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THE PROFESSIONAL SCHOOL AS A FACTOR IN UNIVERSITY EDUCATION.

The past twenty-five years have witnessed many radical changes in professional education. Here, quite as much as in other fields of learning, the old has given place to the new. This is particularly true of legal and medical education. In these departments the changes have been chiefly in the direction of more scientific methods and greater thoroughness. In the United States, until within a comparatively recent period, professional education in law and medicine was very largely obtained through an apprenticeship in the office of the practitioner. It is true that under the old regime, the medical student, if he aspired to the degree of doctor of medicine, supplemented his "reading" with his preceptor by attending one or two courses of lectures at some medical college; but notwithstanding this, the principal part of his preparatory work was done by himself and without the aid of methodical instruction. He had, of course, opportunities for observation and the help of occasional suggestions and directions from his chief, but the aid thus given him was incidental and fragmentary. The instruction that he received, under such conditions, might or might not be suited to his capacity and acquirements. If he came to his professional study with a natural aptitude for the work and well equipped by previous academic and collegiate training, he could undoubtedly accomplish good results, not by reason of the system followed, but in spite of it. But the seriousness of the situation is apparent when we remember that in the last generation the majority of those entering upon the study of medicine in this country were without adequate preparation. The case of the law student was in some respects worse. The lack of preliminary training was quite as general among law students as among those entering upon the study of medicine, and, as a rule, the office apprenticeship constituted the only means for professional preparation. Law schools were few in number and attendance upon them was not only not encouraged by the profession generally, but was emphatically discouraged by a very considerable portion of it. As a result, the great majority came to the bar through the law

offices, and it was the exception for the law student to supplement his office reading even by a brief period of instruction at the law school. The natural and inevitable tendency of the old regime was to subordinate the science and to emphasize the art, to make practitioners simply of medicine or law and not investigators. Coming in contact daily with the practical side of the profession, and necessarily, during his short period of study, with only a small part of it, and learning of the other side only through his interrupted and desultory reading, the ordinary student was naturally impressed with the mechanism, so to speak, rather than with the science of the profession. His horizon was necessarily a narrow one. Opportunities for obtaining comprehensive notions, unless he made them for himself, were wanting. His investigations were fragmentary; as a rule, they were carried on only as prompted by a present necessity, and rarely were they extended beyond an examination of second-hand material. His surroundings were not such as to inspire him to go to the sources for a verification of conclusions or for the discovery of new truths or new relations. Under such a system, the proper foundation for subsequent growth and development was often lacking.

Nor is it probable that results would have been materially different had students generally, as at present, sought the instruction of the schools; for the schools unfortunately were not above the grade of requirement necessary for admission to the profession. They had not yet learned what is now so apparent, that they should lead and not follow the profession in matters of educational reform. In a recent article in *The Atlantic Monthly*, upon the educational work of President Eliot, it is stated that as late as 1869, the Harvard Medical School was "little more than an irresponsible commercial venture. There were no requirements for admission; attendance was required for two courses of lectures only, brief in themselves, and still farther abbreviated by the failure of the great majority of students to attend during the summer term. A student who passed successfully five out of nine oral examinations, of five minutes' duration each, received a diploma." "Under this system," says President Eliot, "young men might receive the degree of doctor of medicine who had had no academic training whatever, and who were ignorant of four out of nine fundamental subjects." In the same article, the condition of the Harvard Law School, in 1869, is shown by the following quotation from Dean Langdell: "In respect to instruction, there was no division of the school into classes, but, with a single exception, all the instruction given was intended for the whole school. There never had been any attempt by means of legislation to raise the standard of education at the school, nor

to discriminate between the capable and the incapable, the diligent and the idle. It had always been deemed a prime object to attract students to the school, and with that view, as little as possible was required of them. Students were admitted without any evidence of *academic* acquirements, and they were sent out from it, with a degree, without any evidence of *legal* acquirements. The degree of bachelor of laws was conferred solely upon evidence that the student had been nominally a member of the school for a certain length of time, and had paid his tuition fees—the longest time being one and a half years.” The condition of the medical and law departments of the University of Michigan, at the time mentioned and for several years thereafter, was not essentially different. It is not true, however, that either of these departments could then or at any time have been properly characterized as “little more than an irresponsible commercial venture,” for neither has ever been upon a proprietary basis; and I am quite sure that examinations for degrees were never with us of the perfunctory kind indicated in the foregoing quotations. At the end of the course, an examination of some kind, and usually one of considerable thoroughness, was always required. But it is true that under the former system there were practically no requirements for admission, that there was no attempt at classification, that the courses were not arranged with a view to the natural relation of the subjects to one another, that the period of residence was but two terms of six months each, and that even this was by no means essential, that intermediate examinations were never held, that the student was regular or irregular in his attendance upon exercises as might suit his fancy, and that if he lived through the course, and presented himself at the final examination, he was reasonably sure of receiving his degree. Until within a few years, this was the condition of our medical and law schools the country over. Too often they were, as some, it is to be regretted, are today, conducted upon a purely commercial basis and with no regard to thoroughness in professional acquirements. If connected with a university, the bond was usually little more than a formal one. They were no part of the university life; they neither contributed to it nor derived benefit from it.

