

Comparative-Historical Sociology as Professional Practice

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Abstract: *The once dominant comparative and historical approach in sociology has been replaced by methods which extract, collate and re-label data from the immediate present.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 this 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 emerged as adjuncts of a more dominant profession of jurists who used comparative history to harmonise conflicts of 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' meant 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The once dominant comparative and historical approach in sociology has been replaced by methods which extract, collate and re-label data from the immediate present (Inglis 2014).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 positivistic quantitative methods and to increasingly popular qualitative ethnographic approaches. Without comparing 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 (no longer) recent flourishing of historical sociology in American sociology was 'domesticated' into a refined 'Millian' 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 this 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, however, originating in the interwar period.

The history of the interrelationship between legal science, that is, jurisprudence, and social science in both Germany and the United States during the nineteenth century suggests that academic social scientists emerged as adjunct researchers working for a more dominant profession of jurists. Comparative history was the method jurists employed to harmonise conflicts of laws, especially during national unification and within 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 history of the decline of comparative-historical sociology suggests that social scientists would have greater utility and more input in policy and public affairs if we demonstrated our professional capacity to explain a wide range of phenomena inaccessible to more ‘involved’ participants mired in the rip current of the contemporary – to use Norbert Elias’s terminology of ‘involvement and detachment’ (Elias 1987). In fact, historical comparison is the ideal method through which sociologists can justifiably claim expertise not already covered by adjacent disciplines.

To justify this claim – that comparative-historical research is necessary for professional sociological utility – 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 at the turn of the twentieth century. Sociology was effectively a ‘remainder discipline’ for everything that did not fit in economics or political science.
- Second, American social scientists continued to employ comparative-historical methods alongside other forms of data analysis until the 1970s and consequently remained effective in promoting sociology publicly until comparative-historical sociology declined thereafter.
- Third, this decline must be contextualised in relation to the following trends: first, and most paradoxically, the rise of ‘comparative-historical sociology’ as a sub-disciplinary specialism; second, the assimilation 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 one. This created a false self-impression that critical sociologists were somehow resisting professional society by critiquing 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 comparative knowledge through which students could either truly understand the present or relate to actual people working beyond their corner of the ivory tower. The result has been a retreat into the present, both in society 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 conceived, we should go back to the beginning – nay, before the beginning. Too often sociology’s origin myths suggest organised scholarship into society began when natural scientists – French engineers at polytechnics, in particular – began experimenting with a form of ‘social physics’ to explain the statics and dynamics of social organisation. The problem with this story is that it gives primacy to ‘science’, particularly natural science, and 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 Berlin in 1810, when natural science was still in its budding stages in German universities. The reason this is rarely recognised today is that early social science did not take place within the philosophical faculties – the faculty

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, Jacob Grimm and others, consolidated a discourse and method to understand the ‘system’ of laws in relation to the ‘spirit’ or Geist of the people (Lybeck 2015; Reimann 1989). The ultimate philosophical roots of this lay in Herder’s writings on the Volksgeist (Iggers 1983; Köpke 1996). Romantic conservatism à la Edmund Burke provided the political and cultural impulse; as Mannheim (1986 [1925]) suggested: through historical jurisprudence, conservatism was methodologised. And, the method was comparative-historical, drawing especially on comparisons between Germanic and Roman civilisations.

In the early nineteenth century, the successful institutionalisation of historical jurisprudence within the recently established University of Berlin meant that research into history, philology, economics, anthropology, and so on, were tied to a much larger project of nation building (Ziolkowski 2004). Initially, the nationalist ends of this work were kept secret to avoid censorship. However, these scholars’ arcane discussions – comparing the Roman Republic to the Roman Empire, or the Hanseatic Gemeinwesen to the Prussian civil service – were virtual comparisons between contemporary Austria, Prussia and the ‘Third Germany’ consisting of over thirty other German-speaking states (Crosby 2008). The comparative and historical method was anything but detached from the political concerns of the time, and was instead a means of making political arguments without exposing oneself to the authorities.

