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# Guide to the Ernst Freund Papers 1882-1934



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## **Descriptive Summary**

**Identifier** ICU.SPCL.FREUND

**Title** Freund, Ernst. Papers

**Date** 1882-1934

**Size** 21 linear feet (42 boxes)

**Repository** Special Collections Research Center, University of Chicago Library  
1100 East 57th Street  
Chicago, Illinois 60637 U.S.A.

**Abstract** Ernst Freund, lawyer, writer, advisor. The collection is heavily weighted toward documentation for legal research, specifically those areas reflected in Freund's teaching and publications. There is a small collection of correspondence, which, while containing items illustrative of the variety of Freund's interests, lacks in-depth treatment of any individual concern. The section of University of Chicago material contains a fairly complete record of student grades and reports, but Freund's criticisms and comments on the development of the Law School curriculum are absent. The offprints, clippings and memorabilia section holds items of more general interest which are only occasionally linked to Freund's research and teaching.

## **Acknowledgments**

### **Information on Use**

#### **Access**

Access to student materials in Series III is restricted for eighty years from the date of creation.

#### **Citation**

When quoting material from this collection, the preferred citation is: Freund, Ernst. Papers, [Box #, Folder #], Special Collections Research Center, University of Chicago Library

#### **Biographical Note**

Ernst Freund, 1864-1932, was professor of law at the University of Chicago from 1902 to his death. Born in New York City during a brief visit by his German parents, Freund was raised in Dresden and Frankfurt-am-Main. He was educated at the Universities of Berlin and Heidelberg, receiving a Doctor of Law degree from the latter in 1884. Soon after, Freund immigrated to the United States where he practiced law in New York City. In 1892, he expanded his career by accepting a position as acting professor of administrative law at Columbia College. This position sparked an interest in teaching, which led Freund, in 1894, to abandon his law practice in order to accept a full-time appointment on the political science faculty at the University of Chicago as

instructor of Roman law and jurisprudence. During his early years at Chicago, Freund pursued a part-time graduate career at Columbia, which awarded him a Ph.D. in political science in 1897.

Ernst Freund played a significant role in the founding of the University of Chicago Law School. William Rainey Harper's original plan for legal education at Chicago was to integrate a research-oriented institute of jurisprudence into the graduate programs of the university proper. In spite of his interest in political science and jurisprudence, Freund urged Harper to develop instead a professional graduate law school whose standards would surpass those of Harvard and Columbia. It was Freund's argument that legal research was already being conducted in the Departments of History, Political Science, Sociology, and Political Economy. If the new Law School attracted a quality faculty interested in the teaching of law, a research relationship would naturally develop. Freund's idea of legal curriculum incorporated traditional methods with a new emphasis on the Law School's responsibility to the University and community at large. In addition to standard courses, Freund advocated the teaching of constitutional and international law, administrative law, and various courses under the rubric of jurisprudence, which were then being taught in other departments of the University. This curriculum broke with the Harvard plan that stressed more strictly legal subjects which was then accepted as the model for American legal education. In spite of this concept of legal education, Freund turned to Harvard for leadership in organizing the new Law School. He recommended that Harper recruit Harvard's Joseph H. Beale, one of the foremost legal scholars in the nation, on a two-year appointment to put the new school in order. Beale accepted Harper's offer only after making it clear that Freund's plan would have to be modified. The resulting curriculum is described by Frank Ellsworth in his *Developments in American Legal Education at the Turn of the Twentieth Century* (University of Chicago Ph.D. dissertation, 1976). Ellsworth writes:

By merging the traditional technical insight of Beale with the innovative ideals of Freund, a blend of the traditional and a farsighted curriculum occurred and resulted in the first significant effort to liberalize the curriculum in legal education since Langdell's work at Harvard.

Freund joined the faculty of the new Law School as Professor in 1902. He continued in that position until 1929 when he was appointed the first holder of the John P. Wilson Professorship in Law, a position he held until his death in 1932.

