

**Francis Lieber and the South Carolina College Library:
An Examination of a Scholar's Academic Library Use**

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ABSTRACT

Francis Lieber (1798–1872) was a Prussian-born intellectual, scholar of law and ethics, and professor, who lived in Columbia, South Carolina from 1835 to 1856. Lieber is known today for his work on what is commonly referred to as the Lieber Code, the rules of conduct for American soldiers during the Civil War. In 1827, Lieber left Europe for America, arriving in New York in June of that year; shortly thereafter, he became a citizen of the United States. Lieber's search for suitable employment in his adopted homeland ended when he accepted a position as a professor at South Carolina College, which would eventually become the University of South Carolina. However, after moving to Columbia, Lieber found himself alienated by the anti-unionist, pro-slavery environment of the South. Lieber's frustrations over his failure to be appointed president of South Carolina College and accusations of abolitionism led him to resign his position in 1856 and return to the North where he continued to make important scholarly contributions, particularly in the area of military law. This article explores Lieber's library usage during his tenure at South Carolina College, principally by examining his borrowing records, which are still preserved at the university's South Caroliniana Library. The lists of titles he checked out are

located in a set of large business ledgers referred to as the 'Faculty Library Ledgers'. Attention is also paid here to Lieber's major publications during this period of his life in South Carolina, especially the *Manual of Political Ethics, Legal and Political Hermeneutics, and On Civil Liberty and Self-Government*. This approach is mainly descriptive of his reading, not inferring direct causation to specific Lieber attitudes and writings, but undertakes to shed light on the connection between academic libraries and scholarship in the case of the work of this important educator and scholar.

In life, German-born Francis Lieber (1798–1872) —jurist, publicist, professor, gymnast and scholar—had a distinct impact in a number of fields of intellectual endeavour, including political science, international copyright and military law.¹ As the author of *Guerrilla Parties Considered with Reference to the Laws and Usages of War* and the *Lieber Code*, which set out the rules of conduct for soldiers during the Civil War, Lieber is said to have contributed significantly to the first Geneva Convention in 1864 and 'even the 1949 Geneva Conventions'.² It is ironic that as a unionist at South Carolina College in Columbia, South Carolina from 1835 to 1856, Lieber was involved in the education and training of many of the young men who would subsequently

¹ An earlier version of this paper was presented at the September 2010 *Library History Seminar XII: Libraries in the History of Print Culture*, Madison, WI. The author wishes to express his sincere thanks to Dr Robert V. Williams, Dr Patrick Scott, Dr Paul Solomon, Graham Duncan and Dr Jeffrey Naidoo for their invaluable assistance and suggestions regarding the preparation of this paper, which was originally written when the author was a graduate student at the University of South Carolina in Columbia, South Carolina.

² Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge: Cambridge University Press, 2010), 46.

become leaders of South Carolina and other rebellious Confederate states.³ As a teacher and thinker, Lieber believed that the library played an important role in learning and the transmission of knowledge; for example, in a lecture he gave in 1856 at the Columbia Athenaeum, in Columbia, South Carolina, he stated that he saw libraries as the ‘bridge over which civilization travels from century to century and hemisphere to hemisphere.’⁴ The purpose of this article is to explore Lieber’s reading through his library use, principally by examining his borrowing records from the South Carolina College Library, now known as the South Caroliniana Library (Caroliniana); the Caroliniana is located on the oldest part of the campus of the University of South Carolina, in an area commonly referred to as the ‘horseshoe’, and is directly across from the stately faculty residence where the Lieber family once lived.

The approach in this article is mainly descriptive of Lieber’s library borrowing, not inferring direct causation to specific Lieber attitudes and writings, but it is hoped to incidentally shed some light on the complex connections and relationships between academic libraries and the people and cultures which support and use them. Libraries are major contributors to the success of scholars, particularly when their research efforts are centred on books, periodicals, documents, and similar resources, as was the case with many nineteenth century American academics, such as Francis Lieber. Those types of library materials were made increasingly available as the nineteenth century progressed through the efforts of librarians and other individuals, who were

³ Lewis Reifsneider Harley, *Francis Lieber: His Life and Political Philosophy* (New York: The Columbia University Press, 1900), 108.

⁴ Chester Squire Phinney, *Francis Lieber’s Influence on American Thought and Some of His Unpublished letters* (Philadelphia: International Print, 1918), 73.

associated with academic libraries. Lieber was a major supporter of the academic library and was one of the first European university-trained professors with a doctoral degree in the South. He was a graduate of the prestigious University of Jena in the province of Thuringia, Prussia, and, as a student there, he had the use of a library with over one hundred thousand volumes, which would have made it one of the most prominent academic libraries of its time.⁵ After Lieber immigrated to the United States in 1827, his educational background and reputation helped provide a number of professional opportunities to him, including the opening of a swimming pool in a gymnasium.⁶ However, his search for suitable and satisfactory employment took several years and lasted until he finally accepted a position as a professor at South Carolina College, which became the University of South Carolina in 1905.^{7 8}

This article explores Lieber's library use when he lived and worked at South Carolina College, by analysing his library borrowing records in the context of his academic and scholarly efforts. The lists of items he checked out are found in the 'Faculty Library Ledgers', which cover the time he used the library resources at South Carolina College, from 1835 to 1856, and are still available for research purposes through the Caroliniana. The 'Ledgers', provide a privileged glimpse into his selection of what may have been the actual sources he used to craft the works, which would establish his reputation as one of the preeminent thinkers of the nineteenth century.

⁵ Freidel, Frank, *Francis Lieber: Nineteenth Century Liberal* (Baton Rouge: Louisiana State University Press, 1948), 28.

⁶ *ibid.*, 57.

⁷ *ibid.*, 52.

⁸ John H. Franklin, *A Southern Odyssey: Travelers in the Antebellum North* (Baton Rouge: Louisiana State University Press, 1977), 277.

This article also touches upon Lieber's life in the anti-unionist, pro-slavery South. Regardless of where Lieber lived, in Europe or Columbia, it seems that he often felt a deep sense of ambiguity and even profound alienation from the surrounding culture; as Michael O'Brien observed 'he was habitually a stranger, a man who once wrote a book, entitled *The Stranger in America*'; further, in some ways, Lieber always seemed perpetually restless, which, in a sense, could be said to have made him a quintessentially American intellectual.⁹ In fact, he spent a considerable amount of his time in Columbia trying to find a way out of it.

