

# Comparative-Historical Sociology as Professional Practice

*Eric Royal Lybeck*

LEVERHULME EARLY CAREER FELLOW

UNIVERSITY OF EXETER

DEPARTMENT OF SOCIOLOGY, PHILOSOPHY & ANTHROPOLOGY

[E.LYBECK@EXETER.AC.UK](mailto:E.LYBECK@EXETER.AC.UK) [[MAILTO:E.LYBECK@EXETER.AC.UK](mailto:E.LYBECK@EXETER.AC.UK)]

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**Abstract:** *The once dominant comparative and historical approach in sociology has been replaced by methods which extract, collate and re-label data from the immediate present. What explains the contemporary dustbowl of historical sociology? This paper suggests: the gradual disinvestment of the discipline in professional utility and professional practice. History of the interrelationship between jurisprudence and social science in both Germany and the United States shows social scientists as adjuncts of a more dominant profession of jurists who used comparative history to harmonise laws. American scholars drew on their training in German faculties of Law to establish academic social science faculties. Subsequent academic effort to professionalise these disciplines as pure 'science' led to their withdrawal from the original practical concerns.*

**Keywords:** *Professions; Universities; Law; Comparative-Historical Sociology; Max Weber*

## Introduction

The once dominant comparative and historical approach in sociology has been replaced by methods which extract, collate and re-label data from the immediate present (Inglis 2014). This applies equally to quantitative methods and to increasingly popular qualitative ethnographic approaches. With these data with other civilisational patterns, other regions or other periods, sociology increasingly reflects contemporary values and concerns without sufficient reflection. As Calhoun (1996) argues, the recent flourishing of historical sociology in American sociology was 'domesticated' into a reformist method of difference and agreement. In Britain, the promise Abrams (1982) identified during the structuration turn evaporated in the stream of planes headed towards California. What explains the contemporary dustbowl of historical sociology? This paper suggests: the gradual disinvestment of the discipline in professional utility and professional practice since the 1970s at least, with the trend originating in the interwar period.

The history of the interrelationship between legal science, that is, jurisprudence, and social science in Germany and the United States during the nineteenth century suggests that academic social science

emerged as adjunct researchers working for a more dominant profession of jurists. Comparative the method jurists employed to harmonise conflicts of laws, especially during national unification recently colonised or annexed territories, such as Alsace-Lorraine after 1871. The first generation of social scientists in America drew on their training in German faculties of Law, establishing faculties of political science, economics and sociology across the Atlantic. Subsequent academic efforts to professionalise these disciplines as pure 'science' meant withdrawal from their original practical concerns. This historical decline of comparative-historical sociology suggests that social scientists would have greater impact and input in policy and public affairs if we demonstrated our professional capacity to explain a wide range of social phenomena inaccessible to more 'involved' participants mired in the rip current of the content. Norbert Elias's terminology of 'involvement and detachment' (Elias 1987). In fact, historical comparative-historical sociology is an ideal method through which sociologists can justifiably claim expertise not already covered by other disciplines.

To justify this claim – that comparative-historical research is necessary for professional sociology – I will briefly articulate three sub-theses here:

- First, that comparative-historical research was central to the disciplinary emergence of sociology in Germany and America, but resulted in an unusual disciplinary configuration in the New World of the twentieth century. Sociology was effectively a 'remainder discipline' for everything that did not fit into economics or political science.
- Second, American social scientists continued to employ comparative-historical methods and forms of data analysis until the 1970s and consequently remained effective in promoting sociology until comparative-historical sociology declined thereafter.
- Third, this decline must be contextualised in relation to the following trends: first, and most importantly, the rise of 'comparative-historical sociology' as a sub-disciplinary specialism; second, the rise of New Left academics into higher education employment; and finally, the rise of neoliberalism.

The anti-authoritarianism of bearded academics combined with the anti-monopolism of neoliberal management to hollow out professional authority in general. The institutional legacies of early twentieth century disciplinary configurations led to academic sociology bearing the brunt of universities' accommodation to one side of this anti-professional pincer movement: the critical, New Left critique. A false self-impression that critical sociologists were somehow resisting professional society by the *idea* of neoliberalism: by holding conferences, writing books and telling students *about* neoliberalism. Meanwhile, as teachers, few of these critical sociologists inculcated the deep historical and contextual knowledge through which students could either truly understand the present or relate to actual working beyond their corner of the ivory tower. The result has been a retreat into the present, at large and within the discipline ostensibly charged with understanding society.

## German Jurisprudence: An Alternate Origin for Academic Social Science

To understand how far removed contemporary presentism is from social science as originally should go back to the beginning – nay, before the beginning. Too often sociology's origin myth organised scholarship into society began when natural scientists – French engineers at polytechnic – began experimenting with a form of 'social physics' to explain the statics and dynamic organisation. The problem with this story is that it gives primacy to 'science', particularly natural science assumes social science is thus a 'softer' copycat or afterthought.

In reality, academic social science was present at the foundation of the modern university in Europe when natural science was still in its budding stages in German universities. The reason this is recognised today is that early social science did not take place within the philosophical faculties from which we sociologists obtain our status as 'doctor' after conferral of a PhD. Rather, within the professional faculty of law, the historical school of jurisprudence, led by Savigny, Eichhorn, Niebuhr and Grimm and others, consolidated a discourse and method to understand the 'system' of laws in its 'spirit' or *Geist* of the people (Lybeck 2015; Reimann 1989). The ultimate philosophical roots lie in Herder's writings on the *Volksgeist* (Iggers 1983; Köpke 1996). Romantic conservatism à la Eichhorn provided the political and cultural impulse; as Mannheim (1986 [1925]) suggested: through historical jurisprudence, conservatism was methodologised. And, the method was comparative-historical especially on comparisons between Germanic and Roman civilisations.

