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ROSCOE POUND AND ACADEMIC COMMUNITY ON THE GREAT PLAINS: THE INTERACTIONAL ORIGINS OF AMERICAN SOCIOLOGICAL JURISPRUDENCE AT THE UNIVERSITY OF NEBRASKA, 1900-1907

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Introduction

The turn-of-the-century academic community at the University of Nebraska differed sharply from today's highly stratified, bureaucratized, multiversity setting. The campus, the student body, and the instructional staff were, of course, considerably smaller in number than now. But, beyond this obvious demographic observation, there was a pioneering spirit and a sense of scholarly community that fostered remarkable intellectual creativity. In particular, the Nebraska campus provided the collegial setting from which Roscoe Pound's American version of sociological jurisprudence sprang forth in a resounding critique of the U.S. legal establishment at the 1906 meetings of the American Bar Association (cf., Pound 1906; Harding 1957; Wigdor 1974). The theme of my discussion today is that Pound's productive experience at Nebraska was not idiosyncratic, but was the synergistic product of superior individual capabilities intersecting in a social and organizational milieu that structurally facilitated significant scholarship. This is not to claim that Nebraska was the Great Plains equal of Harvard, but I do hold that Nebraska's pioneering scholars embraced a series of interrelated organizational forms and interactional patterns that actively fostered -- much more than we do today -- the spirit of intellectual excellence and inquiry such as flowered in Roscoe Pound's outstanding interdisciplinary work not only as a jurist (see, for example, Pound 1904, 1959; Setaro 1942; Strait 1960; Glueck 1964; Wigdor 1974), but also as a botanist (see, for example, Pound and Clements 1898; Tobey 1981; Hill 1988d, 1989c: 189-249) and a sociologist (see, for example, Pound 1904, 1912, 1913, 1917, 1920, 1921, 1923, 1945; Hill 1989c, 1989d).

Reconstructing the Academic Scene and the Disciplinary Record

The first decade of the twentieth century was a period of significant structural transition for academics at the University of Nebraska. A complex series of organizational shifts resulted, for example, in departmental rearrangements in the social sciences that displayed remarkable inertia thereafter (Figure 1). These and other changes left their imprint on the faculty. Robert Manley (1969: 160) observed in the official Centennial History of the University of Nebraska that during the period 1900-1909, "the very real problem of a divided, competitive faculty had come to the University."

Manley's (1969: 150-173) characterization of the academic mood from 1900 to 1909 relies heavily on a stark, anecdotal quotation from the autobiography of Alvin S. Johnson (an eminent Nebraska graduate who later headed the New School for Social Research (cf., Rutkoff and Scott 1986) and coedited the highly respected *Encyclopaedia of the Social Sciences* (Seligman and Johnson 1930)). Johnson recalled that when he joined the Department of Economics at Nebraska in the autumn of 1906:

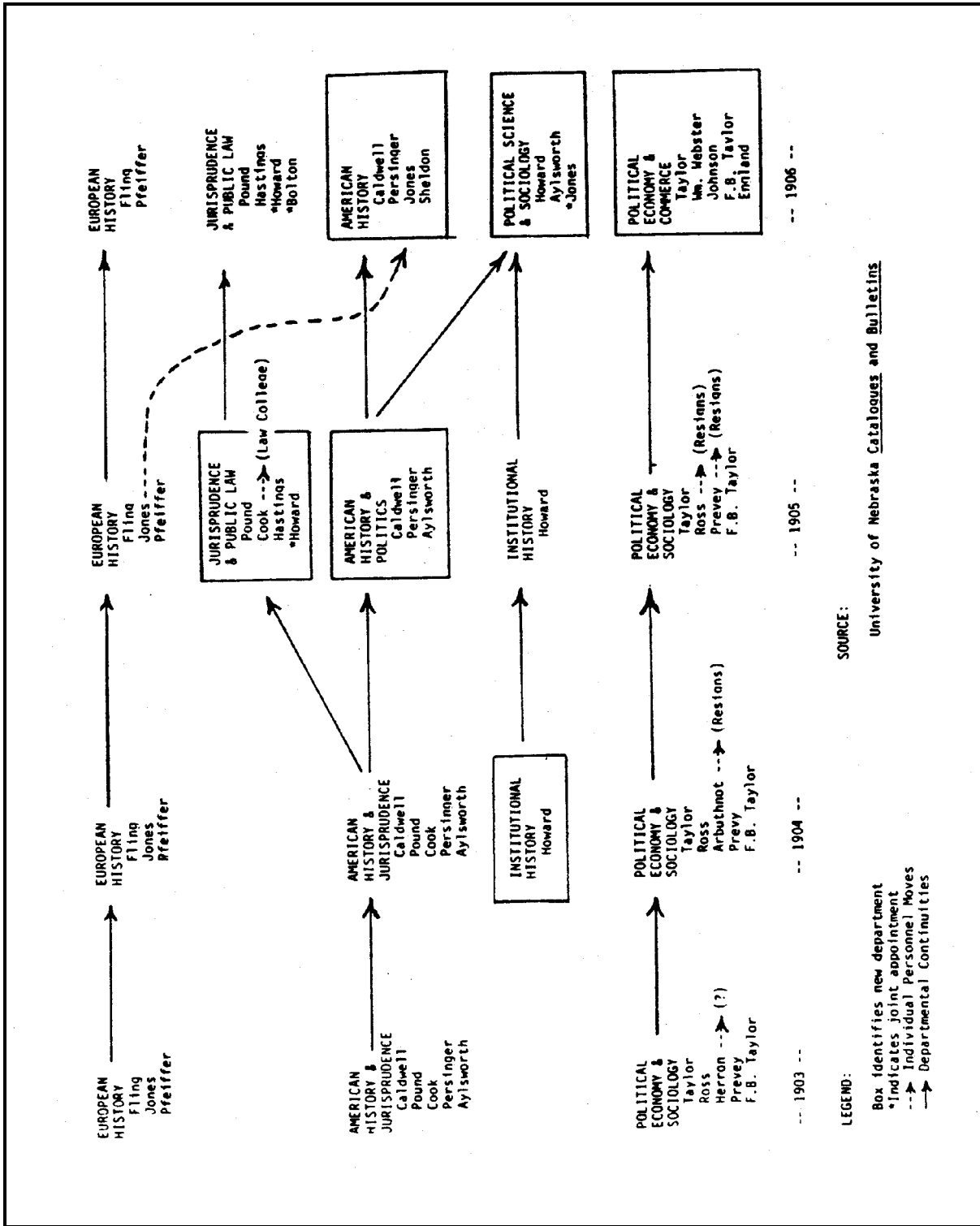


Figure 1. Social Science Departments, 1903-1906

. . . the idyllic faculty society I had assumed when I was a student [at Nebraska] looked altogether different from the inside. The Greek philosopher could not endure the sight of the Latin professor; the American historian was continually at war with the European historian; literature and English were on perennially hostile terms; my own department found sociology and political science hard to bear (Johnson 1952: 173).

This sketch [which Manley (1969: 160) employed to characterize the tenor of academic relations at Nebraska for the period 1900-1909], contrasts Johnson's student experiences in Lincoln (ending in 1898) with conditions he found upon returning to the campus in 1906 as a young faculty member after an absence of eight years. Further, Johnson left Nebraska for good in 1908. Johnson's account therefore, is problematic as a primary source for characterizing the whole of the decade that began in 1900.

Sociologically, the energy of Johnson's portrait lies in the dramatic comparison of his early student and later professorial roles. It is no doubt correct, however, that faculty disputes and bureaucratic conflicts existed at Nebraska, and were exacerbated after 1905. It is likely too that such tensions, when they existed, were largely concealed from students, thus contributing to Johnson's shock on confronting them as a new faculty member. Whatever the veracity of Johnson's recollections, however, it is important to emphasize that Johnson was not an eyewitness to events in Lincoln from 1898 to 1906. Johnson's account -- and Manley's interpretation -- are best seen as commentary on the accelerated degradation of academic community during the latter half of the first decade of the new century. Johnson is unable to help us understand the mood of the faculty from 1900 to 1906, a mood that the present analysis, in contrast to Manley, reconstructs as more cooperative and communal than bureaucratized and conflictful.