Throughout the nineteenth century, academic law retained its gate-keeping function insofar as training in jurisprudence was necessary for entering the civil service. The law student learned Greek, Roman, German, English law, etc., both historically and comparatively. Following the considerable reforms of Savigny and the historical school, the basic training in law remained more or less similar across the entire century (Fischer 1893). It consisted of the following: the student would read Roman law for two full years, initially learning how to approach primary archival sources, and later shifting into exegetical studies of the Corpus Juris Civilis and the Pandects. Beginning in the second semester, the student began parallel study of German law starting with constitutional and administrative law, followed often by criminal law and procedure; then two semesters to learn legal methodology – first, the comparative method, followed by the ‘systematic’ method of analysis. Then, limited specialisation meant lectures from professors of, for example, canon law, international law or 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, increasing specialization often meant travel to other university towns. Since, not every university had a chair in every specialised subject – indeed, the fields were widely dispersed across all the German speaking territories – the student had to move locations to complete his studies.

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

The leadership of professors and students in the drive for closer national unification, more secure political and civic rights, and other public issues helped bring the German universities 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 the reforms and political intervention of the states (McClelland 1980: 230).

Professors increasingly embodied the Fichtean ethic as an intellectual and political elite, but this did not mean the universities were wholly subsumed within the state. Professors were salaried civil servants, the justice

ministry controlled examinations, and specialised seminars and laboratories were funded from royal and 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 discretion with respect to staffing and academic justice. But, the very fact of consultation reflected the dramatic difference before and after 1848 in German-speaking Europe.

When, in 1848, the Frankfurt Assembly met to establish a new legal and political framework in Central Europe, it was jurists who led the so-called 'Parliament of Professors' (Hamerow 1958). Many critics then, and since have, suggested the failure of the Frankfurt Assembly to make its liberal revolution permanent was the historical 'turning point at which Germany failed to turn' (Taylor 1961; cf. Blackbourn and Eley 1984). However, that was an unavoidable result of border issues; the parliament of jurists, in fact, managed to make legislation at speed due to their earlier academic conferences including the Germanistentag held in Lübeck's Reformed Church in 1846–47 (Crosby 2008: 132). More importantly, when the Frankfurt Assembly dissolved, 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, Central 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 [1][#N1], in recently annexed Alsace-Lorraine 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; Brocke and Backhaus 1991; Bruch and Kaderas 2002; Geuna 1995; Sachse 1928; Vereeck 1993), and a few specialist historians, especially John Craig, have studied the University of Strassburg in detail and depth (Craig 1984; cf. Grimmer-Solem 2003; Schlüter 2004). But, with only one short exception, on that of Althoff's secondary school policies (Nebelin 1991), no historian or sociologist has fully connected the late century 'Althoff system' of university administration, as Weber called it, to Althoff's earlier dual appointment as member of the law faculty and secretary at the University of Strassburg, founded in 1872 as a means of cultural imperialism. In particular, little attention has been paid to Althoff's work as a jurist during this period, which reflected the historical legal scientific training characteristic of his day. Further, the task with which he was charged – the codification of Alsatian law – was of clear importance to imperial authorities in the Reichsland and Berlin. His successful management of the codification project, which gave Germany access to the legal structure of the recently annexed territory, led to his appointment in the Cultural Ministry in Berlin. He would apply 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 Mannheim (1986: 47).

Much has been made of Althoff's supposed lack of doctoral qualifications, for he was awarded a professorship without having completed a doctorate, Habilitation or advanced certificate. This circumstance, perhaps unique in all of German university history (Brocke 1991: 277), contributed to a misperception amongst his 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, Latin and

