

**How we defaulted to having professional schools, specifically business schools and law schools, and how they became the norm after 1881 in the United States**

The formal definition of a professional school, is a graduate school level institution designed to train and develop knowledge relevant to preparing students for careers in specific fields.

In many countries, there are professional schools that individuals can attend at the undergraduate level, whereas in other countries, there are professional schools at the graduate level, granting similar degrees for higher qualifications. The difference between them is the fact that one must enroll and complete a four year curriculum prior to their enrollment in the professional school at the graduate level, whereas the undergraduate professional school is the first formal qualification after high-school.

More recently there has been a worldwide movement to restructure vocational programs, and thus there is now a requirement of an undergraduate or a prior degree to enroll into certain programs. On the surface we can analyze this as being a movement to ensure that individuals have a background or some knowledge in the subject, and to learn certain skills at an advanced, intensive level (Harno, 16). However, historically there are other reasons that have led to the change. Consider the example of a degree in Divinity: previously, one would have had to complete a 3 year Bachelor's degree in Divinity in the United States in order to study this subject in depth, but now the degree has been inflated and one must complete a Masters degree in Divinity in order to retrieve the same certification. And in order to get this degree you have to complete a 4 year long undergraduate degree.

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Historically, higher institutions seldom had a distinction between undergraduate education and professional education, and they granted degrees combining the two, granting the individual a single degree. For example, an individual could receive a Law degree at the undergraduate level, instead of having a Pre-Law degree prior to enrolling in Law school. However, there have been historical events and reasons that have led to their separation into two distinct institutions in the United States. The foundations of professional schools came from Europe in the 11th century, where they established glossators, which were essentially the first schools of law. The University of Bologna served as the primary model for other law schools in the medieval age, and the university was central in the development of medieval Roman law, thereby setting a need by example for the creation of law schools (Radding).

Schools of Law were established in the United States in 1784, and before 1906, during which the “Association of American Law Schools adopted a requirement that law school consist of a three year course of study” (Harno, 95). Most Schools of Law did not require individuals to have Bachelor degrees in Pre-Law or in other liberal studies, but allowed them to enroll and obtain a law degree within a 4 year period. The traces of this evidence come from the fact that most individuals just needed to complete a high-school diploma in order to be admitted into one of these Schools of Law.

The aim of the law program in the U.S. differed to the program in the United Kingdom. The College of William and Mary granted the first Bachelors of law degrees in the US called L.B. However, the name of the English L.L.B degree was established at Harvard University, in 1820.

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The Bachelors of Law program in the U.S was intended as practical or professional training, and not merely a Bachelors of Art denoting a specialization in Law, as is the case in England. There have been claims that universities in England were using these bachelor law degrees to prepare students as statesmen rather than as lawyers (Brian). Although this was also happening in the US, this was not the prime focus of this vocational education; it is also interesting to note that there was a larger percentage of individuals who started practicing law in the US.

In the U.S, most universities have removed the Bachelors of Law degree, and individuals now receive a J.D. degree at the graduate level; they can complete their undergraduate studies in any subject and subsequently study law to receive a J.D degree. (Schoenfeld) The change from L.L.B. to J.D. was intended to end this practice of conferring what is normally a first degree, upon people who have already their undergraduate degree, to build upon individuals knowledge after they have had a basis of Law-related studies or a liberal education in their undergraduate study. In 1969 the major universities switched from L.L.B to J.D. and moved their degrees from an undergraduate level to a graduate level (Lombard, 585).

The University of Chicago was the first to move from L.L.B to J.D. early in the 1900s (Herbermann, 112) and between the early 1902 (Perry, 2) and 1930 many other universities had changed to J.D. However, as major universities, such as Harvard and Yale did not change their degree structure, most universities adopted the L.L.B again, except for the University of Chicago. For the University of Chicago, there was a need to change from L.L.B to J.D. as at the time, they felt that although there was a moderate quantity of lawyers coming out of law school,

the process was not extremely selective. As such, the percentage of individuals graduating from law school that were of high quality was potentially low. As the students who came out of Law school completing their first degree they were moderately proficient in both law academia and in law practice. But the president at that time, William Rainey Harper, wanted to “establish its law school upon the foundation of academic work” (Frank, 1902), and therefore moved its law program to be a graduate course while focusing more on practice. He required individuals to have a certain level of academic knowledge of law and of liberal studies before being admitted to Law School so they could start practicing law instead of reading it, and this is one of the reasons why Harvard, Yale, NYU, and other major Law Schools switched to having a J.D. degree instead of a L.L.B. after 1969. This is still quite contrary to the institutions in England and around the world where individuals get a Bachelors of Arts or Science in Law, and are able to start practicing law after as quoted on the Oxford University website “LLB is our 'qualifying law degree' for the purpose of practice as a solicitor or barrister in England and Wales” (Oxford University).

Moreover, in 1948 the Law School Admissions Council (LSAC) introduced the Law School Admission Test (LSATs), which became a standard for individuals going from Colleges to Law School institutions, and established the methodology for colleges to accept student, and to test their understanding of law academia beforehand. In addition, not all states legally allowed individuals to take the BAR examination without having experience in law school, and after 1940 some states increased their selectivity and enforced laws that ensured individuals went to Law School. For example, more recently in 2012, the New York Bar Association enforced a law

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for students to have had at least 1 year of experience in law school before applying to the BAR (Law Examiners, NYBA).

