

# Graduate Study in Law

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"Mr. Chancellor, I have the honour to present for the degree of Doctor of Laws, *honoris causa*, ERWIN NATHANIEL GRISWOLD, Dean of the Harvard Law School, whose succession at an early age to the mantle of Langdell, Ames and Pound followed upon a distinguished career as a legal scholar, practising lawyer and government consultant. Dean Griswold has brought to his present position an acute understanding of the relationship between the teaching of law and the administration of justice.

"In honouring him this University pays tribute to a cultivated teacher and scholar and to an institution whose contributions to Canadian legal education we are honoured to acknowledge."

N. A. M. MACKENZIE

## I. *General Background*

The minutes of the Faculty of the Harvard Law School contain the following entry for October 2nd, 1906: "Voted that the Dean [who was then James Barr Ames] and Professors Beale and Wyman be appointed a committee to report on the expediency of a possible optional fourth year in the course of the School". The next meeting of the Faculty was held December 18th, 1906. The minutes of that meeting record that: "The committee appointed at a previous meeting to consider the question of an optional fourth year made a report. After considerable discussion the matter was recommitted to the committee to report again." Such is often the fate of committees and their earnest efforts. There is no record of what the committee reported or of the reasons why its report was not deemed acceptable.

But the seed was sown. For in the year 1909-1910 the matter was again considered, apparently without the benefit of a committee. As a result the Law School Faculty recommended to the Harvard Corporation the establishment of a graduate year in law,

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and this was authorized by the corporation in 1910. So far as the records disclose the greatest uncertainty at that time was as to the precise designation of the degree which would be awarded for graduate work. At first it was to be J. D., or Doctor of Law. Then it was decided that it should be D.C.L., for Doctor of Common Law. But eventually it was determined that the designation should be S.J.D. for Doctor of Juridical Science, and this remains today the Law School's highest graduate degree.

The first graduate student entered the School in the fall of 1911. He was Eldon Revare James, who had been a law teacher in Cincinnati. He received the S.J.D. degree in 1912. For the next thirty years he was prominent as a legal educator. From 1923 until his retirement in 1942 he was librarian of the Harvard Law School Library. And after he left Cambridge he was Law Librarian of Congress for several years preceding his death early in 1949.

Before going further, I should discuss the general setting of graduate work in the United States, since our practices in legal education are somewhat different from those prevailing elsewhere. Legal education in the United States began a great revolution with the introduction of the case method of instruction by Dean C. C. Langdell at the Harvard Law School in 1870. During the next twenty years the case method was being developed and expanded at Harvard. During the following twenty year period it was being widely adopted elsewhere, so that by a generation ago the case method with all its variations may be said to have become standard in American legal education. During the same period we were developing a group of professional law teachers. Until the turn of the century much law teaching was done by practitioners and ex-judges. But today, and for many years, practically all law teaching in the leading law schools in the United States is done by professional law teachers. The bar does not undertake to control the teaching in the law schools. The product of the schools is generally tested by the bar examinations which are prescribed as a condition to admission to practice in every state.

Along with the development of law schools, the standards of pre-legal education were generally being raised. For more than fifty years now, all beginning students at the Harvard Law School have been required to be college graduates, that is, they must hold the first or bachelor's degree in arts or in science. A similar standard is now set by many law schools in the United States, although there are others which admit law students who have had

three or even two years of college study. But in many schools all law study is in a very real sense graduate study. Our students come to us after four years of collegiate education, usually in the liberal arts. Their average age at entry in the Law School is about twenty-two. This is in marked contrast with the practice in Great Britain, where, as I understand it, most academic legal education is undergraduate. It is in even greater contrast with the usual continental practice, where the Faculty of Law includes professors working in many other fields, such as economics, sociology and history, and the first degree in law is in many respects comparable to an American college degree obtained through work in the social sciences.

Consequently, the graduate students about whom I am talking are in a very real sense graduate students. They are already graduates of a graduate school in law. Graduate work on this basis is now available at a number of American law schools, including California, Chicago, Columbia, Michigan, Northwestern, Pennsylvania, and Yale. The discussion in this paper will deal primarily with what we try to do at Harvard, because that is what I am familiar with. I want of course to make it plain that similar work is done elsewhere. In general, though, I think that the objectives, methods and experiences of the several schools are much the same, so that the description of graduate work at Harvard may serve as at least an introduction to the general question of graduate work in law.

