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FULL ARCHIVAL REFERENCE: Papers of Roscoe Pound at the Harvard University Archives, Series II (correspondence) and Series IV (additional correspondence)

PERSON: Fritz Schulz

SHORT DESCRIPTION OF CONTENT: Correspondence and documents regarding the visit of Fritz Schulz to Harvard in 1936.

PERSON VISITING ARCHIVE: Jacob Giltaij

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NOTES ON THE ARCHIVAL SOURCE:

Papers of Roscoe Pound at the Harvard University Archives, Series II, 720-6 (Borchard), Edwin Borchard to Pound (28.11.1934), p. 3-4:

‘(...) If my inference is correct, that degree must have been awarded some months before it was conferred. The German vacation begins some time in June, so that I infer it was awarded before you made your trip to Europe. Knowing the high esteem in which the Berlin faculty always held you, it may even have been awarded before then. At all events, without knowing the full facts, it is my inference that the degree was awarded before you made any statements, so that Beard's conclusion that the degree was granted as a reward for statements favorable to the present regime is, I judge, unwarranted.

In the second place, I cannot see that your statements were an especial support of the present regime. I infer that you take no special delight in the present regime and regret with other people of cosmic intelligence that Europe so conducted its affairs as to permit a highly civilized country like Germany to fall into such hands. Hitler is a direct response to the despair which European mismanagement has brought to that continent and especially to Germany and Austria. This phenomenon can be explained without necessarily excusing the excesses and unwisdom which have characterized much of Hitler's actions, from which probably the German people will suffer more than anyone else (...).’

Papers of Roscoe Pound at the Harvard University Archives, Series II, 720-6 (Borchard), Pound to Borchard (3.12.1934), p. 5:

‘Many thanks for your letter of November 28. I had not taken Beard's article seriously. Many years ago when I was a judge in Nebraska, the Populist newspapers taught me to pay no attention to things of the sort. After all, they are yesterday's paper and no one gives them a second thought.

Your diagnosis of the facts is substantially accurate. The diploma says the degree was conferred on June 17, but I had no knowledge of it until the middle of September. The interviews that give Mr. Beard so much concern took place in July and August after the degree had been conferred but before I knew of it. But having been long associated with liberals in politics and religion I have observed that one of the characteristics of that otherwise laudable species is to assume the worst of everybody else.'

Papers of Roscoe Pound at the Harvard University Archives, Series II, 720-6 (Borchard), Borchard to Pound (9.3.1936), p. 6:

'Dear Mr Pound,
Professor Fritz Schulz, of Berlin, one of the leading Romanists of Europe, is now in this country and will be here until the end of April. Possibly he will also return next fall. He is not looking for a position here, though the Nazis have retired him on a full pension. Nevertheless he would, I think, like to give some lectures on Roman Law and Comparative Law at the Harvard Law School, and I wonder if it would be possible to arrange that. He speaks English exceedingly well, having lectured in London. He intends to visit Cambridge very shortly and I am taking the liberty of giving him a letter of introduction to you.

With warm regards, I am,

Very sincerely yours, ..'

Papers of Roscoe Pound at the Harvard University Archives, Series II, 720-6 (Borchard), Pound to Borchard (11.3.1936), p. 7:

'Dear Borchard:

I have spoken to Professor Thayer about Professor Schulz. I understand Professor Schulz is to be the guest of Professor Taussig while here. I shall be glad to see him and will see what I can do for him.

Yours very truly, ...'

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 76-1 (OUP), secretary Pound to OUP (27.6.1947), p. 36: requests a copy of Schulz, History.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 79-3 (Rabel), correspondence between Pound and Ernst Rabel (25.4.1947-9.3.1949), asking him to for assistance regarding the Zeitschrift fuer Auslaendisches und Internationales Privatrecht. Mentions Martin Wolff and Max Rheinstein, as well as John Foster Dulles.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 79,19 (Riccobono), correspondence between Pound and Riccobono (8.10.1931-5.8.1948), contains a manuscript of 'the Roman law in China'.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 79,20 (Riccobono-seminar), correspondence regarding the Riccobono-seminar with the reports of individual sessions (26.9.1936-12.11.1937).