I (1989: 250-384), I have written at length on the transformation of the University of Nebraska after 1900. The overall pattern is one that Manley (1969) accurately captures; it is only in respect to the character of the years 1900-1906 that I dissent from his account. Further, as a sociologist, I interpret the degradation of academic community at Nebraska in terms of Mary Jo Deegan's (1989a) sociological theory of American ritual dramas and what she terms the "core codes" of modern life: sex, class, bureaucratization, and the commodification of time. In short, I hold that the increased penetration of these core codes into the social and collegial interactions of Nebraska's scholars goes a very long way in explaining the exodus of many of the state's top social scientists after 1900, including Roscoe Pound's departure in 1907. In the time remaining today, however, I want to focus specifically on the organizational structures and interactional patterns that once facilitated academic community at Nebraska, for it was in a spirit of scholarly cooperation and exchange that Pound's sociological jurisprudence was nourished and took initial root.

To illustrate the collegial patterns in which Pound participated at Nebraska, I draw particular attention to his relationships with Nebraska's sociologists. It is part of our collective lore that Pound was introduced to sociological thinking by Edward A Ross, one of the era's leading sociologists and a Nebraska faculty member from 1901-1906 (cf., Ross 1936; Weinberg 1972; Hertzler [1929] 1979; Howard [1927] 1988; Keith 1988). Ross' sociological influence on Pound is directly claimed by Ross (1936) and is reiterated by J.O. Hertzler ([1929] 1979), a Ross student and later chair of the Nebraska department of sociology. Pound also acknowledged his indebtedness to Ross (Pound to Ross, 2 November 1906, Box 3, Folder 4, E.A. Ross Papers, State Historical Society of Wisconsin, Madison). Beyond these straightforward assertions of influence, however, there has been little study of the campus setting in which Pound and Ross interacted.

A point deserving emphasis here is that Pound's introduction to sociology was no minor matter. It led to a lifetime of major sociological contributions by Pound on theoretical, methodological, and empirical fronts (Hill 1989c). The relevant documentary evidence on this issue is clear, but is beyond the scope of this paper. Suffice it to note that Pound was an active member of the American Sociological Society (ASS) for a quarter of a century, served on ASS committees,

published articles in the leading sociological journals, and enjoyed collegial friendships with ASS presidents, including E.A. Ross, George Elliott Howard (also of Nebraska), and Albion Small (the influential editor of the *American Journal of Sociology* and chair of the powerful sociology department at the University of Chicago). In addition to Pound's well-known sociological orientation to law per se, he also taught sociology courses at Harvard University and served on doctoral sociology committees with Pitirim Sorokin and Talcott Parsons (two eminent Harvard sociologists who also served as ASS presidents). To summarize Pound's role in modern sociology, consider this estimate: in 1915, after Albion Small published a retrospective account of sociology in the United States up to 1906, Small wrote to Pound noting that had he touched on the most recent developments in sociology it would have been necessary to cite Pound as not just an outstanding contributor but as "practically the whole thing" (Small to Pound, 1 July 1916, Box 228, Folder 19, Roscoe Pound Papers, Harvard Law School Library, Cambridge). In short, Pound stood shoulder to shoulder with the founding giants of American sociology.

The retrieval of Pound's sociological heritage is, it turns out, wrapped up in the rescue and rehabilitation of the history of American sociology generally and that of the University of Nebraska specifically. My recent work along these lines (e.g., Hill 1988a, 1988b, 1988c, 1988d, 1989a, 1989b, 1989c, 1989d, Forthcoming) is part of a new archival and documentary turn in contemporary sociology led by Nebraska's own Mary Jo Deegan (e.g., 1981, 1988a, 1988b, 1988c, 1989a, 1989b, In press, Forthcoming). Taken collectively, these and other archivally-based studies challenge much of the self-serving, undocumented cant that too often passes as disciplinary history in sociology.

A GATHERING OF SOCIOLOGISTS

Sociology was decidedly "in the air" during Pound's undergraduate studies at Nebraska (1885-1888). Chancellor Irving J. Manatt, whom Pound admired (R. Pound to O. Pound, 17 December 1918, Box 1, Folder 4, Nathan Roscoe Pound Collection, State Archives, Nebraska State Historical Society, Lincoln), taught a course from 1884 to 1887 on "Social Science: A Short Study of the Chief Data of Sociology" (Hertzler [1929] 1979: 42). This thread was picked up again during the period of Pound's graduate studies in botany (1888-1890) when Amos G. Warner, a schoolhood acquaintance of Pound, joined the Nebraska faculty in 1889. Warner took over Manatt's course and developed ideas that later surfaced in Warner's (1894) *American Charities*, one of the founding classics of American social science (Deegan 1989b).