But, notwithstanding all this, we must recognize the fact that the better order of professional schools under the old regime did a great work. They were the pioneers, and they paved the way for the more thorough and scientific methods of the present. Their success was due, however, to the personality of instructors and not to methods. The corps of instruction not infrequently included men of great personal force and magnetism, of broad culture, of extended and varied professional experience and of na-

tional reputation, men who impressed themselves at once and continuously upon the student body. From such, the earnest mind received a quickening impulse that became the companion of a lifetime. It was good fortune for the professional departments of the University of Michigan that their early faculties were made up very largely of such men. They gave to these departments a dignity and a reputation that attracted students from far and near. Their personalities and their work left an impress that is recognized and felt today, and that must be an enduring monument.

The insufficiency of the professional schools of the last generation was not in the men who taught, but it was due rather to the fact that the work of the instructor was subject to outside professional engagements, and was therefore necessarily secondary and irregular. During the first twenty-four years of its existence, the department of law of the University of Michigan had no one upon its faculty who was devoting his entire energies to the school. And the experience of this department in that regard was not exceptional. Until recently, it was true generally of the law and medical schools of the entire country, whether connected with universities or independent organizations, that their entire teaching force was made up of those who were actively engaged in professional work. I would not be understood as urging or suggesting that men in active professional life are necessarily unfitted thereby for the work of the instructor. Such men may bring to the lecture-room a wealth of experience, a freshness of illustration and an up-to-date quality in their instruction that will serve to stimulate and encourage. It is probably necessary to the best results that the clinical chairs of our medical colleges should be filled by men who are applying the principles of their specialties in daily practice; and it is certainly desirable that the law school should have upon its teaching force a few men who are fresh from experience in the courts and upon the bench. They give to the discussions of the class-room a practical touch that challenges attention. In their hands, dry legal principles become living realities, for they show their application in actual controversies between man and man. What I wish to emphasize is that a corps of instructors made up, as was formerly the general custom, entirely of men whose predominant energies are given to outside professional demands, cannot in the nature of things bring a school to a high degree of excellence. Such men have not the time at their command necessary for the thorough study of educational problems. Ordinarily, they are unable to conform to a regular schedule of exercises. They cannot give to the student the close personal supervision that is essential to the best results. Out of touch with university methods and university requirements, they naturally apply the professional

instead of the academic standard. Impressed with the notion, which their daily experience confirms, that professional success depends, after all, to a very large extent, upon the aptitude of the man, that if the man has in him the stuff out of which the good physician or the good lawyer is made, he will succeed, whatever his degree may represent, they are naturally more indifferent than are their academic brothers to thorough tests and high standards. It is quite probable that this is more frequently the case with the legal practitioner than with the physician. The writer well remembers the attitude of a distinguished judge and law lecturer who always urged the graduation of all applicants upon the theory that those who were fitted to become lawyers were entitled to the honor, and that those who were not might as well be thrown in, as they would not trouble the profession but would soon find their level in other callings. It must be apparent, I think, that the low standard of the professional schools under the old regime was due to the utter lack of system and method and substantial requirements, and that this came from the fact that the faculties were made up of men with whom teaching was secondary and largely incidental. Under such conditions, the professional school, although in name and by formal connection a part of a university, could not in reality be considered as contributing to its life and work. It could not be a factor in the general education offered by the university.