In the early nineteenth century, the successful institutionalisation of historical jurisprudence at the recently established University of Berlin meant that research into history, philology, economic anthropology, and so on, were tied to a much larger project of nation building (Ziolkowski 2008). The nationalist ends of this work were kept secret to avoid censorship. However, these scholars' academic discussions – comparing the Roman Republic to the Roman Empire, or the Hanseatic *Gemeinwesen* to Prussian civil service – were virtual comparisons between contemporary Austria, Prussia and Germany' consisting of over thirty other German-speaking states (Crosby 2008). The comparative-historical method was anything but detached from the political concerns of the time, and was often of making political arguments without exposing oneself to the authorities.

Throughout the nineteenth century, academic law retained its gate-keeping function insofar as a degree in jurisprudence was necessary for entering the civil service. The law student learned Greek, Roman law, English law, etc., both historically and comparatively. Following the considerable reforms of 1808 and the historical school, the basic training in law remained more or less similar across the entire century (Crosby 1893). It consisted of the following: the student would read Roman law for two full years, initially how to approach primary archival sources, and later shifting into exegetical studies of the *Corpus Iuris Civilis* and the *Pandects*. Beginning in the second semester, the student began parallel study of German law with constitutional and administrative law, followed often by criminal law and procedure; then to learn legal methodology – first, the comparative method, followed by the 'systematic' method. Then, limited specialisation meant lectures from professors of, for example, canon law, international law, civil process. Or, in other cases, a student would specialise within a territorial sphere – for example, mastering Prussian civil law, or Rhenish tort law. By the third or fourth year of studies, increased specialization often meant travel to other university towns. Since, not every university had a specialised subject – indeed, the fields were widely dispersed across all the German speaking lands, the student had to move locations to complete his studies.

This transnationalism, especially as students became civil servants, jurists or professors them positioned academics well during the period of political unification. Many took up roles in public office, particularly in the more liberalised southwest German states including Baden. According to historian,

The leadership of professors and students in the drive for closer national unification, to secure political and civic rights, and other public issues helped bring the German unification closer to the realities of German society than they had been [...] The walls of corporate immunities between the academic and political spheres were weakened and lowered by reforms and political intervention of the states (McClelland 1980: 230).

Professors increasingly embodied the Fichtean ethic as an intellectual and political elite, but the universities were wholly subsumed within the state. Professors were salaried civil servants; ministry controlled examinations, and specialised seminars and laboratories were funded from princely budgets. Still, especially in the period after 1849, during which a consultation with professors resulted in constitutional by-laws protecting Ordinarien (though not Extraordinarien and Dozenten), academics were guaranteed the right to nominate new faculty appointments and autonomous respect to staffing and academic justice. But, the very fact of consultation reflected the drama before and after 1848 in German-speaking Europe.

When, in 1848, the Frankfurt Assembly met to establish a new legal and political framework in Europe, it was jurists who led the so-called 'Parliament of Professors' (Hamerow 1958). Many since have suggested the failure of the Frankfurt Assembly to make its liberal revolution permanent historical 'turning point at which Germany failed to turn' (Taylor 1961; cf. Blackbourn and Elliott). However, that was an unavoidable result of border issues; the parliament of jurists, in fact, made legislation at speed due to their earlier academic conferences including the Germanistentag of the Reformed Church in 1846–47 (Crosby 2008: 132). More importantly, when the Frankfurt Assembly passed most of the legislation proposed was slowly and almost silently enacted by the jurists returning to their respective states. By the time Bismarck united the German Empire under Prussia's banner in 1871, Europe was already well on its way to legal harmonisation.

## Comparative-Historical Research as Professional Practice The Case of Friedrich Althoff

How did comparative and historical research factor during national unification? The case of Friedrich Althoff's training and employment at the University of Strassburg (1841–1849) in recently annexed Alsace will provide a useful practical example. A great deal is known about Friedrich Althoff's subsequent career as an administrator – the so-called 'Bismarck of the University' (Backhaus 1993; Brocke 1991; Backhaus 1991; Bruch and Kaderas 2002; Geuna 1995; Sachse 1928; Vereeck 1993), and a few historians, especially John Craig, have studied the University of Strassburg in detail and depth.

Grimmer-Solem 2003; Schlüter 2004). But, with only one short exception, on that of Althoff's school policies (Nebelin 1991), no historian or sociologist has fully connected the late century of university administration, as Weber called it, to Althoff's earlier dual appointment as member of faculty and secretary at the University of Strassburg, founded in 1872 as a means of cultural integration. In particular, little attention has been paid to Althoff's work as a jurist during this period, which was his historical legal scientific training characteristic of his day. Further, the task with which he was entrusted, the codification of Alsatian law – was of clear importance to imperial authorities in the Reichsland. His successful management of the codification project, which gave Germany access to the legal system of the recently annexed territory, led to his appointment in the Cultural Ministry in Berlin. He was responsible for similar codification practices to develop an unprecedented centralisation and modernisation of university administration without sovereign jurisdiction or direct control. Perhaps more than any other, Althoff embodied the value-neutral, atemporal bureaucratic conservatism of the civil servant described by Weber (1986: 47).

