

# Historical change in an elite profession—Class origins and grades among law graduates over 200 years

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## Abstract

This article explores the relationship between social class and educational achievement measured by grades among Norwegian law graduates over a span of 200 years. We argue that class inequalities may arise due to mechanisms favouring 'insiders', meaning students whose families have legal backgrounds. Alternatively, a broader category of students with origins in educated or elite families could also enjoy special advantages. Our results indicate that there were insignificant class inequalities in grades before the beginning of the 20th century, when they first appeared, and that class inequalities increased to some extent subsequently. Graduates with origins from families with legal backgrounds or origins in the cultural upper class tend to be awarded the highest grades and those with farming or working-class origins tend to be awarded the lowest grades. Inequalities according to class origin can be explained only to a limited extent by performance at secondary school. Unlike class origin, however, the impact of grades at secondary school appears to be highly stable over time. We ask whether mechanisms favouring legal 'insiders' may have become less important over time, whereas the impact of cultural capital may have increased.

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**KEYWORDS**

cultural capital, educational performance, professions, social class, social closure

## 1 | INTRODUCTION

Research on elites has emphasized the dual role of educational institutions. On the one hand, democratic and universalistic ideals imply that social privileges do not count within the universities (e.g., Merton, 1949), which are open to all and therefore facilitate upward mobility. On the other hand, the criteria used in admissions and in the distribution of rewards in the institutions tend to emphasize the qualities the institutional gatekeepers and their children are most likely to possess (Karabel, 2005; Khan, 2012).

We add to the knowledge about the working of elite educational institutions by studying recruitment and rewards, or more specifically, academic achievement, in the field of law over a span of 200 years. The legal profession is an interesting case, with a long history of elite status in Norway as well as in other societies (Mountford-Zimdars & Flood, 2016). Previous research has argued that law firms, together with other professional service firms, are especially important arenas for boosting the pay advantages of graduates with upper-class social origins (Bernardi & Gil-Hernández, 2020; Laurison & Friedman, 2016; Rivera, 2012). Occupational sorting, that graduates with higher-class social origins or wealthy parents to a larger extent than others get access to the most prestigious and high-paying firms, appears to be an important explanation of these findings (Laurison & Friedman, 2016; Toft & Friedman, 2020).

Academic achievement may be used to sort candidates competing for access to attractive positions. If, for example, graduates with law origins are most likely to succeed academically, this will contribute to social reproduction in the field of law. Access to prestigious positions may also be the result of processes of “cultural matching” between candidates, evaluators, and firms (Rivera, 2012), that is, that employers prefer candidates that are similar to themselves with respect to class specific cultural traits (Bourdieu, 1984). Class biased evaluations may also take place in institutions of higher education, where university lecturers are the gatekeepers.

In this article, we discuss how evaluations of the merits of students with different class origins may change over time, due to changes in the social standing of the legal profession, or changes in the relative value of economic and cultural resources. Thanks to access to unique historical data and contemporary population data on social-class origin and grades of law graduates in Norway, we are able to investigate the relationship between social origin and academic achievement from 1814 to 2014, though with a gap for the period 1945–1980. Our main research question is as follows: what is the association between social origin and educational performance among law graduates and how has this changed over time? Moreover, are ‘insider’ graduates with origins in families with legal backgrounds most successful? Alternatively, does a broader category of students with upper-class origins and access to cultural capital through their families tend to excel in education? Finally, we also study the impact of academic performance at secondary school in specific periods so we can assess the impact of social-class origin at university, over and above the impact of social-class origin on performance at secondary school.

We are able to add to the knowledge about elite reproduction by documenting tendencies over a long time span, as well as discussing explanations for these changes. Our analysis thus contributes to discussions about openness and closure in elite educational institutions and the impact of meritocracy in elite recruitment. Moreover, as we distinguish between upper-classes basing their position on economic or cultural resources, we contribute to broader discussions about unity and divisions among the upper classes (cf. Bourdieu, 1984, 1996).

To our knowledge, there are no comparable analyses covering such a long period. Some historical studies from Norway and the Netherlands using broad class categories indicate that the impact of one’s family of origin on occupational destinations declined during the 19th century (Knigge et al., 2014; Modalsli, 2017). These conclusions support ideas about modernization, implying a weakening of the association between the occupational standing

of parents and children (Blau & Duncan, 1967; Parsons, 1977; Treiman, 1970). Other studies based on historical data arrive at more mixed conclusions, however (Griffiths et al., 2019; van Leeuwen & Maas, 2010; Maas & Van Leeuwen, 2002). With an empirical focus on academic achievement, rather than class destinations, and on smaller upper-class fractions rather than broader classes, we show that social inequalities in the elite field of law did not decrease after the 19th century, but appeared and then even increased, during the 20th century.

## 2 | SOCIAL ORIGIN AND ACADEMIC ACHIEVEMENT

Studies of the field of law in various countries have emphasized that there are large variations between the graduates in status and levels of income after graduation (Hansen & Strømme, 2014; Mountford-Zimdars & Flood, 2016). Access to the most prestigious legal positions tends to be regulated by academic achievements, and more so in law than in other professions (Kimball, 2005; Mastekaasa, 2001). The quality of the educational institution is usually considered to be the most important aspect of academic achievement in countries such as United States, Canada and United Kingdom (Dinovitzer, 2011; Kimball, 2005), and more so than the grades (Mountford-Zimdars & Flood, 2016).

Norway, as well as other Scandinavian societies, differ from countries like the United Kingdom and the United States in that higher education is largely free of charge. Law degrees are only attained at public universities; there are no elite or private institutions offering law degrees that are considered more prestigious. Grades are important predictors of economic success among law graduates, and more so than in other educational fields (Mastekaasa, 2001). That grades are essential for occupational opportunities is not a new tendency. Historically, access to positions in Norway, required a specific level of performance, *laudabilis* or often shortened to just *laud*, previously was a formal requirement to gain access to prestigious positions such as barristers or judges in higher courts, and before 1978, only lawyers with the highest grades could work at the Norwegian Supreme Court. Although it is not formally required today, most lawyers in prestigious positions or working at the biggest firms have been awarded *laud* (Espeli et al., 2008). If graduates with lower-class origins have the lowest levels of performance, this would then limit their career opportunities; similarly, their opportunities would be limited if the insider group of graduates whose families have legal backgrounds are awarded the highest grades.

Studies from a number of countries using various measures of social class origin and performance, consistently find an association between social origin and academic performance in higher education (Richardson et al., 2020; Rodriguez-Hernandez et al., 2020; Smith & Naylor, 2001). Nothing indicates that law is an exception to these patterns. On the contrary, the barriers to the profession based on social class origin, as well as gender and ethnicity, are widely discussed (e.g., Ashley et al., 2015; Dilnot & Boliver, 2018).

