

# An Unexpected Story: The History and Origins of Princeton's Long-standing Tradition of Interdisciplinary Legal Scholarship\*

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*Mr. Hollander traces the development of Princeton University's largely unknown tradition of interdisciplinary legal education and scholarship. After discussing the history of Princeton's now-forgotten law school and the multiple attempts to revive it, he then examines how legal education and research have always been an integral part of academics at Princeton, and how the strong presence of interdisciplinary legal studies at Princeton today springs from this fascinating history.*

## Introduction

¶1 “But Princeton doesn’t have a law school!” This reaction to my taking a position as Law and Legal Studies Librarian at Princeton University was near-universal among law librarians. While family and friends from outside the law library world were quite impressed by the Princeton name, most colleagues from the community of law librarians expressed a fair amount of bafflement at my choice, all the while displaying skeptical facial expressions indicating that I had made a poor career choice, if not an unintentional career change.

¶2 I have to admit that I too was somewhat skeptical about applying for, let alone accepting, the position. Would I be making a career change? Would I still be a legitimate law librarian, or just a social science librarian who happens to specialize in legal material? My concerns were quelled by discussions with experienced law librarians, mentors, and Duncan Alford, who held the position at Princeton several years earlier.<sup>1</sup> Even without a law school to support and law students to train, I was assured that the Princeton University Library had vast legal resources and supported important legal research. In short, the library was hiring a law librarian because they needed a law librarian. Furthermore, given that I would be the lone law specialist, I would be charged not only with carrying out all of the legal reference and legal research instruction, but also with developing and shaping the law collection and managing its budget. In a way, I was becoming a solo law

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1. After leaving Princeton, Duncan Alford went on to be Head of Reference at Georgetown Law Library and the library director at Charlotte School of Law. He is currently the library director at the University of South Carolina School of Law Coleman Karesh Law Library.

librarian in an academic setting, and I relished the opportunity to expand my skill set beyond reference and instruction to management activities so early in my career as a law librarian. I accepted the offer without reservation.

¶3 While I was repeatedly assured that Princeton had sufficient need for legal reference, I was not expecting what I found: a law collection on par with that of many law schools, rich in historic legal resources that are not necessarily found in a typical academic law library; and administrators committed to providing the full array of electronic legal resources. I was pleasantly shocked to discover that students, both undergraduate and graduate, were conducting legal research as complex as any student research I had assisted with in a law school. I also found a large number of faculty whose research areas include an interest in law and several special academic programs directly related to law, such as the Program in Law and Public Affairs (LAPA). Finally, I found a tradition of interdisciplinary legal scholarship and interdisciplinary legal reference that I thought might be helpful to law school librarians, traditionally autonomous from other libraries and academic disciplines, and who were grappling with how best to support interdisciplinary legal research. I then began to write a paper that put forth Princeton University as a helpful “living laboratory” of interdisciplinary legal reference that may prove insightful to the larger law librarian community.<sup>2</sup>

¶4 While writing the paper on interdisciplinary legal reference, I decided to include a short section on the history of legal scholarship and education at Princeton. Very shortly into my first visit to the Princeton University Archives, I realized that this history was far richer and more fascinating than I had imagined. In contrast to the development of interdisciplinary legal research in the legal academy, Princeton’s long-standing tradition of such scholarship resulted from a combination of an interest in legal research that stretched back to the eighteenth century (before the advent of the professional law school) and, frankly, the desire to have a law school on the cheap. Quickly, the planned short history section became as long as the main body of the paper. It had become more than just a section to provide context to the description of interdisciplinary legal reference; it had become an interesting story for its own sake.

¶5 On the advice of colleagues and editors, I decided to separate the history section into a separate paper, rather than unnecessarily splitting the focus of the original paper. This article is the result of that separation. It begins by exploring the history of legal education and scholarship at Princeton, starting with the Princeton University Law School and moving through the many attempts to revive it. Special focus is given to the revival attempt of the 1920s, within which are planted the seeds of today’s tradition of interdisciplinary legal scholarship. Next, it focuses on the tradition of legal scholarship that endured at Princeton without a

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2. David A. Hollander, *Interdisciplinary Legal Scholarship: What Can We Learn from Princeton’s Long-standing Tradition?*, 99 LAW LIBR. J. 771, 2007 LAW LIBR. J. 47.

law school. Finally, it provides a detailed description of legal research and education at Princeton today. While the focus of the interdisciplinary legal reference paper was to offer practical advice to law librarians, this paper seeks to shed light upon a compelling and little known tradition of interdisciplinary legal scholarship.

## History

### *Princeton University Law School, 1847–1854*

¶6 Most people, including most people at Princeton, are surprised to learn that, yes, Princeton did have—albeit briefly—a law school. In 1847, only thirty years after Harvard Law School was founded<sup>3</sup> and a mere four years after Yale began conferring law degrees,<sup>4</sup> the Princeton University Law School was formally opened at Princeton’s centennial celebration, although the institution was then named the College of New Jersey.<sup>5</sup> The chief justice of the New Jersey Supreme Court, Henry W. Green, gave an address at the opening ceremony on the need for a well-educated bar.<sup>6</sup> The law school was housed in a new building on Mercer Street in Princeton, a structure that still stands today, currently owned by Trinity Episcopal Church.<sup>7</sup> While law students were permitted access to the college library, the law school contained its own collection of legal texts, housed in the law school, and not integrated into the main library.<sup>8</sup>

¶7 For its inaugural term, three faculty members were appointed: former New Jersey Chief Justice Joseph C. Hornblower, New Jersey Attorney General Richard S. Field, and James S. Green, a United States district attorney.<sup>9</sup> The law school’s program included courses such as “constitutional law, equity and common law, . . . preparation of legal forms and instruments,” and moot court.<sup>10</sup> While this description would be familiar to any law student today, the initial tuition would not: \$50 per semester.<sup>11</sup> The three-year program led to a bachelor of law degree. A brochure publicizing the program explained that “[t]he object of the Institution is to provide an ample course of legal instruction for gentlemen designed for the bar

3. THE CENTENNIAL HISTORY OF THE HARVARD LAW SCHOOL, 1817–1917, at 3–4 (1918).

4. The New Haven Law School, developed out of a law office in the 1810s, gradually affiliated with Yale University, which began conferring law degrees in 1843. See Yale Law School, History of YLS, <http://www.law.yale.edu/about/historyofyils.asp> (last visited Jan. 30, 2008).

5. 2 JOHN MACLEAN, HISTORY OF THE COLLEGE OF NEW JERSEY 1746–1854, at 318 (reprint, two volumes in one, 1969) (1877).

6. ALEXANDER LEITCH, A PRINCETON COMPANION 282 (1978). An interesting historical side note is that from 1873 until 1947 (when the library’s current building, Firestone Library, was built), the Princeton University Library was housed in a building named for Green.

7. *Id.* at 282.