Much has been made of Althoff's supposed lack of doctoral qualifications, for he was awarded a doctorate without having completed a doctorate, Habilitation or advanced certificate. This circumstance, unique in all of German university history (Brocke 1991: 277), contributed to a misperception among critics that he was unqualified or somehow honorifically appointed. It is therefore worth addressing his education in detail: following a typical Gymnasium education, during which he mastered Greek and Latin handwriting, the seventeen-year-old Althoff enrolled at Bonn to study law. In his first semester he attended Professor Sell's lectures on the Institutions and Archival Sources of Roman Law, also in Logic and Policy Science. In the following year, he studied German legal history, Roman law including the Corpus Juris Civilis and the Pandects. As his studies progressed, he began specialising in the law of the favoured lecturer, Georg Fredrich Dahlmann, a hero of the 1848 Revolutions, who taught financial law, in addition to courses in Russian and English history, until his death in 1860. In 1856 Althoff joined the student fraternity, the Corps Saxonia, where he spent much of his time. Legally, he began to practise private law, exchange law (Wechselrecht), Völkrecht and, in particular, civil law. By the end of his studies at Bonn in 1860, he had become an expert in Rhenish civil process. [2] [N2]

As an able, if not necessarily gifted scholar, the son of a Domänenrat (provincial governor), Althoff secured low-level employment in a local civil service ministry. He married Marie Ingenohl in 1862, when he had passed his assessors exam with excellent marks. In 1870, he had nearly completed his dissertation, approved by Rudolph Gneist as early as 1863, when, on 17 July, Napoleon III declared war on Prussia drawing the nations into the Franco-Prussian war. By 16 August, he was called into military service where he served as medical orderly until May 1872, when he was rushed from the front to serve in a special capacity at the Imperial office in Strassburg. For in the interim, it had been discovered that the very special legal expertise was desperately needed: his doctoral dissertation on the history of law was to be put into immediate use in the newly annexed region of Alsace-Lorraine.

Initially working within the Reichsland (Imperial) ministry, Althoff was soon dually-appointed as a member of the staff of Baron Franz von Roggenbach, who was charged with organising a model German university as part of a cultural imperial mission. [3] [N3] Althoff would also be promoted to the position of Extraordinary professor in the refounded university. Thus, having submitted neither dissertation nor habilitation

became professor of French civil law at the Imperial University of Strassburg. His dual advantage of his practical experience as a civil servant, with which he assisted Roggenbach in remaining administrative developments and organisational issues surrounding the university professor, he began his first course of lectures in the winter of 1872, teaching 17 students. From that course he would teach every year until 1882. [4] [N4] In general, Althoff was the expert on France. It was in this capacity that, in 1879, Reichsland Premier (Oberpräsident), Eduard von Möller asked Althoff to prepare a full and complete codification of Alsatian law. [5] [N5] The contract stated that Althoff and his researchers, five in all, were tasked to gather a complete collection of the laws of Alsace-Lorraine, which would then be translated into German. All of the researchers would receive a full pension to work on the project. The team was expressly instructed to engage in jurisprudential comparison to the highest possible standards, and as far as possible to submit data to 'objective testing', but not at the expense of comprehensiveness, until the entire map of the laws of the territory was apprehended, collected, and codified. [6] [N6] The table of contents were projected as follows:

### **Volume I – Constitution and legal texts**

- A. [Holy Roman] Imperial constitution
- B. Constitution of Court
- C. Civil Code
- D. Code of Civil Procedure
- E. Commercial code
- F. Bankruptcy Law
- G. Code of Criminal Instruction
- H. Penal Code
- I. Forestry Code

### **Volume II – Law from the French period**

- A. Until 4 August (excl.) 1870
- B. From 4 August (incl.) 1870 to 24 March 1871

### **Volume III – German law.**

- A. From the period of the Provisional Government
- B. Since the Unification of Alsace-Lorraine with the German Empire

Althoff and his researchers set to work immediately. With a massive budget, they ordered everything they could get their hands on, adding to Althoff's already burgeoning library. For, even as early as 1870, Möller had discussed the possibility of the codification project, and his ministry regularly sought Althoff's counsel when confronted with complicated legal situations involving 'conflict of laws' between German and customary Alsatian law. [7] [N7]

Once all of the material was gathered, the comparative-historical legal methodology proved itself to be effective. Across long-ruled ledgers, the jurists would list three columns along a vertical timeline: Imperial, one French, one German – they would then list each legal act, case or precedent the way they would slotting these along the timeline. The manuscripts have the appearance of double-entry account books.

gaps and spaces are left between Imperial and French law indicating when certain laws were an alternative sovereignties were in force. Through this painstaking documentation, the research clear sense of not only the substantive differences between French, German and Holy Roman but also a sense of the overall historical development, or evolution, of the law as it specifically Alsace-Lorraine. The interlocking and shifting sovereignties produced a particular amalgam of jurisdictions that was unique to the Rhenish province. Not only did Althoff and his researchers their method was designed precisely to determine those specificities.

Here, the power and utility of the historical legal scientific method as a form of professional practice is evident. As part of an imperial mission, the jurists did not sit in their armchairs and develop a best to rule a colonised territory. They went out into society, and gathered all the legal precedents, textbooks that had ever been produced on the region. The results provided a heuristic window as it actually existed in all its complexity. Once differentiated, the imperial ministry could isolate French laws, which were customary laws, and which were German Imperial laws alien to the local laws could then be redressed and repackaged as legacies of prior, historical traditions. Progress were justified through historical reference. Through Althoff's research, the German Empire gained control over the legal order of Alsace-Lorraine without the locals ever knowing it.