Previous evidence from Norway about the association between class origin and grades in law is somewhat ambiguous with respect to both the level and patterns of inequalities. For example, one conclusion is that students whose families have legal backgrounds are awarded the highest grades (Hansen, 2000), whereas another study shows no advantages for such students compared to categories such as “sons of senior teachers” (Aubert, 1963). These studies focus on different points in time, however, and no studies indicate that the level of performance is similar among graduates with different class origins. In fact, all studies indicate that students with lower-class origins are awarded the lowest grades so we ask why there are class differences and which social class origins are associated with the highest levels of success.

## 3 | PROFESSIONAL SOCIAL CLOSURE

One explanation for social inequalities in grades is that law, according to Max Weber's concept, constitutes a basis for a status group culture (Weber, 1978) or that the profession has developed into a “micro-class,” with a specific

culture and lifestyle (Grusky & Galescu, 2005). Law appears a prime example of a profession providing conditions believed to promote group cultures, for example in that members share a long period of training and social interaction frequently occurs within the group (Jonsson et al., 2009).

The development of group cultures facilitates processes of social closure. Professional groups are typically collective actors that use strategies, such as constructing and defending social and legal boundaries from outsiders (Collins, 1979; Larson & Larson, 1979; Parkin, 1979). Strategies may involve *numerus clausus* policies aimed at controlling access into the profession itself, or establishing particular sub-fields with special entry requirements. Professions are especially likely to use closure strategies at times of threats to their professional standing, tending in which case to develop defense tactics.

Group culture developments in the profession may also have consequences for recruitment patterns, as the culture will attract those who are raised within the culture of that profession (Jonsson et al. 2009) and possibly deter outsiders from seeking access to the group. Such attraction or deterrence would be indications of informal, culturally based processes of closure (Manza, 1992) that contribute to group homogeneity.

Being unaccustomed to the professional culture may also prevent outsiders from succeeding on the same level as insider recruits. A familiarity with the group culture could mean that graduates whose families have legal backgrounds may be particularly likely to reach the highest levels of academic performance and excel in their subsequent careers (Dinovitzer, 2011; Dinovitzer & Garth, 2007; Hansen, 2001). This may be the case if the profession's gatekeepers, that is, university lecturers, use socially or culturally biased criteria of excellence that may particularly affect outsiders, such as students with lower-class origins. Within the educational institutions themselves, family origin may be considered a signal of possessing specific skills, which would be a form of statistical discrimination. Family networks can also be used more directly to gain favor or privilege, that is, pure discrimination (Jonsson et al., 2009).

Such informal closure mechanisms may be especially strong during periods when collective formal closure strategies strengthen group cultures, which again would presumably be periods when the status and level of remuneration of the profession are threatened and competition increases.

## 4 | CULTURAL CAPITAL AND SOCIAL REPRODUCTION

Such notions about social closure within professions suggest that students whose families have legal backgrounds should demonstrate the highest levels of academic success. Cultural capital theory suggests that a broader category of students originating in the cultural and professional upper classes, that is, academics, intellectuals and so forth, and including professional groups such as doctors and lawyers, should be especially likely to succeed academically. According to cultural capital theory, academic culture, in terms of language and ways of presenting arguments and so forth, is not primarily a useful tool for acquiring knowledge: schools teach class cultures, vocabulary, tastes, values and manners, rather than mere technical skills (Collins, 1979). Stylistic or symbolic aspects of cultural capital, such as displaying "bourgeois ease and distinction or university tone and breeding", influence judgements of students' performance (Bourdieu & Passeron, 1990). Even if they do not possess more knowledge in a narrow sense than other students do, students with "bourgeois ease and distinction" will seem more competent because of their appearance, manner of speech and style of writing (Bourdieu, 1996). The traits believed to lead to success are thus broad and general, for example, "bourgeois ease" or "university tone," acquired in homes rich in cultural capital, not "technical" competence in specific fields of education. Working-class students, on the other hand, often lack the forms of cultural capital recognized by educational institutions and may develop fears of academic inadequacy (Reay et al., 2009).

Moreover, according to cultural capital theory, students from the economic fraction of the upper class, that is, those whose parents are managers, executives, proprietors and so forth, come from homes rich in economic resources, but their level of cultural capital is lower than that of the cultural and professional upper classes

(Bourdieu, 1984). Their academic achievements should therefore be somewhat lower. This is supported by previous studies of social inequality in academic performance both at secondary-school and university-level education (Andersen & Hansen, 2011; Hansen & Mastekaasa, 2006).

Theories of cultural capital were developed during the 1970s to attempt to explain why the gaps in educational attainment according to one's social class origin persisted despite the extraordinary growth in student numbers accompanied by political goals of attaining equal opportunity. However, such theories may also be expected to be of relevance to earlier periods. According to Bourdieu (1996), the emergence of the value of cultural capital is linked to the educational institutions themselves, as they acquired the power to consecrate a new kind of nobility, the "nobility of the robe." Universities were well-established by the 19th century and certainly had the power to confer academic titles. Grading systems distinguishing between excellent and less excellent students were also well developed and widely in use (Wilbrink, 1997).

Although there is an absence of sociological studies of student life in the 19th century, there are vivid literary descriptions of cultural inequalities that resemble more contemporary descriptions of the insecurity and uncertainty of working-class students (Reay et al., 2009). For example, in the Norwegian book *Bondestudentar* (*Peasant Students*), the author Arne Garborg describes the feelings of inferiority students with farming origins in the 1880s felt toward their student peers with academic, upper-class origins, who appeared to be confident, self-assured "gentlemen."

When one of the Low Germans arrived, [signalling descent from an immigrant elite of civil servants] it was as if they were supposed to be another kind of people. It was not said that they were beautiful; it was not said that they behaved well; they could be as ugly as original sin and clumsy as wooden horses—and yet! Still, one saw that they were 'gentlemen.' In all things, they had something assured and self-sufficient; they had what Horats called *frons urbana*; and when all came together, it was certainly the true mark of education. Were they born with it? Was it something that one had to be born with? Was it not true that all of nature were equal, and that the noble and loftiest were born as often in the Cottage as in the Castle? Would our Lord have said so that those who were born in Wealth were all well, but those who were born in Poverty would carry the mark of that all their days?

Arne Garborg (1883), *Bondestudentar* (*Peasant Students*)

## 5 | SOCIAL SELECTION AND COGNITIVE SKILLS

An alternative to closure theory and cultural capital theory is to explain class differences in performance according to the level of one's cognitive skills. For example, Clark (2015) argues that patterns of intergenerational mobility are highly stable over time, across periods with different levels of equality and school systems, because intergenerational transmission can be explained by stable, genetic differences in abilities. However, it is not evident that lower-class students will have the lowest level of abilities, as lower-class students who reach upper-educational levels have been through stricter selection processes than students originating in higher classes (Boudon, 1974; Mare, 1980). It, therefore, seems likely that selection processes will homogenize the student body; if not, the more strictly selected students with working-class origins would have the highest level of abilities.

