

讀法好還是讀商好？

■張大光

很多大學生和大學畢業生都會問自己：應該去念法呢？還是念商？我讀過法學院、商學院，也讀過一般研究所，在這裡我將試圖從過來人的角度給你一些忠告，這些看法跟入學辦公室或大學輔導老師提供的那些千篇一律的資料不同。當然，底下的一些標題可能似乎把問題過分簡化，而且有時為了強調某個論點，可能稍微誇張了些。不過，我希望它們可以提供一些獨特的見解，是你在別處找不到的。

1. 通常，法學院要比商學院難讀。

法學院在大學畢業後要再讀三年，然後頒給法律博士學位（J.D.）。商學院在大學後讀兩年，頒發企業管理碩士學位（M.B.A.）。

一般而言，法學院比商學院難讀。讀法律跟讀醫科一樣，是進入專業學院，畢業生可以去考專業執照，最終目的是獲得律師的資格。因此J.D.的課程包括固定的整套內容，學生必須融會貫通，而法學院的第一年就有一套大致標準的課程（簡稱1L，Scott Turow那本資訊豐富的

書名就叫1L）。法一的標準課程有契約、民事程序、侵權行為、財產、刑事與憲法等等。

法學院的難，難在智性上較具挑戰性，而且需要不少記憶的部分，此外，還要閱讀枯燥難懂的文字。這是好是壞，要看你是哪一類型的學生而定。有些學生（包括我在內）覺得法學院引人入勝，激發思考，就像是一步步解答智性的謎題，同時又學到人類文明中真正令人景仰的重要遺產。還有些人呢，卻覺得法學院無聊、晦澀得嚇人，他們無法相信竟然有人花幾個小時精讀offer跟accept這兩個詞的意義。

與之相對地，商學院想教你懂你商業。億萬富翁李嘉誠幼年即失學，而其他自學成功的生意人，數都數不清，他們證明了經商成功不需要以書本知識為基礎。因此，很多商學院是透過商業實例來教導常識。

商學院的課業負擔可能跟法學院不相上下，每個星期要讀幾百頁的公司報告和其他材料，還

→ 哈佛法學院的Langdell圖書館。

（哈佛法學院提供）

要對公司財務詳加分析。有些商學院，例如芝加哥大學和麻省理工學院（MIT）的Sloan School，也對金融理論和高級經濟學特別看重。不過，一般而言，商研所課程所需的事實與觀念的記誦，要比法研所少得多。

2. 法學院的排名或聲望，以及法研所的成績，對於畢業後第一份工作相當重要。對商研所畢業生來說，這些因素的重要性較少一些。

像大學一樣，法學院和商學院都有《美國新聞與世界報導》、《商業周刊》和《富比世雜誌》等機構給的排名。你就讀的法研所排行榜多高、聲望多大，以及你第一年和第二年的成績，對畢業後的頭一份工作會落在多吸引人的律師事務所，影響相當大。

紐約、洛杉磯、芝加哥以及其他都會區的主要律師事務所，通常只雇用學校排行在前20名（甚至前10名）的法研所的畢業生。其他的法研所也有機會，但是只有畢業成績第一、二名的學生才會被雇用。此外，即使當地的法研所排名較低，設於該城的律師事務所也會聘用其畢業生。例如，紐約市的律師事務所會考慮Fordham、Cardozo-Yeshiva兩所法學院的學生。

排名高的法研所學生如果第一、二年成績相當不錯，通常讀完第二年後，都可獲得主要律師事務所的暑期associate工作。有了這份暑假工作，就等於保障了你畢業後會在該事務所或是地位相

當的事務所找到一份正式工作。

商研所學生不像法研所學生，一般不把關鍵課程的平均成績放在履歷表上，而求職面談的過程，往往也不一定看成績。

不過商學院的排名和聲望仍然十分重要；某些雇主只用名次最前的幾家學校的畢業生。但是，就跟商業界的成功實例一樣，商研所畢業生工作面試的成功與否，很可能更要靠性格、外表，以及其他跟課業無關的因素。

3. 大家為什麼去讀法讀商？

一言以蔽之，是爲了錢。當然，這個答案或許太尖酸、太簡化了。J.D.和M.B.A.文憑是很有用的資格，受到社會看重，也必然能增加個人日後擁有比較舒適的生活的機會。

例如，紐約的主要律師事務所的第一年associate（任職者年紀通常25歲左右），目前年薪14萬5000元。而一流投資銀行和避險基金公司的第一年associate，薪水加上紅利，賺得數目比這還多。相較之下，大學正教授的全國平均薪資，大約爲9萬5000元，中學老師則爲5萬元。