At the present time Harvard offers two graduate degrees. One is the Master of Laws degree (LL.M.), and the other is Doctor of Juridical Science (S.J.D.). The LL.M. degree was introduced in 1923. In 1933, the whole problem of graduate study was carefully reviewed by a committee of the Faculty. The report of that Committee was adopted, and we are now operating generally under its terms. Graduate work is administered by a Committee on Graduate Studies, with the Chairman of that Committee carrying the heavy load of correspondence and general administration. For many years, the Chairman of the Committee was Professor Thomas Reed Powell, who has now retired. The present Chairman is Professor Paul Freund. In carrying out this task, Professor Freund devotes much time and attention not only to the general field of graduate study but also to the individual problems of the graduate students. Every student's programme of instruction must receive his approval, and he is available to the graduate students throughout the year for counsel and advice.

## II. *Types of Students Seeking Graduate Study in Law*

What sort of student seeks to undertake graduate study in law? Of course, the purposes of those who come to us for graduate work are diverse. I may, however, mention five groups, which seem to cover most of the cases.

1. A number of our own students wish to stay on for a further year of study after receiving the LL.B. degree. These are usually students of relatively high standing. Many of them have worked strenuously during the regular three years of law study, spending much time as editors of the Law Review or in other activities. They feel the need of an extra year in which they may consolidate and organize the materials which they have studied. There has long been pressure for a requirement of four years in law school for the award of the regular LL.B. degree. Although we have resisted that, the opportunity of a fourth year in graduate work is available for those students who feel the need and can afford it. There are a great many openings available to our leading graduates each year. Many of them can get places as law clerks to judges of the federal and state courts. Many will want to go immediately into practice. Currently we are now appointing a number of recent graduates as Teaching Fellows to carry out work in assisting with the instruction of our first year students. But none of these opportunities gives the chance for uninterrupted and systematic study which is available through a further year of study in school. Each year a number of our students seek this fourth year of study.

2. A second group is composed of students who have just completed the regular LL.B. course at another law school. Some of these students are men who would have liked to do all their law work at Harvard, but were prevented from doing so by financial or other considerations. The chance for a year of graduate instruction enables them to experience some of the rigours which are traditionally associated with legal study at Harvard. In the case of students who come from schools with standards similar to those at Harvard, it enables them to come into contact with new instructors, or perhaps to study subjects which were not available to them at their own schools.

3. A third group consists of those who feel that they are rather definitely interested in a career of law teaching. These may be current graduates, or men who have had a year or two of experience in law practice or even in law teaching. They come to do graduate work both as a means of extending their education, and, I suppose, also because they come to understand that

one of the avenues into the more attractive places in law teaching lies through the field of graduate work.

4. Another group are the foreign students. Each year we get a great many inquiries from students in other countries who seek to come to Harvard for graduate work. This group presents great diversity and many problems. In the case of applicants from Canada, their general purposes are much the same as in the groups already mentioned, and we have had many Canadian graduate students of whom we are very proud, including the president of this great University. But Canadian law schools do not all follow the general pattern of instruction which is common in the United States. Having in mind that our graduate students are really graduate students, we often encounter problems with respect to Canadian applicants. These problems have arisen in the past with men who have done their work at Osgoode Hall, often without a general university or college education, and with much of their time spent in apprentice or office work. And we also have a problem with graduates of Quebec universities, such as Laval, which generally follow the continental system under which legal education is essentially undergraduate.

We find that applicants from English, Scottish and Welsh universities must be considered on an individual basis. In a very general way, law school instruction there is undergraduate instruction, and a man ordinarily receives his first law degree there (often a B.A. in Jurisprudence) at the age of twenty-one or twenty-two, which is much younger than our men receive the LL.B. Yet the general level of instruction in the British secondary schools and consequently in the universities is undeniably higher or more effective than in our own schools and colleges. We have concluded, in general, that we can take a man as a graduate student if he has received the B.A. in Jurisprudence with first class honours, or if he has studied further and received a B.C.L. degree or its equivalent. We lay down no hard and fast rule in these cases, and find that they present many problems. It is often very hard indeed to translate an English academic career into American standards. Some day I hope to understand English legal education. I have worked hard at that for a long time, but so far it has often seemed to me to be rather inadequate in plan and execution, and to produce generally very excellent results!