We have no means of assessing the impact of changing patterns of social selection on the association between social-class origin and cognitive ability in the student body. However, we are able to address questions about the role of cognitive abilities more closely, as we have access to data about secondary-school level educational achievement for some periods. We assume that cognitive abilities influence the grades attained at secondary school and university. If there are class inequalities in grades at university over and above the inequalities

associated with achievements at secondary school, other mechanisms should be more important explanations than differences in cognitive abilities.

## 6 | THE LEGAL PROFESSION

Law graduates in Norway have varied greatly in their societal roles, their economic position and their levels of power. In some periods, legal professionals have been key actors in ruling elite groups alongside other professions, whereas in other periods they have filled less important bureaucratic functions, implying a weaker social standing. Above, we have emphasized that closure mechanisms are most likely to be at work during periods when the standing of the profession or its market value is threatened. To identify such periods, we will discuss developments in the number of graduates and the labor-market situation of law professionals.

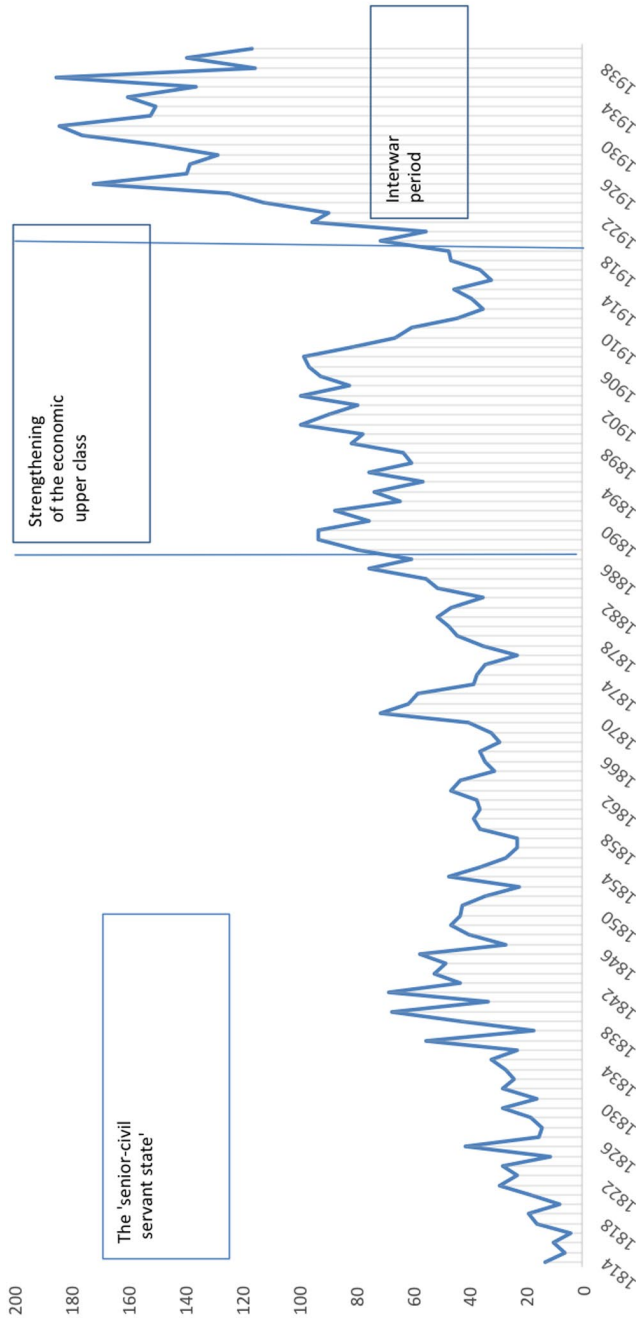
Until 1814, Norway was in a union with Denmark, and graduates of both Norwegian and Danish origins were educated in Copenhagen, the capital of Denmark, and then dispatched across Norway to act as local representatives of the Danish crown. After 1814, Norway as a nation enjoyed a more independent position with its own constitution in a union with Sweden. Legal professionals were key actors in building national institutions, including the first university in Norway, founded in 1811. Senior crown servants, many of whom had origins as an immigrant class of elite civil servants from Denmark, dominated society during this period, up to around the 1880s. Legal professionals constituted an important part of this ruling elite, consisting of approximately one thousand families (Myhre, 2008). In Figure 1, we can see that the number of law graduates was relatively stable during this period, with approximately 40–50 candidates annually.

The power of senior civil servants started to wane at the end of the 19th century, whereas business elites, initially consisting of merchants, and then gradually an industrial elite, strengthened their positions (Myhre, 2008). As these groups needed legal services to safeguard their deals and investments, the legal field underwent a repositioning, catering more to the needs of business and commerce and less toward running the state. In 1905, only approximately 30 percent of law graduates were state employees (Collett, 1999).