8. 2 MACLEAN, *supra* note 5, at 319.

9. *Id.* at 345; see also JAMES CARNAHAN, LAW SCHOOL OF THE COLLEGE OF NEW JERSEY (1846) (on file with University Archives, Seeley G. Mudd Library, Princeton University).

10. CARNAHAN, *supra* note 9.

11. *Id.*

in any of the United States.”<sup>12</sup> The brochure continues: “[i]nstruction will be given by means of recitations, examinations, lectures, and preparation of legal forms and instruments. . . . [and] a Moot Court, in which questions of law will be discussed by students . . . and opinions delivered by one of the Professors.”<sup>13</sup> The same publication also makes reference to a separate law library, stating that law students will have use of both “the Law and College Libraries.”<sup>14</sup> In its five years of existence, only seven students graduated with Princeton University law degrees, including Nathaniel W. Voorhees,<sup>15</sup> who became a prominent attorney and a delegate to the 1860 Republican National Convention that nominated Abraham Lincoln.<sup>16</sup> Nathan Voorhees was the father of Foster McGowan Voorhees, governor of New Jersey from 1898 to 1902.<sup>17</sup>

¶8 The law school had financial difficulties from the beginning. It had no endowment and was dependent solely upon tuition for survival. It appears that the school did not even generate the funds to properly compensate the faculty: “[T]he labors of the Professors were in fact a gratuity to the college.”<sup>18</sup> After five years and only seven graduates the law school ceased instruction.<sup>19</sup> The Princeton University Law School was officially disbanded in 1854.<sup>20</sup>

### *Attempts to Revive the Law School (and the Roots of the Interdisciplinary Tradition)*

¶9 The lack of a law school at Princeton puzzles or surprises many people in a way that its lack of a medical or business school does not. A sort of mystique exists as to why Princeton does not have a law school. Rumors that Princeton University will take over an existing law school, such as Brooklyn Law School or New York Law School, have been around for years.<sup>21</sup> While I found no documented evidence of an attempted merger with Brooklyn Law School, a takeover of New York Law School was suggested to the trustees in 1918 by Henry W. Jessup,<sup>22</sup> a prominent

12. *Id.*

13. *Id.*

14. *Id.*

15. PRINCETON UNIVERSITY GENERAL CATALOG, 1746–1906, at 537 (1908) [hereinafter GENERAL CATALOG].

16. Harris I. Effross, *Foster M. Voorhees*, in *THE GOVERNORS OF NEW JERSEY, 1664–1974*, at 165, 165 (Paul A. Stellhorn & Michael J. Birkner eds., 1982).

17. *Id.*

18. 2 MACLEAN, *supra* note 5, at 319.

19. See LEITCH, *supra* note 6, at 282.

20. *Id.*

21. The “urban legend” that Brooklyn Law School would affiliate with Princeton University was excitedly passed on to me only one week after I arrived at Princeton, by Sara Robbins, the director of the law library at Brooklyn Law School, during the 2006 AALL Annual Meeting in St. Louis. Sara was tragically killed on her way to work on December 13, 2006. See Rosemary Campagna with James Murphy, *Memorial: Sara Ellen Robbins*, 99 LAW LIBR. J. 687, 687, 2007 LAW LIBR. J. 43, ¶1.

22. 17 Princeton University Board of Trustees Minutes and Records 9 (Oct. 24, 1918) (on file with University Archives, Seeley G. Mudd Library, Princeton University) [hereinafter Trustees Minutes] (“For the President, the Secretary presented a letter from Mr. Henry Wynans Jessup, of the Class of 1886, suggesting the possibility and desirability of securing the New York Law School as an integral

attorney and father to Philip C. Jessup, for whom the International Law Moot Court Competition is named.<sup>23</sup>

¶10 Perhaps such legends and speculation stem from Princeton's repeated consideration of and unsuccessful attempts to revive its failed law school (the subject was considered in 1871,<sup>24</sup> 1890,<sup>25</sup> 1902,<sup>26</sup> 1918,<sup>27</sup> and serious efforts were made in 1923–25<sup>28</sup> and 1973–74<sup>29</sup>). Or perhaps they stem from a sense of competition with peer institutions that have long had elite law schools. After all, in 1890, Princeton's president, Francis L. Patton, pronounced to an alumni gathering, “[w]e have Princeton philosophy, Princeton theology, but we have to go to Harvard and Columbia for our law . . . that is a shame. Just as soon as I find a man with half a million, I am going to found a law school.”<sup>30</sup> Whatever the reason for the mystique surrounding a Princeton law school or the lack thereof, each serious effort at revival involved a fascinating dialog about legal education and legal scholarship, attesting to a constant interest in those topics at Princeton. Discussions surrounding attempts to revive the law school in the 1920s and the 1970s offer intriguing historical insights into the nature and importance of law, legal education, and legal scholarship, laying the foundation for the interdisciplinary legal scholarship that is produced at Princeton today.

### 1920s

¶11 In 1923, the board of trustees appointed a committee to explore the possibility of reviving a law school at Princeton University. The entire effort was inspired by the publication in 1923 of a pamphlet titled “A Princeton Law School.”<sup>31</sup> The pamphlet was written by Malcolm Lloyd (class of 1894<sup>32</sup>) for the purpose of encouraging Princeton to start a law school. Lloyd first addresses a common perception in his day: that Princeton was an unsuitable location for a law school because it

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part of the University.”). The trustees voted against the proposal because it was “inadvisable to consider such an extension of the work of the University under existing war conditions.” *Id.*

23. Oscar Schachter, *Philip Jessup's Life and Ideas*, 80 AM. J. INT'L L. 878, 879, 890 (1986).
24. *President's Report*, 5 Trustees Minutes, *supra* note 22, at 164, 177 (June 26, 1871) (announcing the intention to add courses in international law and instructing the University's Business Committee to “inquire into . . . the propriety of re-organizing the Law School of the College” and whether this “can be carried [out] . . . in a neighboring city where courts are in almost constant session—say Newark or Trenton”).
25. See LEITCH, *supra* note 6, at 282.
26. *Id.* at 282. “Shortly after his election as president . . . [of Princeton University, Woodrow] Wilson, in a report to the trustees, proposed a school of jurisprudence in which law would be taught. . . .” *Id.*
27. See 17 Trustees Minutes, *supra* note 22, at 9.
28. See 21 Trustees Minutes, *supra* note 22, at 23 (Apr. 12, 1923) (authorizing John G. Hibben, President, Princeton University to appoint a special committee to study the establishment of a law school at Princeton University).
29. See Maxine Lipeles, *Princeton Weighing Law School Plan*, N.Y. TIMES, Dec. 29, 1974, at 47.
30. LEITCH, *supra* note 6, at 282.
31. MALCOLM LLOYD, JR., A PRINCETON LAW SCHOOL (1923) (on file with University Archives, Seeley G. Mudd Library, Princeton University).
32. See GENERAL CATALOG, *supra* note 15, at 389 (Lloyd also received a master's degree in 1903 from Princeton).

was far from courts and major law offices. Lloyd explains that legal education has changed since the days when lawyers were trained mainly in law offices and courts. This system, Lloyd explains, has been replaced by the law school, with professional instructors, classroom instructions, text books, and the “‘Case System’ of instruction . . . introduced by Professor Langdell, of Harvard, some fifty years ago . . . .”<sup>33</sup> Lloyd argues that under this new system, “a big city with its constant distractions” is no longer the best place for a law school.<sup>34</sup> Princeton, however,

offers the advantage of historic surroundings and educational background; it is removed from the disturbances of city life and is yet sufficiently near two great cities to procure, if need be, the services of active members of the Bar to supplement the work of the regular corps of instructors. The location is admirably suited to the purpose.<sup>35</sup>

Lloyd argues that because of the important role of lawyers in society, Princeton should not be absent from this field.