Finally we come to foreign students whose training has not been in the Anglo-American common law. They present special problems, often of great difficulty. We have learned that we must

first be extremely careful that they have adequate facility in the English language. All of our instruction is in English, and our experience is that a foreign student cannot learn English while studying law — or perhaps I should say, cannot study law while learning English. Often it is hard to tell how good a foreign student's English is, when our only contact is by correspondence. If a student has a really good background in English, he usually has little difficulty after he gets here, and his English improves rapidly.

After we have satisfied ourselves about the language ability, there are other problems. We need to know the extent of the student's training in his own country, and his purpose in seeking to come to the United States. If he holds merely the first degree at a continental university (usually the *Licence en Droit*, or its equivalent) we feel that he has, as I have indicated, only the equivalent of an American undergraduate education, and we are not willing to admit him as a graduate student in the Law School. If he has gone on and obtained the *Docteur en Droit* degree, or if he has had a number of years experience in practice, then we are willing to admit him as a graduate student.

We have a further problem with continental and other students whose training has been in the civil law or other non-Anglo-American systems. We are interested in their objective in studying in the United States. We find that many of them want to come to Harvard and then continue to study the same things that they might better study at home, that is, to do further work in their own legal system. We have had that problem not only with students from France and Latin America, but also with students from India who wanted to come to Cambridge to study Hindu law. Of course we do not expect to make American lawyers out of these foreign students, but we do feel in general that if they come to study in an American university, they should at least learn something about the Anglo-American legal system, how common lawyers talk and think, something about cases and the use of statutes, as distinguished from the civil law approach to jurisprudence and codes. Many of the foreign students are exceedingly anxious to learn about our ways and law, and with them we have excellent results.

All these four groups are ordinarily admitted to candidacy for the LL.M. degree. In the case of foreign students from non-common law countries, we often admit them first as special students, not candidates for a degree. Then after a trial period, if they show real promise, we transfer them to graduate status

as candidates for the degree. We have found this necessary as a means of avoiding some very difficult problems. Particularly in the case of oriental students, but also in other cases, if a man comes as a candidate for a degree and then does not get it, there is a very serious loss of face, often presenting painful psychological and other difficulties. If we admit these students only as special students with no promises and no commitments of any sort, these problems are minimized and the student can be transferred to graduate status when he shows that he really wants to do our work and can do it.

Many of the students in these groups will go into practice; perhaps more of them will go into law teaching; and some will seek careers in government service. We have many holders of graduate degrees in all of these fields of endeavour. The work for the LL.M. degree is not primarily designed to prepare for a teaching career. It is basically a further opportunity for work in legal study. It is designed to enable a student to deepen and broaden his study of law and the legal order. We hope that it will make him a better teacher, if he goes into law teaching. But we also hope that it will produce more rounded and thoughtful practitioners and public servants.

5. Finally, there is another group for whom we seek to provide graduate work in law. These are men who have already had a considerable period of experience in teaching or in practice after leaving law school, men who have demonstrated their especial qualification to do advanced work in legal studies of a high order. Such men are admitted as candidates for the doctor's degree. That degree is primarily a degree for teachers, and we endeavour to hold a very high standard for it, perhaps too high a standard in recent years. The degree is reserved for men who have shown a background of basic knowledge and a capacity to produce significant scientific work on the basis of that background. The degree is intended to be a mark of real attainment in juridical science. Indeed we have pushed our standard for it so high that it has been awarded only a few times in the past several years.

### III. *Requirements for Admission to Graduate Study*

We require of all graduate students that they have the qualifications requisite for admission to our regular first year course of instruction. This means in substance that they must hold a degree from an approved college, and with a record there sufficiently high to meet the current standards of our first year

admissions committee. In addition, they must meet the following requirements:

1. For the LL.M. degree, the student must have the LL.B. degree or its equivalent from an approved law school, and his college course and law course combined must have occupied at least six academic years. And the student must have demonstrated proficiency in the study of law. This latter requirement is determined by an evaluation of his law school record, including any writing which he may have done.