Freund's career was composed of three basic parts: teacher, scholar, and advisor. In each of these areas, he integrated traditional legal scholarship, augmented by his experience in the German university, with a new emphasis on the interdisciplinary approach to legal education. Freund taught subjects which ranged from administrative law to social legislation and domestic relations. His scholarship rested on such significant contributions as *The Police Power: Public Policy and Constitutional Rights* (1904) and *Standards of American Legislation* (1917) for which he was awarded the James Barr Ames medal of the Harvard Law School. Along with these and other major works were numerous articles in the *Social Science Review*, *Labor Legislation Review*, and the *Political Science Quarterly*, which dealt with subjects that ranged from health insurance to illegitimacy. Freund played a major role as advisor to legislative agencies around the United States. He served as commissioner from Illinois to the National Conference of Commissioners on Uniform State Laws. He drafted the act creating the Illinois State Immigrant's Commission and served as president of the Immigrant's Protective League. His devotion to these and other

social welfare activities led Jane Addams to eulogize him as one who, "never once failed to be sensitive to injustice and preventable suffering."

## Scope Note

The Papers of Ernst Freund are divided into five series: correspondence; legal subject files; University of Chicago material; writings by other authors; off-prints, clippings, and memorabilia; and an Addenda. The collection is heavily weighted toward documentation for legal research, specifically those areas reflected in Freund's teaching and publications. There is a small collection of correspondence, which, while containing items illustrative of the variety of Freund's interests, lacks in-depth treatment of any individual concern. The section of University of Chicago material contains a fairly complete record of student grades and reports, but Freund's criticisms and comments on the development of the Law School curriculum are absent. The offprints, clippings and memorabilia section holds items of more general interest which are only occasionally linked to Freund's research and teaching. The addenda primarily includes published materials by and about Freund.

Series 1: Correspondence, demonstrates the breadth of Freund's interests. The correspondence is made up primarily of letters from the last ten years of Freund's life, and lacks any items from his German and New York years. There is also very little material on the founding of the University of Chicago Law School (information on this period may be found in the President's Papers 1889-1925, Box 19, folders 5-6 and Box 34, folder 17). The major emphasis in the correspondence is on Freund's role as a counselor to various legal interest groups such as state and federal legislative agencies, departments of state and federal government, lobbies, and other lawyers in need of specific legal advice. There are no family letters, few letters from colleagues on the Law School faculty, and no material from publishers.

As a man who was at once both a legal scholar and an active member of several national social welfare organizations such as the Immigrant's Protective League, Freund was often requested to comment on the drafting of new legislation. Of particular interest are the exchanges with Grace Abbott at the Children's Bureau over plans for new child labor legislation. Agnus Nestor, President of the Women's Trade Union League of Chicago turned to Freund for advice for a planned constitutional amendment on women's rights in labor. Roger Baldwin of the ACLU, for which Freund was a national consultant, sought advice on various aspects of civil liberties. For his part, Freund received information on statute law which he was able to adapt and use in the classroom and publication. This aspect is illustrated in an exchange with the parliamentarian Asher C. Hinds over statute drafting procedures in the United States House of Representatives.

The correspondence has been arranged chronologically with undated and fragmentary letters following the main body of material (Box 2, folder 3). Below is a brief index of selected correspondents in the collection.

Series II: Legal Subject Files comprises the largest series of the Ernst Freund Papers. They contain notes, quotations, clippings, reports, and outlines, which Freund used in his lectures and research. Most of the items are short notes, written on 5'x8' slips of paper, which illuminate an aspect of the individual topic under research. The internal order of the files has been preserved

in the order in which Freund had placed them though the subjects have been alphabetized for more ready access. It is often difficult to distinguish whether a set of notes was used in writing or teaching. Thus, the forty-three folders on Persons appear to relate to both the course on Persons that Freund taught in the Law School (see below), as well as to various publications on persons law. Of particular interest are the ten folders (Box 3, folders 2-11) on administrative law, a subject that Freund pioneered in American legal education. A full list of headings is given below.

The files are best regarded as a "reference" collection, which Freund added to as he discovered new items of interest or developed new insights. He was then able to turn to them as needed for source material in his teaching and writing. There are no files related to a specific publication or lecture. Instead, they cover a broad range of subjects from the forty-three folders on "Persons" mentioned above to single folders on such diverse subjects as "Jews in America" and "Prohibition." Any loose items have been identified and placed into established files or have been classified miscellaneous.