Having in mind the fact that lawyers as a class will furnish a large proportion of those who occupy positions of responsibility in the public service, can Princeton neglect her share in the work of legal training—in the work of training for national leadership?<sup>36</sup>

Moving on from such abstract matters, Lloyd then addresses the practicalities of founding and running a law school, such as the physical structure, the type of education and, most important, the cost. Lloyd did not neglect the issue of a library. From his listing of capital requirements, Lloyd envisioned a law library of 250,000 volumes as part of the law school building and separate from the larger university library (perhaps in line with the Langdellian education he envisioned for the law school).<sup>37</sup> To start up, however, his budget specifies \$100,000 for the purchase of 20,000 volumes, assuming a cost of \$5 per volume.<sup>38</sup> He notes that “Harvard is said to have approximately 200,000 volumes, Columbia, 110,000, [and] University of Pennsylvania, 70,000,” and that the Association of American Law Schools required a minimum of only 5,000 volumes for an institution to be considered for membership.<sup>39</sup> Lloyd estimates the total capital requirements for founding a law school to be \$2,000,000.<sup>40</sup>

¶12 Professionally printed, thirty-one pages long, thoroughly researched, and passionately argued, Lloyd’s pamphlet was enough to get the university to begin to act by forming a committee to investigate his ideas. The exploratory committee consisted of Princeton graduates who went on to become attorneys, mostly practicing in New York City and Philadelphia. The committee was charged to consider

33. LLOYD, *supra* note 31, at 9–10.

34. *Id.* at 10.

35. *Id.*

36. *Id.* at 19.

37. *Id.* at 30.

38. *Id.*

39. *Id.*

40. *Id.*

the feasibility of starting up a law school, with an important caveat: “the funds should be forthcoming from outside of our Princeton circles of support and without any appeal whatsoever to the graduates and friends of Princeton.”<sup>41</sup> Thus, Princeton was interested in the idea of founding a law school, but not willing to make a financial commitment to the project. With this restriction, the law school was probably doomed from the start. Nevertheless, the committee began to investigate the possibility.

¶13 If the financial limitations were not clear enough to the committee from the official charge from the trustees, the letter from President Hibben appointing Edward W. Sheldon (class of 1879<sup>42</sup>) chair of the committee repeated the theme:

[I]f the enterprise should be started with an adequate endowment and in such a way as not to become in the nature of a burden upon the University, we might very well consider it. If, however, we are either directly or indirectly to undertake any further financial responsibility, it would, in my judgment, be a mistake.<sup>43</sup>

Undeterred, Sheldon began assembling his committee and collecting information. Given the financial restrictions placed upon his charge, the first type of information he sought was fiscal: how much would it cost to run a law school? To answer the question, Sheldon asked a man named James Byrne<sup>44</sup> to obtain fiscal information from Harvard. Specifically, he wanted to learn about the salaries of the faculty and library staff and the costs of books and binding.<sup>45</sup> Harvard was happy to oblige its potential new rival law school and sent the requested information with a bemused note warning that “[i]t should be noted that the cost of maintenance includes much more than salaries, books and binding. Maintenance of the physical plant is no small item.”<sup>46</sup>

41. Letter from John G. Hibben, President, Princeton University, to Edward W. Sheldon, Chairman, Special Committee to Study the Establishment of a Law School at Princeton University (Apr. 17, 1923) (on file with University Archives, Seeley G. Mudd Library, Princeton University).

42. GENERAL CATALOG, *supra* note 15, at 526.

43. Letter from President Hibben, *supra* note 41.

44. James Byrne’s connection to Sheldon is unclear from Princeton University’s archives. However, it is possible that they knew each other from the Association of the Bar of the City of New York (Byrne was president from 1921 to 1923 and Sheldon was chair of the Executive Committee from 1908 to 1909). At Sheldon’s request, Byrne solicited data from Harvard Law School. He probably chose Byrne because he was a Harvard Law graduate and president of the Harvard Club of New York. See N.E.H. Hull, *Restatement and Reform: A New Perspective on the Origins of the American Law Institute*, 8 LAW & HIST. REV. 55, 76 (1990). Byrne was also vice president of the American Law Institute from 1928 to 1935 and a founding member of Hornblower & Byrne, the predecessor firm of Willkie Farr & Gallagher LLP. See American Law Institute, Officers 1923–2006, <http://www.ali.org/doc/officers.pdf> (last visited Jan. 30, 2008); Willkie Farr & Gallagher, LLP, History, <http://www.willkie.com/firm/firm.aspx?type=history> (last visited Jan. 30, 2008).

45. Letter from Edward W. Sheldon, Chairman, Special Committee to Study the Establishment of a Law School at Princeton University to James Byrne (May 2, 1923) (on file with University Archives, Seeley G. Mudd Library, Princeton University). It is gratifying to note that the costs of the library (including staff salaries!) were an early priority in the exploration of starting up the law school.

46. Letter from Roscoe Pound, Dean of the Law School of Harvard University, to James Byrne, Esq. (May 4, 1923) (on file with University Archives, Seeley G. Mudd Library, Princeton University). According to the data provided, in the 1921–1922 academic year Harvard spent \$22,830.37 on library staff salaries, \$26,056.27 on books and binding, and \$110,750.00 on teaching salaries. *Id.*

¶14 As the financial data collection ensued, Sheldon wrote to his committee and began arranging their first meeting for June 7, 1923.<sup>47</sup> Almost immediately, even before the first meeting, an “alternative” idea to a law school was floated. A member of the committee, Bayard Henry, suggested that if funds could not be arranged for a full law school, perhaps the committee could recommend a professorship of jurisprudence and international law.<sup>48</sup> This idea, with its modest beginnings in a response to the first law committee meeting invitation, was continually raised, and foreshadowed the form and role that legal scholarship and education would eventually take at Princeton down to the present day. Much of the work of the law school committee from this suggestion forward involved a debate over the merits of a formal law school, whose primary purpose would be to train attorneys and teach law in the “Langdellian” model (termed by the committee a “trade law school” and defined as a law school “interested in turning out considerable numbers of legal practitioners”<sup>49</sup>), versus the merits of studying law in an environment that would not be oriented toward minting new attorneys (and, not quite so coincidentally, that would be much less expensive than establishing a “trade law school”).