2. For the S.J.D. degree, the applicant must meet all of the requirements for the LL.M. degree, and in addition must either (a) have obtained the degree of LL.M. with high rank from Harvard Law School, or (b) have demonstrated a special capacity for legal scholarship, evidenced, ordinarily, by published writings.

#### IV. *Objectives of Graduate Study and Requirements for the Degrees*

As indicated by the previous discussion, the candidates for the two degrees fall into two quite separate classes. The S.J.D. candidates are doing advanced, specialized work. But the LL.M. candidates for the most part are doing work which is of the same general type and order as many of our own students do in their third year of regular legal studies.

The formal requirements may be rather easily stated. To receive the Master of Laws degree, a candidate must have spent at least one academic year in residence and have completed satisfactorily four courses or the equivalent thereof, the selection of which must have been approved by the Chairman of the Committee on Graduate Studies. Candidates must also present a legal essay to be written under the direction of an instructor.

There is no general requirement as to what the four courses must be. There is no one course which all candidates must take. For many years, candidates for graduate degrees were required to take a course in Roman Law, and for most of that time, too, a course in Jurisprudence. At that time, the objective of graduate study was to give the student an acquaintance with other legal systems and with the general theory and function of law. These requirements came in at a time when Dean Pound was teaching both Roman Law and Jurisprudence. But since he gave up the work in Roman Law, we have not had much success in that field. At the present time, and for many years, we have not offered a course in Roman Law although we are now developing effective work in modern comparative law. The absence of a

course in Roman Law is in marked contrast with the work in English universities, where Roman Law is usually one of the basic subjects studied. In my opinion it is too bad that we do not have any work at all available in Roman Law, but I do not have any feeling that we should require work in that field from all our graduate students. At the present time many of the graduate students do take work in Jurisprudence, now given by Professor Lon L. Fuller, but that course is not required of graduate students.

The courses from which graduate students may select their work include any of the courses of the School. A foreign graduate student, for example, might take the first year course in Contracts as one of his courses — although, of course, this work would not ordinarily be approved for a student whose undergraduate legal work had been in the common law. In general, in the case of students who are not graduates of the Harvard Law School we tend to require that they take at least two courses in regular courses of the School. This brings them into contact with our general student body, and also requires them to meet the standard of the examinations taken by our regular undergraduate students which we regard as rather rigorous.

In administering the course requirements for the LL.M. degree, it is the general view of the Committee on Graduate Studies that the aim should be to deepen and broaden the student's understanding of law rather than primarily to enable him to pursue an investigation into a special field. Many students welcome an opportunity in a year of graduate study, freed from the burden of mastering a rather diversified subject matter, to take stock of the legal system, its institutions and processes, in a somewhat more detached way. We do not mean that the year of graduate study should be wholly devoted to jurisprudential study in any formal sense. Rather the suggestion is that whatever is studied be attacked with greater probing and opportunity for reflection. In practical terms this means that the number of distinct subjects taken should be fewer than in the undergraduate curriculum and that the subjects should be selected with a view to the development of the student's general legal cultivation rather than with the narrow aim of preparing him to be a specialist.

Of course there should also be opportunity for research and writing in a field of special interest to the student. The value of this experience, however, does not depend entirely or perhaps even chiefly on the prediction that the particular subject matter will be the student's major concern in the immediate future. The value rests in large part on the experience of mastering a limited

subject matter and of being held to high standards of thoroughness, precision and judgment, in the view that having performed such an exercise the student will carry that experience and those standards into whatever undertaking he is later called on to perform.

Indeed, I think it important that the usual graduate student not regard himself as preparing specifically for teaching or for private practice or for public service. In the first place it is quite impossible to predict where any man will find himself ten or fifteen years from now. Second, and perhaps more important, it is undesirable to regard the profession of law as something different for each of these fields. It is a distinct advantage of the Anglo-American system over some of the civil law systems that there is no rigid demarcation in the kind of apprenticeship required for the bar, the bench and governmental service. Our lawyers move rather easily from a post in one field to that in another. Lawyers become teachers, teachers become judges, both lawyers and teachers go into public service and are flexible enough to be able to leave the public service when that course seems advisable. In this way a certain independence of judgment is maintained as well as a many-sided attitude of mind in whatever post the individual may find himself at a given time. Graduate study should take account of these considerations as they are reflected in the actual operation of our profession.