handwriting, the seventeen-year-old Althoff enrolled at Bonn to study law. In his first semester in 1856, he attended Professor Sell's lectures on the Institutions and Archival Sources of Roman Law, alongside courses in Logic and Policy Science. In the following year, he studied German legal history, Roman legal history, including the Corpus Juris Civilis and the Pandects. As his studies progressed, he began specialisation with a favoured lecturer, Georg Fredrich Dahlmann, a hero of the 1848 Revolutions, who taught finance and state science, 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 specialisation in private law, exchange law (Wechselrecht), Völksrecht and, in particular, civil law. By the end of his initial 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 soon secured low-level employment in a local civil service ministry. He married Marie Ingenohl in 1864. By 1867, he had passed his assessors exam with excellent marks. In 1870, he had nearly completed his doctoral 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 very special capacity at the Imperial office in Strassburg. For in the interim, it had been discovered that Althoff's very special legal expertise was desperately needed: his doctoral dissertation on the history of French civil 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 secretary to Baron Franz von Roggenbach, who was charged with organising a model German university at Strassburg as part of a cultural imperial mission. [3],[#N3] Althoff would also be promoted to the position of Extraordinarien professor in the refounded university. Thus, having submitted neither dissertation nor habilitation, Althoff became professor of French civil law at the Imperial University of Strassburg. His dual appointment took advantage of his practical experience as a civil servant, with which he assisted Roggenbach in resolving the remaining administrative developments and organisational issues surrounding the university. As law professor, he began his first course of lectures in the winter of 1872, teaching 17 students French Civil Law, a course he would teach every year until 1882. [4],[#N4] In general, Althoff was the expert on French law, and it was in this capacity that, in 1879, Reichsland Premier (Oberpräsident), Eduard von Möller asked him to prepare a full and complete codification of Alsatian law. [5],[#N5] The contract stated that Althoff and his team of 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 task.

The team was expressly instructed to engage in jurisprudential comparison to the highest possible technical 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 every legal text they could get their hands on, adding to Althoff's already burgeoning library. For, even as early as November 1872, 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 French, German and customary Alsatian law. [7][#N7]

Once all of the material was gathered, the comparative-historical legal methodology proved incredibly effective. Across long-ruled ledgers, the jurists would list three columns along a vertical timeline – one Imperial, one French, one German – they would then list each legal act, case or precedent they discovered, slotting these along the timeline. The manuscripts have the appearance of double-entry accounting ledgers, as gaps and spaces are left between Imperial and French law indicating when certain laws were applied vs when alternative sovereignties were in force. Through this painstaking documentation, the researchers developed a clear sense of not only the substantive differences between French, German and Holy Roman Imperial law, but also a sense of the overall historical development, or evolution, of the law as it specifically emerged within Alsace-Lorraine. The interlocking and shifting sovereignties produced a particular amalgam of legal jurisdictions that was unique to the Rhenish province. Not only did Althoff and his researchers recognise this, 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 schema on how best to rule a colonised territory. They went out into society, and gathered all the legal precedents and textbooks that had ever been produced on the region. The results provided a heuristic window on the territory as it actually existed in all its complexity. Once differentiated, the imperial ministry could isolate which were French laws, which were customary laws, and which were German Imperial laws alien to the territory. Newer laws could then be redressed and repackaged as legacies of prior, historical traditions. Progressive changes were justified through historical reference. Through Althoff's research, the German Empire gained reflexive 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 the Reich. With his work considered among the great achievements of legal science, Althoff was promoted to Ordinarien professor, again unprecedented insofar as he still never formally acquired a doctorate. Legal scientists and civil servants sent letters of congratulation. In the following year, Althoff was commissioned to reform 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 work began, but was not completed, under Althoff's direct supervision. In September 1882, Berlin summoned him to serve as head of personnel in the Prussian Ministry for Ecclesiastical, Educational and Medicinal Affairs (Ministerium der geistlichen, Unterrichts- und Medizinalangelegenheiten). In subsequent years, he quietly took charge of university and educational policy, library policy, monument building and a range of related 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 scientific and 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 changed before the eyes of the world. Administering these changes to maximise the goals of several interest groups, Althoff transformed the university system into an efficient bureaucratic machine. He lobbied for massive increases in university funding as the Prussian budget for education expanded from 9.6 million marks in 1882 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 credentials. [8] [#N8] The Chancellor wrote: today 'the production of teaching forces for the school has already exceeded need'. The public interest demanded that Althoff's ministry should take immediate measures to counteract this 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. It is 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'. [9].[#N9]

The means through which Althoff and the ministry addressed Bismarck's concerns are revealing, for they are recognisably the same practices employed during the codification of Alsatian Law. First, Althoff's superior undersecretary, Gustav von Göbler, agreed with Bismarck's observations, but suggested the problematic expansion of university enrolment was that too many students were involved in fraternities, or simply obtaining passing marks on exams. Not enough priority was given to the gifted scholars dedicated to research for its 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 formalised centre-periphery dynamic (cf. Ben-David 1977). Insofar as higher education policy required the free 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 degree credentials, ministers and university administrators ensure the transfer of academic credentials across borders. The result is transnational mobility and degree equivalence for the professional classes across the European Higher Education Area (EHEA) – a region that well exceeds the borders of even the EU. 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-comparative jurists established the preconditions of German unification between 1848 and 1871.