¶15 While the information about starting a “trade law school” was quite concrete (financial statistics from Harvard Law School, examples of typical Langdellian curricula used in other law schools, etc.), those arguing for a more fluid, interdisciplinary professorship of jurisprudence had a tougher time articulating exactly what should result. One vision involved a partnership with the recently founded American Law Institute (ALI) in Philadelphia. In an August 21, 1925, letter to Sheldon, Henry B. Thompson explains that the director of ALI, William Draper Lewis, was interested in working with Princeton University to establish a law school whose primary purpose was not to train new members of the bar, but simply to study the law. The letter explained that Lewis had considered a partnership with Harvard Law School but rejected the idea in favor of establishing a more academically focused type of law school, “a School of Jurisprudence,” that would best be affiliated with Princeton University.<sup>50</sup>

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47. Letter from Edward W. Sheldon, Chairman, Special Committee to Study the Establishment of a Law School at Princeton University, to William Church Osborne, Member, Special Committee to Study the Establishment of a Law School at Princeton University (May 23, 1923) (on file with University Archives, Seeley G. Mudd Library, Princeton University).

48. Letter from Bayard Henry, Member, Special Committee to Study the Establishment of a Law School at Princeton University, to Edward W. Sheldon, Chairman, Special Committee to Study the Establishment of a Law School at Princeton University (May 24, 1923) (on file with University Archives, Seeley G. Mudd Library, Princeton University).

49. Letter from Abraham Flexner to Edward W. Sheldon, Chairman, Special Committee to Study the Establishment of a Law School at Princeton University (Nov. 2, 1925) (on file with University Archives, Seeley G. Mudd Library, Princeton University).

50. Letter from Henry B. Thompson, American Law Institute, to Edward W. Sheldon, Special Committee to Study the Establishment of a Law School at Princeton University (Aug. 21, 1925) (on file with University Archives, Seeley G. Mudd Library, Princeton University).

¶16 This idea of a jurisprudence school is further explored in an eerily predictive memorandum outlining the reasons for this new type of law school and briefly describing what it would do.<sup>51</sup> Decades ahead of its time, this memorandum envisions interdisciplinary legal scholarship at Princeton, calling for “ascertainment of how specific rules of law operate under existing social and economic conditions.”<sup>52</sup> The memorandum envisions courses that vary from year to year depending upon the specific academic fields of its faculty. Under this model, neither courses nor exact academic fields would need to be fixed from year to year as in a traditional law school.<sup>53</sup> The memorandum also describes close cooperation between this new Princeton jurisprudence school and ALI.<sup>54</sup> The exact author or authors or even whether the memorandum was written by the Princeton committee, ALI, or some outside party is unclear on the original archived document. However, it is clear that the committee chair, Sheldon, sent the memorandum to at least one friend for advice. The letter he received in response, with a very mixed reaction to the idea, is held in the Princeton University archives.<sup>55</sup>

¶17 In that letter, the writer agrees in theory with the memorandum’s message that the country needs no more trade law schools and also that there is a need for legal research that lawyers and judges have no time to conduct. To back this point, he encloses a personal letter written by Benjamin Cardozo to Felix Frankfurter on the issue:<sup>56</sup>

I have just finished my reading of your article on “Contempts” in the June Harvard Law Review.

Voila’ my dear fellow, the very sort of work we need—admirable alike in substance and method. But where on the bench will you find men with the brains or the learning, not to mention the leisure—to do it? Only a pitifully little squad would answer to the roll-call. You have added one more demonstration to back up my growing conviction that we, i.e., the judges, are lost unless the universities shall save us.

Meanwhile my respectful compliments and salutations to you and your collaborator, [etc.]<sup>57</sup>

However, despite agreeing with the idea of a “jurisprudence school” in principle, Flexner doubts that a “law school that d[oes] not lead to a law degree” can be successful.<sup>58</sup>

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51. Memoranda [sic] of Some Ideas Concerning a New Type of Law School Which Might with Advantage be Established at Princeton University 1 (Nov. 1925) (on file with University Archives, Seeley G. Mudd Library, Princeton University) [hereinafter *Memoranda of Some Ideas*].

52. *Id.* at 2.

53. *Id.* at 3–4.

54. *Id.* at 5–6.

55. Letter from Abraham Flexner to Edward W. Sheldon, *supra* note 49.

56. *Id.* (explaining that he did not believe that he was violating Frankfurter’s or Cardozo’s confidentiality by including a copy of the letter).

57. Letter from Benjamin Cardozo to Felix Frankfurter (Sept. 4, 1924) (on file with University Archives, Seeley G. Mudd Library, Princeton University).

58. Letter from Abraham Flexner to Edward W. Sheldon, *supra* note 49.

¶18 These doubts of success and the university's unwillingness to fund a law school doomed the idea for the 1920s committee. In its final report to the trustees of Princeton University, the committee recommended that only when adequate funds could be allocated, should the university consider founding a "University School of Jurisprudence such as the country does not now possess."<sup>59</sup> Given the severe financial limitation placed on the law school project, perhaps it was preordained that a "trade law school" or even a "jurisprudence school" would not result from the committee's work. The law school committee disbanded in 1929 and no law school of either type was created.

### 1970s

¶19 Princeton revisited the idea of starting a law school in the 1970s. In 1973, the board of trustees appointed yet another committee to explore the possibility of establishing a law school at Princeton. And again, the issue of cost was present from the start. The university provost at the time, F. Sheldon Hackney, had the school's fund-raisers act with special sensitivity toward "donors who have a special interest in law" and explained that one of the university's concerns was "whether there are funds available for legal education that might not be available for other purposes."<sup>60</sup> The committee submitted a report in October 1975, and in November the trustees formally rejected the idea of establishing a law school, citing "serious financial constraints" as the main reason.<sup>61</sup>

¶20 Despite the rejection, the committee report offered a few observations relevant to the discussion here. First, the report insisted that a law school at Princeton should take "a genuinely interdisciplinary approach to the law."<sup>62</sup> The law school envisioned by the committee would be "closely linked with the disciplines from which it could draw, or to which it could offer, intellectual strength," including philosophy, the social sciences, public affairs, and international affairs.<sup>63</sup> The committee's report even included an extensive listing of Princeton courses from the 1975–1976 catalog that "may potentially encompass legal considerations in subject matter, mode of analysis, or as an interdisciplinary imperative."<sup>64</sup> The proposed law school would be far more integrated with the larger university than the typical law school. Its faculty would be integrated with the larger faculty and would participate in undergraduate teaching. Faculty from other departments

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59. Report of the Special Committee, Inquiry Regarding a Possible Department of Law in Princeton University & Resolutions Adopted by the Board of Trustees 5 (Apr. 10, 1924) (on file with University Archives, Seeley G. Mudd Library, Princeton University).