By 1881, the handbooks of Alsatian law were printed and bound. 1,600 copies were sent around. With his work considered among the great achievements of legal science, Althoff was promoted to professor, again unprecedented insofar as he still never formally acquired a doctorate. Legal scholars and civil servants sent letters of congratulation. In the following year, Althoff was commissioned to the Alsatian exam board, which provided qualifications for the civil service and legal profession. This was an opportunity to modernise and update expectations for jurists studying at Strassburg. The commission began, but was not completed, under Althoff's direct supervision. In September 1882, Althoff was appointed to serve as head of personnel in the Prussian Ministry for Ecclesiastical, Educational and Medical Affairs (Ministerium der geistlichen, Unterrichts- und Medizinalangelegenheiten). In subsequent years, he took charge of university and educational policy, library policy, monument building and a range of cultural services.

By the time Althoff assumed the post of undersecretary for university affairs, the German university system had transformed considerably. As rapid industrialisation was connected to the 'fourth factor' of technological growth, universities received more and more state investment. Althoff's responsibilities reflected the new challenges and conflicting priorities bubbling over as state, university and society came before the eyes of the world. Administering these changes to maximise the goals of several international powers, Althoff transformed the university system into an efficient bureaucratic machine. He lobbied for increases in university funding as the Prussian budget for education expanded from 9.6 million in 1871 to 26 million in 1907.

Among Althoff's first responsibilities was redress of Bismarck's concerns over the rapidly expanding 'academic proletariat' (gelehrtes Proletariat) – the result of an 'overproduction' of university graduates. The Chancellor wrote: today 'the production of teaching forces for the school has already exceeded the public interest demanded that Althoff's ministry should take immediate measures to counter overproduction:

I have repeatedly expressed my opinion that the opposition of the Social Democrats and Communists against the everyday modern man clearly relates to these educated circles as a result of their upbringing which results in dissatisfaction, leading them to sympathise with the elements fighting the legal and social order, hoping for a change in their own situation'

The means through which Althoff and the ministry addressed Bismarck's concerns are recognisably the same practices employed during the codification of Alsatian Law. First, Althoff's undersecretary, Gustav von Goßler, agreed with Bismarck's observations, but suggested the problem was that too many students were involved in fraternities, obtaining passing marks on exams. Not enough priority was given to the gifted scholars dedicated to their own sake. The solution would have to involve the proper compensation of these excellent students, providing them, not with charity, but a living wage.

The Cultural Ministry then requested consultation with equivalent ministries in the other German states. Even within the German Empire, Althoff's jurisdiction applied only to Prussia, not Baden, Bavaria, Mecklenburg and so forth. The only means through which Prussian policy became German policy was through the consultation and harmonisation of comparable standards and best practices, a focus on a centre-periphery dynamic (cf. Ben-David 1977). Insofar as higher education policy required the movement of students, such inter-territorial standards of excellence were essential to maintain

These brief examples of how Althoff's training as a jurist – in particular his application of comparative method – played itself out are similar to administrative practices today: consider, for example the Bologna Process begun in 1999. Signatory universities and nations have committed themselves to the pursuit of 'excellence' across a range of different national university systems. Through 'harmonisation' of standards and credentials, ministers and university administrators ensure the transfer of academic credentials across borders. The result is transnational mobility and degree equivalence for the professional class in the European Higher Education Area (EHEA) – a region that well exceeds the borders of even the continent. In this sense, university policy functions as a form of state-making, ensuring the advance guard of civil servants, lawyers, academics and bureaucrats can work with one another across borders, just as historical jurists established the preconditions of German unification between 1848 and 1871.

## The Transfer of German Legal Science to America as a New Science

The significance of the University of Strassburg was not limited to the early career of Althoff. The university was founded as an ideal 'German' university, in order to turn Alsatians 'back' into Germans (Grimmer-Solem 1984). As the first university founded in Germany in 54 years, the imperial mission encouraged officials, and the public to announce their idea of the 'true' German university. Among the innovations were the undivided philosophical faculty of arts and sciences and the formal establishment of social sciences. This was the Strassburg Seminarsystem (Grimmer-Solem 2003). In fact, the Strassburg Seminarsystem was the first recognisable departmental structure in the world. As a new model, the university proved extr



By the end of the century, every university in Germany save Munich and Tübingen, had adopted the Seminarsystem.

It was precisely in this period that foreign visitors, especially American university presidents including Daniel Coit Gilman, Andrew White, G. Stanley Hall and John W. Burgess, visited Germany to discover the secret to their success in higher education. The timing of this is central to the further development of the entire global higher education system. Gilman visited the University of Strassburg during the 1870s. Only a few months prior, he had been convinced that the university he and the American public had been seeking was a French elitist institution similar to the grandes écoles. Upon seeing the university now constructed on the former French abutments in Strassburg, Gilman could not help but be impressed. He remarked on the impressive library and the well-equipped laboratory facilities 'which abound in the convenient surroundings for good scientific work' (Franklin 1910: 240). Upon his return to America, Gilman would create a new university – a graduate school – in the United States, using an endowment provided by a recent philanthropist, Johns Hopkins.

Thus, the idealised model of the University of Strassburg was transferred across the ocean. Not only did Gilman split the philosophical faculty between arts and sciences, he instituted the Seminarsystem departments manned with graduate students. Finally, he founded the first social science department in the country: the Faculty of History and Politics (Small 1916). Tellingly, the Hopkins faculty met in a building called 'the Seminary'. Emblazoned over the archway of the entrance read the words: 'History and politics is present history'.

Around the same time, in 1876, political scientist, John W. Burgess was recruited by the trustees of Columbia College to establish a German-style department of political science. While tradition and inertia were hard to overcome, by 1880, trustee Samuel Ruggles asked Burgess to travel to Europe to gather the up-to-date information for such an institution. In a letter to W. F. Wilcox, Burgess described his earlier scheme at Amherst:

[T]he institutions, which, as models, influenced me were the Imperial University at Strassburg which had a separate Faculty for the Political Sciences, and the École libre des Sciences politiques at Paris. No American institution had any influence whatever in the matter, and there was then no School or Faculty of Political Science in our country'. [10] [#N10]

Burgess and the trustees at Columbia envisioned a new professional elite, comparable to the Civil Service. In keeping with their Northern elitist vision of reform, professionalism and nationalism, the new school of political science would train the coming leaders of the American nation. To achieve this, Burgess and colleagues transformed the College into a University.