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 80-4 (RIDR), Guarino to Pound (1.7.1949), p. 19: letter of Guarino to Pound regarding the Rivista Internazionale di Diritto Romano, inviting him for the scientific committee.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 80-4 (RIDR), Pound to Sanfilippo (25.7.1949), p. 20: Pound's response, it would be an honour to be a part of it.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 81-1 (Rheinstein), Rheinstein to Pound (3.11.1943), p. 18: reference to Oppenheim.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 81-1 (Rheinstein), Pound to Rheinstein (15.11.1943), p. 19: recommend Oppenheim to Chafee.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 81-1 (Rheinstein), Rheinstein to Pound (18.3.1938), p. 20: reference to Ebenstein, Viennese school of pure law.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 81-1 (Rheinstein), Pound to Rheinstein (28.3.1938), p. 21: no time to read the manuscript.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 81-1 (Rheinstein), Rheinstein to Pound (5.5.1948), p. 22: reference to a situation in China, naming Yang, letter to Yang at p. 23-24.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 81-3, (Royal Academy of Palermo), Lardone to Pound (1.11.1931), p. 32: congratulates him with his election to the academy of Palermo.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 81-3 (Royal Academy of Palermo), Pound to Lardone (3.11.1931), p. 33: thanking him, refers to the support of Riccobono.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 81-13 (Schwarz), Schwarz to Pound (8.10.1933), p. 1-4: Schwarz asking Pound for a job in the US, with an extensive resume.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 81-13 (Schwarz), correspondence between Schwarz and Pound regarding the FS Koschaker (18.6.1950-30.6.1950), p. 5-10.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 83-13 (Stechert), secretary Pound to Stechert (17.3.1920), p. 38: requesting a copy of Schulz, Einführung.

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 85-8 (Schulz, Schumpeter), Schulz to Pound (4.10.1934), p. 29:

‘Hochgeehrter Herr Decan!

Mit derselben Post erlaube ich mir, Ihnen mein neues Buch über "Prinzipien des römischen Rechts" zu überreichen. Wie mir mein früherer Bonner Kollege Schumpeter schrieb, hat er Ihnen gegenüber schon davon gesprochen, dass ich gerne Gelegenheit hätte, über die in meinem Buche behandelten Themen Gastvorlesungen in Amerika abzuhalten. Diese Themen sind in meinem Buche keineswegs erschöpft und lassen mannigfache Ergänzungen und Fortführungen zu. Ich habe den Eindruck, dass in Amerika das Interesse an rechtsgeschichtlicher Betrachtung im Wachsen begriffen ist: fordert ja doch Urch in The Classical Journal 1934 5.675ff. sogar die Aufnahme des Roman law among classical studies. Ich glaube ohne grosse Mühe in der Lage zu sein, englische Vorträge zu halten.’

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 85-8 (Schulz, Schumpeter), Pound to Schulz (18.10.1934), p. 30:

‘I am most obliged by your sending- me your book "Prinzipien des römischen Rechts." I shall take great pleasure in reading it carefully at the first opportunity. From a mere glance at its contents I can see that it is not the usual type of book on Roman Law, but is a real contribution to the science of law.

I wish indeed that it might be possible for you to come to this country and lecture on the subjects which you develop in the book, and hope that some time in the future opportunity may afford. Just now is not a very good time, however. The economic situation in this country is such that our old endowed institutions find their revenues very much impaired by the falling off of the rate of interest upon their investments. The State institutions find their revenues much impaired by the inability of our states to make the appropriations out of taxation which were possible in the past. In consequence most of our institutions are having to strain their resources to meet the demands of their ordinary activities and cannot at present take on anything new. Moreover, a very large number of teachers and scholars from Continental Europe have been coming to this country seeking academic positions in the last few years, and have made it very difficult to provide for others who seek to come after them.’