Warner left Lincoln in 1891, however, and eventually moved to Stanford University where he joined forces with Edward A. Ross and another former Nebraskan, George Elliott Howard. Stanford's dynamic President, David Starr Jordan, thus assembled the collegial framework from which Stanford could have challenged the then overwhelming dominance of American sociology by the University of Chicago (cf. Deegan 1988a), but this potential collapsed in 1900 when Warner died, and Ross and then Howard were fired from Stanford in what became a nationally prominent academic freedom case (c.f., Ross 1936; Weinberg 1972). The upshot was that Ross came to Nebraska in 1901 where he supplanted C.E. Prevey, a part-time sociologist hired the year before to replace Charles Ellwood (a promising young sociologist and future ASS president). [Ellwood had come to Nebraska in 1899 as the first faculty member officially appointed to the Nebraska faculty to teach sociology (cf., Ellwood [1899] 1988). But, Ellwood was never paid, and he soon left for greener pastures in Missouri]. Ross' 1901 appointment was the result of active recruitment by Nebraska's Chancellor, Benjamin Andrews (who had himself been the victim of a nasty academic freedom case at Brown University). In 1904, Andrews also brought George Elliott Howard back to Lincoln. Add to this mixture the 1903 promotion of Roscoe Pound from a part-time assistant professorship (teaching in the law college and the Department of American History and Jurisprudence) to the deanship of the University of Nebraska College of Law. For a few golden years, Nebraska laid full-time claim to the intellectual skills of three of the nation's most talented social scientists: Ross, Howard, and Pound. Most unfortunately, for Nebraska at least, this sociological Camelot did not last. Ross was lured to Wisconsin in 1906, and Pound went to Northwestern in 1907. In the interim, however, Ross,

Howard, and Pound forged enduring collegial ties and Pound drew deeply on Nebraska's sociological resources. [Bibliographically, this is the appropriate moment to note that Pound's personal library (Hill 1989d) included all of the major sociological works produced by Warner, Ellwood, Ross, and Howard].

PATTERNS OF COLLEGIAL INTERACTION AT NEBRASKA

The interesting question at this point, to a sociologist at least, is: How was it possible that Pound, Ross, and Howard became close sociological colleagues in such a short time at Nebraska when each was housed administratively in different academic departments (cf. Figure 1)? The shared Nebraska roots of Pound and Howard, and the Stanford tie between Ross and Howard are, no doubt, important factors. In addition, I suggest that several organizational structures and interactional patterns on the Nebraska campus provide a large part of the answer. These standing interactional patterns facilitated interdisciplinary communication and cooperative action—and it is to six of these patterns that the remainder of this paper is devoted.

(1) Student Literary and Scientific Societies. During the early years, University of Nebraska students encouraged in each other the development of intellectual skills and values. The student experiences of George Elliott Howard (class of 1875), Amos G. Warner (a student of Howard's who graduated in 1885), and Roscoe Pound (class of 1888) were shaped by their active participation in Nebraska's student-initiated literary and scientific societies (cf. L. Pound 1905, 1919). These societies rewarded independent creativity while simultaneously encouraging the presentation, discussion, and critique of student scholarship by one's peers. This was especially true in the *Seminarium Botanicum*, a productive yet playful student botany club that Pound organized in 1886 (cf., Hill 1988d). As students, George Howard cofounded the *Adelphian Society*, Amos Warner joined the *Palladian Society*, and Roscoe Pound was a member and president of the *Union Society*. While participating in different student societies in different eras, these institutionally innovative organizations were important facilitators of adult socialization, and prepared their members for lives of self-propelled intellectual activity combined with group discussion and critique.