Now, with the founding of this faculty of Political Science in Columbia College, a new tide of knowledge and progress and education was thrust into this peaceful and contented institution. [...] The first principle of the system of education which the faculty of Political Science adopted in all its work was free and untrammelled individual research and complete freedom of instruction in imparting the results of such research (Burgess 1934: 203)

Burgess's political science was drawn directly from the decades of scholarship contributed by historical legal scientists, emphasising the role of institutions, geography and law. Adding a H dimension drawn from Johann Bluntschli, Burgess identified the leaders of civilisation as the the Gothic tribes organised within their natural geographic home surrounding the Alps in cen following 'the disruption of the Roman Empire': Anglo-Saxons, Danes, Franks and Burgundia Visigoths, Goths and Vandals, Scandinavians, Varangians and Germans.

I designated the Teutonic nations formed by the amalgamation of these races, in the di geographical unities, with each other and with the races on which they imposed their r therein as the bearers of modern political civilization, and endeavoured to explain the v purpose of the colonial systems which had been established by some of them in contin inhabited by savages or semisavages or races politically incompetent (Burgess 1934: 24

According to Burgess (1934: 248), it was the Teutonic race's destiny to establish the modern c Europe:

[the] final purpose of all such combinations was the development and perfection of the State, and of all such colonial arrangements the bringing of the subject peoples into rel with the civilized world and preparing them for self-government.

Justifying colonialism, spearheaded by Germanic nations, Burgess's vision inspired some Col who recruited him to convert Columbia College into a German-style university.

The transfer of the Strassburg model to American graduate schools contributed to the transla historical economics across the Atlantic at the same time (Rodgers 2009). As Herbst (1972: 13

By and large, the American representatives of the new economics accepted the opinion and Schmoller that to seek causal relations in history that were based on numerical ave and generalizations meant to assume that men were but so many atoms, each replacel another'.

Even decades later, a German professor, Otto Hoetzsch, visiting America noted the range of d between German universities and American colleges. [11] [#N11] But, one exceptional similarity o Hoetzsch: the Faculty of Political Sciences, which taught history, political science, sociology a He wrote: 'here the German model was recognizable everywhere. Seminars, reference librari and exactly the same procedure as with us!' These scholars spoke fluent German and many, e researchers, had attended seminars in Germany, including Schmoller's seminar and lectures l He also stated

What has pleased me most on this trip is that everywhere confirmed the strong impres

through the stream of these men and as the methods of German sciences penetrates in American life, respect and interest in the German language and culture is ascending. To bring the two peoples closer and closer.

The full political science curriculum Burgess instituted at Columbia was, in fact, nearly identical to the traditional 'classic' education in law Althoff received at Bonn:

### **I. History and Political Philosophy**

- a. Political and Constitutional History
- b. Legal History
- c. Political Philosophy

### **II. Public Law and Comparative Jurisprudence**

- a. Constitutional and International Law
- b. Administrative Law
- c. Roman Law and Comparative Jurisprudence

### **III. Political Economy and Social Science**

- a. Political Economy
- b. Science of Finance
- c. Statistics and Social Science (Small 1916: 739–46)

Students would progress through each year, beginning their training with historical research in political history, including Roman Law, as well as comparative jurisprudence methodologies. Sociology section IIIc, taught by Giddings. However, the full curriculum and overall programme was far from incorporating Germanic history, philosophy and, especially the comparative jurisprudence tradition from Burgess's own training in Berlin, Göttingen and Leipzig.

The traditional history of the social sciences, in contrast, neglects this central institutional focus and its distance from later narratives of progressive social reform and academic autonomisation. It tends to emphasise the role of positivistic methods in social science, in particular quantitative research (Platt 1999; Porter 2011). Camic and Xie (1994) describe a shift in the interwar period at Columbia toward quantitative methods. The 'new sociologists of ideas' (Camic and Gross 2004) note the interdisciplinarity of this transition evident in anthropological, political scientific, economic and sociological research. I interpret this as a move away from traditional comparative-historical methods retained in Chicago. This shift in sociology to Giddings, Camic and Xie suggest Burgess himself directed this interdisciplinary change. Having reviewed Burgess's papers in full, I have uncovered no evidence of this sort.

Rather Burgess continued to employ comparison and history in his own work (which is not to say he did not allow others to pursue the latest techniques in statistics emanating from the German historical school of economics), indicating the movement toward numbers was not spearheaded by Burgess. Rather, the shift toward a more positivist approach was indicative of the gradual diminishment of Germanism amongst the second generation of historians and economists at Columbia in the decades surrounding the First World War.