Little is known about the use of academic libraries by scholars in Lieber's time. A number of studies on the content of the libraries of prominent individuals have been done, but the focus is usually on private libraries. In *Thomas Jefferson and His Library*, Charles B. Sanford wrote that Jefferson was an excellent choice to study in this regard because he was historically important and 'an accurate and extensive record of his library holdings and his readings has been preserved.'¹⁰ According to Sanford, Jefferson's library provides important insights into his thinking.

In *Henry James and the Harvard College Library*, Robert Martin suggested that knowledge of James' borrowing 'enables us to make some suggestions about his literary and cultural interests' during an important time in his life, when he was a law student and sometime afterwards when

⁹ Michael O'Brien, 'The Stranger in the South' in *Francis Lieber and the Culture of the Mind*, ed. Charles R. Mack (Columbia: University of South Carolina Press, 2005), 36.

¹⁰ Charles Sanford, *Thomas Jefferson and His Library* (Hamden: Archon Books, 1977), 15.

his family moved to Cambridge.¹¹ For Martin, James' library use was a tool for understanding his subsequent works and also revealed an aspect of his library-related behaviour, co-borrowing with his brother (borrowing under one name or license). In the case of marginalia, in *Thoreau and Columella: A Study in Reading Habits*, Francis Utley examined Henry David Thoreau's 'way with books',¹² observing that his 'scribblings show a pedantic streak in this hater of obscurantism.'¹³ In short, the analysis of library use by scholars can enrich our understanding of their interests and intellectual development, helps characterise their reading and treatment of books, and provides some evidence of the works that may have influenced them.

Born in Berlin in 1798, Lieber came to the United States after having repeatedly endured political repression in his home country of Prussia.¹⁴ Fortunately, though hounded for his liberal ideas, his talents had not gone unrecognised by his more enlightened countrymen. When in Rome, he was befriended and aided by the eminent historian of ancient Rome, Barthold George Niebuhr; Niebuhr met him in the Eternal City when Lieber was penniless and hungry, and trying to return home after a disheartening experience fighting for the Moreans in the Greek War of Independence.¹⁵

¹¹ Robert K. Martin, 'Henry James and the Harvard College Library', *American Literature*, 41 1 (1969): 95.

¹² Francis L. Utley, 'Thoreau and Columella: A Study in Reading Habits', *New England Quarterly*, 11, 1 (1938): 171–80.

¹³ *ibid.*, 171.

¹⁴ Freidel, *Francis Lieber*, 2, 52.

¹⁵ Francis Lieber, *Reminiscences of an Intercourse with Mr Niebuhr, the Historian* (Philadelphia: Carey, Lea & Blanchard, 1835), 31.

Niebuhr, whom Lieber described as a genuinely kind and sensitive man in his *Reminiscences*, put Lieber to work tutoring his son.¹⁶ Already radicalised by war as a young man, Lieber had seen his native Germany economically and emotionally devastated by the French armies under Napoleon, leaving a long-lasting distaste for tyranny and seemingly everything French in much of his later writings. Through Niebuhr's influence, Lieber was able to acquire a more moderate outlook and was given the opportunity to meet such eminent figures as Leopold von Ranke, E.T.A. Hoffmann, Frederick Schleiermacher, and William and Alexander von Humboldt¹⁷; this was an age when the world was still being discovered and in which the famed explorer Alexander Humboldt, who had more than one mountain range named after him, was the equivalent of what would be called a 'superstar' today.¹⁸ Humboldt inspired a lifelong interest in geography and adventure tales in Lieber. Through letters of introduction, Lieber was even able to meet the aged philosopher Jeremy Bentham in England.¹⁹ Nonetheless, Lieber's political problems with the state continued and eventually led him to choose exile from his native land after having been repeatedly jailed on suspicion of anti-government activities.²⁰ Years later, when Lieber returned for a visit to his homeland, the 'tables had turned' such that he was secure enough in his position at South Carolina College to reject an offer of employment from the Prussian King Frederick William IV, who received Lieber in person.^{21 22}

¹⁶ *ibid.*

¹⁷ Freidel, *Francis Lieber*, 41.

¹⁸ Keith Stewart Thomson, *The Young Charles Darwin* (New Haven: Yale University Press, 2009), 122.

¹⁹ Freidel, *Francis Lieber*, 49.

²⁰ *ibid.*, 41–45.

²¹ Francis Lieber, *The Life and Letters of Francis Lieber*, ed. Thomas Sergeant Perry (Boston: James R. Osgood and Company, 1882).

²² Freidel, *Francis Lieber*, 218.

Lieber, who served as the cataloguer and archivist of the Confederate States after the Civil War, was an ardent collector, preserver and organiser of information, both public and private; although a significant number of his papers were destroyed by him, particularly when he left Columbia for the North, fortunately much evidence from his personal correspondence and reading materials remains.²³ Scholars frequently have their own personal libraries, as did Lieber, but his personal library was still growing when he took up his professorship in South Carolina. He had an active role in building the collection of the South Carolina College Library,²⁴ and appears to have been knowledgeable in the areas of the history of the library and athenaeum,²⁵ as well as library law.²⁶ In *Francis Lieber: Nineteenth Century Liberal*, Frank Freidel wrote that in preparing for the writing of his first major works in his new position, ‘Lieber made extensive use of the South Carolina College Library’.²⁷ In the early days of the library, when the ‘Ledgers’ were first being used, historian Daniel Walker Hollis noted that ‘[t]he need for a competent librarian was almost as great as that for books and a building.’²⁸ After surveying the condition of the library in 1836, the trustees of the college voted to expend substantial sums on its improvement: ‘[w]ithin ten years the library had become one of the best in the South, and indeed, one of the best in the nation. It was equal to that at the University of Virginia, and larger than Princeton’s or

²³ *ibid.*

²⁴ *ibid.*, 147.

²⁵ Francis Lieber and Daniel Coit Gilman, *The Miscellaneous Writings of Francis Lieber* (Philadelphia: J. B. Lippincott, 1881), 297.

²⁶ Freidel, *Francis Lieber*, 413.

²⁷ *ibid.*, 147.