(2) All-Campus Convocations. By the time Ross, Pound, and Howard came together in Lincoln, campus life was characterized by frequent all-campus convocations that featured talks by visiting speakers and resident faculty members. From 1901 to 1906, Pound, Ross, and, to a lesser extent, Howard, took their turns addressing their students and colleagues. Pound, for example, spoke on international law (1903), Russian-British entanglements (1904), the common law (1905), the Congress of Uniform Divorce Laws (1906), and, trying out what later became his landmark address to the American Bar Association, he lectured in May, 1906, on the causes of dissatisfaction with the administration of justice. Likewise, Ross held forth on a variety of social, economic, and political issues, and, perhaps sparking Pound, delivered an analysis in April, 1906, one month prior to Pound's last convocation address, on "Some Causes Underlying the Deplorable Condition of Modern Society." The campus newspaper announced these talks well in advance, encouraged attendance, and later reported the substance of the addresses.

It should be noted here that, as between Ross and Howard, and Ross and Pound, there were also distinct ties between Pound and Howard. In 1905, for example, Howard addressed the Nebraska Bar Association, of which Pound was a leading member, on "The Problem of Uniform Divorce Laws in the United States," a topic central to Pound's subsequent work as the Nebraska delegate to the National Congress on Uniform Divorce Laws in 1906. Pound's admiration for Howard surfaced during Pound's convocation speech in 1906 concerning the national Divorce Congress when he reported in glowing terms that, "In every instance, Dr. Howard's work on marriage was referred to as the authority. It was considered by every member present to be the first of all works on the subject" (*Daily Nebraskan*, 15 March 1906: 1). Pound's reference here was to Howard's (1904) magnum opus, a three-volume sociological study of the History of Matrimonial Institutions (cf. Ball

1988). Pound and Howard shared overlapping professional interests in law and sociology (Howard had studied law in Europe), and these mutual interests were institutionalized in 1906 when Pound offered—and Howard accepted—a joint appointment on the College of Law faculty. In sum, the all-campus convocations provided a forum for public examination of serious intellectual and social issues of mutual concern to Ross, Howard, and Pound.

(3) The University of Nebraska Graduate Club. The Graduate Club was a forum specifically designed for interdisciplinary discussion and was open to all persons with a college degree and an affiliation with the University of Nebraska. Ross, Pound, Howard, and C.E. Prevey were all members and met regularly at one or another faculty member's home to present and discuss formal papers. Importantly, this organization brought Pound and Ross together prior to Pound's full-time appointment as Dean of the law school. In 1902, for example, Pound and Ross were co-presenters at a meeting devoted to "Recent Development and Tendencies in Ethical Thought." A *Daily Nebraskan* reporter noted: "Three different phases of the subject were taken up at this meeting. The first was that of jurisprudence and was very ably discussed by Dr. Pound. Dr. Ross then spoke on the "Relation of Society to Ethical Thought."

(4) Dinner and Discussion Clubs. In addition to the relatively open meetings of the Graduate Club, Ross and Pound were also members of a small, intimate group that Ross called "a congenial ten," and whose members met regularly for dinner, talk, and, one presumes, a cigar or two. It was in this group that Ross (1936: 89) recalls first meeting Pound and discussing sociological issues, again well prior to Pound's appointment to the law deanship. Ross was a gregarious and convivial man who reveled in town and gown interchanges. Ross and Pound were social and intellectual spark-plugs who drew people together and got them talking.

(5) The Faculty Carnivals, 1903-1905. From 1903-1905, the University community witnessed three, extraordinary faculty carnivals in which Ross played a leadership role and in which Pound was an active participant. These annual events brought the faculty together in a cooperative and playful spirit to raise funds for the university's College Settlement program. The 1903 Carnival was promoted in the student press by a long and humorous build-up touting a forthcoming hammer throwing contest between E.A. Ross and history professor, Howard W. Caldwell. Following the momentous contest, the *Daily Nebraskan* (14 November 1903: 1) reported:

Professor Caldwell was dressed in short trousers and as he marched down the field with Professor Ross the contrast was, well, it simply was ----. The crowd went into convulsions from thence to spasms

Time prohibits sharing the full account here, but it is well worth looking up. Also touted that year was a foot race in which:

Dr. Pound and [economics] Professor [W.G. Langworthy] Taylor will raise clouds of dust in a madcap chase down the field to the goal post, and according to the present arrangements, the first over the line will be declared the winner. They will go around the grounds twice and then proceed to fight it with wheelbarrows (*Daily Nebraskan* 13 November 1903: 1).