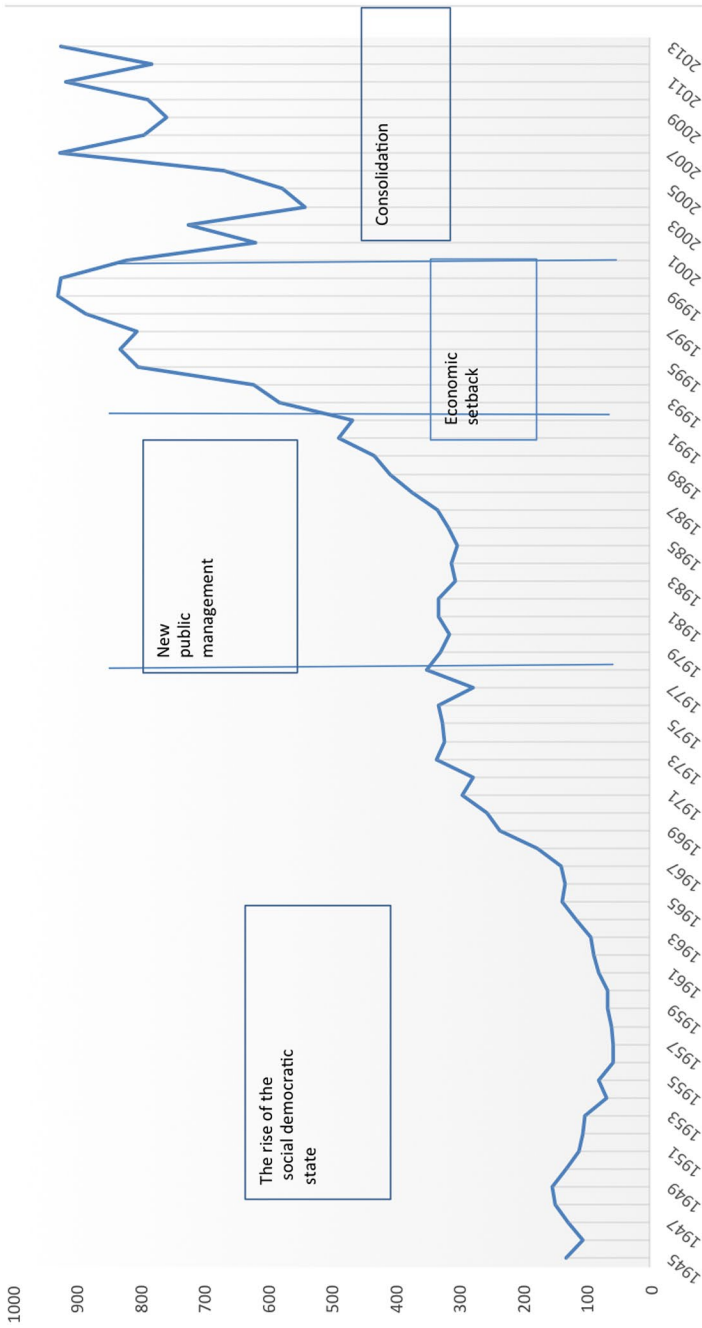
Legal professionals faced difficult times in the wake of WWI when the number of candidates increased and an economic crisis hit Norway around 1920 (Collett, 1999). Lawyers also faced increasing competition from non-lawyers in fields such as real estate and acting as trustees. During the economic depression in the 1930s, unemployment among legal professionals, in general, was between 8 and 9 per cent, and in 1933 it was as high as 20 per cent among recent graduates (Espeli et al., 2008).

The years following in the wake of WW2 witnessed the building of Norway as a social democratic state, where professions such as engineers and economists played more important roles than legal professionals. The number of candidates decreased in this period, as did their status and income (Aubert, 1989; Espeli et al., 2008).

Business elites strengthened their position at the end of the 20th century, as had been the case 100 years earlier, and a greater proportion of legal professionals catered to these groups than was the case during the building of the social democratic state. In this period of neoliberalism, lawyers were crucial in assisting firms adjust to expanding markets. There was an explosion in business law firms, where partners could receive high incomes. As we can see in Figure 2, the number of law graduates increased sharply during this period, a development that increased competition in the field. From 1994, the mean income level of new legal professionals started to decrease, relative to university graduates in other fields (Hansen & Strømme, 2014). After 2002, the number of graduates also decreased due to the introduction of *numerus clausus* policies. Some years later, law was consolidated as an elite field with high entry requirements. During periods of expansion, the field of law remained socially exclusive, the impact of parents' income and self-recruitment are relatively stable and important factors for recruitment (Strømme & Hansen, 2017).



**FIGURE 1** Number of candidates completing law degrees, by graduation year. Candidates 1814–1940



**FIGURE 2** Number of candidates completing law degrees, by graduation year. Candidates 1945–2014



## 7 | CHANGING CLOSURE STRATEGIES IN THE LEGAL PROFESSION

As we have seen, two periods stand out as demonstrating both large growth in the number of graduates (see Figure 1), and simultaneously, a deteriorating situation on the labor market, that is, the period after WWI, and second, the mid 1980s and throughout the 1990s. During these periods, legal professionals actively used closure strategies to limit the number of competitors and improve labor-market conditions. In the 1920s and 1930s, the Norwegian Bar Association was strengthened and functioned as an economic interest group, working to defend the profession against increasing competition from incumbents of other occupational groups (Espeli et al., 2008). Moreover, the Bar Association suggested strategies to reduce the number of legal professionals, some of which were given state support. For example, in 1937 the government agreed to introduce a requirement of economic guarantees to practice as lawyers, leading to a sharp decrease in the number of practising lawyers in the following years. Decreasing recruitment to the education led to increasing self-recruitment among law students and among those who proceeded as lawyers (Aubert, 1960), especially among Supreme Court lawyers.<sup>1</sup>

In the 1980s and 1990s, we have already noted that *numerus clausus* policies were introduced; this took place in 1985 at the University of Oslo, while the universities of Bergen and Tromsø followed suit in 1989 and 1990, respectively. These policies were initiated due to increasing student numbers that, due to high drop-out rates, are not necessarily evident in the number of graduates recorded. Moreover, it was still possible to take a full law degree without being enrolled as a student at a university, since the state provided opportunities for private exams, so the number of candidates still increased rather than decreased after *numerus clausus* policies were introduced. To solve the problems due to the large increase in student numbers, the faculties of law proposed further restrictions in accessing law degrees. In light of the above, we assume that the association between social-class origin and one's level of academic performance should be especially strong in periods involving particularly active strategies of collective closure, that is, the period after WWI and the mid 1980s-1990s.

## 8 | DATA AND METHOD

### 8.1 | Data

We have used a number of data sources. For the period from around 1980 onwards, we use data from the Norwegian Education Database (NUDB), which includes detailed information about the educational attainment of the total population. These data are linked with data from other population registers so we can combine information about parents and their children. For the analyses up to 1945, we rely on data collected in the 1960s for the "Academics Project" (e.g., Aubert, 1960). This project collected data about all academics in Norway from around 1,700 until approximately 1950, including information such as names, birthplaces, grades at secondary school and university, father's occupation, and the occupation of the father-in-law. The results from this project have been used in more recent studies in sociology and history (e.g. Aubert, 1989; Myhre, 2008). The Norwegian Social Science Data Service (NSD) later digitalized these data and made them available for research.

These datasets are inclusive, as they contain information about the total population of graduates in law during a period of 200 years, except for the period between 1945 and 1975. Based on information about parents' education, however, we can estimate the number of graduates in this period. As they are not self-reported but rely on protocols provided by universities, as well as data linkages between parents and children in population registers for the most recent periods, the information about grades and parental characteristics must be regarded as reliable. Our use of these datasets is novel because we link different periods through systematic comparisons based on classifications that, as far as possible, are comparable over a span of 200 years.