²⁸ Daniel Walker Hollis, *University of South Carolina* (Columbia: University of South Carolina Press, 1951), 134.

Columbia's. By 1850, it had 18,400 volumes and even so exacting a scholar as Francis Lieber found it exceedingly useful.'²⁹

Though the South Carolina College Library would come to be recognised as one of the best libraries in the nation before the Civil War, it was still insufficient for Lieber's needs.³⁰ While Lieber was preparing his first major work, the *Manual of Political Ethics*, at South Carolina College, the new library was being built; 'this handsome edifice was probably the first separate building erected by any college in America exclusively for library purposes', and has been continuously used as a library since its opening in 1840.³¹ It is in this building that most of the entries in the 'Ledgers' were made and where a bust of Lieber looks down upon the library user, along with busts of other notable figures in the history of the State, such as John C. Calhoun.

The 'Faculty Library Ledgers' cover the time of Lieber's association with South Carolina College and are divided into three books, each covering separate periods: (1) 1829 to 1836, (2) 1837 to 1849, and (3) 1849 to 1870. Entries for 1835–1839 and 1849–1853 were transcribed because they were close in time to Lieber's preparation of the most important works he produced at South Carolina College. The 'Faculty Library Ledger' themselves are impressively large tomes, and seem to have been originally manufactured to be used as business ledgers. 'Student Library Ledgers' also exist. The identification of titles involved comparing ledger entries with

²⁹ *ibid.*, 136.

³⁰ Freidel, *Francis Lieber*, 147.

³¹ Hollis, *University of South Carolina*, 135.

the current contents of the University of South Carolina's combined electronic catalogue, the records of Lieber's private library, as well as the original South Carolina College Library catalogues, especially the *Catalogue of the Library of the South Carolina College* from 1836.³²

What Lieber read he did not necessarily use, and what he used was not necessarily represented by his borrowing records; the sources of the information he employed to write the works he produced in South Carolina could have had their origins in other places, including his own library, as well as other local Columbia libraries, such as social and seminary libraries. Lieber would have had access to the private library of the college's Euphradian Society, which, along with the Clariosophic Society, was a combination 'political, social, fraternal, and intellectual' club and among 'the chief outlet(s) for extra-curricular activity on campus' for students.³³ Additionally, by 1832, Columbia 'had three libraries and reading rooms.'³⁴ And it must also be admitted that Lieber would be a difficult subject for a detailed analysis of the titles he borrowed and their influence on his scholarship because 'to trace the origin of his ideas would necessitate unraveling a snarl of interwoven sources.'³⁵

³² *Catalogue of the Library of the South Carolina College: The Books Placed Under an Analytical Arrangement and Their Titles Abridged* (Columbia: Telescope Print, 1836).

³³ Hollis, *University of South Carolina*, 230.

³⁴ 'South Carolina Library Heritage Database', <http://129.252.169.133/cgi-bin/querydb.pl?recordid=67&citation=columbia&advancedsearch=> (28 April, 2008).

³⁵ Freidel, *Francis Lieber*, 149.

During his lifetime, Lieber's intellectual output in the form of books and other writings was so voluminous it was described as 'graphomaniac' and even an 'effort to grab attention.'³⁶ In those first few years of his academic career, when he was busy establishing his reputation, his ability to digest what he read and use it effectively was pointedly questioned by the well respected critic Orestes Brownson.³⁷ Nonetheless, the list of books he borrowed at South Carolina College Library suggests that his reading was both serious and substantial from the start, as would be expected of a new faculty member. By the time he left South Carolina to return to the North in 1856, his reputation as a scholar was assured.

Before he left the North to venture to South Carolina, Francis Lieber had been urged by none other than legendary Supreme Court Justice Joseph Story to undertake a new synthesis of moral philosophy, grounded in contemporary political theory and science. This effort, whose complete title would be the *Manual of Political Ethics, Designed Chiefly for the Use of Colleges and Students at Law*, would unfold in two parts, and have, as its by-product, another impressive title, *Legal and Political Hermeneutics*.³⁸ Years later, towards the end of his stay in South Carolina, Lieber would write his magnum opus, *On Civil Liberty and Self-Government*.³⁹ Published in 1853, *On Civil Liberty and Self-Government* was his last major work written in South Carolina, and is said to have been his 'richest book. Into it as into a vat of precious liquor he poured the

³⁶ Mathew Mancini, *Alexis de Tocqueville and American Intellectuals: From His Times to Ours* (Lanham, Md.: Rowman & Littlefield, 2005), 35, 36.

³⁷ Freidel, *Francis Lieber*, 167.

³⁸ *ibid.*, 175.

³⁹ *ibid.*, 265–66.

distillation of his aspirations, his knowledge, and his theories of history.’⁴⁰ *On Civil Liberty and Self-Government* represents the synthesis of Lieber’s readings, providing a ‘codification’ of ‘his evolved understandings’ of the American experience, making it the ‘first systematic work addressing political science in the United States.’⁴¹ Later, Lieber’s ability to organise and make sense of information from different sources made him uniquely qualified to answer President Lincoln’s request for assistance in preparing a code of conduct for war; the first of its kind, and entitled ‘Instructions for the Government of Armies of the United States in the Field’, it was issued as General Order 100, and became more commonly known as the *Lieber Code*.⁴²

The *Manual of Political Ethics* was published in two volumes between the years of 1838 and 1839; the first volume had been delayed by the panic of 1837.⁴³ The *Manual of Political Ethics* focuses on the duties of citizens in a free society. *Legal and Political Hermeneutics*, which, as previously noted, developed out of Lieber’s work on the *Manual of Political Ethics*, was published in various versions in 1837, 1839 and 1880 (after Lieber’s death). In *Legal and Political Hermeneutics*, Lieber provided interpretive rules for aiding the citizen, politician and jurist in approaching various problems of a governmental nature.⁴⁴ Along with other notable

⁴⁰ Joseph Tugwell and R. G. Dorfman, *Early American Policy: Six Columbia Contributors* (Plainview, New York: Books for Libraries Press, 1960), 281.

⁴¹ Dr David S. Heidler and Jeanne T. Heidler (editors), ‘Lieber, Francis’, *Encyclopedia of the American Civil War: A Political, Social, and Military History* (Santa Barbara: ABC-CLIO, 2000).