The Transfer of German Legal Science to America as Social Science

The significance of the University of Strassburg was not limited to the early career of Althoff. Indeed, the university was founded as an ideal 'German' university, in order to turn Alsatians 'back' into Germans (Craig 1984). As the first university founded in Germany in 54 years, the imperial mission encouraged scholars, state officials, and the public to announce their idea of the 'true' German university. Among the innovations were a divided philosophical faculty of arts and sciences and the formal establishment of social science in Gustav Schmoller's seminar (Grimmer-Solem 2003). In fact, the Strassburg Seminaresystem was the first recognisable departmental structure in the world. As a new model, the university proved extremely effective. By the end of the century, every university in Germany save Munich and Tübingen, had adopted the Seminaresystem.

It was precisely in this period that foreign visitors, especially American university presidents and professors, including Daniel Coit Gilman, Andrew White, G. Stanley Hall and John W. Burgess, visited Germany to learn 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 summer of 1875. Only a few months prior, he had been convinced that the university he and the American public needed was a French elitist institution similar to the grandes écoles. Upon seeing the university now constructed on top of 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 apparatus for good scientific work' (Franklin 1910: 240). Upon his return to America, Gilman would create the first university – a graduate school – in the United States, using an endowment provided by a recently deceased 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 Seminaresystem of 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 is past politics, 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 took time to overcome, by 1880, trustee Samuel Ruggles asked Burgess to travel to Europe to gather the up-to-date models 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, as 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 German civil service. In keeping with their Northern elitist vision of reform, professionalism and nationalism, the graduate school of political science would train the coming leaders of the American nation. To achieve this vision, Burgess and colleagues transformed the College into a University.

Now, with the founding of this faculty of Political Science in Columbia College, a new theory 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 followed 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 German historical legal scientists, emphasising the role of institutions, geography and law. Adding a Hegelian dimension drawn from Johann Bluntschli, Burgess identified the leaders of civilisation as the Teutonic races, the Gothic tribes organised within their natural geographic home surrounding the Alps in central Europe following 'the disruption of the Roman Empire': Anglo-Saxons, Danes, Franks and Burgundians, Lombards, Visigoths, Goths and Vandals, Scandinavians, Varangians and Germans.

I designated the Teutonic nations formed by the amalgamation of these races, in the different geographical unities, with each other and with the races on which they imposed their rule therein as the bearers of modern political civilization, and endeavoured to explain the world purpose of the colonial systems which had been established by some of them in continents inhabited by savages or semisavages or races politically incompetent (Burgess 1934: 248).

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

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

Justifying colonialism, spearheaded by Germanic nations, Burgess's vision inspired some Columbia trustees, 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 translation of German historical economics across the Atlantic at the same time (Rodgers 2009). As Herbst (1972: 139) notes,

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

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

What has pleased me most on this trip is that everywhere confirmed the strong impression that through the stream of these men and as the methods of German sciences penetrates into American life, respect and interest in the German language and culture is ascending. This must 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 into legal history, including Roman Law, as well as comparative jurisprudence methodologies. Sociology emerged out of section IIIc, taught by Giddings. However, the full curriculum and overall programme was far broader, incorporating Germanic history, philosophy and, especially the comparative jurisprudence tradition drawn from Burgess's own training in Berlin, Göttingen and Leipzig.

