

Law School of Harvard University,
Cambridge, Mass.

8th October 1942

Professor Arthur D. Nock,
Eliot House K-21,
Cambridge, Mass.

Dear Nock:

Today in looking about for material on the doctrine which was urged so long to the effect that a promise is intrinsically binding, I ran across a gem in the Disputations of Samuel Strykius:

"Pacta vero conventa sunt servanda haec regula processerit ab ore Dei, et ideo Deus ligetur pacto et diabolus et princeps, et nulla major justitia sit, quam pacta servare."

I remember you wrote some time ago about my contributing something to the Theological Review. If I can succeed presently in making something out of the theological-juristic theory of the binding force of a promise I will send it to you. But it is going to take a good while to do some of the spade work.

Yours very truly,

Roscoe Pound

國際聯歡社
INTERNATIONAL CLUB
671 NORTH CHUNG SHAN ROAD
NANKING

TELEPHONE:
MANAGER'S 33630
HOSTEL 33631
INQUIRER'S 33632

TELEGRAM: INTNACLUB

April 25, 1948

Dear Nock;

Under another cover I am sending you a booklet of four lectures before the National Chengchi University on Some Problems of the Administration of Justice in China. Another set of lectures on Rights, before the Central National University, as I am told, will be published presently.

All goes well here. The stuff about China I read in clippings from American newspapers which are sent me from time to time is only equalled by the stuff about conditions in America in the papers here. I read in today's local paper used in the United States a condition of panic prevails over the prospect of war with Russia. In the New York papers I read we are in a state of anarchy and general dissolution here. News exaggerates with the square of the distance.

I am very busy with a survey of the administration of justice in Eastern China.

Remember me to the Club.

With all good wishes,

Yours sincerely,

Roxo Brown

Air Mail

K-21, Eliot House
June 4, 1948

Dean Roscoe Pound
International Club
671 North Chung Shan Road
Nanking
China

Dear Pound:

It was a great pleasure to receive your letter of April 25th and then more recently, your four lectures on the administration of justice in China. I have read them with the greatest pleasure and interest. The saying "Your need is not for reform, but for form" seems to me to apply to a great many problems outside China. Quite apart from the practical issues involved, these lectures of yours seem to me an ideal vindication of the practical value of history. People are too apt to think, as Job's friends suggested that he did, that they are the first men born into the world. On page 36 I am reminded of a recent discussion by Taubenschlag on ethismos as distinct from noios. I wish to goodness you could convey to the American public the picture of China as you see it. As to what you read about panic here, there are some people who feel pretty much that way and I have been asked whether I think I run a risk of being caught by war in Europe this summer. Again I have heard from a correspondent of intense fear in April in the western part of Germany. It may be wishful thinking, but my own feeling is that there is a very good chance that the present condition of uneasy peace may well continue for a very long time.

We have all missed you at the Club this year, and I will convey your greetings to the next meeting in November, all being well. With many thanks and with every good wish,

Yours ever,

[Arthur Darby Nock]

10/17/57

Dean Roscoe Pound
University of California Law School
Los Angeles 24,
California

My dear Pound:

I am deeply grateful to you for this newest publication of yours as for all those that you have sent me over the years; they have made a very real contribution to such education as I have acquired. I take it that the definition of law on p. 2 is new and your own; I like it very much indeed and it is an advance on Mommsen's 'the interference of the state in the actions and passions of humanity'. I must confess that I have never realized the very important point which you make about the eighteenth century identification here of common-law rights with natural rights.

I miss very much seeing you at the Scientific Club and at other times around here. I see that you are going to India and as always admire your courage and energy; but I hope that you will be revisiting these parts. Would you like me to send publications to the California address or to the Law School? With every good wish to you and to Mrs. Pound,

Yours ever,

[Arthur Darby Nock]

UNIVERSITY OF CALIFORNIA

SCHOOL OF LAW
LOS ANGELES 24, CALIFORNIA

October 23, 1951

Professor Arthur D. Nock
K-21 Eliot House
Harvard University
Cambridge 38, Massachusetts

Dear Nock:

The definition of law to which you refer is my own but is not entirely new. I have been urging it for some 20 years now. But I have not given it very much publicity, using it chiefly in my seminars and lectures on jurisprudence. As to the identification of the common-law rights of Englishmen with the natural rights of man, I went into this fully many years ago in my book "The Spirit of the Common Law".

I expect to stop teaching at the end of the present school year and to return to Cambridge where I have laid out much to be done. As to the Tagore lectures, that will take a matter of perhaps 6 weeks at the end of '52 or for part of '53.

Mrs. Pound joins me in cordial best wishes.

Yours very truly,

Roscoe Pound

RP/jm

P.S. Comparing my definition of law with Mommsen's, you may have noticed that it brings out a radical difference between Continental and English thinking about law. Mommsen has his eye upon the state. The will of the prince has the force of a law. Hence, what the state does is law because the state does it. English thinking, on the other hand, goes back to Bracton's proposition that the king rules under God and the law. Hence, law is not what the state does but what the state does is to be done according to law. Hence, Mommsen sees state force operating, while an Anglo-American thinker would see force of the state applied in the systematic fashion.

Dean Roscoe Pound
School of Law
University of California
Los Angeles 24, California

Dear Pound:

Warmest thanks for your good letter and for this new and most interesting book. I marvel at your power of production and clear statement. Your remark in the postscript does get very much to the heart of the matter and it is interesting to see that Mommsen, for all his reaction against authoritarian government in practice, had the continental point of view at the back of his mind. In the same way in discussions between representatives of different churches it comes out that the Lutherans and Calvinists have a specific doctrine of the Church, and the Anglicans do not. At the moment I am back again at a problem which has concerned me in the past -- the nature of the interference of the Roman state in religious matters.

It is exceedingly good news that you are planning to return here next year and I had the pleasure of giving some of the brethren at the Scientific Club the good news last Thursday. Pardon my bothering you, but shall I send you reprints to the California address or keep them for your return?

You will be feeling deeply the death of Professor Dodd and his wife. I did not know them well but had a high regard for both of them.

With every good wish to you and Mrs. Pound,

Yours very truly,