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 85-8 (Schulz, Schumpeter), Schumpeter to Pound (8.5.1934), p. 33:

‘During my five years of teaching at the University of Bonn I was a colleague of Friedrich Schulz, Professor of Roman Law, who also lectured on the German Civil Code . I conceived a very high opinion of him, both as a man and as a scientist

and teacher. In fact he has been leading in putting the study of Roman Law on an entirely new footing in Germany and Italy and may, together with Paul Levy, be considered the first "Romanist" of Germany and perhaps beyond, for he enjoys, as you probably know better than I do, an international fame on the Continent of Europe. Now he has been dismissed for no other reason than that his wife is a Jewess, and he asks me whether some opening might not be found for him in America. The fundamental difficulty of course is that Roman Law is no part of the curriculum of American law schools and that therefore he would count in this country rather as a historian than as a lawyer. On the other hand, however, he is master of modern civil jurisprudence of the Continental type, not only of the German civil law, and he also could lecture on international private law. I am, however, entirely incompetent to advise, and have no avenue to any leading Americans in is field. I should be grateful beyond measure if you would grant me an interview to talk this sad case over.'

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 85-8
(Schulz, Schumpeter), Pound to Schumpeter (22.5.1934), p. 34:

'I am afraid it will not be easy to find anything for Professor Schulz. A number of such cases have been brought to my attention and I have had very little luck in finding anything. Most American law schools are curtailing rather than expanding their activities, and Roman law and Comparative law are luxuries in a professional school. As to private international law (commonly called conflict of laws in this country) we have an abundance of able scholars of our own.'

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 86-6
(Taussig), Taussig to Pound (16.3.1936), p. 6:

'(...) Will you dine with Schumpeter and myself at my house on Monday evening, March 23, at 7:30 to meet Professor Schulz of Berlin, now an exile? We hope very much to see you (...).'

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 86-6
(Taussig), Pound to Taussig (21.3.1936), p. 7:

'(...)When your secretary called ne this morning I remembered that you had spoken to me about some date not fixed to meet Professor Schulz at dinner, but I had no recollection of receiving any letter from you fixing the date. Certainly it did not come to the house. On going through a pile of accumulated mail at the office I found it well down in a pile which I have not been able to get at for several days. This week I have had to go over more than one hundred applications for graduate fellowships and scholarships, and have not been able to attend to office correspondence at all. I am very sorry that this should have happened, and am especially sorry that I cannot take advantage of your invitation as I had long ago promised Mrs. Pound to go with her to the opera on Monday evening.

I hope we may see you and Professor Schulz at luncheon at Kendall House on Tuesday (...).'

Papers of Roscoe Pound at the Harvard University Archives, Series IV, 87-26 (Chicago Law Review), Lamensdorff to Pound (8.10.1951), p. 2: request to review Schulz, CLR and Wolff, Roman law, 'There is but one person capable of offering a scholarly and searching appraisal of them' (no response given).

Papers of Roscoe Pound at the Harvard University Archives, (Unsorted, Johnson), Pound to Johnson (20.5.1954), p. 49:

'I do not remember that you ever studied Roman law with me, but I am sure if you undertake it, it will not be without due preparation and that your work will be well done. A great deal has happened in Roman law recently, and many of the books we used to rely upon are out of date. Many recent discoveries of papyri have restored lost parts of Gaius and added very much to our knowledge. I believe the last edition of Jolowicz, 'Historical Introduction to the Study of Roman Law' is the most reliable book in English today. But Schulz, 'History of Roman Legal Science' (1946) supersedes a great deal of what we used to hold. The text of Gaius by De Zulueta has superseded all the older editions.

My Readings on Roman Law which I used to use, which were used by Desloovere in a revised mimeographed form, are still good for the Continental law of Roman derivation, but the Roman law part of the Readings is entirely out of date.'