當然，主要律師事務所和投資銀行的人員變動很大，很多associate工作幾年後，會因爲個人選擇、表現因素、筋疲力盡等不同原因而辭職。主要律師事務所新進的第一年associate可能多達百人以上，而待上八到十年，修成正果成爲合夥人的，一隻手就數得出。

不過，主要律師事務所、投資銀行和顧問諮詢公司的工作經驗會很有價值，而且可以運用到政

府、非營利機構、國際商業等等其他可以滿足個人志趣的行業上面。

美國國會有超過120個參議員和眾議員讀過法研所；擁有法律學位對於從事其他政府公職也非常有用。美國社會的基礎和結構立足於「法律」之深，遠遠超過其他國家。社會上最困難、爭議最大的問題，例如墮胎、平權法案，甚至總統選舉結果，最後都是上法院解決。

4. 不讀法的理由是什麼？

也許，你不想當律師。縱使法研所的畢業生有不少人最後沒入律師這行，法研所的首要任務仍舊是專業訓練；跟醫學院是醫師的養成教育一樣，法學院的目的是替學生將來成爲律師做準備。按相同的推論，假使你怕看到血，學醫恐怕不是個好主意。花三年在未來無法充分利用的東山上，這時間不短。

何況，老實講，許多日常的法律實際工作可能相當單調，需要細讀枯燥、複雜、讓人昏昏欲睡的文字。主要律師事務所的律師，工作都很賣力，每天要上班10小時或超過10小時，偶爾連續24小時、36小時不睡，也不是罕事。給你一個可以體會類比：你連續24小時沒睡覺，寫完兩、三篇期未報告，接下來再拿出汽車保險單，開始校對裡面的錯字。

還有一點應該注意，法研所的課程可以是相當理論性和學術性的，跟實際執業非常不同；後者很實際，跟做生意的關係很密切。然而，執業和學習兩者的相同之處是對細節很重視，這點，有

的人可能覺得無法忍受，他們不明白怎麼可能有兩個律師花好幾個小時，就在辯論要不要在句子裡加上「實質」兩字，把「資料」變為「實質資料」，把「負面效果」變為「實質負面效果」。

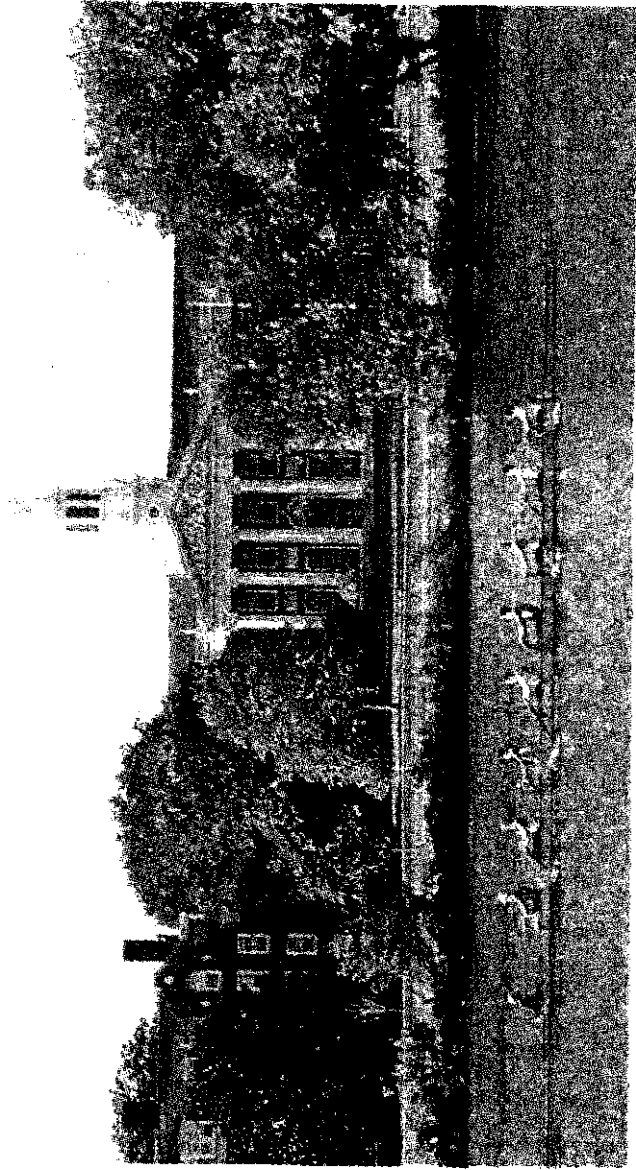
5. 假使上述屬實，何以並非所有人都讀商，不讀法？

因為，要做一個成功的商人不需要商學文憑。M.B.A. 這個專業文憑跟J.D. 不一樣，沒有它，不

表示就不能入行。因此，並沒有必須學到的一整套固定內容，有的只是各種基本的會計和財務觀念。很多拿到M.B.A.的畢業生不確定自己究竟學到了什麼，只知道自己學到了生活常識，而這些常識他們可能本來就有。