Still, the comparative-historical method continued to be employed within institutional economics and related fields. Sociology, however, was institutionalised on the periphery of central

professionalisation in government and business during the New Deal and after (Camic 2007). social research was employed for practical and professional purposes, comparative and historical remained a central technique until at least the 1970s. This will be briefly demonstrated using the Carnegie Commission on Higher Education (CCHE) led by industrial economist, Clark Kerr

## Clark Kerr and the Carnegie Commission for Higher Education

Kerr was an industrial economist working in the post-war period, but came to prominence with his functionalist principles of labour relations and industrialisation to the University of California (Schrum 2011). The result was the 'California Master Plan' in which the state's tiered higher education became a kind of 'social mobility machine' – a student could enter anywhere within the system sorted them out in relation to their capacity and function. By the mid-1960s, however, Kerr was being too conservative by rebellious student radicals and too lenient by the conservative governor Reagan. He was fired by the Board of Regents in 1967, which was impeccable timing for the Carnegie Foundation for the Advancement of Teaching (CFAT). The foundation had recently become added to the tax code for philanthropic corporations. The CFAT was founded in 1905 to provide pensions for teachers, but now had increasing surpluses of capital reserves due to positive actuarial circumstances as pensioned teachers and widows were dying off. The changed tax code, however, meant this money to be spent as soon as possible; this led to the hiring of Kerr as chairman of the newly established

Between 1969 and 1974, the CCHE produced over 160 volumes and reports, including formalized statistical measures of academic research still applied today in university rankings. The commission recommended a 'Second G. I. Bill' to incorporate excluded populations into tertiary education through subsidised student loans, and proposed the establishment of a National Department of Higher Education. Kerr drew upon the leading experts in the field of higher education policy, including Joseph B. Reisman, Lipset and Ladd, and Talcott Parsons. In this period, social scientists were firmly at the center of federal higher education policy, due in no small part to their participation in the 'cultural Cold War' against Communist 'ideology' against Western 'science' (Saunders 2001). However, the performance of this function – higher education policy – is often misrecognised by scholars due to the differential 'governmental' philanthropy from bureaucratic state civil-service.

And yet, the CCHE responded to comparable internal and external pressures faced by Althoff in the nineteenth century, including cultural imperialism, the overproduction of graduates, and the need to include excluded groups. Furthermore, both Althoff and Kerr managed university policy through a similar set of practices, including the production of reference books that served as black-letter law, the push for grant funding, and the harmonisation of credentials through comparative and statistical measures of excellence. Kerr expressed a vision of limitless work for social scientists:

Higher education with over 9 million students and an annual expenditure of £30 billion is an enormous enterprise it warrants continuous study. What is needed now is not the

intermittent work of commissions and study groups but the establishment of permanent structures to cooperate with government and other private organizations in helping the nation develop policies it will require in this critical area of national endeavour. [12] [N12]

But, in the early 1970s, the ideal of a National Department of Higher Education died with the death of its greatest advocate, Richard Nixon.

While it lasted, the CCHE effectively made national university policy through the production of reports and books, many of which were comparative in nature. Among the best-selling texts were institutional comparisons and case studies – of community colleges in different states, for example (Clark 1971). Texts included international comparisons, both contemporary (Burn 1971) and historical (Ben Ner 1971). Kerr also enlisted ‘outside’ perspectives on American universities, including those of Alain Touraine and Eric Ashby (1971). Indeed, Ashby’s historical interpretation provided a prediction of what would consist of in the year 2000. He projected a huge increase in student and faculty numbers, which occurred accurately, in fact – sustained by funding of around 3 per cent of GNP (also accurate, though largely through individualised student loans). While noting the positive outcome of universal higher education, Ashby also warned this would result in ‘a brontosaurian cumbrousness and a surfeit of bureaucracy unless the university resisted further expansion.

Indeed, because the CCHE had a professional purpose – making university policy – one can see a range of comparative and historical practices and methodologies throughout the commission’s work. A form of professional practice that became increasingly rare elsewhere in the academic social sciences, formal comparison was applied in program evaluation of CCHE work itself, as in a document comparing CCHE recommendations with the ‘Rivlin Report’ prepared by the U.S. Department of Health, Education and Welfare (1969).

| LOAN PROGRAM                       | Establish new Student Loan Program<br>Substitute for present loan programs.  | Establish new Student Loan Bank.<br>Appears to continue same level of<br>present direct loan program but<br>discontinues guaranteed loan program. |
|------------------------------------|--|---|
| 1. Who is eligible to borrow?      | All students regardless of need  | All undergraduate students for a maximum of 5 years.<br>All graduate students for a maximum of 5 years.   |
| 2. Annual loan limit               | \$2,500 for undergraduate students, \$3,500 for graduate students or total of educational costs including subsistence less amounts of grants and work-study payments received that year. | An amount each year not to exceed the student's tuition and living costs minus any federal aid received.  |
| 3. Total loan limit                | None   | Total years eligible to borrow result in only overall maximum   |
| 4. Organization of Program or Bank | Not specified  | Non-profit private corporation established by Congress  |
| 5. Source of capital funds         | Not specified  | Corporation would issue its own securities which would be guaranteed against default by federal government  |
| 6. Terms of repayment              | Fixed percentage of income for each \$1,000 borrowed over a period of 30 - 40 years.   | Absolute repayment over 10 - 30 years at either constant or rising rates at option of borrower  |



[\[h/humfig/images/11217607.0006.207-00000001.png\]](#)

Figure 1.

*Comparison of Carnegie Commission Proposal and Rivlin Task Force Proposals*

*Source: Internal Files, Kerr Memoranda, New York, Columbia University, Rare Books and Manuscript Library, Carnegie Foundation for the Advancement of Teaching, 1905–1979 (CFAT), VI.HE, VI.L*

In the same manner as Althoff prepared the codification of Alsatian law, or in his application procedures to establish the ‘Althoff System’ of university management, the CCHE lined two columns of policy proposals alongside one another to determine precisely where the similarities and differences lay. The method was most effective as means of determining the context through which professional proposals could be made, refined or articulated.

The comparative-historical method has since declined, not coincidentally, at the same time as the professional responsibility of social scientists (other than economists) during the past few decades. The comparative-historical method diminished despite – or perhaps, because of – increasing specialization within elite American sociology departments.