Below is a list of courses taught by Ernst Freund in the University of Chicago Law School from 1902 to 1932.

Administrative Law Conveyancing

Administrative Law and Offices Future Interests

Civil Law Doctrines Municipal Corporations

Comparative Law Persons

Constitutional Law Principles of Legislation

Property Statutes

Roman and Civil Law Title to Real Estate

Seminar in Comparative Law Wills and Administration

Seminar on Legislation Wills and Future Interests

Series III: University of Chicago contains material which illuminates Freund's role in the University community at large. In addition to the eight folders of student reports and grades (Box 39, folders 8-12, Box 40, folders 1-3), there are several folders relating to University administration. Freund was treasurer of the committee in charge of soliciting funds for the construction of Harper Memorial Library from 1906-1909. There are five folders (Box 40, folders 9-12, Box 41, folder 1) which contain subscription forms, correspondence, cancelled checks, and account books relating to this project. Folder 9 of Box 40 holds an interesting letter of George Herbert Mead concerning his financial difficulties in meeting his commitment to the building fund. Freund acted as a legal consultant within the University community. An example of this is found in an exchange with the University Library (Box 40, folder 8)

where he was asked to comment on federal legislation restricting the importation of foreign publications for American libraries. Freund was a member of the Social Science Research Council, and this section of papers contains a series of proposals submitted to the Council regarding interdepartmental cooperation in the Social Sciences.

#### Series IV: Writings by Ernst Freund; Offprints, Clippings, and Memorabilia

This section of the Papers of Ernst Freund is small and holds items of more general interest. The earliest manuscript in the collection is an 1882 notebook from a lecture course in Criminal Law taken by Freund while a student at Heidelberg University (Box 41, folder 2). The section of offprints (Box 41, folders 4-6) contains several publications of legal interest. The remaining clippings and memorabilia cover a variety of areas, reflecting Freund's interest and involvement in non-legal subjects.

#### Series V: Addenda

The materials that make up this series were added to the collection in 1996. They include photocopies of articles and reviews by Freund, as well as notes by Oscar Kraines, and biographical and memorial material about Freund.

### **Related Resources**

The following related resources are located in the Department of Special Collections:

<http://www.lib.uchicago.edu/e/spcl/select.html>

### **Subject Headings**

- Abbott, Grace, 1878-1939
- Freund, Ernst, 1864-1932
- Nestor, Agnes
- Social Science Research Council (U.S.)
- University of Chicago -- Administration
- University of Chicago. Library
- Law -- Study and teaching

### **INVENTORY**

#### **Series I: Correspondence**

##### **Box 1**

##### **Folder 1**

1899-1908.

##### **Box 1**

##### **Folder 2**

1909-1912.

##### **Box 1**

##### **Folder 3**

1913-1915.

**Box 1**

**Folder 4**

1916-1917.

**Box 1**

**Folder 5**

1918.

**Box 1**

**Folder 6**

1919-1922.

**Box 1**

**Folder 7**

1923-1924.

**Box 1**

**Folder 8**

1925.

**Box 1**

**Folder 9**

1926-1927.

**Box 1**

**Folder 10**

1928.

**Box 1**

**Folder 11**

1929.

**Box 1**

**Folder 12**

1930.

**Box 2**

**Folder 1**

1931.

**Box 2**

**Folder 2**

1932.

**Box 2**

**Folder 3**

Undated and fragments.

**Series II: Legal Subjects Files**

**Box 3**

**Folder 1**

Abatement of nuisances.

**Box 3**

**Folder 2-II**

Administrative practices, policies, procedures, powers and provisions.

**Box 3**



**Folder 12**

Adverse presumption in law enforcement.

**Box 3**

**Folder 13**

Adverse publicity and immunity.

**Box 4**

**Folder 1**

Aid relief.

**Box 4**

**Folder 2-7**

Aliens and naturalization laws.

**Box 4**

**Folder 8**

American constitutional problems.

**Box 4**

**Folder 9**

Banking.

**Box 4**

**Folder 10**

Board departmental organization.