Pound also played in the Carnival's annual faculty football games and Ross cheered them on as the leader of the faculty band. The *Daily Nebraskan* noted:

the Faculty band of several pieces [was] headed by that peerless leader, Prof. Ross. Just what kinds of instruments they played is not known. The like of them has never been seen or heard in musical circles before -- and probably never will be again.

The student editorial was prophetic: the 1905 carnival was the last and coincided with Ross' subsequent removal to Wisconsin in 1906. The carnivals remain, however, as testimony to the participation and leadership of Ross and Pound in cooperative projects, a characteristic feature of their academic and professional comportment.

(6) The Proposed School of the Social Sciences, 1905. Finally, the most illuminating collegial pattern was a proposal rather than a reality. Nonetheless, it reveals a strong faculty drive toward cooperation and interdisciplinary communication. In 1905, at the height of Nebraska's newly established sociological potential, the faculty conceived and organized an innovative, integrative, progressive plan to strengthen and synthesize the social sciences. On April 10, 1905, the faculty of the College of Literature, Science, and the Arts, including Pound, Ross, Howard, and Pound's botanical colleagues, Charles Bessey and Frederic Clements, met to discuss the plan. Following their deliberations, the minutes state that:

Dr. Bessey moved that this Faculty recommend to the Chancellor and the Board of Regents the establishment of the School of the Social Sciences as outlined. Motion carried" (Faculty Minutes, 10 April 1905, University of Nebraska Archives, Lincoln).

Distinctive features of the proposed school included emphasis on the practical aspects of the social sciences, and specific provisions for graduate students. The School was designed to train students to use social scientific principles and knowledge in professional careers in the applied worlds of politics, diplomacy, business, journalism, philanthropy, and public service generally. The inclusive, global intent of the School was underscored by its purposeful and automatic registration of all graduate students "whose majors fall within the departments of the school."

The proposed School was to be a working community of scholars, in which all instructional officers, including Pound, Howard, and Ross, and all graduate students became members of the "Assembly." The interdisciplinary Assembly was to meet at least monthly for both social and educational objectives. Open-ended evening sessions—removed from the routine of daytime instructional schedules—were envisioned. In particular, the Assembly was "to hear and discuss papers" by its members or "by others invited to address it." The anticipated accomplishments of each meeting were considered sufficiently significant that a record would be kept, and provision was made for a secretary to record "the proceedings of the evening in a book provided for the purpose." And while the emphasis was on practical work, the School intended to foster scientific study of high quality by requiring a thesis or dissertation -- "affording a training in scientific writing with a view to publication."

The School of the Social Sciences was a grass roots, faculty-initiated plan to institutionalize a cooperative model of social science education and research. As such, it flew in the face of top-down bureaucratic control of compartmentalized academic departments. Earlier attempts by Pound and others to form creative educational structures (such as the Seminarium Botanicum and the student literary societies) and to freely alter the configuration of the social science departments, had met generally with little administrative resistance, but by 1905 this free-wheeling approach to university organization was increasingly eclipsed by hierarchical administrative control. The plan required no new funds, but the Chancellor and the Board of Regents tabled the proposal for the School of the Social Sciences and let it die without voting on it.

Conclusion

The first decade of the twentieth century on the Nebraska campus witnessed a shift in balance between the waning spirit of community, on the one hand, and the ascendant forces of modernity, alienation, and bureaucratic control, on the other. The proposed School of the Social Sciences was a victim of this institutional struggle for organizational control. So too, the co-educational student literary societies lost out to the classism and sexism of the Greek letter fraternities and sororities (on

the reactionary characteristics of Greek societies, see Risman [1982] 1987). All-campus convocations became increasingly rare after this period and finally suffered extinction. The serious yet collegial interdisciplinary reality of the Graduate Club has never been adequately replaced, despite several well-meaning attempts. And the full-scale liminal silliness of the Faculty Carnival lives only in microfilmed newspaper accounts. When the campus lost these community generating patterns of social interaction, it ceased to be as lively and attractive as it once had been. It is not surprising that E.A. Ross and Roscoe Pound, who thrived on playful camaraderie mixed with serious intellectual work, soon left the University of Nebraska in search of more responsive academies. At the same time, the patterns outlined above help explain how Pound, Ross, and Howard quickly became productive and supportive sociological colleagues in their few short years together on the turn-of-the-century campus of the University of Nebraska.

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