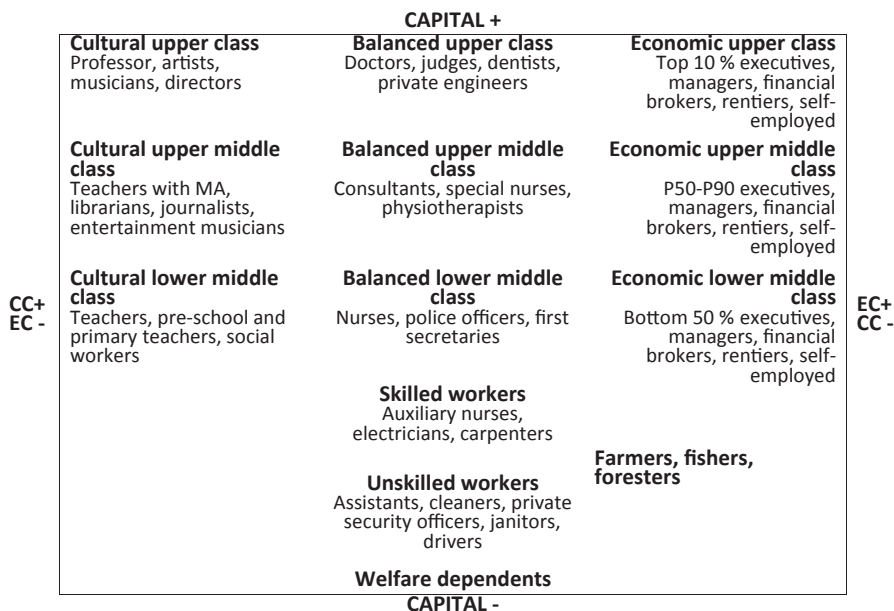
## 8.2 | Variables

Our main dependent variable is the educational performance of graduates of law. When covering such a large timespan, problems with consistency of measurement may arise. Different grading systems have been used over time. However, one long-lasting distinction is between the grades *laudabilis* or *laud*, the highest level, and *il-laudabilis* or *haud*, the lower level. This binary system has been in use throughout the period up to 2003, when the alphabetical system A to F replaced the numerical grading system. The distinction between *laud* and *haud* continued after the introduction of the alphabetical system and faculties of law have themselves suggested that A and B be considered equivalent to *laud*. The distinction between *laud* and *haud* has been and still is considered to be important by students and employers alike; as mentioned, *laud* used to be a formal requirement for specific senior positions, such as supreme court judge.

More detailed grading systems came into use after 1875. To compare the grades based on these systems, we have standardized grades using z-scores. Nonetheless, the possible impact of discrepancies between grading systems should be considered. For graduates from 2003 onwards, we have calculated a mean grade weighted according to the number of points the students were awarded on the various courses they attended.

We also have access to data about grades at secondary school from 1814 to 1945, and in the final period from 2004 (2006) to 2014. These grades have also been standardized using z-scores.

We are interested in measuring the academic success of graduates with specific elite origins compared to those with farming or working-class origins as consistently as possible over a long period. To this end, we employ a class concept, the Oslo Register Class Scheme (ORDC), in which class categories are systematized according to the amounts and types of resources possessed (cf. Flemmen et al., 2017). On the vertical level, we distinguish between the upper classes, the middle classes, and a lower-level class consisting of farming origins and skilled and unskilled workers. With respect to the types of resources, the basic idea is that classes can be distinguished according to whether they base their position primarily on economic resources, cultural resources, or both (Bourdieu, 1984, 1996).<sup>2</sup> For an overview of the ORDC scheme, with examples of occupations, see Figure 3. Because there were few middle-class students in the 19th century, however, we use these horizontal divisions only for the upper classes. The economic upper class comprises large proprietors, renters, owners of single enterprises as well as



**FIGURE 3** The ORDC class scheme

**TABLE 1** Descriptives

	1814–1884	1885–1917	1918–1943	1980–1993	1994–2003	2004–2014
Proportion laudables	56,1	53,9	47,6	35,0	37,4	28,3
Proportion male	100	99,4	97	66	53	40,2
Capital area	24,2	28,0	32,6	20,8	29,2	29,9
Large city	13,2	11,1	11,9	7,4	8,8	7,5
Other towns	24,8	27,0	23,4	12,5	21,9	24,2
Region	37,8	33,9	32,1	59,3	40,1	38,85
Mean grades upper secondary	2,6	2,4	2,7	–	–	5,12**
SD	(0.636)	(0.677)	(0.633)			(0.494)
N	2,346*	2,308	3,235	5,158	7,617	8,321

\*Missing in the geography variable for this period reduces the N to 1720 when this is included; \*\*The grading-range differ in this period (4/1 in the first periods, 1/6 here), and the scores have been standardized in the analyses. Because grades are only available from 2006, N reduces to 4883.

investors, top managers and chief executives. These are distinguished from the upper classes possessing the highest amounts of cultural capital in the form of educational credentials or involvement in the cultural sector, such as directors of cultural institutions, university professors, cultural celebrities and so forth. Professionals and senior officials tend to possess high volumes of both economic and cultural capital—typically reflected in the demanding educational requirements needed for their positions and their high salaries. Lawyers would usually belong to this category but as we are interested in whether graduates with parents, which until recently meant fathers, with legal backgrounds are especially successful, these are a separate category in our analyses.

A pertinent question is whether this measure of class is valid over such a long period. We would argue that the upper-class categories we distinguish constitute small elite groupings throughout the whole period, so the application of the scheme over time is meaningful. For example, even after the massive educational expansion, the proportions attaining degrees in law or medicine are well below 1 percent of the population in relevant cohorts (Strømme & Hansen, 2017). About 2 percent of people born between 1955 and 1964 are classified as economic upper-class (Flemmen et al., 2017). Moreover, many large occupations in the specific upper classes appear in both the 19th century and later, such as teachers of higher education, artists and authors in the cultural upper class, doctors of medicine in the balanced upper class, and managers and directors in the economic upper class. Unsurprisingly, however, some occupations were more dominant before 1900 than in the latest period, such as senior clergy and merchants, sea captains and army officers.