60. Lipeles, *supra* note 29, at 47.

61. *Princeton Trustees Turn Down Plans to Establish Law School*, N.Y. TIMES, Nov. 17, 1975, at 65.

62. D. Robert Owen et al., Princeton and Legal Education: A Preliminary Survey 6 (Oct. 13, 1975) (on file with University Archives, Seeley G. Mudd Library, Princeton University) [hereinafter Preliminary Survey].

63. *Id.* at 5–6.

64. *Id.* app. B, at 1.

would teach in the law school.<sup>65</sup> Also, even if the law school conferred the J.D. degree, it would still have a strong commitment to doctoral research in jurisprudence, legal philosophy, and other related fields.<sup>66</sup>

¶21 This desired level of integration raised concerns. The committee recognized that it might need to accord the faculty of law a “special status.”<sup>67</sup> The report noted that, driven by standards of the American Bar Association (ABA), law schools are given a level of autonomy not accorded to departments and schools at Princeton.<sup>68</sup> Despite these concerns, the committee was confident that Princeton would be able integrate a law school into the larger university while conforming to ABA standards. This discussion is echoed in contemporary discussions of law library autonomy and ABA standards.<sup>69</sup>

¶22 The committee report outlined three possible models for a law school for Princeton University. First, the committee described an “institute of legal studies,” which like the “jurisprudence school” proposed in the 1920s, and similar to the Law and Public Affairs Program (LAPA) existing today, would emphasize legal scholarship over professional training leading to a J.D. degree.<sup>70</sup> A second option would be a “public service law school” which would focus on training lawyers for government and public service and deemphasize private practice.<sup>71</sup> Finally, the report suggested a full-service law school as a third option.<sup>72</sup> But in the end, as in the past, no law school of any sort resulted from the mid-1970s effort to revisit the issue.

### *Legal Scholarship Without a Law School*

¶23 Even without a law school, however, Princeton University has historically been a leader in legal, or more specifically, constitutional scholarship. From the university’s beginning, the faculty has had a strong interest in public law and constitutional law. Indeed, the “Father of the Constitution,” and future president of the United States, James Madison (class of 1771) chose to study at Princeton, among other reasons, because courses taught by John Witherspoon (a signer of the Declaration of Independence) included a public law component.<sup>73</sup> As early as 1884, the political science offerings included courses in jurisprudence, public law, international law, and English common law.<sup>74</sup> In 1890, Woodrow Wilson joined the faculty and taught jurisprudence.<sup>75</sup>

65. *Id.* at 6–7.

66. *Id.* at 6.

67. *Id.* at 11.

68. *Id.*

69. See, e.g., James G. Milles, *Leaky Boundaries and the Decline of the Autonomous Law School Library*, 96 *LAW LIBR. J.* 387, 393–400, 2004 *LAW LIBR. J.* 25 ¶¶ 13–30.

70. Preliminary Survey, *supra* note 62, at 7.

71. *Id.* at 8.

72. *Id.*

73. LEITCH, *supra* note 6, at 370.

74. *Id.*

75. *Id.*

¶24 As university president in 1905, Wilson recruited Edward S. Corwin, who would become one of the “giants of American constitutional commentators.”<sup>76</sup> One of Corwin’s courses, constitutional interpretation, had the reputation of being the hardest and most valuable course on campus.<sup>77</sup> Of his more than twenty books, the most successful in constitutional law was *The Constitution and What It Means Today*, an explanation of the Constitution for the general public.<sup>78</sup> Corwin was also the editor of the Library of Congress’s *The Constitution of the United States of America: Analysis and Interpretation*.<sup>79</sup> In 1937, Corwin served as special assistant to the United States Attorney General on constitutional issues.<sup>80</sup> Corwin died in 1963, but his legacy of constitutional scholarship in the Department of Politics remains strong today. For example, in 2007 alone, several members of the Princeton faculty, including Walter F. Murphy,<sup>81</sup> Christopher L. Eisgruber,<sup>82</sup> and Keith E. Whittington,<sup>83</sup> have published books on constitutional law. Since 1896, the university has maintained a professorship in the field, the McCormick Chair in Jurisprudence, held by W.F. Willoughby, Edward S. Corwin, Alpheus Mason, Walter Murphy, and currently by Robert George.<sup>84</sup> The university also maintains a professorship in legal history (the Class of 1921 Bicentennial Professor in the History of American Law and Liberty) which is currently held by Hendrik A. Hartog.<sup>85</sup>

¶25 In sum, even without a formal law or jurisprudence school, legal scholarship has flourished at Princeton University, especially in the area of constitutional law. Still, the discussions about a jurisprudence school in the 1920s planted an institutional seed, the idea that an alternative model for a law school could and should have a formal place at Princeton, and provide a valuable contribution to legal knowledge. Indeed, the original description in the 1925 jurisprudence school

76. *Id.*

77. *Id.* at 370–71.

78. *Id.* at 119; EDWARD S. CORWIN, *THE CONSTITUTION AND WHAT IT MEANS TODAY* (1921).

79. *THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS AND INTERPRETATION* (Edward S. Corwin ed., 1953).

80. See LEITCH, *supra* note 6, at 119. Interestingly, during his tenure as advisor to Franklin Roosevelt, Corwin publicly supported the president’s plan to pack the Supreme Court. *Id.*

81. WALTER F. MURPHY, *CONSTITUTIONAL DEMOCRACY: CREATING AND MAINTAINING A JUST POLITICAL ORDER* (2007).

82. CHRISTOPHER L. EISGRUBER & LAWRENCE G. SAGER, *RELIGIOUS FREEDOM AND THE CONSTITUTION* (2007). Professor Eisgruber came to Princeton from New York University Law School and is the former director of Princeton’s Law and Public Affairs program. He is currently the provost of the University. See Princeton University, Office of the Provost, <http://www.princeton.edu/~provost> (last visited Jan. 31, 2008).

83. KEITH E. WHITTINGTON, *POLITICAL FOUNDATIONS OF JUDICIAL SUPREMACY: THE PRESIDENCY, THE SUPREME COURT, AND CONSTITUTIONAL LEADERSHIP IN U.S. HISTORY* (2007).

84. See Princeton University, Public Law in the Politics Department: A Century of Commitment, Program in Law and Public Affairs, <http://lapa.princeton.edu/phdconcentrations.php> (last visited Jan. 30, 2008).

