influential editor of the *American Journal of Sociology*, privately rated Pound's specifically sociological contributions as the most important of contemporary developments – developments of which Pound was "not merely *magna pars* but practically the whole thing." Pound was also strongly influenced by sociologist Edward A. ROSS, who was at Nebraska at the same time. Pound's short monograph "A New School of Jurists" (1904) advanced the central sociological insight that "law is a social institution." Emphasizing that law must be sensitive to social change, social scientific data, and social needs, in 1906 he delivered a scorching critique to the American Bar Association on "The Causes of Popular Dissatisfaction with the Administration of Justice." In the following year he published a short article on "The Need

POUND, Nathan Roscoe (1870–1964)

Roscoe Pound was born on 27 October 1870 in Lincoln, Nebraska. He was classically trained in languages and the sciences at the University of Nebraska and received the BA degree in 1888. Pound's innovative graduate studies in botany under the tutelage of Charles E. Bessey, resulted in a doctoral dissertation written jointly with Frederic E. Clements, published in 1898, on *The Phytogeography of Nebraska*. The *Phytogeography* established the American school of plant ecology (Tobey 1981) and for his part Pound received the first Nebraska PhD earned "in course" in 1899. Already a member of Phi Beta Kappa and Sigma Xi, Pound was awarded the international scientific medal of the *Académie Internationale de Géographie Botanique* also in 1899. Concurrent with his botanical studies, Pound apprenticed in his father's law firm and completed a year of formal study at Harvard University Law School. The youthful Nebraska botanist became a lawyer, writing briefs, arguing civil cases, and writing opinions as a specially appointed Commissioner for the Nebraska Supreme Court while teaching law courses part time at the University of Nebraska.

of a Sociological Jurisprudence," outlining the basis of a lifetime project that culminated a half-century later in the massive five-volume *Jurisprudence* (1959).

The unifying theme in Pound's legal, scientific, and philosophical work concerns the distinctively social nature of law. Pound detailed the advent of sociological thinking in the law in essentially the same way that, as a botanist, he catalogued and documented the invasion of new plant species into existing biomes. He relentlessly utilized classificatory methodologies to identify intellectual patterns and explicate the shifting ecology of legal structures through time and space. For him, law was not fixed but dynamic, and always under construction. He continually reworked and amplified his theory of social "interests" by rejecting conceptions of inherent "rights" in favor of a more dynamic model of society. This model called for the adjudication of competing interests to be carefully researched and weighed responsibly involving as required judicially, administratively, legislatively, and/or informally. To assist in such adjustments, Pound advocated systematic social scientific data collection to inform judicial, administrative, and legislative decision-making.

Pound encouraged cooperative exchanges between jurists, lawyers, and sociologists by organizing in Chicago the inaugural meeting of the American Institute of Criminal Law and Criminology in 1909. Practicing what he preached, he conducted pioneering sociological surveys of criminal justice in Cleveland (1921) and the administration of justice in eastern China (1946-8), gave direction to studies of crime and criminal justice in Boston (1934-6), and instrumentally steered the socio-logical aspects of President Herbert Hoover's National Commission on Law Observance and Enforcement (1931). The integral links between Pound's scientific training as a botanist, his legal scholarship, and his sociological imagination together forge a complex and dynamic whole not easily grasped by disciplinarians who work

narrowly within botany, law, or sociology alone.

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