反過來講，有M.B.A.文憑，不保證你在商業領域能夠成功。商業上的成功仰賴書本知識以外的

↓ 哈佛商學院的Baker圖書館。
(哈佛商學院提供)



因素太多了，包括驅動力、動機、性格、外表、預測未來趨勢的準確程度，還有，很多成功的生意人都會承認，往往運氣也不能少。

M.B.A.學位其實是個多功能的通用文憑，作用像是企業雇主的篩子，讓你從高處進入公司的升遷台階，比只有大學文憑的人搶先了幾步。

6. 可是老問題還在：我到底該不該讀法或讀商？

這個問題只有你自己能回答。每個人都不一樣，每個人有每個人的才華、興趣、目標。如果你很清楚你這輩子要做什麼，例如：音樂家、建築師、演員、電影導演，那麼或許你不該在法學院或商學院浪費兩、三年的生命。

可是如果你喜歡學校或學術生涯，而且，即使你可能不願意承認，如果你不喜歡風險，不想從事有點冒險的職業，那麼法研所或商研所可以提供你相對來說不怎麼痛苦的一個好起步，未來多半可走上生活較寬裕的職業生涯。

有J.D.或M.B.A.文憑在手，你就不會跟成千上萬的大學畢業生一起被扔進一個往往很殘酷的超級大池子裡，拚了命互相競爭。卻可以上到一個高原，在較為寬鬆的小池子裡，展開你的職業生涯。

(徐聞譯) *

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Should I Go to Law School or Business School?

By T.K. Chang

Many college students and college graduates ask themselves: Should I go to law school or business school? Having graduated from law school, business school and graduate school, I will attempt to provide some insider's advice that will be different from the usual rote materials put out by admissions offices and college counselors. Of course, some of the summary headings below may seem to be oversimplifications, and perhaps they are slightly exaggerated to make a point. But hopefully they will also offer some insights that are unique and found nowhere else.

1. Law school is, in general, harder than business school.

Law school consists of three years of study after college graduation, for the J.D. (Juris Doctor) degree. Business school consists of two years of study after college, for the M.B.A. (Master of Business Administration) degree.

Generally speaking, law school is harder than business school. Law school is a professional school, like medical school, that enables a graduate eventually to obtain a license to practice law. Thus, the J.D. curriculum includes a set body of knowledge that must be learned, and a generally standard curriculum for the first year of law school (called "1L", as in the title of the informative book by Scott Turow). The standard curriculum includes courses such as Contracts, Civil Procedures, Torts, Property, Criminal/Constitutional Law, etc.

Law school is harder in the sense that it is intellectually more challenging, and requires a fair

amount of memorization and the reading of dense, difficult-to-understand language. That may be a plus or minus, depending on the type of student that you are. For some students (myself included), law school was fascinating and stimulating, like working through intellectual puzzles, and learning what is a truly awe-inspiring edifice of human civilization. For others, law school is dreadfully boring and arcane, and they can't believe that people would actually spend hours debating the meaning of the words "offer" and "accept."

In contrast, business school tries to teach you business. As billionaire Li Ka-shing who dropped out of school at an early age and countless other self-taught businessmen have amply proven, success in business is not based on book learning. So, much of business school is simply the teaching of common sense through the study of actual case examples from business.

The workload in business school may be just as heavy as law school, involving hundreds of pages of reading of company reports and other materials every week, and detailed financial analyses. Certain business schools, such as the University of Chicago and M.I.T.'s Sloan School, also put a greater emphasis on theories of finance and advanced economics. But, in general, the business school curriculum requires much less memorization of facts and concepts than law school.

2. The ranking or "prestige" of a law school, and law school grades, are quite important for getting the first job after graduation. These are much less important factors for jobs for business school

graduates.

Like colleges, law schools and business schools are ranked by publications such as U.S. News and World Report, Business Week and Forbes. The ranking or "prestige" of the law school that you attend, as well as your first and second year grades, is quite important for determining the desirability of the law firm in which you are able to obtain a first job after graduation.

The major law firms in New York City, Los Angeles, Chicago and other metropolitan centers hire mostly from the top twenty (perhaps even top ten) law schools. Such law firms will also hire from other law schools, but then only those who graduate at the very top of the class. In addition, law firms in a particular city will also hire some graduates from local, less highly-ranked law schools, such as Fordham and Cardozo-Yeshiva, for New York City firms.