The traditional history of the social sciences, in contrast, neglects this central institutional foothold because of its distance from later narratives of progressive social reform and academic autonomisation. These histories emphasise the role of positivistic methods in social science, in particular quantitative research (Furner 1975; 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. They interpret this as a move away from traditional comparative-historical methods retained in Chicago. Crediting this shift in sociology to Giddings, Camic and Xie suggest Burgess himself directed this interdisciplinary sea 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 eventual positivist shift 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, political science and related fields. Sociology, however, was institutionalised on the periphery of central trends toward professionalisation in government and business during the New Deal and after (Camic 2007). In fact, where social research was employed for practical and professional purposes, comparative and historical research

remained a central technique until at least the 1970s. This will be briefly demonstrated using the example of 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 when he applied his functionalist principles of labour relations and industrialisation to the University of California system (Schrum 2011). The result was the 'California Master Plan' in which the state's tiered higher education system became a kind of 'social mobility machine' – a student could enter anywhere within the system, which then sorted them out in relation to their capacity and function. By the mid-1960s, however, Kerr was perceived as being too conservative by rebellious student radicals and too lenient by the conservative governor, Ronald 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 aware of changes 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: the pensioned teachers and widows were dying off. The changed tax code, however, meant this money would have to be spent as soon as possible; this led to the hiring of Kerr as chairman of the newly established CCHE.

Between 1969 and 1974, the CCHE produced over 160 volumes and reports, including formalisation of statistical measures of academic research still applied today in university rankings. The commission also recommended a 'Second G. I. Bill' to incorporate excluded populations into tertiary education using federally-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 Ben-David, David Reisman, Lipset and Ladd, and Talcott Parsons. In this period, social scientists were firmly at the helm of federal higher education policy, due in no small part to their participation in the 'cultural Cold War' pitting Communist 'ideology' against Western 'science' (Saunders 2001). However, performance of this state-function – higher education policy – is often misrecognised by scholars due to the differentiation of 'non-governmental' philanthropy from bureaucratic state civil-service.

And yet, the CCHE responded to comparable internal and external pressures faced by Althoff during the late nineteenth, including cultural imperialism, the overproduction of graduates, and the need to open access to 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 and pull of 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 such 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 bodies to cooperate with government and other private organizations in helping the nation develop the 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 political career 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 1970). Other texts included international comparisons, both contemporary (Burn 1971) and historical (Ben-David 1977). Kerr also enlisted ‘outside’ perspectives on American universities, including those of Alain Touraine (1974) and Eric Ashby (1971). Indeed, Ashby’s historical interpretation provided a prediction of what academic life would consist of in the year 2000. He projected a huge increase in student and faculty numbers – more or less accurately, in fact – sustained by funding of around 3 per cent of GNP (also accurate, though now funded largely through individualised student loans). While noting the positive outcome of universal access to higher education, Ashby also warned this would result in ‘a brontosaurian cumbrousness and a surfeit of mediocrity’, unless the university resisted further expansion.

Indeed, because the CCHE had a professional purpose – making university policy – one can see in evidence 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. For example, 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 substitute for present loan programs.	Establish new Student Loan Bank.
1. Who is eligible to borrow?	All students regardless of need	All undergraduate students for a maximum of 5 years. 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 results 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 annual 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.B, Box 106, 2

In the same manner as Althoff prepared the codification of Alsatian law, or in his application of the same procedures to establish the 'Althoff System' of university management, the CCHE lined two comparable sets 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 decisions could be made, refined or articulated.

The comparative-historical method has since declined, not coincidentally, at the same time as the withdrawal of social scientists (other than economists) from professional responsibility during the past four decades. In an institutional complex where decision-making is removed from the hands of social scientists, like Kerr, the comparative-historical method diminished despite – or perhaps, because of – increasing specialisation of comparative-historical method within elite American sociology departments.

Epilogue: Sociology without Professional Purpose

In his well-known address to the American Sociological Association (ASA), Michael Burawoy (2005) promoted a manifesto for 'public sociology', which would complement existing disciplinary priorities in what 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 an Occupy Oakland rally fielded by Berkeley graduate students and get the picture right away. Burawoy's argument has been much debated due to the perceived politicisation of the sociological enterprise (Brady 2004; Deflem 2005; Holmwood 2007; Lybeck 2011). However, less regularly commented upon is the relative vagueness of his distinction between 'professional' and 'policy' sociology. In the address, 'policy sociology' appears to be any sociological research directed toward audiences of policymakers, typically the state. However, what would Burawoy make of the work of the CCHE? Certainly, much of the CCHE's correspondence was directed to senators and the Office of the President, but the commission equally produced and made policy directly through their reports – in effect, codifying university policy – which was then replicated and harmonised across the higher education sector by administrators.

