Thus I Became a Lawyer …: Socialization into Becoming and Being a Lawyer in Germany

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Abstract

This article examines how German legal education and training socialize students into the legal profession. It analyses the state-regulated two-stage system, its demanding examination culture, hidden curriculum and distinctive professional habitus. Particular attention is paid to students' social background, uncertainty and competition, the relationship between academic study and practice, transferable professional competencies, internationalization and the feminization of law. The article argues that German legal education fosters a strong professional identity and respect for law, but may also reinforce conformity, social homogeneity and conservative professional cultures.

Keywords: legal education and training; professional socialization; legal profession; Germany; state examinations; professional habitus; gender; sociology of law.

[A] DEDICATION

I first met Carrie Menkel-Meadow in 1988 at a meeting of the newly established Working Group on Legal Professions of the Research Committee on the Sociology of Law.[1] At that time, neither of us could have anticipated how influential her work would become for the field or how many professional paths our interests would continue to cross over the following decades.

Carrie contributed the seminal chapter, "Feminization of the Legal Profession: The Comparative Sociology of Women Lawyers", to *Lawyers in Society: Comparative Theories Volume 3* (1989: 196–255) of the landmark

[1] The Research Committee on Sociology of Law (RCSL) is Research Committee 12 of the International Sociological Association (ISA) which was founded in 1949. The RCSL was founded in 1962.

international Lawyers in Society project.[2] As one of the first women in legal academia in our respective countries with a research interest in women in the legal profession, I found her work both inspiring and encouraging.[3] Her comparative perspective opened new ways of thinking about the profession and helped shape my own research.

Over the years, we have remained in regular contact and have shared many intellectual interests, not least in the fields of women in the legal profession and alternative dispute resolution. Reflecting on women lawyers inevitably raises broader questions about the legal profession itself and about the processes through which lawyers acquire their professional identity. It is therefore a particular pleasure to contribute to this Special Section honouring Carrie Menkel-Meadow, whose scholarship has enriched not only our understanding of the legal profession but also the wider fields of dispute resolution, legal ethics, and feminist legal scholarship. These questions have accompanied my own work for many years and provide the starting point for this article on the socialization of lawyers in Germany—a topic that may be of particular interest to Carrie, given her German roots.

Deeply embedded in the history and traditions of the legal profession, legal socialization in Germany has proved remarkably persistent. This article first traces the historical development of German legal education and the emergence of its distinctive model of professional socialization. It then examines the structures, rigidities and dysfunctions of contemporary legal education and the factors that continue to shape the professional orientations and modes of legal reasoning of German lawyers. Finally, it asks whether, and how, two major transformations—the feminization of the legal profession and the growing use of artificial intelligence (AI)—may challenge established patterns of legal socialization. While feminization has fundamentally changed the social composition of the profession, AI may affect the very processes through which legal knowledge, modes of reasoning and, ultimately, professional identity are acquired.

[2] Abel & Lewis (1988a; 1998b; 1989). I contributed, together with Erard Blankenburg, a chapter to *The Civil Law World, Volume 2* on "German Advocates: A Highly Regulated Profession" (Abel & Lewis 1998b: 124–159).

[3] In a subgroup to the Legal Profession Group on Women/Gender in the Legal Profession many publications were produced, amongst them the big comparative volumes by Schultz & Shaw, *Women in the World's Legal Professions* (2003) and *Gender and Judging* (2013); and Schultz & Ors, *Gender and Careers in the Legal Academy* (2021).

Thus I Became a Lawyer,

Bought myself a large inkwell,

Bought myself a leather briefcase

And a heavy Corpus Iuris,[4]

And sat diligently in the lecture hall.[5]

[B] GUIDEBOOKS FOR LAW STUDENTS—WHY DO THEY EXIST?

What does it mean to become a lawyer? A considerable number of guidebooks seek to answer this question by explaining what qualities prospective students should possess, who is suited to study law, and how legal studies can be pursued successfully.

One of the earliest examples is Hans Liermann's little book *And Thus I Became a Lawyer …*, first published in 1959. In a series of thirty-two letters addressed to the son of a friend, the Erlangen law professor discusses precisely these questions. He begins by asking: what makes you want to study law? And concludes with two letters describing the wide range of professional careers open to law graduates. The book provides a remarkably realistic account of legal education and the legal profession in Germany during the 1960s.