**Box 4**

**Folder 11**

Censorship/ non-discretionary administrative determinations.

**Box 4**

**Folder 12-13**

Civil law.

**Box 5**

**Folder 1-5**

Civil law.

**Box 5**

**Folder 6**

Classification of officers.

**Box 5**

**Folder 7**

Coal priorities.

**Box 5**

**Folder 8**

Commonwealth fund.

**Box 5**

**Folder 9-13**

Comparative law.

**Box 6**

**Folder 1-11**

Comparative law.

**Box 6**

**Folder 12**

Comparative procedure.

**Box 7**

**Folder 1-4**

Compensation.

**Box 7**

**Folder 5**

Conservation legislation.

**Box 7**

**Folder 6**

Constitutional aspects of title registration.

**Box 7**

**Folder 7-8**

Constitutions.

**Box 7**

**Folder 9**

Contempt.

**Box 7**

**Folder 10**

Cooperation of authorities.

**Box 7**

**Folder 11-14**

Corporation legislation.

**Box 8**

**Folder 1**

Correlation of degrees.

**Box 8**

**Folder 2-3**

Crime.

**Box 8**

**Folder 4-7**

Criminal law.

**Box 8**

**Folder 8-9**

Criminal legislation.

**Box 8**

**Folder 10-13**

Criminal prosecution.

**Box 8**

**Folder 14**

Day of Rest laws.

**Box 9**

**Folder 1**

Definiteness of terms: common bylaws.

**Box 9**

**Folder 2**

Deportation legislation.

**Box 9**  
**Folder 3**  
Directory powers.

**Box 9**  
**Folder 4**  
Discrimination.

**Box 9**  
**Folder 5**  
Divorce.

**Box 9**  
**Folder 6-8**  
Domestic relations.

**Box 9**  
**Folder 9-10**  
Economic legislation.

**Box 9**  
**Folder 11-13**  
Elementary law.

**Box 10**  
**Folder 1-12**  
Elementary law.

**Box 11**  
**Folder 1-5**  
Elements of law.

**Box 11**  
**Folder 6**  
English legal history.

**Box 11**  
**Folder 7**  
English railways act, 1921.

**Box 11**  
**Folder 8**  
English statutes, 1910-1920.

**Box 11**  
**Folder 9-10**  
Expediency considerations.

**Box 11**  
**Folder 11-12**  
Federal legislation.

**Box 12**  
**Folder 1-2**  
Federal legislation.

**Box 12**  
**Folder 3**  
Forms of property.

**Box 12**

**Folder 4**

French private law.

**Box 12**

**Folder 5**

French Senate, 1906.

**Box 12**

**Folder 6-12**

Future interests.

**Box 13**

**Folder 1-11**

Future interests.

**Box 14**

**Folder 1-8**

Future interests.

**Box 14**

**Folder 9**

German law enforcement.

**Box 14**

**Folder 10-11**

German legislation.

**Box 14**

**Folder 12**

Health insurance.

**Box 14**

**Folder 13**

Historical information on Yale and Dartmouth.

**Box 15**

**Folder 1-2**

House of Lords, 1911.

**Box 15**

**Folder 3**

Housing and the police power.

**Box 15**

**Folder 4**

Immigration.

**Box 15**

**Folder 5**

Immorality.

**Box 15**

**Folder 6-7**

Imperial international law.

**Box 15**

**Folder 8**

Imperial organization.

**Box 15**

**Folder 9-10**

Indefinite legal terminology.

**Box 15**

**Folder 11**

Industrial relations law.

**Box 15**

**Folder 12-13**

International law.

**Box 16**

**Folder 1-2**

Interpretation Act.

**Box 16**

**Folder 3**

Jews in America.

**Box 16**

**Folder 4**

Labor.

**Box 16**

**Folder 5-6**

Labor legislation in Illinois.

**Box 16**

**Folder 7-9**

Land transfer.

**Box 16**

**Folder 10**

Law and political science.

**Box 16**

**Folder 11-13**

Law enforcement.

**Box 17**

**Folder 1-7**

Law enforcement.

**Box 17**

**Folder 8**

Law practice.

**Box 17**

**Folder 9-12**

Legislation and statutes.