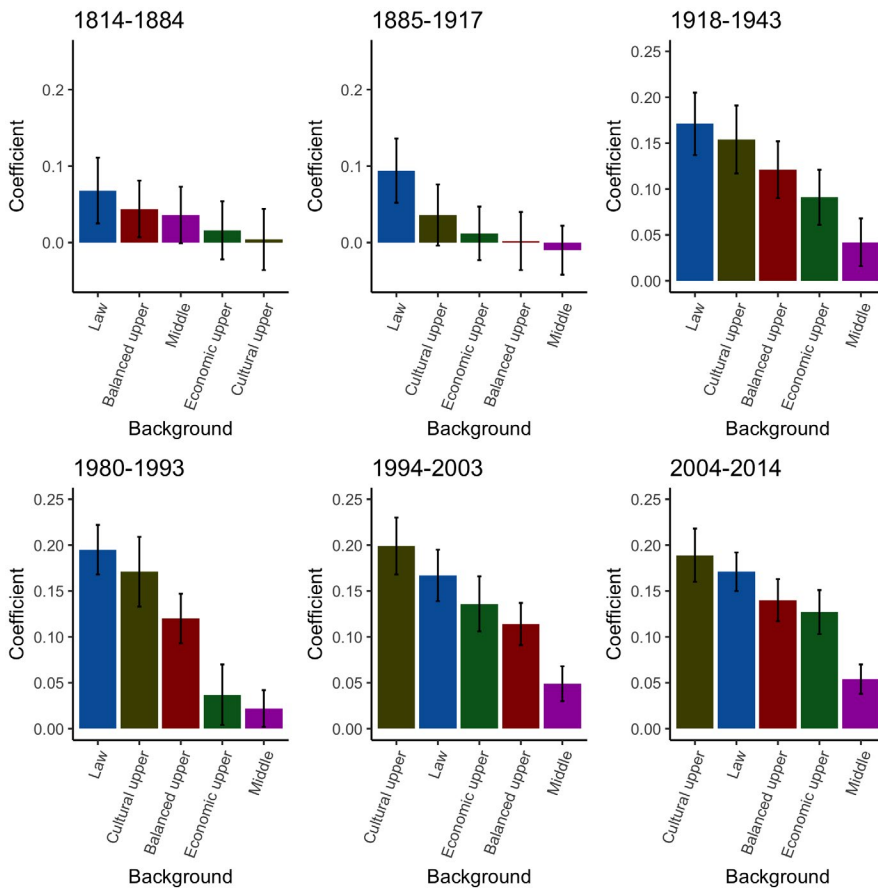
In addition to the variables measuring performance, we also include variables for geographic origin and gender. Table 1 shows descriptive statistics, except for social class origin, which is shown in the next section.

### 8.3 | Analytical strategy

In our main analysis, we study the association between class origins and grades based on the distinction between *laud/haud* for the whole period. To present the results, we apply a linear probability model, but we have also performed analyses based on logistic regression, confirming our results (see Appendix 4). In addition, we have conducted analyses based on the standardized linear scores from 1885 onwards (see Appendix 1 and 3). We first estimate differences in grades by class origin separately for each period we have described. In a second step, we



**FIGURE 4** The social composition of the student body, by graduation year



**FIGURE 5** The association between class origin and laud versus haud by graduation year. Linear probability model. Reference category: Working class or farm origins

include gender and geographic origin. Finally, we introduce academic performance at secondary-school level for the periods for which we have that information (also see Appendices 2 and 5).

## 9 | RESULTS

### 9.1 | Recruitment to the legal profession

First, Figure 4 shows the social composition of law graduates for the six periods we study. During the first three periods from 1814 to 1943, the key tendency is for a remarkable degree of stability, with large proportions of graduates with upper-class origins. Graduates from families with legal backgrounds, or from the cultural, professional, and economic upper classes, constitute the majority in all three periods. After 1980, the proportion of graduates with middle-class origins increases, as did the proportions of these classes in the population at large (Flemmen et al., 2017). The proportion of self-recruited graduates from families with legal backgrounds is relatively stable throughout the span of 200 years.

**TABLE 2** Linear probability model. "Laud" in law, all controls except grades from upper secondary school

	1814–1884	1885–1917	1918–1943	1980–1993	1994–2003	2004–2014
Law	0.083*	0.060	0.156***	0.181***	0.119***	0.140***
	(0.047)	(0.043)	(0.035)	(0.027)	(0.029)	(0.021)
Cultural upper class	0.011	0.015	0.142***	0.159***	0.180***	0.170***
	(0.044)	(0.040)	(0.037)	(0.038)	(0.032)	(0.030)
Balanced upper class	0.113***	-0.021	0.103***	0.111***	0.093***	0.116***
	(0.042)	(0.039)	(0.032)	(0.027)	(0.024)	(0.022)
Economic upper class	0.031	-0.021	0.079***	0.034	0.106***	0.116***
	(0.031)	(0.037)	(0.031)	(0.033)	(0.030)	(0.023)
Middle class	0.031	-0.032	0.035	0.019	0.041***	0.049***
	(0.031)	(0.033)	(0.027)	(0.020)	(0.019)	(0.016)
Gender		-0.192	0.143***	0.085***	0.078***	-0.141***
		(0.139)	(0.052)	(0.015)	(0.012)	(0.010)
Oslo and Akershus	-0.022	0.038	0.039*	0.068***	0.092***	0.095***
	(0.031)	(0.028)	(0.023)	(0.018)	(0.015)	(0.012)
Large city	-0.012	0.038	0.050*	-0.027	0.037*	0.008***
	(0.038)	(0.037)	(0.030)	(0.027)	(0.021)	(0.013)
Other city	0.006	0.028***	0.018	0.007	0.013	-0.141
	(0.031)	(0.028)	(0.025)	(0.022)	(0.016)	(0.020)
Constant	0.570***	0.704***	0.246***	0.245***	0.297***	0.233***
	0.031	0.141	0.056	0.021	0.019	(0.023)
N	1,720	2,269	3,214	4,333	6,531	8,289
R <sup>2</sup>	0.007	0.008	0.015	0.031	0.021	0.033

Note: Standard errors in parentheses.

\*\*\* $p < .01$ ; \*\* $p < .05$ ; \* $p < .1$ .

The proportion of graduates with farming or working-class origins is also rather stable and below 20 percent. In the census of 1865, just above 90 percent of men in Norway were farmers, mostly small-scale farmer, or skilled or unskilled manual workers (Modalsli, 2017). Even though teachers or the church may have actively sought to recruit especially gifted students from the countryside to higher education during the 19th century, the working-class and those with farm origins are vastly underrepresented throughout the whole period we have studied, something that also is found in historical studies of other elite groups (e.g., Gustavsson & Melldahl, 2020). Among the birth cohorts born between 1955 and 1964, around 60 percent are of farming or working-class origins (Flemmen et al., 2017) but the proportion of farmers has steadily decreased since the 19th century, whereas the skilled and unskilled working class has increased.

#### *Academic performance—laud versus haud.*

Figure 5 shows the differences between the levels of performance of graduates originating in the upper and middle classes, and those with farming or working-class origins (the omitted category), based on models including only class origins. We can see that graduates with legal origins, meaning from families with legal backgrounds, have somewhat higher levels of performance than those with farming or working-class origins in the first two

**TABLE 3** Linear probability model “laud” in law, all controls including grades from upper secondary school

	1814–1884	1885–1917	1918–1943	2006–2014
Law	–0.039 (0.055)	0.044 (0.044)	0.141*** (0.033)	0.092*** (0,027)
Cultural upper class	–0.060 (0.051)	–0.019 (0.040)	0.092*** (0.035)	0.086*** (0,034)
Balanced upper class	–0.007 (0.048)	–0.061 (0.040)	0.084*** (0.030)	0.115*** (0,028)
Economic upper class	–0.030 (0.049)	–0.039 (0.037)	0.055*** (0.029)	0.090*** (0,029)
Middle class	–0.029 (0.047)	–0.047 (0.033)	0.025 (0.025)	0.019*** (0,020)
Gender		–0.059 (0.129)	0.244* (0.049)	–0,060* (0,013)
Oslo and Akershus	–0.014 (0.035)	0.017 (0.028)	0.035* (0.021)	0,110* (0,015)
Large city	–0.129* (0.045)	0.029 (0.037)	0.055* (0.028)	0,014* (0,015)
Other city	–0.013 (0.037)	0.040 (0.029)	0.001 (0.023)	–0,135 (0,025)
Grades upper secondary	0.169* (0.015)	0.191* (0.011)	0.189* (0.008)	0,141* (0,006)
Constant	0.711* (0.040)	0.606* (0.131)	0.167* (0.053)	0.313* (0,004)
N	2,346	2,296	3,261	4,871
R <sup>2</sup>	0.117	0.152	0.155	0,132

Note: Standard errors in parentheses.