But in recent years the situation in regard to professional schools connected with our leading universities has materially changed. The university professional school of today is essentially a modern product. It is the result of an attempt on the part of men who are devoting their best energies to the cause of professional education, to place the teaching of professional subjects upon a university basis. To this end, the corps of instructors drawn from active professional life has been supplanted very largely, and in some cases entirely, by trained men who are making the teaching of professional subjects a life work. And under the stimulus of the new regime, or because they are required to do so, teachers who are also engaged in practice, very generally at the present time subordinate professional engagements to university duties. The membership of faculties has been increased, and the indiscriminate teaching by lecture simply has given place to a system that has in view both the classification of the students and a constant supervision of the work of each. The law and medical departments of our own University may well serve as illustrations. While during the first two decades of its history, the law department never had upon its teaching staff more than four professors, three of whom were non-resident, and all of whom were actively engaged either in prac-

tice or in work upon the bench, the present faculty contains twelve resident members, nine professors and three instructors, all of whom are giving their entire time and energies to the department. Instead of the single daily lecture of the old regime that was given before all the students without regard to previous study or acquirements, we now find a regular schedule of exercises, at least three on the average for each student daily, arranged with reference to the relations of the subjects to one another, and so carried out that a large amount of personal attention can be given to each member of the class. In a word, the course of study today in this department is a progressive one, and is pursued in accordance with well established educational methods. The instruction is largely personal. In most of the subjects, the formal lecture has given place to the informal exercise based upon an approved text and adjudicated cases. Wherever the formal lecture is retained, it is supplemented by the careful study of selected cases and by section quizzes on both lectures and cases. In all the work, the student is subjected to the spur of daily examinations and discussions, conducted with a view of testing his acquirements and at the same time making him familiar with the methods of legal reasoning. While the faculty do not lose sight of the fact that the primary object of the department should be the training of young men for active work at the bar, and while, with this object in view, they each year provide better facilities for instruction along purely practical lines, they also recognize that the historical and the scientific should not be sacrificed to the practical, and that it is a legitimate and necessary function of the law school of today to encourage the study of the law in its larger sense. The extending of the course to three years furnished the opportunity, which was at once embraced, for enlarging the scope of the instruction given so that it might include the study of the sources and development of our jurisprudence. One result of these changes has been that the library of the department has become its workshop. The student early gets the notion that he should take nothing second-hand, but that he should go to the sources for the verification of propositions. On the medical side, the changes have not been less marked. Without particularizing, I may state that instead of the short course of two terms of six months each, in which the instruction was given entirely by lecture, and in which the lectures of the second term were largely a repetition of those of the first, we find the well arranged course of four years, in which laboratory work, practical demonstrations and hospital experience, all under the immediate supervision and direction of competent instructors, form prominent features. The medical student of today necessarily becomes an investigator. He leaves the University well grounded

in the science of his profession, and with a broad and substantial foundation upon which to build. The description that I give would be incomplete without the statement that in the professional departments at the present time the requirements for admission are such as to insure a fair degree of fitness for professional study, and that in the semester and final examinations, which are thorough and searching, a high standard of excellence is required.

The new regime in the professional schools of the University of Michigan finds its counterpart in all of the leading universities of the country. The changes are certainly significant. They mean much from a professional point of view; they mean much for education generally. Through them professional schools have become in fact as well as in name a part of the university system. In sympathy with modern educational methods, insisting upon standards of the highest order, and guided by university ideals, they at present contribute in a large degree to the intellectual life of the universities and to the general opportunities offered by a university residence. That the professional schools are becoming factors in general education, not only indirectly but also directly, is apparent from the fact that among those in attendance are to be found a very considerable number who are there for special work and not for professional purposes. And their number is each year increasing, particularly in the law departments. Young men who are looking forward to business not infrequently enter these departments for the business preparation that the study of the law affords. Some come directly from the high school, others from a year or two of study in general university courses. A recognition of the thoroughness of the work done in the professional schools of Michigan University and of its value as a substantial equivalent, is seen in the legislation by which the literary student who has in view the law or medicine, as a profession, may receive credit toward his literary degree for designated professional courses. The success of the departure may well suggest the inquiry as to whether greater liberality in the election of work in the professional departments might not with propriety and safety be accorded the literary student, not a liberality by which it would be possible for him to shorten the period of residence now required for the academic and professional degrees, but a liberality by which he might elect, under proper regulations and restrictions, courses in the professional departments as a part of his general education. The study, for example, of the science of jurisprudence, of the law of contracts or of torts, of the law of the domestic relations, of the history of the origin and development of the law of real property, or of equity jurisdiction, might well be open to the

election of the general student as subjects for credit. The same may be said also of many subjects that form a part of the medical courses. The day has certainly gone by when the general education offered by our universities can be properly confined within the limits of a single department. The greater liberality suggested is certainly in accordance with the spirit of the times and with modern educational tendencies.

H. B. Hutchins, '71.