There were a series of discussions at Harvard University for the need of lawyers to quick start and help innovation in the country, as well as increase the quality of law education by making it a course in the practice of law at the graduate level, and the academic of law at the undergraduate level. In addition, it also increased the selectivity of law students, and the statistics from the BAR prove this result: only about 75% of individuals pass the examinations (New York Bar Association) in New York State so there is a filter, and after the establishment of the BAR there was a push for each university to increase its Law School ranking by taking more selective students, and the combination of this new degree in J.D. and the BAR led to a factor in schools choosing J.D. over L.L.B.

However, at the same time there were many individuals and universities who opposed this, and pushed to keep L.L.B at Harvard until 1969. The main arguments against it were the time, expense, and the fact that most other countries around the world were doing well and there was no need for change (HCL). Individuals would have to go through 4 years of schooling in order to prepare for their LSATs in order to get into law school, and so for most individuals it would have been discouraging both because of time, and because of the expense of going through 4 or 3 years versus 6 years. In addition, prior to J.D. the differences in academic learning in J.D. and L.L.B. were mostly similar, and the recruitment of individuals within the U.S. did not change

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dramatically because of it. The only change was that in order to work at law firms they changed a L.L.B. requirement for the degree to a J.D. degree.

Nowadays individuals have adapted to these professional institutions as they do increase marketability of a student internationally, and in most professions they are required to practice the skill by going through professional schools, and learn some of the basics of the academic knowledge beforehand. Therefore, a change from teaching and practicing law at undergraduate level to teaching law at undergraduate level and practicing it at graduate level has occurred in the United States, and universities have adopted it as not just to promote an academic foundation beforehand, but also to make it more exclusive and selective by creating multiple barriers of entry and increasing the rigor of the programs.

Moreover, Business Schools were also integrated into the 3 or 4 year university curriculum, and an individual was able to get general education mixed with professional education in one degree. The foundations of Business schools date long after law or medical schools, but they were also first introduced in Paris in 1819 (Renouard). At that time in Paris, it was required to complete preparatory classes in order to be admitted to the selective course, but they did not receive a degree for these classes, and therefore their primary basis for undergraduate education was the business school (ENSMA).

The first undergraduate business school in the U.S. was established in 1881, named Wharton, a business school within University of Pennsylvania. Individuals at Wharton received degrees in Bachelors of Arts in Business, which was similar to the first undergraduate law degrees. It took a

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period of approximately 19 years for colleges to establish a graduate business school, which was much earlier when compared to Law Schools. Undergraduate business schools were introduced in the US to educate students, allow for business networking opportunities, and for an overall liberal education in “Finance and Economy” (Wharton, 2006). They were primarily introduced as an undergraduate degree as they wanted to pursue a liberal education while also benefiting from an Economics and Finance education. Dartmouth College was the first college to have the first graduate school in Business, in 1900, called the Tuck School of Business where individuals received a Master of Commercial Science degree. However, the Tuck School primarily admitted individuals who graduated from Dartmouth itself (College, “The First Half Century”).

In 1908 Harvard introduced a degree in Masters of Business Administration, and Harvard Business School was formed. The MBA curriculum has shaped Business Schools as we know them today, and is still one of the most successful colleges within Harvard University or in the world. Harvard played a big role in the creation and movement of undergraduate business education to graduate education in the same way law schools shifted. Although there are still undergraduate business schools, there has been a shift of ideals and more individuals are willing to go to business school to gain prestige rather than gaining academic knowledge.

At the time Harvard University wanted to apply the same principles that Dartmouth College did by creating their business school, but create a new curriculum along the lines of its Law School, which was based on case-studies and practicing rather than academia, and research (Zeff). On the other hand, MBA has been heavily criticized in the media in the last few decades. MBA

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programs are said to usually create individuals who are narrow thinkers, lack leadership, lack design science, and it's a skill that most individuals would not need, but nowadays it's a not just a title, but a symbol that this individual has completed a program to potentially become a CEO or a highly respected individual in the business field (Holland).

In general, business schools were primarily created in the U.S. in order to teach individuals finance and entrepreneurial skills at an early stage in college, but most of these undergraduate business schools have moved and became graduate business school. Universities wanted to increase the prestige by creating Business Schools as they applauded Harvard's success in their MBA program, and there was a movement from undergraduate to graduate level (Zeff). This was very similar to the movement in law schools, and the smaller universities followed the larger institutions after they started adapting the MBA program (Economist).

In conclusion, there were differences in the aims and methodology in setting up professional schools in the United States and in other countries. For both Business & Law schools, different approaches were taken to establish a set of principles that led to the creation of other professional schools, and have guided the countries in different directions since. In the US, professional degrees were initially created for individuals to specialize and receive professional training, whereas in England, individuals went to Schools of Law, receiving degrees in Bachelors of Law, which were initially set-up to practice and improve academia. However, there was also an aspect of status involved in the choices that were made and that played a big role in the decisions that went into creating these universities.



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