85. See Princeton University, Hendrik A. Hartog, [http://www.princeton.edu/history/people/display\\_person.xml?netid=hartog](http://www.princeton.edu/history/people/display_person.xml?netid=hartog) (last visited Jan. 15, 2008).

memorandum is eerily evocative of LAPA today. The 1925 memorandum states in part:

If there is no place for the establishment at Princeton of a law school the primary object of which would be to prepare men for the practice of law, can the University do work in law which will be of real public benefit . . . ? I believe there is, provided that instead of trying to duplicate existing schools Princeton established a school (perhaps a better name is “juristic, or legal center”) the principal object of which would be to promote legal justice. The establishment of such a school or center would meet a real public need. Through it Princeton could perform a real public service.

The term “legal justice” is used in the widest possible sense as including substantive law, procedure, administration and court organization. The school I have in mind would not as a school advocate specific changes in the law, but rather promote a knowledge of law, its development, administration and social operation, [and] collect data on which intelligent action for improvement could be based . . . .<sup>86</sup>

This vision would finally reach its fruition in 1999 with the founding of LAPA. However, well before LAPA, this concept of legal education and research found expression in a largely unheralded tradition of important legal scholarship that developed at Princeton in the twentieth century. Both this tradition and the LAPA program today have brought to life the “jurisprudence” school that the 1920s committee discussed and believed in, but feared would not succeed. Understanding the committee discussions and ideas of the 1920s is valuable for understanding how and why a tradition of fully interdisciplinary legal scholarship, disconnected from mainstream practice-focused legal education, developed and how it led to the present role of legal education at Princeton.

### **Law at Princeton Today**

¶26 Most librarians and law scholars with whom I have spoken often have a difficult time conceiving how legal research functions at Princeton. Without law students to train and required subjects to address, how does a community of legal scholars organize itself to actively study the law? While it is certainly true that an institutional purpose to train lawyers is an effective bond that fosters and attracts a community of law scholars to study and teach the law, Princeton has developed a unique alternative model along the lines discussed back in the 1920s. The absence of both bar-focused students and the thick subject-area boundaries of traditional legal education and scholarship have, in many ways, freed scholars to study, inquire about, and teach the law using methods and resources that have not historically been employed in the legal academy. The result is that legal scholarship produced at Princeton can have a unique and important voice that makes an important contribution to legal knowledge.

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86. See Memoranda of Some Ideas, *supra* note 51, at 2.

*The Princeton University Program in Law and Public Affairs (LAPA)*

¶27 As discussed above, even without a formal law or jurisprudence school, Princeton's Department of Politics has a strong tradition of producing constitutional law scholarship of the highest order. By the 1970s, law-related courses and scholarship could be found in many departments of the university, including anthropology, classics, philosophy, sociology, and others.<sup>87</sup> Through the LAPA program, the scattered and disparate law-related courses and interested scholars have been brought together in a formal structure.<sup>88</sup>

¶28 LAPA was jointly founded in 1999 by the Woodrow Wilson School of Public and International Affairs, the University Center for Human Values, and the Politics Department to facilitate teaching and research of law-related subjects on campus.<sup>89</sup> Faculty, graduate students, and undergraduates from almost any department can affiliate with LAPA as "associates." These scholars and students are known at Princeton as "law-interested" and "law-engaged." In addition to faculty and students, other law-engaged professionals may affiliate with LAPA, including attorneys with the Princeton Office of General Counsel and librarians. Basically, anyone on campus interested in legal issues, with a legal background, or working in a legal capacity can become a LAPA associate. At the close of the 2007-2008 academic year, there were just under two hundred associates, many with law degrees.<sup>90</sup>

¶29 LAPA cosponsors law-related graduate and undergraduate courses within many university departments. In the spring 2007 semester, LAPA sponsored thirty-six courses (eleven graduate courses, twenty-two undergraduate courses, and three freshman seminars).<sup>91</sup> Many departments allow doctoral students to concentrate in a law-related field, thus continuing Princeton's long-standing tradition of producing constitutional and public law scholars, legal historians, sociology of law scholars, and anthropology of law scholars. In addition to sponsoring courses, LAPA

87. See Preliminary Survey, *supra* note 62, at app. B.

88. The source of information for much of the detail in this section is taken from the LAPA web site. See Princeton University, Program in Law and Public Affairs, <http://lapa.princeton.edu> (last visited Jan. 31, 2008).

89. Princeton University, LAPA's Mission, [http://lapa.princeton.edu/about\\_mission.php](http://lapa.princeton.edu/about_mission.php) (last visited Jan. 31, 2008). For a detailed history of the LAPA program, see Christopher L. Eisgruber, *Program in Law and Public Affairs*, in 3 *ENCYCLOPEDIA OF LAW & SOCIETY* 1197 (David Clark ed., 2007). Although certainly not official history, it is urban legend at Princeton that the Woodrow Wilson School of Public and International Affairs was founded in lieu of a law school. See Preliminary Survey, *supra* note 62, at 2.

90. See Princeton University, LAPA People Directory, <http://lapa.princeton.edu/peoplelibrary.php> (last visited Jan. 15, 2008).

91. Examples of such courses include "Readings in American Legal History, 1607-1977" (cosponsored with the Department of History), "Themes in Islamic Law and Jurisprudence" (cosponsored with the Department of Near Eastern Studies), "Legal and Regulatory Policy Toward Markets" (cosponsored with the Woodrow Wilson School), "American Constitutional Development" (cosponsored with the Department of Politics), and "The American Family in Law and Society" (cosponsored with the Department of Anthropology). See Princeton University, LAPA, Course Archive, <http://lapa.princeton.edu/2006-2007courses.php> (last visited Jan. 31, 2008).

sponsors an incredibly busy roster of seminars, conferences, and symposia. LAPA often hosts scholars from other institutions and even offers a conference during Princeton's alumni weekend in which alumni who are now practicing attorneys can earn CLE credits for their state bar memberships.

¶30 The focal point of LAPA is its fellows program. Each academic year LAPA hosts six to eight law scholars (mainly law school professors) from around the country as visiting fellows. During their year at Princeton, the fellows conduct research on a major project (often a book) and usually also teach courses. They also participate in a biweekly seminar in which they present works-in-progress.

¶31 Kim Lane Scheppele has been the director of LAPA since 2005, when she came to Princeton from the University of Pennsylvania Law School.<sup>92</sup> From 2001 until appointed Princeton University Provost in 2004, Christopher L. Eisgruber was LAPA's director. Eisgruber came to Princeton from New York University Law School and, even as provost, remains involved with LAPA activities. LAPA's founding director was Stephen J. Macedo, who is currently the director of the University Center for Human Values.

¶32 With LAPA, the 1920s law committee's vision has finally been realized. Although LAPA does not prepare students to practice law, it effectively, in the words of the 1920s committee, "promote[s] a knowledge of law, its development, administration and social operation, [and] collect[s] data on which intelligent action for improvement could be based."<sup>93</sup> This statement is all but mirrored by LAPA's stated mission to "explore[] the role of law in constituting politics, society, the economy and culture . . . [and to be a] forum for teaching and research about the legal technologies and institutions needed to address the complex problems of the new century."<sup>94</sup> In what may be seen as an ultimate irony (although probably not by the 1920s committee<sup>95</sup> or Cardozo<sup>96</sup>), highly valuable legal scholarship is produced at Princeton in an environment freed from the time and resource obligations necessary to train students to enter the practice of law.