\*\*\* $p < .01$ ; \*\* $p < .05$ ; \* $p < .1$ .

periods. The differences between those originating in the other upper-class fractions and those with farming or working-class origins are smaller and not statistically significant.

However, in the third period, after 1918, a systematic pattern appear where graduates with upper-class origins, and especially legal and cultural-capital origins, are awarded higher grades than those with farming or working-class origins. Graduates with economic upper-class origins perform at a lower level than those who supposedly have more cultural capital with law or cultural upper-class origins. The ordering of the class categories is thus consistent with ideas about insider privileges and cultural capital outlined above, as the graduates with cultural upper-class and legal origins are awarded the highest grades.

The same pattern appears in our next period, about 40 years later. However, the class differences appear to be strengthened to some extent and the level of performance of graduates with economic upper-class origins is now markedly lower than that of their counterparts from other upper-class fractions.

In the two final periods, large class differences persist, but the patterns are somewhat different. Most notably, graduates with legal origins no longer stand out as having the highest level of performance, and the level of performance is higher among those with economic upper-class origins than it was previously. The lowest level of

performance is still found among those with farming and working-class origins. However, on the basis of these findings, we cannot conclude whether the association between class origin and career success have changed.

The appendices showing the results based on a more detailed linear measure of grades (Appendix 1), and logistic regressions (Appendix 4), support our conclusions about change over time.

## 9.2 | Gender, geography and secondary-school grades

Table 2 shows the results of analyses when control variables are included. The reference category for social class is the omitted category working class or farm origins. We can see that the basic pattern of class inequalities persists when gender and geographic origins are controlled for. As there were no female graduates before 1885, gender is not included for this period. The impact of gender, moreover, changes over time. Whereas the impact of being male is positive before 2006, average grades are higher among female than male graduates in the latest period.

As far as geographic origins are concerned, graduates from the area of the capital, Oslo, tend to be awarded somewhat higher grades than those from rural areas or other large cities or towns.

To what extent does performance at secondary school explain class differences in grades among law graduates? Table 3 shows the results of multivariate analyses including the impact of grades at secondary school for those periods for which we have access to that data. One main conclusion is that class inequalities are reduced to some extent but persist even when secondary-level grades are included. The coefficients applying to the cultural upper class are reduced the most, implying that the high grades of graduates originating in this class fraction, to a greater extent than other class fractions, can be explained by their performance at secondary school. If we consider the period 1918–1943, for example, the coefficient pertaining to the cultural upper class is reduced by 35 percent when performance at secondary school is included, whereas the corresponding reduction for those with families with legal backgrounds is around 10 percent. The reduction among those originating in the economic and professional upper-class fractions are 20 and 30 percent respectively. Moreover, when comparing the coefficients for the period 1918–1943 with the period after 2000, it seems that the advantages of originating in the professional and economic class fractions have increased, whereas the opposite tendency can be seen those whose families have legal backgrounds.

The coefficients for gender display an interesting pattern: in the period 1918–1943, the advantage of being male increases by 70 percent when grades at secondary school are included, suggesting persistent gender discrimination. After 2000 an opposite tendency can be observed, as female graduates are awarded the highest grades when adjusted for performance at secondary school, but the gender differences are at a far lower level than in the earlier period.<sup>3</sup>

As for the impact of grades at secondary school, this appears to be strong and demonstrates a remarkably level of stability over time. Performance at secondary school had a strong impact on graduation grades, also in the period 1814–1884, when we found no class differences in grades when performance at secondary school was controlled for. The lowest impact of performance at secondary school is found in the latest period. Most likely, this is due to the high admission requirements during this period when law was consolidated as an elite educational field.

## 10 | DISCUSSION AND CONCLUSION

Our analyses of the association between the class origins and grades of law graduates show that there are class differences, but that these vary in size and patterns in different periods. Before 1918, the differences were small and only the graduates whose families had legal backgrounds were awarded somewhat better grades than students with farming or working-class origins. In the period 1918–1943, the association between class origin and grades increased. Graduates from legal families or with origins from the cultural upper class were awarded the



highest grades, followed by graduates with balanced upper-class and economic upper-class origins. Graduates with middle-class origins were awarded somewhat higher grades than their lower-class peers with origins from farming or unskilled workers. This pattern strengthened in the period 1980–1993 and endured in the subsequent periods. The pattern of class inequalities remained after controlling for performance at secondary school.

Our conclusion that there were no significant class inequalities in academic performance before the post-WWI period may seem surprising. It is clearly at odds with widespread ideas about modernization. It also collides with influential portrayals of class inequalities in the 19th century, such as in our literary example above, the book *Bonestudentar (Peasant Students)*.

Although the period we study spans 200 years, we have little reason to believe that these findings are the result of methodological issues, such as the measurement of performance. The historical data from the *Academics Project* is regarded as a high-quality source by historians and is still in use (Collett, 1999; Myhre, 2008). Moreover, the data on performance after 1980 are provided by university registers on educational performance and are highly reliable. That the quality of the data is high is also supported by the strong association between performance at secondary school and university; this also appears to be stable across periods. This stability supports the view that the measurement of grades can be trusted.

That the impact of social origin affects university-level performance, adjusted for grades at secondary school, varies over time, indicates that stable differences in genetic traits (cf. Clark 2014) are an unlikely explanation. However, it might be possible that changing class inequalities result from changing patterns of social selection to the field of law, altering the association between class origin and genetic traits in the student body. We would argue that the changes between the periods before and after 1918 provide especially telling evidence against this assumption, however. In Figure 4 we can see, for example, that the social composition of the student body is very similar in the periods 1885–1917 and 1918–1943. Hence, the dramatic change in the association between class origin and educational performance between these two periods cannot be the result of changes in social recruitment.