⁴² *ibid.*

⁴³ Freidel, *Francis Lieber*, 164–65.

⁴⁴ Francis Lieber, *Legal and Political Hermeneutics, or Principles of Interpretation and Construction in Law and Politics* (Boston: Charles C. Little and James Brown, 1939).

scholarly writings produced during his residence in Columbia, in 1841, Lieber published *Essays on Property and Labour*.⁴⁵

Lieber's years at South Carolina are notable for the large number of entries in the 'Ledgers', which may be grouped into several broad areas: (1) science, travels and geography, (2) literary and artistic, (3) theology and philosophy, (4) law and political theory, (5) history and biography, and (6) other. (Throughout this analysis, unless it is clearly stated, the date of Lieber's reading of a particular work will be supplied in parentheses behind its title.)

The Lieber family arrived in Columbia in October, 1835, from Philadelphia.⁴⁶ However, the only 'Ledger' entry for 11 November 1835 appears at the top of the list of the record of Lieber's borrowing and comprises just two words: 'Kitchin's *Atlas*'. Now located in the University of South Carolina's Irvin Department of Rare Books & Special Collections, Kitchin's *Atlas* is a ponderous work, and includes the then 'new discoveries' of the British circumnavigator Captain James Cook, among others.⁴⁷ As a political historian and teacher, Lieber made use of maps,

⁴⁵ Francis Lieber and Alonzo Potter, *Essays on Property and Labour as Connected with Natural Law and the Constitution of Society* (New York: Harper & Bros, 1841).

⁴⁶ Freidel, *Francis Lieber*, 129.

⁴⁷ Thomas Kitchin, Laurie Thomas and James Whittle, *A New Universal Atlas* (London: Laurie & Whittle, 1802). A Kitchin's *Atlas* (1935) at the University of South Carolina, when examined, was observed to be missing a number of maps of the United States, Great Britain and Ireland, apparently removed long ago, all of which would have been particularly well suited to Dr Lieber's lectures. In Lieber's first report to the Trustees, he requested two hundred dollars for maps, which he considered as important as blackboards, but his request was denied. See Hester Berry, 'Francis Lieber as a Teacher and Political Writer in the South Carolina College' (master's thesis, University of South Carolina, 1943), 37. Incidentally, the next to the last book Lieber borrowed before leaving Columbia, South Carolina, was Spencer's *Atlas* (1856), which was never marked returned in the 'Ledgers.'

globes and other visual devices in his lectures.⁴⁸ Sample travel-related titles from the ‘Ledgers’ include numerous travel-related books: *Six Months in the West Indies* (1836), *Cook’s Voyages* (1837), *Antes’ Observations on the Egyptians* (1836), *Yates’ New Zealand* (1838), *Davis’ The Chinese: A General Description of China and its Inhabitants* (1838), *Voyage of the Bounty* (1839), *The Burmese Empire* (1851) by Tandy, and *Ibn Battuta’s Travels in Europe and Asia* (1841).

Lieber’s teaching was influenced by his library research. As a professor he encouraged new ways to learn, and gained a reputation for the meticulous preparation of his lectures: as Freidel noted, ‘[h]e gathered large quantities of materials on political theory, fused them in the crucible of the class, then poured them in his books.’⁴⁹ It should be noted that Lieber made innovative and extensive use of newspapers in his classes in order to comment on current events and contextualise them within history.⁵⁰ Lieber was both an educator and a believing Christian. In fact, much of his effort as a teacher and scholar can be understood as an expression of his belief in the perfectibility of man and the centrality of Christian society as the vehicle through which this aim is accomplished over time. Thus, while he tolerated slavery in his own home, probably due to social pressure ‘because South Carolina society would not tolerate allowing young white

⁴⁸ Harley, *Francis Lieber*, 122.

⁴⁹ Freidel, *Francis Lieber*, 137.

⁵⁰ *ibid.* Lieber considered the soldierly excellence among the soldiers fighting in the Mexican War to be related to the enthusiastic reports of it in the newspapers, which made it a focus of national pride and attention. Perry, *The Life and Letters of Francis Lieber*, see above note 21 at 209.

women to do such labor’,⁵¹ he was not afraid to admonish Daniel Webster for ‘acknowledging that the Bible did not explicitly condemn slavery.’⁵² The issue of slavery impacted Lieber’s reading in a demonstrable way in that he kept a notebook on slavery filled with cuttings from various sources as well as his own creative musings and contemplations: As O’Brien notes, ‘[i]t’s pages show his instinct for contradictions. The slave was a chattel and a thing, yet he had rights and responsibilities. The master was theoretically sovereign, yet he often exercised a restricted power. Slavery for Blacks was supposed to elevate the white race. Yet slave mechanics undercut their white counterparts and made them discontented. Slavery and commerce were honored, but the slave trader was a pariah.’⁵³ Lieber read popular works on slavery such as *Uncle Tom’s Cabin*, which he deemed of great importance in an unpublished review located in the Huntington Library by William B. Allen.⁵⁴ Lieber also checked out Esther Copley’s *History of Slavery*, which the ‘Ledgers’ record that he borrowed in 1849, when the Lieber family included three growing sons (Oscar Montgomery Lieber, born 8 September 1830, Hamilton Lieber, born 7 June 1835, and Guido Norman Lieber, born 21 May 1937).⁵⁵ *History of Slavery* stands out among Lieber’s reading as a book written for adolescents on the immorality of slavery. Although the ‘Ledgers’ provide scant evidence on the matter, according to Samson,

⁵¹ Paul Finkelman, ‘Francis Lieber and the Law’, *The New York Times: The Opinionator* (2 March 2012), accessed 30 July 2013, http://opinionator.blogs.nytimes.com/2013/03/02/francis-lieber-and-the-law-of-war/?_r=0.

⁵² Elizabeth Genovese and Eugene D. Genovese, *The Mind of the Master Class: History and Faith in the Southern Slaveholders’ Worldview* (Cambridge New York: Cambridge University Press, 2005), 474.

⁵³ O’Brien, ‘The Stranger in the South’, 27.

⁵⁴ W. B. Allen, *Rethinking Uncle Tom: The Political Philosophy of Harriet Beecher Stowe* (Lanham: Lexington Books, 2009), 439–40.

⁵⁵ Harley, *Francis Lieber*, 59.