### *Description of Legal Scholarship at Princeton*

¶33 It is difficult to succinctly describe a "type" of legal research conducted at Princeton because the research topics are as varied and numerous as the researchers themselves. Christopher L. Eisgruber characterizes the legal scholarship produced at Princeton as largely "external descriptive," meaning research that seeks to explain why courts do what they do apart from the internal legal reasoning traditional to legal scholarship; or "normative," meaning research exploring the role of

92. See LAPA's Mission, *supra* note 89.

93. See Memoranda of Some Ideas, *supra* note 51, at 2.

94. LAPA's Mission, *supra* note 89.

95. See Memoranda of Some Ideas, *supra* note 51, at 1.

96. See Letter from Cardozo to Frankfurter, *supra* note 57.

law in constructions of justice, human understanding, and social order.<sup>97</sup> According to Eisgruber, although this type of research is certainly conducted in the legal academy, at Princeton, where legal scholars are less concerned with exploring such issues from the internal doctrinal perspective and with exploring questions that are of primary utility to law practice, legal scholarship can encompass broad perspectives that may not be as prevalent elsewhere.

¶34 Kim Lane Scheppele is similarly explicit about the uniqueness of interdisciplinary legal scholarship and education at Princeton University.<sup>98</sup> First, according to Scheppele, because most of the legal scholars are research-trained Ph.D.s, the legal research they conduct is connected to their Ph.D. disciplines. These scholars bring their disciplinary research training to the questions of law they address and therefore, ask and answer the questions differently. This allows questions of law to be addressed from a unique and valuable perspective. For example, constitutional law is taught and researched in the context of government and public policy research; Roman law is taught in the context of all the courses in the classics department; and patent law is addressed as part of a computer science curriculum.

¶35 Second, because Princeton does not have to run a J.D. curriculum, the faculty is freed to focus on the larger questions of theory that a law school must move past quickly in the interest of focusing on subjects and skills necessary to prepare students for the bar exam and law practice. Without the need to prepare to teach a set law school curriculum, legal scholars at Princeton have more flexibility to think about large foundational legal issues and to spend time training students to think about these questions as well. Similar to the vision of the 1920s committee, courses that may not have value toward training lawyers, but still have value to the development of legal knowledge for its own sake, are freely taught. Put succinctly, “‘luxury’ topics at law schools are the ‘bread and butter’ topics at Princeton.”<sup>99</sup> Finally, legal scholars at Princeton are able to and, in fact, do frame their legal research and instruction in the broader context of liberal arts instruction. In this context, law is not just a technical or professional field. Rather it is a central component of being a citizen of a state, a nation, and the international community. Students are taught to understand legal issues as part of a broad spectrum of knowledge necessary to be a knowledgeable and broadly educated citizen.

### *Examples of Legal Scholars at Princeton*

¶36 Legal scholars at Princeton come from diverse departments and educational backgrounds.<sup>100</sup> As discussed above, the long-standing Princeton tradition of public

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97. Interview with Christopher L. Eisgruber, Provost, Princeton University, in Princeton, N.J. (June 28, 2007) (notes on file with author).

98. Interview with Kim Lane Scheppele, Director, Princeton University Program in Law and Public Affairs, in Princeton, N.J. (Aug. 8, 2007) (notes on file with author).

99. *Id.*

100. The researchers profiled in this section only represent a small slice of the researchers conducting legal research at Princeton. Indeed, because of the proliferation of interesting legal research, it was quite

and constitutional law scholarship continues today. This scholarship is produced mainly by politics faculty or Woodrow Wilson School faculty who are also LAPA associates.<sup>101</sup> Members of the politics faculty and Woodrow Wilson School faculty also include many international law scholars.<sup>102</sup> Beyond the politics and public policy departments, legal scholars are found in the history, psychology, anthropology, sociology, and other departments.<sup>103</sup> Many legal scholars, in all subfields, conduct quantitative legal research employing methodologies common in social science

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difficult to know whom to include. The decisions were based mainly on highlighting the diversity of legal scholarship at Princeton.

101. Examples, in addition to the professors cited *supra* notes 81–83, include Robert George (whose work is focused on constitutional and natural law); Stanley Katz (whose work is focused on constitutional and legal history); and Kenneth Kersch (whose work is focused on constitutional law and civil rights). *See, e.g.*, CONSTITUTIONAL POLITICS: ESSAYS ON CONSTITUTION MAKING, MAINTENANCE, AND CHANGE (Sotirios A. Barber & Robert P. George eds., 2001); ROBERT P. GEORGE, IN DEFENSE OF NATURAL LAW (1999); KEN I. KERSCH, CONSTRUCTING CIVIL LIBERTIES: DISCONTINUITIES IN THE DEVELOPMENT OF AMERICAN CONSTITUTIONAL LAW (2004); KEN I. KERSCH, FREEDOM OF SPEECH: RIGHTS AND LIBERTIES UNDER THE LAW (2003); THE OXFORD ENCYCLOPEDIA OF LEGAL HISTORY (Stanley N. Katz ed., forthcoming); THE SUPREME COURT AND AMERICAN POLITICAL DEVELOPMENT (Ronald Kahn & Ken I. Kersch eds., 2006); Stanley N. Katz, *A New American Dilemma?: U.S. Constitutionalism vs. International Human Rights*, 58 U. MIAMI L. REV. 323 (2003).
102. Examples include Kim Lane Scheppelle (the current director of LAPA, whose work is focused on comparative constitutional law, especially in the former Soviet Union); Jennifer A. Widner (whose focus is courts, law, and constitutions in sub-Saharan Africa); Anne-Marie Slaughter (current Dean of the Woodrow Wilson School of Public and International Affairs, who came to Princeton from Harvard Law School, and whose work is focused on the intersection of international law and international relations); Robert O. Keohane (whose work focuses on multilateral institutions); and Andrew Moravcsik (who focuses on, among many other areas, European Union constitutionalism). *See, e.g.*, JENNIFER A. WIDNER, BUILDING THE RULE OF LAW (2001); Laurence R. Helfer & Anne-Marie Slaughter, *Why States Create International Tribunals: A Response to Professors Posner and Yoo*, 93 CAL. L. REV. 899 (2005); Allen Buchanan & Robert O. Keohane, *The Legitimacy of Global Governance Institutions*, 20 ETHICS & INT'L AFF. 405 (2006); Andrew Moravcsik, *The European Constitutional Settlement*, in MAKING HISTORY: EUROPEAN INTEGRATION AND INSTITUTIONAL CHANGE AT 50, at 23 (Kathleen McNamara & Sophie Meunier eds., 2007); Kim Lane Scheppelle, *The Migration of Anti-Constitutional Ideas: The Post-9/11 Globalization of Public Law and the International State of Emergency*, in THE MIGRATION OF CONSTITUTIONAL IDEAS 347 (Sujit Choudhry ed., 2006); Anne-Marie Slaughter & William Burke-White, *The Future of International Law is Domestic (or, The European Way of Law)*, 47 HARV. INT'L L.J. 327 (2006).
103. Examples include Hendrik A. Hartog of the Department of History (who focuses on the social history of American law); John M. Darley of the Department of Psychology (whose current work is focused on the criminal justice system, punishment, and moral judgment); Lawrence Rosen of the Department of Anthropology (who focuses on Islamic law, family law, and the rights of indigenous peoples); and Paul E. Starr of the Department of Sociology and the Woodrow Wilson School (who writes on domestic and foreign policy). *See, e.g.*, LAWRENCE ROSEN, LAW AS CULTURE: AN INVITATION (2006); PAUL STARR, FREEDOM'S POWER: THE TRUE FORCE OF LIBERALISM (2007); John M. Darley, *The Cognitive and Social Psychology of Contagious Organizational Corruption*, 70 BROOK. L. REV. 1177 (2005); John M. Darley, *On the Unlikely Prospect of Reducing Crime Rates by Increasing the Severity of Prison Sentences*, 13 J.L. & POL'Y 189 (2005); Hendrik Hartog, *Lawyering, Husbands' Rights and "the Unwritten Law" in Nineteenth-Century America*, 84 J. AM. HIST. 67 (1997); Hendrik Hartog, *Someday All This Will Be Yours: Inheritance, Adoption, and Obligation in Capitalist America*, 79 IND. L.J. 345 (2004); Paul Starr, *Health and the Right to Privacy*, 25 AM. J.L. & MED. 193 (1999).