Does the emergence of systematic class inequalities imply that adherence to meritocratic ideals—that rewards should be the result of abilities and effort—has weakened? On the one hand, we regard the stability in the impact of performance at secondary school as an indication of stable adherence to meritocratic ideals. However, on the other hand, upper-class origins did not offer any “extra bonus” during the 19th century, independent of performance at secondary school. In contrast, upper-class origins do seem to have offered extra advantages during the 20th century, a period in which educational institutions increasingly emphasized the role of merit and talent (Khan, 2012). This development has also been described as a shift from “collectivist” to individualist rules of closure (Parkin, 1979), where the new form involves increasing meritocratic competition through individually earned credentials that legitimizes class differences in educational achievements (Murphy, 1988).

The years around the transition from the 19th to the 20th century appears as an especially important period of change. Kimball (2005) argues, for example, that university education in the United States was gradually transformed after the 1880s, when competitive academic achievement replaced the previous system based on undemanding, gentlemanly acculturation in legal education. The new competitive system, emphasizing academic merits, was later gradually established in all professional fields of education, supporting the ideas that academic achievement determines one's merit and professional opportunities. Based on an analysis of elite cultural preferences Friedman and Reeves (2020) argue along similar lines that an aristocratic gentlemanly culture was in decline in the UK from the beginning of the 20th century, when it was replaced by a more intellectually oriented “highbrow” culture.

Cultural shifts resembling these also occurred in the Norwegian society. Not the least the educational system was transformed in the last decades of the 19th century—common education was secularized, upper secondary education became more widespread, and new institutions offering higher education emerged after the turn of the century. For example, a new system of secondary level schools was established in rural areas (Høydal, 2003), reflecting a growing awareness of social and geographic barriers to education. Whereas university education previously was oriented toward the mastering of classical languages and classicist stylistic forms, a liberal form of nationalism, which among other things emphasized the value of popular knowledge and experience, became increasingly influential in

the education system by the end of the 19th century (Thue, 2019). Not the least in the Norwegian context, then, does it seem surprising that social inequalities in academic performance increased after these changes.

We have outlined two main explanations of association between class background and grades in law. The first is that insider candidates, that is, graduates from families with legal backgrounds, are treated more favorably than others; we have described this as informal processes of professional social closure. The second explanation, based on cultural capital theory, is that an appreciation of broad, general characteristics, for example, "bourgeois ease" or "university tone," works to the advantage of those in possession of most cultural capital.

Indeed, our results indicate that graduates with these class origins tend to be the most successful academically, whereas graduates with working-class or farming origins have the lowest level of performance throughout the span of 200 years we have studied. The graduates with origins in the middle-classes also receive lower grades than those with upper-class origins. Large class differences appeared in 1918–1943, a period characterized by a large increase in the number of candidates applying for law, deteriorating labor-market conditions for law graduates, and active professional strategies to improve these conditions. Such strategies were not necessary for long periods in the 19th century, when law graduates constituted a ruling elite group of civil servants. Class inequalities were even more pronounced in 1980–1993, a period when faculties of law adopted *numerus clausus* policies to deal with escalating student numbers.

Moreover, performance at secondary school cannot account at any stage for the disadvantages of graduates with working-class or farming origins. The perpetuation of lower-class disadvantage may be contrasted with the changing gender differences: the disadvantages of being a woman were great when women started entering university at the end of the 19th century, but in the most recent period, such gender differences have been reversed. Female graduates have the highest level of academic performance, adjusted for grades at secondary school.

We may speculate that the patterns we have observed indicate a temporal shift in the significance of the mechanisms behind class inequalities: the importance of informal processes of professional social closure may have become less important over time, whereas the effects of cultural capital may have increased. For example, we have seen that graduates with law origins have enjoyed the greatest levels of academic success early on in the period we have studied, whereas in the most contemporary period their performance is at the same level as those originating in the other upper-class fractions (see Table 3). It does seem likely that favoring "insider" students with law origins is more feasible in small elite institutions, where those belonging to families with legal backgrounds are readily identified, for example by their family names, than in the large law faculties of the 21st century (see Figure 2). In contrast, one does not need access to family names to identify characteristics emphasized as important in cultural capital theory, such as "bourgeois ease" or "university tone."

We would also suggest that the results might tell us something about the relation between economic and cultural elites in the field of law. The importance of cultural capital appears to have increased in the most recent periods, but the same might be said about economic capital, as the graduates with origins in the economic upper classes have reached higher levels of academic achievement. Above we noted that business elites strengthened their position at the end of the 20th century, and that legal professionals increasingly catered to these groups, as indicated by a growth in business law firms employing partners with very high incomes. The improvement in levels of academic achievement among graduates with economic upper-class origins might indicate that business values have been strengthened in the academic legal field.

Finally, our results indicate that inequalities in recruitment to elite positions are not only a matter of access to elite educational institutions. Processes that occur within these institutions themselves may still limit the opportunities of students with lower-class origins, especially during periods of educational expansion and increasing competition on the labor market. On the one hand, we have seen that recruitment to the legal profession has changed, most visibly by the increasing influx of graduates with middle-class origins. On the other hand, graduates with these origins, as well as working class or farm origins, do not reach the levels of performance of those with origins in the upper classes. This bears evidence of the dual character of elite educational institutions (Khan, 2012). They provide opportunities for

upward mobility but, as we have seen in our study, the social groups that were numerically dominant the universities during the 19th century are those who have the greatest academic success in today's university.

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## DATA AVAILABILITY STATEMENT

The data sets used in this paper are based on several Norwegian administrative registers linked through anonymized social security numbers. These administrative microdata are available through Statistics Norway, and access requires approval by Statistics Norway and The Norwegian Centre for Research Data, which is the Data Protection Official for Research for all the Norwegian universities. Currently, only researchers from research institutions in Norway are allowed access to these data. The historical data sets are available through The Norwegian Centre for Research Data, and the use requires approval from this institution.

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## ENDNOTES

- <sup>1</sup> Aubert (1960) argue that this may have been a problem for the social democrats' aim to build a loyal state apparatus, as bureaucrats who had studied law tended especially to be recruited from the elite and were typically right-wing leaning in their political views.
- <sup>2</sup> The principles behind this scheme thus differ from those behind HISCLASS, which is used in much of the scholarship on class inequalities based on historical data (Van Leeuwen & Maas, 2005). This classification uses HISCO-codes (Leeuwen et al., 2002) and distinguishes between classes based on skill levels and supervision.
- <sup>3</sup> To investigate whether the impact of social class varies by gender, we have also included interaction terms between social class origin and gender. These are insignificant in all periods, when secondary level grades are included, and thus indicate that the association between social class origin and academic achievement is similar among women and men. This is at odds with previous research suggesting that the advantages of social class signals in elites only apply to males (Rivera & Tilcsik, 2016).

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## SUPPORTING INFORMATION

Additional Supporting Information may be found online in the Supporting Information section.

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