‘[t]he sensitivity of Lieber’s position at South Carolina College compelled him to maintain a discreet public silence on the subject of slavery.’⁵⁶

Lieber was well known for producing extensive marginalia in the books he read, but an examination of selected materials from the University of South Carolina libraries revealed nothing significant except for a long and very critical, handwritten review by Lieber of *Golden Legend*, a work by the beloved American poet Henry Wadsworth Longfellow; history records that Lieber and Longfellow would become close friends and that Lieber accompanied Longfellow on his honeymoon with the legendary but doomed beauty, Fanny Appleton.⁵⁷

Lieber used interesting examples drawn from histories and biographies in his lectures and writings to illustrate the underlying ethical messages of his works, and many of the sources he relied upon can be traced to his readings as recorded in the ‘Ledgers’. For example, the following statement found in the *Manual of Political Ethics* is directly taken from Brodie’s *History of the British Empire*, for which a ‘Ledger’ entry appears both in 1838 and on 25 October 1837: ‘Spencer tells us that once, when he was present at Limerick, at the execution of a notable traitor, Murrough O’Brien, he saw an old woman, his foster-mother, take up the head and suck the blood, saying that the earth was not worthy to drink it, and then steep her face and breast in the streams

⁵⁶ Steven Alan Samson, ‘Francis Lieber on the Sources of Civil Liberty’, *HUMANITAS* IX, No. 2 (2005): para. 8, <http://www.nhinet.org/samson.htm>.

⁵⁷ Francis Lieber, review of *Golden Legend* by Henry Wadsworth Longfellow. Autograph manuscript notes and draft, 4 pp, in first edition inscribed by Longfellow to Lieber, 1851. Irvin Department of Rare Books & Special Collections, University of South Carolina Libraries, Columbia. Thanks to Dr Patrick Scott, former director of this department for calling Lieber’s review to the author’s attention.

which flowed from his other quarters, while she tore her hair and shrieked most terribly.’ Lieber employs this particular example to explore the depths to which human beings can experience sympathy for one another and subtly reminds us of the audience for his work, nineteenth century college students, who would, no doubt, be transfixed by the example. In the *Manual of Political Ethics* he also introduces the student reader to the concepts of ‘Hindoo philosophy’ and ‘Tai-Ky, a mystic figure which represents the union of Yang and Yn, the male and female principle’, remarkable early examples of the popularisation of Eastern philosophy in America.⁵⁸ Lieber’s use of such materials would have no doubt surprised readers in the early nineteenth century and must have enhanced his pre-existing reputation as a polymath, possibly inspired to an extent by his work, before coming to Columbia, as the first editor of the ground-breaking *Encyclopedia Americana*.⁵⁹

Six Months in the West Indies (1836) by Henry Nelson Coleridge was so popular a work in Lieber’s time that multiple copies can still be found in the South Caroliniana Library. The existence of this book among Lieber’s earliest ‘Ledger’ entries, along with the account of the conquests of Alexander the Great in *Expediatio Alexandri* (1836), *Antiqua Historia* (1836) by Johann Gottfried Eichhorn (1836), *Principles of Morals and Legislation* (1836) by Bentham, as well as *Histoire du Commerce des Egyptiens* (1836) and *Histoire du Commerce des Anciens* (1836) by Ameilhon, could be evidence that Lieber was preparing materials for his lectures to

⁵⁸ Francis Lieber, *Manual of Political Ethics, Designed Chiefly for the Use of Colleges and Students at Law*, ed. Theodore Dwight Woolsey, vol. 1 (Philadelphia: Daniel J. Lippincott, 1888), 122.

⁵⁹ Freidel, *Francis Lieber*, 77–81.

classes at South Carolina College. Further supporting evidence is that in 1837 Lieber reported to the Board of Trustees that he had taught ancient history to the freshmen, Alexander the Great to the sophomores, modern history to the juniors, and commerce and political economy to the seniors.⁶⁰

Lieber's personal contact with the European luminaries he met before immigrating to America, such as the von Humboldts, may be the reason behind the appearance of geoscience related title entries in the 'Ledgers'. However, Alexander von Humboldt's *Geognostical Essay on the Superposition of Rocks in Both Hemispheres* appears to have been checked out by Lieber on 16 November 1850, when Oscar Lieber would have been a young man of twenty years. Oscar, who shared the pen name 'Americus' with his father, would go on to a short but brilliant career as a geologist and was even appointed the state geologist of South Carolina before his untimely demise in battle; Oscar died fighting for the Confederacy, estranged and cursing his father, who had by then consigned his fate to the Union.⁶¹ Lieber's two other sons fought for the North during the Civil War, underscoring the particular brokenness the Lieber family experienced during this time.

⁶⁰ Berry, *Francis Lieber as a Teacher and Political Writer*, 31.

⁶¹ Freidel, *Francis Lieber*, 291, 326. In a brochure which visitors may pick up on their way into the churchyard where Oscar Lieber has a cenotaph dedicated to him in Columbia, South Carolina, there is a statement noting that he 'was a young Jew who had always wanted to be buried in Trinity Episcopal Cathedral Churchyard, killed at Elham Landing, Virginia and buried in an unknown grave.' *Our History in Stone* (Columbia: Trinity Episcopal Cathedral, n.d.). It may be that Oscar rebelled against the Anglican Christianity of his father and adopted the Jewish religion of his maternal ancestors. Oscar Lieber's grave was only recently relocated. 'Oscar Montgomery Lieber' last modified 14 May, 2013: https://www.facebook.com/permalink.php?story_fbid=10151523251788494&id=372042623493.