'Professional sociology', on the other hand, is defined by Burawoy as that which 'supplies true and tested methods, accumulated bodies of knowledge, orienting questions, and conceptual frameworks' (Burawoy 2005: 10). This seems to be another way of saying 'sociological research' in whatever way the sub-field defines it. Fair enough. But, what is striking about this distinction is that Burawoy effectively implies that a 'professional sociologist' is a 'professional academic' – in other words: sociology is ONLY academic sociology. 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' covering leftover social scientific research not already claimed by economics or political science (each of which have distinct and bounded objects in society: the economy and the state). Economics, in particular, has pursued 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 of markets has penetrated a range of non-economic sectors. Sociologists, meanwhile, have retreated inward, preferring to 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 Wall Street or related activist forms of agency. In each instance, the internally-oriented sociological discourses are turned outward. But, each is dependent on the prior existence of the crowds to which they address their insights – 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, since the rise of historical sociology in the 1970s through the work of Theda Skocpol, Charles Tilly, Charles Ragin and others (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 scholarship remains limited to a few elite centres: Yale, Harvard, UCLA, Northwestern, Michigan, Berkeley, Wisconsin 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. Thus, the sub-field is among the most 'internally-oriented' forms of sociological research, content to remain in discussion with one another – like monks rehearsing vespers.

This insularity – which Burawoy would deem 'most professional' – is likely the result of two problems not 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 society at large. Unlike in Burgess's or Althoff's day, students and academics have not been provided with a baseline of historical knowledge, particularly with regard to Classical history. Contemporary historical sociologists cannot catch non-historical sociologists up on the historical data necessary to make informed assessments of 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' (Billig 2013).

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 which became 'democratic' in 1978. As if this over-simplification could possibly capture that, or any nation's, complex and particular history? These cases are then put into 'truth table' comparisons and various quasi-natural experiments are conducted using Mill's methods of difference or similarity, despite Mill's own (1884) insistence that these methods were inapplicable to human societies. Consequently, rarely do these comparisons lead to new theoretical development or insight beyond nominalist development of dry concepts – called 'causal mechanisms' as the field would have it (Hedström and Swedberg 1996; Mahoney 2003; Stinchcombe 1978). Again, these studies may be interesting to a lesser or great degree, but they are unsuited for what might be called 'popularisation' or extension even within sociology itself. They require a certain form of collective disbelief in order to pursue what are essentially thought experiments often lacking in utility, subtlety, contingency or agency.

This leaves comparative-historical sociology in a difficult position vis-a-vis most of the four divisions of labour identified by Burawoy. Professionally and policy-wise, the sub-field cannot provide direct insight without catching policymakers and colleagues up on arcane historical material. Critically and 'publicly', the field rarely engages with alternatives beyond those which have already existed. This means even a Marxist activist – well-acquainted with historical materialism – would struggle to see the point in debating the causes of Latin American democracy with a historical sociologist who has a different theory of long-term social change and leaves little room for contingency and, thus, agency. They could 'agree to disagree' at the end of a long discussion, but for an activist interested in actually changing the world, such debates rightly belong in the academic conference hall. For these and other reasons – neoliberalism, perhaps above all – we have seen further and further retreat 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 limitations of comparative-historical research in practice. In each case, the social scientists employed comparative analysis 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 scope 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 not prepared in order to determine some 'ultimate' or 'definitive' cause or causal mechanism; rather, comparison established contexts through which policies could be evaluated, articulated and enacted. It is only within a context in which sociology has no such relationship to actual social decision-making that sociologists could retreat 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 problem-solving (Prasad 2016). On the one hand, this bold claim, and the discussion resulting from it, generated a useful set of questions regarding the potential gains and losses the sub-field might experience should it more actively pursue policy outcomes. The debate drew upon a more familiar Bourdieusian notion of 'autonomous' vs 'heteronomous' fields (Steinmetz 2017), with the implication being the more autonomy the better. 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 whatever interests 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 philanthropic collaborators were undoubtedly 'involved' within the powerful processes they were interpreting. Not only were the goals of the research determined by the imperial or federal policy context, but the research outcomes were further limited to essentially descriptive purposes. And yet, the comparative-historical method provided a means through which the social scientists became more 'detached' or 'object-oriented' (Elias 1971). This capacity for detachment even within highly-heteronomous conditions enabled Althoff to, for example, shift Bismarck's request to deal with overcredentialisation away from the original anti-communist goals toward the civil servant's own agenda in providing permanent fellowships for doctoral students. Indeed, the history recounted above demonstrates the manner in which the very act of producing handbooks consolidated policy in itself – a fact well understood by the founders of the historical school of jurisprudence (Savigny 2002 [1817]).