**Box 18**

**Folder 1-3**

Legislation and statutes.

**Box 18**

**Folder 4**

Legislation, 1930.

**Box 18**

**Folder 5**

Legislation, 1932.

**Box 18**  
**Folder 6**  
Legislation: new standards.

**Box 18**  
**Folder 7-10**  
Legislative data.

**Box 18**  
**Folder 11-12**  
Liability.

**Box 19**  
**Folder 1-2**  
License revocation.

**Box 19**  
**Folder 3-6**  
Limitations as legislative problems.

**Box 19**  
**Folder 7**  
Literature -- various.

**Box 19**  
**Folder 9-12**  
Mechanics lien.

**Box 20**  
**Folder 1**  
Medical practice legislation.

**Box 20**  
**Folder 2**  
Miner's eight-hour law.

**Box 20**  
**Folder 3**  
Mining laws.

**Box 20**  
**Folder 4-5**  
Morals.

**Box 20**  
**Folder 6-13**  
Municipal corporations.

**Box 21**  
**Folder 1-2**  
National, state, local relations.

**Box 21**  
**Folder 3**  
New York Public Services Commission.

**Box 21**  
**Folder 4**  
New York Tenement House Law.

**Box 21**

**Folder 5**

Official services regulation.

**Box 21**

**Folder 6-7**

Officialism.

**Box 21**

**Folder 8**

Organizations.

**Box 21**

**Folder 9**

Passport regulations.

**Box 21**

**Folder 10**

Patents and copyrights.

**Box 21**

**Folder 11-14**

Peace.

**Box 22**

**Folder 1-7**

Peace terms.

**Box 22**

**Folder 8-10**

Penalties.

**Box 22**

**Folder 11**

Perjury.

**Box 22**

**Folder 12**

Personal property (inheritance and dissent).

**Box 23**

**Folder 1**

Person -- child law.

**Box 23**

**Folder 2**

Person -- child law. Child welfare legislation.

**Box 23**

**Folder 3-7**

Person -- child law. Divorce separation.

**Box 23**

**Folder 8**

Person -- child law. Family support.

**Box 23**

**Folder 9**

Person -- child law. Guardians.

**Box 23**

**Folder 10-13**

Person -- child law. Husband and wife.

**Box 24**

**Folder 1-6**

Persons, Husband and wife.

**Box 24**

**Folder 7-11**

Persons, Infants.

**Box 24**

**Folder 12-13**

Persons, Marriage and divorce.

**Box 25**

**Folder 1-11**

Persons, Marriage and divorce.

**Box 25**

**Folder 12-14**

Persons, Married women.

**Box 26**

**Folder 1-2**

Persons, Parent and child.

**Box 26**

**Folder 3**

Persons, Records.

**Box 26**

**Folder 4-6**

Philanthropy: legal aspects.

**Box 26**

**Folder 7**

Phraseology of provisions.

**Box 26**

**Folder 8-9**

Police power.

**Box 26**

**Folder 10-11**

Political agitations.

**Box 27**

**Folder 1**

Political language.

**Box 27**

**Folder 2**

Political science in politics.

**Box 27**

**Folder 3**

Power provisions.

**Box 27**

**Folder 4**

Prerogative powers.



**Box 27**

**Folder 5**

Presumption of guilt.

**Box 27**

**Folder 6-9**

Principles as standards of legislation.

**Box 27**

**Folder 10**

Private rights under the federal constitution.

**Box 27**

**Folder 11**

Private rights: state legislatures.

**Box 27**

**Folder 12**

Prohibition.

**Box 27**

**Folder 13-14**

Public contracts and radio contracts.

**Box 28**

**Folder 1-2**

Public contracts and radio contracts.

**Box 28**

**Folder 3**

Public immunities.

**Box 28**

**Folder 4**

Public law.

**Box 28**

**Folder 5**

Public law cases for the American Political Science Review.

**Box 28**

**Folder 6**

Public policy.

**Box 28**

**Folder 7-9**

Public policy in commercial law.

**Box 28**

**Folder 10**

Public service commission.

**Box 28**

**Folder 11-14**

Publicity provisions.