Francis Lieber's borrowings in science and nature are substantial, though, as suggested, Oscar could have been the actual reader.⁶² Complementing the travel and adventure titles previously mentioned, of a more scientific character are Lyell's *Geology* (1839), Agassiz's *Lake Superior* (1850), Fyfe's *Anatomy* (1840), *Studies of Nature* (1850), and Comstock's *A History of the Precious Metals* (1851). Shared reading or library use reveals something about the nature of library lending at South Carolina College. However, though not scientifically inclined, Francis Lieber was interested in mathematics and the philosophical aspects of science, which may explain the related entries; for example, there is a reference to the harmonisation of faith and science in the context of a discussion of so-called recent 'researches of geology' in Book I of the *Manual of Political Ethics*.⁶³

During Lieber's later years in South Carolina, we can see more concrete evidence of shared reading with his son Oscar, such as the following brief 'Ledger' entry: '*Resources of the South and West States* (Oscar) (1853).' A similar listing is found in 1846: '*Taxidermy* by (Oscar).' There is also evidence of shared reading with Colonel William Preston. Preston was one of Lieber's few anti-slavery 'allies'⁶⁴ at South Carolina College and is listed under Lieber's name as having borrowed Moultrie's *American Revolution* (1842). An analysis of co-borrowing among

⁶² Lieber's letters also report shared reading of new books for the South Carolina College Library with Oscar Lieber. Lieber and Perry, *The Life and Letters of Francis Lieber*, see above n. 21 at 136.

⁶³ Lieber, *Manual of Political Ethics*, vol. 1, 74. Incidentally, Oscar Lieber wrote *The Assayer's Guide; or, Practical Directions to Assayers, Miners and Smelters*, published in 1852, approximately one year before his father checked out the Comstock work.

⁶⁴ Freidel, *Francis Lieber*, 237.

different faculty and those who shared borrowing privileges with them might yield insights into the social networks at the college.

In comparison to Lieber's readings in science, though smaller in number but spread out more evenly over time, are entries representing his borrowings in art and literature of which the following are examples: *Elgin Marbles* (1837), Beattie's *Poems* (1851), Homer's *Iliad* (1839), *The Prose of John Milton* (1845) by Symmons, and Voltaire's *Works* (1845). Probably the 'Ledger' entries on art, more than any other area, fail to represent Lieber's deep appreciation of the subject. This might be explained by the limitations inherent in the reproduction of quality art images in the books of Lieber's time. But the rapturous nature of Lieber's response to the *Sistine Madonna* described in *Like a Sponge Thrown in Water: Francis Lieber's European Travel Journal of 1844–1845* would seem to indicate that he was deeply affected by the visual arts.⁶⁵

Lieber loved poetry and the coining of new words. For the man who invented such words as: 'city-state', 'nationalism', 'interdependence', 'Pan-American', 'commonwealth of nations' and 'penology'⁶⁶ (in which he had an interest arising out of his concern for prison reform), Lieber's South Carolina Library borrowings in the area of languages are noticeably infrequent. This scarcity may be explained by his unconventional interests in this regard, which might not be easily supported by the collection in an academic library of the time, whose focus would more

⁶⁵ Francis Lieber, *Like a Sponge Thrown Into Water: Francis Lieber's European Travel Journal of 1844–1845*, eds. Charles R. Mack and Ilona S. Mack (Columbia: University of South Carolina Press, 2002), 172.

⁶⁶ John Catalano, 'Lieber's Theory of Homophany' in *Francis Lieber and the Culture of the Mind*, ed. Charles R. Mack (Columbia: University of South Carolina Press, 2005), 79.

likely have been on ancient and European tongues. As Stuart Davis notes, ‘Lieber’s language related writings involved topics such as German language in America, the developing American language, Creole, the nature of Native American languages, and the vocal sounds and language development of Laura Bridgman’, who was deaf and blind.⁶⁷ The ‘Ledger’ entries also seem to provide evidence of some unexpected interests, such as *De Nobilitate Praecellentia Foemineisexus*, by the occultist Cornelius Agrippa von Nettesheim (1836): the title is translated as *On the Nobility and Superiority of the Female Sex*, and is listed under the group of mysterious ‘works from the other room.’⁶⁸ Another title, possibly reflecting Lieber’s socio-cultural sympathies, is Mayhew’s *London Labour and the Poor*, a ground-breaking work which incorporated statistics and colourful descriptions of Victorian street life; it is listed as having been read in 1852.

The entries for Lieber’s first years in South Carolina seem to show that he was following the advice of Justice Story, perhaps the greatest American legal mind of the time, in preparing the first part of *Manual of Political Ethics*.⁶⁹ Entries possibly indicative of Lieber’s progress in this regard include works by Hume and Lord Russell, both of whom figure most prominently in the first part of *Manual of Political Ethics*. Here one also sees *A Historical View of English Government* (1836) by John Millar, the disciple of Adam Smith. While not directly addressing

⁶⁷ Stuart Davis, ‘Observations Concerning African-American English’ in *Francis Lieber and the Culture of the Mind*, ed. Charles R. Mack (Columbia: University of South Carolina Press, 2005), 88.

⁶⁸ *The Stanford Encyclopedia of Philosophy*, summer 2011 edition, s.v. ‘Heinrich Cornelius Agrippa von Nettesheim’, accessed 23 July 2013, <http://plato.stanford.edu/archives/sum2011/entries/agrippa-nettesheim>.

⁶⁹ Freidel, *Francis Lieber*, 144, 146.

slavery, in the *Manual of Political Ethics*, Lieber appears to weave the information in the books he is reading into a discussion of the evolution of society, whose laws of morality, he argued, should be understood in order to prevent social decay and ultimately revolution.

Lieber's developing interest in law and political theory during his first few years at South Carolina College seem to be reflected in some of the titles recorded as being checked out by him. Important entries of a legal nature include the classic Blackstone's *Commentaries on the Laws of England* (1837, 1839), and *State Trials* (1835/36, 1837), a reference which could refer to several different works. Blackstone's *Commentaries* and various *State Trials* (which deal with crimes against the state such as treason) appear prominently in Lieber's later scholarship, as well. Additionally listed are Nugent's *Some Memorials of John Hampden* (1838, 1841) and *Memoirs of Horace Walpole* (1839), both of which may belie Lieber's strong interest in Whig philosophy and politics.