research, especially data and statistical analysis.<sup>104</sup> Such methods, long used by nonlaw faculty, are increasingly being used by law school faculty.<sup>105</sup>

¶37 In addition to faculty, many doctoral students concentrate on legal aspects of their fields. Examples of the types of research include a sociology student who is exploring sociological issues caused by both present-day and historic statutes that provide mining rights to one party although a different party owns the surface rights to the land, and a politics doctoral candidate who is collecting data to test for patterns in court decisions and constitutional amendments dealing with early twentieth-century labor reform.

¶38 Finally, undergraduates also conduct detailed interdisciplinary legal research. All undergraduates at Princeton must do several significant independent research projects to graduate. First, during the junior year, students do two “junior papers,” which are usually thirty to forty pages long. These two papers are largely preparation for the senior thesis. The Princeton senior thesis, the completion of which is dramatized in the novel *The Rule of Four*,<sup>106</sup> is taken quite seriously. Students are expected to conduct major serious original research. Seniors work on their theses, which typically are 100–150 pages, for their entire senior year, and legal topics (especially for those seniors headed to law school) are quite popular.

¶39 In sum, despite the absence of a law school, much legal research occurs at Princeton. The faculty is highly productive. In addition to publishing legally themed research in non-law journals, the faculty regularly publishes in the scholarly legal literature.<sup>107</sup> Although Princeton is largely unheralded as a significant contributor to legal scholarship on an institutional level, its faculty are active participants in legal academia.

### *The Library's Law Collection*

¶40 Although discussed in more detail in my article on interdisciplinary legal reference, it bears noting here that the Princeton University Library has developed a significant law collection to support legal research conducted at Princeton.<sup>108</sup> The collection includes both significant print holdings (over 100,000 distinct print titles) and just about all, if not more, of the electronic resources considered standard at a law school library. In either electronic format or print, the collection includes almost all of the resources constituting a core collection in a law school library.

104. The research of Charles M. Cameron (of the Department of Politics and the Woodrow Wilson School and who is also a visiting professor at the New York University School of Law) exemplifies the interdisciplinary use of data and statistics in legal scholarship. See, e.g., Charles M. Cameron & Lewis A. Kornhauser, *Appeals Mechanisms, Litigant Selection, and the Structure of Judicial Hierarchies*, in *INSTITUTIONAL GAMES AND THE U.S. SUPREME COURT* 173 (James R. Rogers et al. eds., 2006); Jeffrey A. Segal, Lee Epstein, Charles M. Cameron, & Harold J. Spaeth, *Ideological Values and the Votes of U.S. Supreme Court Justices Revisited*, 57 J. POL. 812 (1995).

105. See Hollander, *supra* note 2, at 786–89, ¶¶ 34–38.

106. IAN CALDWELL & DUSTIN THOMASON, *THE RULE OF FOUR* (2004).

107. For a lengthy list of Princeton faculty publications in the legal literature from 2006 alone, see Hollander, *supra* note 2, at 782 n.48.

108. For a more detailed description of the collection, see *id.* at 778–79, ¶¶ 14–16.

¶41 In addition to standard legal resources, the collection includes thousands of rare and historic law items. Some highlights include a 1630 copy of Francis Bacon's *The Elements of the Common Lawes of England*,<sup>109</sup> an 1849 copy of the Constitution of the State of California<sup>110</sup> (indeed, there are many legal works in Princeton's Western Americana Collection, housed in the library's Department of Rare Books and Special Collections), and an 1856 copy of Montgomery Blair's Supreme Court argument in favor of Dred Scott.<sup>111</sup>

¶42 In sum, although certainly not as large as a law school library, the Princeton University Library's law collection nevertheless constitutes a significant collection. Reflecting Princeton's traditional areas of legal scholarship, its subject area strengths include constitutional law, international law, and British law.

### Conclusion

¶43 Largely unknown and unheralded, Princeton University today is the site of a significant community of legal scholars conducting important legal research and producing important legal scholarship. The presence of such a community today is the result of a long-standing tradition of legal scholarship that developed over the course of two centuries apart from, yet alongside, mainstream legal scholarship within law schools. The story of how this developed is marked by a tension between the desire to establish a traditional law school and the desire to establish a "jurisprudence school" or an alternative center of interdisciplinary legal learning. In the end, whether by the design or because of the costs of establishing of a traditional law school, the latter vision is the result. This paper hopes to tell this largely unknown history, a fascinating story for its own sake but also one illustrating the origins of a tradition of interdisciplinary legal scholarship in an era where such scholarship is increasing in volume and changing the way the world looks at legal questions.

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109. FRANCIS BACON, *ELEMENTS OF THE COMMON LAWES OF ENGLAND* (1630).

110. CAL. CONST. of 1849.

111. MONTGOMERY BLAIR, *DRED SCOTT, (A COLORED MAN) VS. JOHN F.A. SANDFORD: ARGUMENT OF MONTGOMERY BLAIR, OF COUNSEL FOR THE PLAINTIFF IN ERROR* (1856).