Thus, a concluding suggestion might be that it is this capacity to remain detached within heteronomous environments that the comparative-historical method provided. And, perhaps it is this capacity which has been lost in our retreat into the present, engendering a state of passivity or fear in the face of increasingly heteronomous academic environments. We demand more autonomy as our academic freedom is taken away, regardless of our protestations. Meanwhile, we become increasingly 'involved' in heated ideological struggles that project our observations of a hostile world onto our colleagues down the corridor rather than the actually powerful actors and institutions which actually reproduce big systems like capitalism or biopower.

Instead, perhaps we might consider whether increased heteronomy – but, on our own terms, rather than on the terms of those agendas imposed from external actors, especially the state – would be a positive step toward producing better and more effective forms of knowledge. For example, we could adapt phenomena like the UK's 'Impact Agenda' that compels academics to have greater social impact outside the classroom and conference hall – by actually generating forms of social impact that are not simple expressions of neoliberal capitalism. Such work would require greater forms of reflexivity and capacities for detachment – not necessarily to produce better research outcomes, although this would likely also result – but, rather, to 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 remained within the Empire until 1917. During this period the German name 'Strassburg' is used, particularly in relation to the university, which was so named: The University of Strassburg. [♣\[#N1-pt1\]](#)
2. Transcripts from Bonn, Geheimnis Staatsarchiv Preußischer Kulturbesitz (GStAPK) VI. HA, N1 Althoff, F. (Althoff papers), Nr. 1, 117-126 Translations by author. [♣\[#N2-pt1\]](#)
3. Delbrück to Althoff, Althoff papers, GStAPK, Nr 3, 3 [♣\[#N3-pt1\]](#)
4. Althoff papers, GStAPK, Nr 4, 19. Occasionally, he would supplement his lectures with Civil Law practicals or, in 1878, he taught one lecture on 'Civil Legislation in the German Empire'. [♣\[#N4-pt1\]](#)
5. Von Möller to Althoff, Althoff papers, GStAPK, Nr. 30, 5 [♣\[#N5-pt1\]](#)
6. Agreement on the Drafting of a Collection of Law for Alsace-Lorraine, Althoff papers, GStAPK, Nr. 30, 11 [♣\[#N6-pt1\]](#)
7. Letter von Möller to Althoff, Brassert to Althoff, Althoff papers, GStAPK, Nr. 31, 7 [♣\[#N7-pt1\]](#)
8. Bismarck to Althoff, 7 March 1889, GStAPK, Althoff Papers, 147, 1 [♣\[#N8-pt1\]](#)
9. Bismarck to Althoff, 7 March 1889, GStAPK, Althoff Papers, 147, 4 [♣\[#N9-pt1\]](#)
10. Letter from Burgess to Wilcox, July 1916, Chicago, University of Chicago Library, Small papers, Box 1, 15. Indeed, Burgess' autobiography suggests even the visit to Sciences po was compelled by Ruggles' associate who had recently met conservative Hippolyte Taine, the director of the institute (Burgess 1934:1 89). [♣\[#N10-pt1\]](#)
11. Hoetzsch to Althoff, May 1907, Althoff papers, GStAPK, VI.HA. 419, 72 Translation by author. [♣\[#N11-pt1\]](#)
12. 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.B, [♣\[#N12-pt1\]](#)

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