In the late 1830s, Lieber synthesised his knowledge of law and political theory producing the two major works of his early years: *Legal and Political Hermeneutics* and *Manual of Political Ethics*. Lieber drew upon his tremendous storehouse of knowledge, stuffing and compressing as much information as he could into his prose. In a single footnote in *Manual of Political Ethics*, one can find a number of corresponding entries in the 'Ledgers'; for example, on page 200 of the *Manual of Political Ethics* there is a footnote prepared by Lieber, which is used to support a discussion on the indissolubility of national allegiance: 'Compare what has been stated on these subjects:

Hugo Grotius, Puffendorf, Chitty, Vattel, Blackstone, Kent, and for the legal references, D. Hoffmann's comprehensive work, *Course of Legal Study*, 2nd ed., Baltimore, 1836.⁷⁰

Puffendorf, Vattel and Blackstone are found amongst the entries for 1837, and, though Kent is found later in 1841, Lieber would almost certainly have read him early on as he dedicated *Hermeneutics* to him.⁷¹ Lieber was an early user of extensive footnotes, which is not surprising given his exposure to the German historiographic tradition through such scholars as von Ranke, 'who was setting the standards for the social sciences' at the time.⁷² As noted by Freidel, '[i]n a period when footnotes were customarily brief or nonexistent, his voluminous ones drew sharp criticism.'⁷³

Exemplary 'Ledger' entries specific to international law include Vattel's *Law of Nature and Nations* (1837), Goguet's *Origin of Laws* (1837), Wheaton's *International Law* (1842, 1845 and 1846), and Staunton's *Laws of China* (1846). Representative histories include Arnold's *Church History* (1845), De Foe's *History of the Plague* (1846), Goldsmith's *History of Rome* (1839) and Wade's *British History* (1849).

⁷⁰ Lieber, *Manual of Political Ethics*, vol. 1, 200.

⁷¹ Francis Lieber, *Legal and Political Hermeneutics: Or Principles of Interpretation and Construction in Law and Politics, with Remarks on Precedents and Authorities*, ed. William Gardiner Hammond (St Louis: F. H. Thomas and Company, 1880), ix.

⁷² Freidel, *Francis Lieber*, 88.

⁷³ *ibid.*, 149.

Lieber's use of Blackstone's *Commentaries*, as suggested by several entries in the 'Ledgers', was common for lawyers of his time, some of whom might not have had more than a few books with which to consult and assist them in the everyday practice of law. For many practitioners, the *Commentaries* served as a proverbial legal Bible.⁷⁴ But Lieber's consistent use of various *State Trials* reflected his interest in loftier issues, such as the rights between nations, matters which were far more intriguing to him than the prosaic disquietudes commonly brought before the typical antebellum county judge. It is in these works that evidence of the roots of his interest in international law become more evident, and it is in *On Civil Liberty and Self-Government* that his concerns are most clearly seen. It is in *On Civil Liberty and Self-Government* that Lieber's ideas about where power should reside in government are most developed. In terms of his library use, one can observe a substantial number of references to *State Trials* and similar works, which the 'Ledgers' record as having been read throughout his stay in Columbia.

The 'Ledger' entries from 1849 to 1853 are important because they represent Dr Lieber's reading before the publication of *On Civil Liberty and Self-Government*. Freidel notes that Lieber took his manuscript for *On Civil Liberty and Self-Government* to J. P. Lipincott in the summer of 1853, a publishing company with which he would build a long-standing relationship.

Over the course of Lieber's tenure in South Carolina, he became a respected scholar of law and political science, but his experience was filled with both successes and struggles. Frank Freidel relates a disturbing episode in Lieber's life, occurring at the beginning of 1853, in which Lieber

⁷⁴ Albert S. Mills, 'Blackstone and His American Legacy', *Australia and New Zealand Journal of Education* 5 (2000): 46–59.

described himself as falling under a ‘brain fever’, during which the unfortunate professor reported feeling as though he possessed two separate identities.⁷⁵ Freidel interprets this reaction as being caused principally by the then current antagonisms between South Carolina and the North, but also because of the rise to power of Louis Napoleon in France. This psychic tug-of-war seemed to be a characteristic of Lieber’s inner life throughout his stay in Columbia.

In general, the total amount of Lieber’s borrowing decreased over the length of his time at South Carolina College. Perhaps this reflected the growth of his own private library, which might have lessened his need for the use of the South Carolina College Library in later years. Decreased levels of Lieber’s borrowing in 1838, 1840 and 1854, could possibly be explained by the closeness of these dates near in time to Lieber’s completion of his major works: *The Manual of Political Ethics, Legal and Political Hermeneutics* and *On Civil Liberty and Self-Government*. Perhaps the lulls in borrowing observed between these times indicate something about the nature of Lieber’s library use, which may have required periods of intensive reading before the publication of his works, followed by relatively low levels of reading afterwards.

Lieber’s efforts on behalf of the North, to which he moved on the eve of the Civil War after having been publically accused of abolitionism and passed over for the presidency of the college, did not make him popular in South Carolina. Regarding slavery, as Freidel observed, Lieber ‘had early discovered that many a prominent upcountry planter and professional man shared his

⁷⁵ Freidel, *Francis Lieber*, 263.

disgust.⁷⁶ Nonetheless, the South was racist, and, in exchange for a prominent position within it, Lieber had become a part of it. In this way, he accomplished his personal goals, including raising a family and establishing a prominent reputation and even a level of fame. But Lieber entered a difficult and morally compromised relationship with a place and a people he came to greatly resent, including both its Caucasian and African American populations. In contemporary times it seems odd to refer to Lieber as a ‘liberal’, a word which Freidel included in the title of his biography of Lieber; of course, it has a different meaning now than it did when Freidel’s work was first published in 1948, establishing Lieber as the ‘paradigmatic “nineteenth century liberal” and then referring more to his democratic ideas regarding civil liberty and self government.’⁷⁷

Lieber scholar Michael O’Brien discusses the dynamics of Lieber’s peculiar situation: ‘In truth, his unease was partly an example of a standing difficulty, the tension of criticising a culture which employs you. Yet there was scarcely an opinion Francis Lieber held that did not unite him to a Southerner and divide him from a Northerner, or divide him from a Southerner and unite him to a Northerner.’⁷⁸ The sense of indignity which prompted Lieber to depart from the South before the Civil War was his saving grace, but, in the end, it was also a fortuitous career move.

⁷⁶ *ibid.*, 237.

⁷⁷ Bruce A. Kimball, *The ‘True Professional Ideal’ in America: A History* (Lanham, Maryland: Rowman & Littlefield, 1996), 133.

⁷⁸ Michael O’Brien, *Intellectual Life and the American South, 1810–1860: An Abridged Edition of Conjectures of Order* (Chapel Hill, North Carolina: University of North Carolina Press, 2010), 28.