In carrying this out, the student may take some staple courses, such as Taxation, Labour Law, Administrative Law or International Law, which he has not previously had the opportunity to study. He is able in this way not only to broaden his training but also to match himself against the best of the regular student body, which may be drawn from a much wider or at least different background than that which he knew in his own undergraduate career.

In the process of extending the horizon of the student, work may be taken in Jurisprudence, Comparative Law, or Legal History. American law schools tend to deal with such matters interstitially rather than systematically. There is a good deal to be said for postponing such efforts at giving perspective and coherence to a fairly mature stage of a man's legal education, when he has acquired a fund of specific instances and particularized knowledge upon which to draw in making generalizations and comparisons. We have made an effort to introduce some of this into our regular undergraduate instruction, through requiring all of our second year students to elect one from among a group of so-

called perspective courses, including Jurisprudence, Comparative Law, Legal History, and Legislation. But there remains much opportunity in graduate study to acquire a richer appreciation of these fields.

The candidate for the LL.M. degree is also required to do a piece of investigation and writing under the direction of a member of the Faculty. In this work, we encourage the choice of a relatively narrow and manageable topic in preference to a very ambitious undertaking where standards of thoroughness and precision would have to be relaxed. The objective of publication in a law review gives both a stimulus and a measure of the quantity and quality of the work which should be undertaken.

In addition, there is opportunity for graduate students to take work in other departments of the University. A law student may find it profitable, for example, to take a seminar in Labour Economics, or Public Administration, or City Planning, or Fiscal Policy, or Corporate Finance, while pursuing related studies in the Law School itself. We are also engaged in developing course work which is conducted jointly by teachers in the Law School and in other departments of the University. Such a course in Labour Problems is now being given, and we have hopes of developing more such work. This kind of collaborative study need not be deferred to the period of graduate study; but that stage of study does provide a special opportunity which may not have been available or availed of earlier.

Finally, reference should be made to the important matter of the educative opportunities to be found in the student associations among the graduate students themselves. To facilitate this, we plan informal gatherings at which members of the Faculty will discuss problems of legal education or of current legal concern with the whole graduate group. The presence of foreign students can be particularly helpful if they are encouraged to give a comparative point of view on the topics discussed. In this way the foreign students not merely give the benefit of their knowledge and experience in their own legal system, but they also learn much about the corresponding problems in common law countries.

From this, you will see that we undertake to maintain a balanced conception of a graduate programme: neither exclusively formal class work nor exclusively independent research; neither entirely staple subjects nor entirely jurisprudential; neither wholly public law nor wholly private law. The year, as we see it, should not be one of preparation for the first year of

practice or teaching, but one which the student will look back on twenty years hence as the most stirring intellectual experience of his life.

The work for the S.J.D. degree stands on a different plane. The candidate for that degree must likewise, after his admission to candidacy, spend one year in residence. But he is already an advanced student and his year is normally spent in intensive study and research. At the conclusion of the year he must pass an oral examination in such field or fields of study as he may select with the approval of the Committee on Graduate Studies, and one or more written examinations as may be prescribed by the Committee. Thereafter, the candidate must submit a dissertation, written in the English language. The dissertation may not be submitted sooner than six months after the completion of the period of residence, and must be submitted within five years after the close of the period of residence. The conferring of the degree is recommended by the Faculty only after a report by the Committee on Graduate Studies that the candidate's dissertation has been accepted as a significant contribution to legal literature on the subject with which it deals, and that it is in publishable form.

This obviously presents a very high standard, and under it the applicants for the degree are usually found among experienced law teachers. In the work for the S.J.D. degree, independent investigation is the major, though not exclusive, concern. Here there is almost unlimited room for development. There are clear trends in the field of research, and investigations today may take the student far outside the covers of the traditional law books. He may use all the resources of the University, and may seek information from the experience of law offices and from the community. The topics considered may include the formulation and development of sound corporate or public practices, in such fields as Criminology, Anti-trust, Corporate Law, Labour Law, or Taxation.