## Epilogue: Sociology without Professional Purpose

In his well-known address to the American Sociological Association (ASA), Michael Burawoy promoted a manifesto for ‘public sociology’, which would complement existing disciplinary professional sociology. He termed ‘professional’, ‘critical’ and ‘policy’ oriented sociology. Of the four, perhaps ‘public sociology’ is the most clear-cut – essentially an external outlet for ‘critical’ sociological work. One can envisage the Oakland rally fielded by Berkeley graduate students and get the picture right away. Burawoy’s ‘public sociology’ has been much debated due to the perceived politicisation of the sociological enterprise (Brady 2005; Holmwood 2007; Lybeck 2011). However, less regularly commented upon is the relative distinction between ‘professional’ and ‘policy’ sociology. In the address, ‘policy sociology’ is defined as any sociological research directed toward audiences of policymakers, typically the state. How does Burawoy make of the work of the CCHE? Certainly, much of the CCHE’s correspondence was with senators and the Office of the President, but the commission equally produced and made policy through their reports – in effect, codifying university policy – which was then replicated and implemented across the higher education sector by administrators.

‘Professional sociology’, on the other hand, is defined by Burawoy as that which ‘supplies true methods, accumulated bodies of knowledge, orienting questions, and conceptual frameworks’

2005: 10). This seems to be another way of saying ‘sociological research’ in whatever way the it. Fair enough. But, what is striking about this distinction is that Burawoy effectively implies ‘professional sociologist’ is a ‘professional academic’ – in other words: sociology is ONLY academic. This is especially problematic in light of the legacy of the historical institutionalisation of sociology in American higher education noted above. Sociology was established as a ‘remainder discipline’ of leftover social scientific research not already claimed by economics or political science (each with distinct and bounded objects in society: the economy and the state). Economics, in particular, has undergone an impressive (if not necessarily welcome) process of integration and professionalisation in recent decades (Fourcade 2009). This is undoubtedly one of the leading causes of ‘neoliberalism’ as the logic penetrated a range of non-economic sectors. Sociologists, meanwhile, have retreated inward, either wait for policymakers to (occasionally) call on them; or, as in the case of Burawoy’s ‘public sociology’, they take their ‘critical’ lessons learned from radical salad days back to the streets, via Occupy related activist forms of agency. In each instance, the internally-oriented sociological discourse is turned outward. But, each is dependent on the prior existence of the crowds to which they address them. In other words, they are doomed to preach to the choir.

But, whither historical and comparative sociology in this choral movement? On the one hand, historical sociology in the 1970s through the work of Theda Skocpol, Charles Tilly, Charles Ra (Skocpol 1984), American historical sociology has become a relatively refined method (Mahoney and Rueschemeyer 2003). However, the academic audience and practitioner base of this form of sociology remains limited to a few elite centres: Yale, Harvard, UCLA, Northwestern, Michigan, Berkeley and a few others. Much of this research can be remarkable in depth and breadth, as evident in the proceedings of annual meetings of this sub-field, whether at the ASA or Social Science History Association (SSHA). However, there is no ‘professional’ or ‘policy’ outlet driving this accumulating body of research. The sub-field is among the most ‘internally-oriented’ forms of sociological research, content to be discussed with one another – like monks rehearsing vespers.

This insularity – which Burawoy would deem ‘most professional’ – is likely the result of two problems present in the early days of the sociological enterprise. First, the level of historical knowledge necessary to participate in debates is largely absent amongst the vast majority of sociologists, as it is in social history. Unlike in Burgess’s or Althoff’s day, students and academics have not been provided with a basic level of historical knowledge, particularly with regard to Classical history. Contemporary historical sociology cannot catch non-historical sociologists up on the historical data necessary to make informed comments on the material presented. Historians work around this problem by telling stories, which sociologists are similarly ill-equipped to do – perhaps due to the discipline’s preference for ‘bad writing’ (Billingsley 2005).

Second, due to the methodologism of recent decades, the relevant ‘cases’ covered by the sub-field have become highly reified and conceptually intractable. ‘Spain’ is defined as an ‘authoritarian’ state in 1978. As if this over-simplification could possibly capture that, or any nation’s particular history? These cases are then put into ‘truth table’ comparisons and various quasi-experiments are conducted using Mill’s methods of difference or similarity, despite Mill’s own insistence that these methods were inapplicable to human societies. Consequently, rarely do these comparisons lead to new theoretical development or insight beyond nominalist development – called ‘causal mechanisms’ as the field would have it (Hedström and Swedberg 1996; Mahoney and Rueschemeyer 2003).

Stinchcombe 1978). Again, these studies may be interesting to a lesser or great degree, but the for what might be called 'popularisation' or extension even within sociology itself. They require of collective disbelief in order to pursue what are essentially thought experiments often lacking subtlety, contingency or agency.

This leaves comparative-historical sociology in a difficult position vis-a-vis most of the four identified by Burawoy. Professionally and policy-wise, the sub-field cannot provide direct insight catching policymakers and colleagues up on arcane historical material. Critically and 'publicly engages with alternatives beyond those which have already existed. This means even a Marxist acquainted with historical materialism – would struggle to see the point in debating the cause of American democracy with a historical sociologist who has a different theory of long-term social change. This leaves little room for contingency and, thus, agency. They could 'agree to disagree' at the end of a discussion, but for an activist interested in actually changing the world, such debates rightly belong in an academic conference hall. For these and other reasons – neoliberalism, perhaps above all – we have further and further retreated into the present (Inglis 2014). And yet, returning to the cases of Althoff and Kerr we can propose a way forward, carving a new range of purposes that extend beyond the present. This is the purpose of comparative-historical research in practice. In each case, the social scientists employed comparative-historical research for the purpose of making professional decisions and policy themselves. Each was actively engaged in the policy-making process, and their comparative-historical training provided confidence, expertise and a means through which to perform such tasks more effectively than their peers. In the case of German legal science in particular, professional responsibilities were primary and method secondary; this meant comparisons were used in order to determine some 'ultimate' or 'definitive' cause or causal mechanism; rather, comparative-historical research established contexts through which policies could be evaluated, articulated and enacted. It is in this context in which sociology has no such relationship to actual social decision-making that sociology has retreated into the specialism of comparative-historical sociology as currently practiced.