Finally, the question must be asked—how did Lieber live with the brutal truth of slavery? The answer to this question is endlessly debatable, but it is possible that it may be at least partly found in his choices regarding what he read. Lieber’s readings seem to reflect a concern for what in Western society would later be more commonly referred to as ‘human rights’.⁷⁹ Prominent in this respect are works such as *Phillipp’s State Trials* (1841, 1849), which recounts, along with other cases, the judicial murder of Elizabeth Gaunt, the kindly, deaf, Baptist woman, who, under the notorious Judge Jeffries of the Bloody Assizes, was burned at the stake for charitably assisting a fleeing conspirator in the Rye House Plot.⁸⁰ Another example might be the *Memoirs* (1841) of the criminal law reformer Sir Samuel Romilly, ‘the warm and zealous advocate of the oppressed everywhere.’⁸¹ As each volume was transcribed, patterns in Lieber’s reading seemed to emerge, which indicated a sympathy with the human condition, a concern for justice and the dignity of mankind, and a hatred of tyranny. Lieber’s history and reading suggests he could have never truly settled down in the South because ‘he constantly longed to return to the free North.’⁸² Lieber was an honourable man, and he believed in the Union and that the ‘whole movement of history was against slavery.’⁸³ Thus, it could be argued that the departure of the perpetually restless Lieber was inevitable.

⁷⁹ David A. Richards, *Women, Gays, and the Constitution: The Grounds for Feminism and Gay Rights in Culture and Law* (Chicago: University of Chicago Press, 1998), 171.

⁸⁰ Samuel March Phillipps, *State Trials: Or, A Collection of the Most Interesting Trials, Prior to the Revolution of 1688* (London: W. Walker, 1826).

⁸¹ Samuel Romilly, *Memoirs of the Life of Sir Samuel Romilly* (London: J. Murray, 1940), 256, accessed 1 August 2013, <http://www.gale.com/ModernLaw>.

⁸² Chester Squire Phinney, *Francis Lieber’s Influence on American Thought and Some of His Letters* (Philadelphia: International Printing Company, 1918), 22.

⁸³ *Lieber, Life and Letters*, 267.

Conclusion

Lieber's 'Ledger' entries allow us to identify potential areas of scholarly interest to him, most notably, international law. His library borrowing was broad and deep. Lieber's library use showed signs of co-borrowing, especially in the area of science, and repeated borrowing of the same work. Generally speaking, Lieber's library use, as indicated by his 'Ledger' entries, suggests patterns or trends, including that, in certain years, there is an increase in the number of borrowed titles in particular subject areas, such as law and history. There is also an early interest in international law and an overall decrease in borrowing over the entire span of his library use. Times of increased borrowing and decreased borrowing may have been associated with work having been initiated and ending with publication, respectively.

The content of Lieber's borrowing has only been superficially explored here. However, Lieber's South Carolina College Library borrowing records allow us to see what was deemed of sufficient potential value to be borrowed by an antebellum scholar of law, who was busy building a name for himself in his early years. Lieber's library use could have been associated with any number of information-seeking behaviours, from targeted research to serendipitous browsing. This research has attempted to characterise Francis Lieber's library use by analysing his book borrowing and use of library materials; though, as noted earlier, it is not possible to infer direct causation to specific attitudes and writings. Lieber's creative process seems to be reflected in his

library borrowing through numerous correlations between the items he checked out and the works mentioned or cited in his publications.

Although the books he read and wrote at South Carolina College had an impact in his time, most of them are no longer commonly encountered in the study of law or politics. In our day, Lieber has been largely forgotten, though his ideas are still with us. In *Francis Lieber: Nineteenth-Century Liberal*, Frank Freidel, Lieber's chief biographer, neatly summarised his subject's place in history: 'Though he was not, as he had supposed, a great and original thinker, Lieber had transported to the new world a rich cargo of alien concepts. Strange and difficult at first, these ideas lost their exotic flavor and became by the time of his death an integral part of the American tradition. More significant than Lieber himself, these concepts remained common coin while their innovator's name disappeared. As a conveyor and synthesiser, if not as an originator, Lieber was indeed great.'⁸⁴

The measure of Lieber's contribution is not so much his current name recognition, as the impact of the ideas he transmitted. Some sense of the nature of the scope of Lieber's academic endeavours can be seen in the records of 'firsts' attached to his name: 'he was the first American to take the title of political scientist'; '... the first ... American law teacher to write a work on law and economics ... the first American law teacher to do survey research ... the first American

⁸⁴ Freidel, *Francis Lieber*, 442.

encyclopedist. He was arguably the first American legal comparativist.⁸⁵ Thus, Lieber continues to have an influence, though we may no longer remember who he was.

Lieber was the first American to take the title ‘political scientist’, and still impacts us today principally through his legal writings, most notably through the *Lieber Code*, which he wrote at the instance of President Abraham Lincoln, who frequently sought Lieber’s advice on various matters.⁸⁶ ⁸⁷ Time has diminished our national consciousness and memory of Lieber. But his contribution to the world of ideas was significant, and his library use reveals aspects of that contribution. Martin Russell Thayer said of Lieber that ‘no man instructed so many of his countrymen in the truths of history, the canon of ethics, and the principles of political science.’⁸⁸ There is even some evidence that Lieber may have ‘influenced the formation of the Thirteenth and Fourteenth Amendments’.⁸⁹ Lieber’s use of the South Carolina College Library appears to have been an important part of his academic and intellectual life, and his borrowing records help us better understand his scholarship.

⁸⁵ Michael Herz, ‘A Symposium on Legal and Political Hermeneutics: Rediscovering Francis Lieber: An Afterword and Introduction’, *Cardozo Law Review* 16 (1995): 2116.

⁸⁶ Richard S. Hartigan, *Lieber’s Code and the Law of War* (Chicago: Precedent Publishing, 1983), 22.

⁸⁷ Finkelman, ‘Francis Lieber and the Law’, para. 2.

⁸⁸ M. Russell Thayer, *The Life, Character and Writings of Francis Lieber: A Discourse Delivered before the Historical Society of Pennsylvania, January 13, 1873* (Philadelphia: Collins, 1873), 36.

⁸⁹ John Vile, ‘Francis Lieber and the Process of Constitutional Amendment’, *Review of Politics* 60 (1998): 525–543.