**Box 29**

**Folder 1**

Qualitative qualification.

**Box 29**

**Folder 2**

Railroads: oaths and naturalization.

**Box 29**

**Folder 3**

Railway legislation.

**Box 29**

**Folder 4**

Reparations.

**Box 29**

**Folder 5-10**

Rights in land.

**Box 29**

**Folder 11**

Rule making.

**Box 29**

**Folder 12-14**

Rule-making powers.

**Box 30**

**Folder 1**

School curriculum.

**Box 30**

**Folder 2**

Scotch public health insurance.

**Box 30**

**Folder 3-4**

Search and seizure.

**Box 30**

**Folder 5-6**

Service powers: army.

**Box 30**

**Folder 7**

Sharing.

**Box 30**

**Folder 8-10**

Sherman Act.

**Box 30**

**Folder 11**

Social Science Club, 1910, 1913.

**Box 30**

**Folder 12-13**

Statute law.

**Box 31**

**Folder 1-8**

Statute law.

**Box 31**

**Folder 9-14**

Taxation.

**Box 32**

**Folder 1**

Temporary laws and amendments.

**Box 32**

**Folder 2-11**

Titles.

**Box 33**

**Folder 1-6**

Titles.

**Box 33**

**Folder 7-10**

Transfer of land.

**Box 34**

**Folder 1-12**

Treaties.

**Box 35**

**Folder 1**

Valuation.

**Box 35**

**Folder 2-3**

Wage laws.

**Box 35**

**Folder 4**

Water Works Corporation.

**Box 35**

**Folder 5-12**

Wills.

**Box 36**

**Folder 1-14**

Wills.

**Box 37**

**Folder 1**

Women's rights.

**Box 37**

**Folder 2-7**

Workman's compensation.

**Box 37**

**Folder 8-9**

Written constitutions.

**Box 37**

**Folder 10**

Zoning.

**Box 37**

**Folder 11-13**

Miscellaneous.

**Box 38**

**Folder 1-9**

Miscellaneous.

**Box 39**

**Folder 1-6**

Miscellaneous.

**Box 39**

**Folder 7**

Fragments.

**Series III: University of Chicago**

**Box 39**

**Folder 8-13**

Student assignments, reports, and grades RESTRICTED

**Box 40**

**Folder 1-3**

Student assignments, reports, and grades RESTRICTED

**Box 40**

**Folder 4-7**

Projects submitted to the Social Science Research Council at the University of Chicago.

**Box 40**

**Folder 8**

Reports regarding federal legislation on importation of foreign publications into American libraries.

**Box 40**

**Folder 9-12**

Harper Memorial Library Building Fund Subscriptions.

**Box 41**

**Folder 1**

Harper Memorial Library Building Fund Subscriptions. Writings by Ernst Freund

**Box 41**

**Folder 2**

Student notes from Heidelberg University, 1882. Introduction to Criminal Law.

**Box 41**

**Folder 3**

"Traffic Courts and Violations Bureaus," "Constitutional and Legal Aspects of Health Insurance," and "The Problem of Intelligent Legislation," by Ernst Freund.

**Series IV: Offprints, Clippings and Memorabilia**

**Box 41**

**Folder 4-6**

Offprints.

**Box 41**

**Folder 7-12**

Writings by other authors.

**Box 41**

**Folder 13**

Clippings.

**Box 41**

**Folder 14**

Memorabilia.

**Series V: Addenda**

**Box 42**

**Folder 1**

Photocopies of articles and reviews by Ernst Freund, 1900-1909

**Box 42**

**Folder 2**

Photocopies of articles and reviews by Ernst Freund, 1910-1919

**Box 42**

**Folder 3**

Photocopies of articles and reviews by Ernst Freund, 1920-1934

**Box 42**

**Folder 4**

Photocopies of reviews of works by Ernst Freund

**Box 42**

**Folder 5**

Photocopies of articles, reviews, and bibliographies which cite Ernst Freund

**Box 42**

**Folder 6**

Photocopies of miscellaneous articles

**Box 42**

**Folder 7**

Notes by Oscar Kraines

**Box 42**

**Folder 8**

Biographical material and obituaries on Ernst Freund