Teachers of law ought to be encouraged by leaves of absence from their school to devote a year to graduate work at a time when their interests and needs have become so crystallized that work for the doctorate is intrinsically rewarding. In general, it seems better to defer this kind of graduate work until a man has had some experience than to take it as a matter of course at the conclusion of LL.M. work. Law faculties should not require such a degree in imitation of the unimaginative quest for holders of Ph.D.'s on the part of most American undergraduate colleges, but should rather work out a system by which members of their

faculty will be given an opportunity to take the requisite period of study when the time is ripe.

#### V. *Size and Composition of the Student Body*

Until well after the close of the first war there were very few graduate students at the Harvard Law School. There were six in 1912-13, but this was the largest number until 1922 when there were eight. By 1925, the number had grown to seventeen, and from then on it increased rapidly. From 1929 until the second war there were from thirty-three to fifty graduate students in residence at the School each year. During the late war, of course, the number of graduate students fell almost to zero, but the pre-war situation is now restored. During the present year we have forty-three graduate students and special graduate students, the latter being generally students from foreign countries who hope eventually to be transferred to graduate status.

Of these forty-three students, two did their undergraduate law work at the Harvard Law School, and twenty-six got their law degrees at other American law schools. The others, fifteen in all, come to us from foreign law schools, two from Canada, one from Belgium, one from Denmark, one from England, three from France, one from Greece, one from Iraq, one from Japan, one from Norway, and three from the Philippines. Altogether, we have graduate students from eleven different countries, holding degrees from thirty-two different law schools. It is a very cosmopolitan group, presenting great diversity of background but a common interest. As in the case of our undergraduate student body, the high caliber of our graduate students is one of the great assets of the School.

During the immediate post-war period, our graduate work may fairly be said, I think, to have been somewhat neglected. We were then flooded with a very large number of veterans seeking our regular LL.B. training, and the facilities of the School were strained to the utmost to meet that pressing need. The enrolment of the School rose greatly. In one term, about two years ago, we had 2131 students altogether in the School. We adopted a system of year-round operation, known as the accelerated programme, which was wearing on students and Faculty alike, but which did accomplish the result of providing legal education to large numbers of men who had lost their normal opportunity for such training. For a period of years the energies and attention of the Faculty were necessarily devoted

primarily to the tasks of undergraduate legal education; and the graduate students, of whom there were also many, for the most part had to fit in as best they could.

Now, however, the accelerated programme has been terminated. The post-war pressure is over, and the general enrolment is nearly back to normal. We have greatly developed our graduate programme, and our offering of graduate courses. More members of the Faculty have more time available to devote to graduate students. It may take us a brief period to regain all the momentum which was lost during the war-time and post-war period; but the developments to date are very considerable, and I think it can properly be said that our graduate work is already once again on a very sound and satisfactory basis. Indeed it was not really bad during the period of stress. But graduate students can now count on more courses designed especially for them, and on more attention from faculty members than could be made available in the immediately post-war years.

#### VI. *Financial Assistance*

A problem of constant concern in the process of administering our programme of graduate work is that of financial assistance to the students who want to undertake the work. This problem may be divided into two parts: (1) the foreign applicants, and (2) those from the United States.

In the case of foreign students there is an exchange problem, now of long standing. Many of them have ample means in their own countries, but are unable to convert their money into dollars because of exchange controls. Even where conversion is possible, exchange rates or restrictions may be such as to make it extremely difficult for the student to meet all his necessary charges.

Unfortunately it is rather expensive to undertake a year of study in Cambridge. Our tuition charge for graduate students is the same as that for regular students, namely, \$600 for the academic year. In addition there is a charge of \$30 to every student as a medical fee. He must also provide his books. The University charge for meals is now about \$12.50 a week, and a room can hardly be found for less than \$200 to \$250 for the academic year. All in all, a student must count on having close to \$1800 a year available, and many find they need more. If the student is married his costs increase, and his need with it, unless his wife is able to get employment and contribute to the family's support. And that is likely to be impossible if there are children. It should be said that it is often not unreasonable that the grad-

uate student should be married, since many of them are in their late twenties when they undertake the work.