Students with relatively decent first year and second year grades from the more highly-ranked law schools will generally be able to obtain a summer associate position after their second year of law school at a major law firm, which essentially guarantees a permanent job at that firm or a comparable firm immediately after graduation.

In contrast, business school students often do not put their grade point average or grades in key courses on their resumés, as is the case with law school students. And the job interview process often is not based on one's grades at all.

The ranking or "prestige" of the business school is still quite important, as certain employers will recruit only from the top-ranked business schools. But as is

true with success in business itself, success in the job interview for a business school student can be based much more on personality, appearance and other non-academic factors.

3. Why do people go to law school or business school?

The short answer is, for the money, though perhaps that may be overly cynical and simplistic. The J.D. and M.B.A. degrees are useful qualifications that are valued by society, and they will definitely increase the chances that one will go on to make a comparatively good living afterwards.

For example, the starting salary for first-year associates (usually in their mid-twenties) at major New York law firms is currently \$145,000 per year. First-year associates at the top investment banks and hedge funds may make considerably more than that with year-end bonuses. By way of comparison, the national average salary for full professors is about \$95,000, and the national average salary for secondary school teachers is about \$50,000.

Of course, there is a great deal of attrition at the major law firms and investment banks, as associates leave after several years due to personal choice, performance factors, exhaustion or other reasons. A major law firm may start out with a hundred or more first-year associates, of whom only a handful are left after the eight to ten years required to make partner.

Nevertheless, work experience at the major law firms, investment banks and consulting firms can be quite valuable, and is transferable to other jobs in government, non-profit organizations, international business and a variety of other satisfying careers.

Over 120 Senators and Representatives in the U.S. Congress attended law school, and a law degree is very useful for a career in government. To a much greater extent than other countries, U.S. society is based on and structured around "the Law," and the most difficult and controversial issues in society, such as abortion, affirmative action and even Presidential elections, are resolved in the courts.

4. What are reasons for not going to law school?

You may not want to become a lawyer. Despite the fact that many law school graduates do not eventually end up in a career as a lawyer, law school is first and foremost a professional school, that, like medical school or dental school, prepares you for the profession of lawyer. By analogy, if you are afraid of the sight of blood, medical school is probably not a good idea. Three years is a long time to spend on something that you will not fully use in the future.

Moreover, to be perfectly frank, a lot of the actual day-to-day legal work can be quite boring, requiring the close reading of dense, complex and sleep-inducing texts. Lawyers at major law firms also work extremely hard. Working every day for 10 hours or more, and occasionally working for 24 or 36 hours straight without any sleep, are both not unusual for lawyers at major law firms. To give you a sense of what is required: stay up for 24 hours writing two or three term papers, then take out your auto insurance policy and proofread it for typographical mistakes.

It should also be noted that the law school curriculum, which can be quite theoretical and academic, is very different from the practice of law, which is practical and closely related to business. Nevertheless, there is a similar focus on detail that some people may find intolerable—they can't understand how two lawyers can argue for hours about whether to add the word "material," as in "material information" or "material adverse effect," to a sentence.

5. If the above is true, then why doesn't everyone go to business school rather than law school?

You do not need a business degree to become a successful businessman. An M.B.A. is not a professional degree, like the J.D. degree, without which one is prohibited from entering the business profession. So, there is not a set body of substantive knowledge that you must learn, other than various basic concepts of accounting and finance. Many students graduate from M.B.A. programs having read

a lot of case studies, but not sure exactly what they have really learned, other than common sense (which they may have already).

Conversely, having an M.B.A. degree does not guarantee you success in a business career. Success in business depends on so many factors other than book learning, including drive, motivation, personality, appearance, accuracy in predicting future trends, and more often than not (as many successful businessmen will admit), luck.

An M.B.A. degree is really an all-purpose general degree, which acts like a filter for corporate employers, and which entitles you to enter a business career track at a higher point than a person who only has an undergraduate degree.

6. But the question remains: Should I go to law school or business school?

That is a question that can only be answered by you. Each person is different, and each person has different talents, interests and goals. If you have a clear idea of exactly what you want to be in life, such as a musician, an architect, an actor or a film director, then you probably should not waste two to three years of your life at law school or business school.

But if you enjoy school and academics, and—though you may be reluctant to admit it to yourself—if you are relatively risk-averse about taking chances on speculative careers, then law school or business school can provide a comparatively painless head start to what is likely to be an economically comfortable career.

With your J.D. or M.B.A. degree, you will not be thrown together with the hundreds of thousands of other college graduates competing and struggling against each other in a very big, and often ruthless, pond. Instead, you will be able to start your career on a higher plateau, in a smaller and much less crowded pond. *

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