Perhaps there is reason to be more optimistic, however, in light of Monica Prasad's recent attempt to encourage the ASA's Comparative-Historical section to re-orient itself to policy questions and the practicalities of solving (Prasad 2016). On the one hand, this bold claim, and the discussion resulting from it, has provided a useful set of questions regarding the potential gains and losses the sub-field might experience if it were to actively pursue policy outcomes. The debate drew upon a more familiar Bourdieusian notion of 'autonomy' vs 'heteronomous' fields (Steinmetz 2017), with the implication being the more autonomy the sub-field has, the more it can. Undoubtedly – within scholars' strategic competition with and against administrators, for example – 'autonomy' can serve as another word for 'academic freedom' and the right to teach and research in accordance with the interests of the specialist expert, not the fads compelled by external power.

However, as the cases of Althoff and Kerr suggest, perhaps a more useful way of thinking about the connection between professional practice and academic expertise can be drawn from Elias's notion of an 'involvement–detachment balance' (Elias 1987). In one direction, the civil servants and philologists and their collaborators were undoubtedly 'involved' within the powerful processes they were interpreting. In the other, the goals of the research determined by the imperial or federal policy context, but the researchers were further limited to essentially descriptive purposes. And yet, the comparative-historical research provided a means through which the social scientists became more 'detached' or 'object-oriented' (Elias 1987). This capacity for detachment even within highly-heteronomous conditions enabled Althoff to, for example,



Bismarck's request to deal with overcredentialisation away from the original anti-communist civil servant's own agenda in providing permanent fellowships for doctoral students. Indeed, recounted above demonstrates the manner in which the very act of producing handbooks con in itself – a fact well understood by the founders of the historical school of jurisprudence (Sav [1817]).

Thus, a concluding suggestion might be that it is this capacity to remain detached within hete environments that the comparative-historical method provided. And, perhaps it is this capaci been lost in our retreat into the present, engendering a state of passivity or fear in the face of i heteronomous academic environments. We demand more autonomy as our academic freedom regardless of our protestations. Meanwhile, we become increasingly 'involved' in heated ideol that project our observations of a hostile world onto our colleagues down the corridor rather t powerful actors and institutions which actually reproduce big systems like capitalism or biop

Instead, perhaps we might consider whether increased heteronomy – but, on our own terms, the terms of those agendas imposed from external actors, especially the state – would be a po toward producing better and more effective forms of knowledge. For example, we could adapt like the UK's 'Impact Agenda' that compels academics to have greater social impact outside th conference hall – by actually generating forms of social impact that are not simple expression capitalism. Such work would require greater forms of reflexivity and capacities for detachmen necessarily to produce better research outcomes, although this would likely also result – but, encourage more effective and responsible forms of professional practice.

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## Notes

1. The contemporary city of Strasbourg, France was annexed by Germany in 1872 and rema Empire until 1917. During this period the German name 'Strassburg' is used, particularly the university, which was so named: The University of Strassburg. ♠ [\[#N1-ptr1\]](#)
2. Transcripts from Bonn, Geheimnis Staatsarchiv Preußischer Kulturbesitz (GStAPK) VI. 1 F. (Althoff papers), Nr. 1, 117-126 Translations by author. ♠ [\[#N2-ptr1\]](#)
3. Delbrück to Althoff, Althoff papers, GStAPK, Nr 3, 3 ♠ [\[#N3-ptr1\]](#)

4. Althoff papers, GStAPK, Nr 4, 19. Occasionally, he would supplement his lectures with C practicals or, in 1878, he taught one lecture on 'Civil Legislation in the German Empire'.
5. Von Möller to Althoff, Althoff papers, GStAPK, Nr. 30, 5 [\[#N5-ptr1\]](#)
6. Agreement on the Drafting of a Collection of Law for Alsace-Lorraine, Althoff papers, GS [\[#N6-ptr1\]](#)
7. Letter von Möller to Althoff, Brassert to Althoff, Althoff papers, GStAPK, Nr. 31, 7 [\[#N7-ptr1\]](#)
8. Bismarck to Althoff, 7 March 1889, GStAPK, Althoff Papers, 147, 1 [\[#N8-ptr1\]](#)
9. Bismarck to Althoff, 7 March 1889, GStAPK, Althoff Papers, 147, 4 [\[#N9-ptr1\]](#)
10. Letter from Burgess to Wilcox, July 1916, Chicago, University of Chicago Library, Small J Indeed, Burgess' autobiography suggests even the visit to Sciences po was compelled by an associate who had recently met conservative Hippolyte Taine, the director of the institut 1934:1 89). [\[#N10-ptr1\]](#)
11. Hoetzsch to Althoff, May 1907, Althoff papers, GStAPK, VI.HA. 419, 72 Translation by [ptr1\]](#)
12. Internal Files, Kerr Memoranda, New York, Columbia University, Rare Books and Manuscript Division, Carnegie Foundation for the Advancement of Teaching, 1905--1979 (CFAT), VI.HE, VI.I

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