In addition to the foreign students a great many of the local applicants need assistance to make their graduate year possible. Even though they are able to cover some of the cost, they cannot take care of all of it.

The School has recently been able to make available about \$15,000 a year as scholarship and fellowship aid for graduate students. In many cases, this provides simply a tuition scholarship. In other cases, we are able to make larger grants. Some of the awards go as high as \$2,000 a year. And in addition we have available the Ezra Ripley Thayer Teaching Fellowship from which a larger grant can be made to a law teacher who is seeking to do graduate work.

There are many problems in connection with these awards. Probably the greatest is the fact that the money available is not nearly enough to meet the demand and need. During the post-war years, when government money has been provided to aid veterans in completing their education, we have tried to spread our funds as widely as possible to supplement the government allowances. This year we have awarded a total of \$15,700 as scholarships and fellowships to fifteen different graduate students. When the government grants expire, which will be soon, we will be faced with very difficult problems indeed.

One of the consequences is that we are very rarely able to aid a foreign student. When his need is for all his living expenses, often including travel to and from Cambridge, our funds are simply not large enough to aid him. However, in many cases the foreign student is able to get some sort of scholarship from his government, or a scholarship grant from some other organization, such as a Commonwealth fellowship. In such cases, we are able to make awards of tuition scholarships, in proper cases.

Another sort of problem arises in connection with domestic students. We have to try to be careful to avoid applications from students who are primarily degree collectors, and who seek a fellowship award as a means of providing a living for the ensuing year. There are not a great many of these. But they do not make satisfactory members of the student body. And they rarely develop into leaders of the bar or in legal education, which is the product we hope to provide by our investment in financial aids towards graduate legal study. There are always a certain number of academic parasites around, and we try earnestly not to make our limited funds available to them.

Finally, I think I should mention another problem which is not really serious but which has certain troublesome potentialities. There has already developed a certain amount of financial competition between the several law schools offering graduate work. A number of students make applications at several schools, frankly intending to go to the school which makes the largest scholarship award available. This is understandable, and in the cases of real financial need, it is hard to say that it is not largely justifiable. Yet if carried to extremes, it will present a situation where the several schools are in some part really buying their graduate students. We have sought as far as possible to avoid entering into this competition. As I have indicated, we have endeavoured to spread our funds as widely as possible, and have not undertaken to provide many large awards. When a student tells us he will go elsewhere unless we match a larger grant he has been offered at the other school, we have stuck by our original proposal and have not sought to meet the stipend offered him by others. Some of these men we have not been sorry to lose, since their general approach seemed to show an interest which was more mercenary than educational. But we have undoubtedly lost some excellent graduate students whom we would have been very glad to have. Still, the other course of action, amounting, as I have said, to buying a large part of the graduate student body, presents many problems, not the least of which is where the money would come from if we should conclude that we wanted to do it. For the time being we are trying to proceed on the assumption that the students who want to come to us really wish to do so because they feel that Harvard has something to offer, and that they will come to us if we can give them minimum assistance in meeting their financial problems.

#### VII. *Conclusion*

Graduate work has become an important and integral part of the Harvard Law School. Many persons now prominent in law practice and in law teaching have taken our graduate work. Each year's group of graduate students is one of the sources to which deans and faculties of law schools look in recruiting their teaching staffs. The students make a distinctive contribution to the general student body during their period of residence, and they have proved themselves to have unusual potentialities for legal work after they have left the School.

An institution of the standing and background of the Harvard

Law School should be a centre for advanced legal thinking and research. The graduate students, particularly those who are candidates for the S.J.D. degree, help the School to meet this part of its responsibility to the community, a community which has long extended far beyond the confines of the United States. Through our graduate work and our graduate students, we maintain contacts with legal education and with law throughout most of the world. We hope, too, that we make some contribution to legal study and to legal thought. The results of such efforts can be seen only over relatively long periods. We feel sure that it is well worth while for us to undertake to provide and to improve the facilities for graduate study in law.