Another example is Peter Dyrchs' *Letters to Passionara*, published in four volumes between 2005 and 2006. Reflecting changing social attitudes, these fifty-seven letters are addressed to a young woman rather than to a young man. The name Passionara itself signals the author's conviction that enthusiasm and commitment are indispensable qualities for studying law. Accordingly, the fourth letter is entitled "Against the Silent Fears of the Beginning Student: Passionara Draws Strength from Her Motivation!". The eleventh letter initially startles the reader with the statement that learning driven by secondary virtues will become Passionara's principal occupation as a law student, before turning, in the following letters, to the legal method of analysing cases.

A further collection, *Letters to Young Lawyers*, edited by Tobias Gostomzyk and Joachim Jahn in 2015, follows the same literary

[4] Referring to the *Corpus Juris Civilis* (Body of Civil Law), compiled under the Byzantine Emperor Justinian I between 529 and 534 CE which became the foundation of the civil law tradition in continental Europe. In Germany it was still in use in the 19th century as the "*gemeines Recht*" (common law of Germany). It is used as a phrase for the archetypal volume of legal learning.

[5] From the poem by Joseph Victor von Scheffel, "Der Trompeter von Säckingen" (1853).

tradition. In thirty-two letters, lawyers from a wide variety of professional backgrounds reflect on their own educational pathways and careers. The somewhat old-fashioned epistolary format illustrates how deeply legal scholarship remains rooted in centuries-old traditions in which the senior members of the profession pass on their experience and values to the next generation.

Beyond these works there is an almost bewildering number of study guides for aspiring lawyers,[6] with titles such as *Secret Strategies for Successful Legal Studies*. Comparable literature is rarely found in other academic disciplines. Apparently, legal education continues to be surrounded by a degree of mystery and mythology that is largely absent elsewhere.

Why is the study of law regarded as so distinctive that prospective lawyers require special guidance about both their education and their future profession?

[C] THE STRUCTURE OF LEGAL EDUCATION

Legal education in Germany consists of two successive stages. Four to six years of university study at one of the country's forty-three law faculties are followed by a two-year period of practical training (*Referendariat*), during which trainee lawyers (*Referendare*) are employed by the judiciary. Until a few decades ago they formally held the status of probationary civil servants. During this practical stage they rotate through placements at courts, public prosecutors' offices, law firms and public administrative authorities.

Unlike in many other countries, university law faculties do not determine the curriculum. Instead, legal education and examination are regulated by federal and state legislation, in particular the state laws and regulations on legal education and section 5a of the German Judiciary Act (*Deutsches Richtergesetz*). State judicial examination authorities conduct the state examinations, while the Higher Regional Courts (*Oberlandesgerichte*) administer the practical training period. The state—and especially the Ministries of Justice—therefore exercise considerable control over legal education while at the same time conferring upon it its official seal of quality.

[6] Numerous additional sources of advice are available online, including online forums and social media groups in which law students exchange study tips and discuss problems encountered during their legal education. The websites of law faculties and student law societies (*Fachschaften*) likewise provide useful information.

The two examinations—the First Examination at the end of university studies[7] and the Second State Examination after completion of the *Referendariat*—qualify graduates for judicial office (*Befähigung zum Richteramt*). This qualification is also the statutory prerequisite for appointment as a public prosecutor, admission to the legal profession as a lawyer, and appointment as a notary. Consequently, everyone entering one of the classical legal professions undergoes the same highly standardized, state-regulated education leading to qualification as a fully qualified lawyer (*Volljurist*). This model of the *Einheitsjurist*—the fully qualified lawyer eligible for all major legal professions—is unique to Germany.

The strong role of the state in legal education has deep historical roots. During the 18th century, the Prussian kings effectively nationalized the legal profession, primarily in order to ensure quality control. Representation before the courts was carried out by salaried public officials, while other state officials combined legal advisory and notarial functions (Blankenburg & Schultz 1988: 126). When the German Empire was established under Prussian leadership in 1871, this close relationship between the legal profession and the state became firmly embedded both in legal education and in the organization of the legal profession under the Lawyers' Act of 1878 (Bleek 1972; Schultz 2003a). The traditional proximity of lawyers to the state also explains why practical training has always included a placement in public administration (Kilian & Schultz 2020).

[D] WHAT DO LAWYERS LEARN? LEGAL EDUCATION AND TRAINING

German legal education is traditionally organized around three major branches of law: private law, criminal law and public law. Students are required to pass examinations in each of these core subjects, supplemented by courses in the foundations of law.

The principal aim of legal education is to teach students the substance of positive law—that is, enacted law—and its application to individual

[7] As part of a reform of German legal education in 2003, the traditional First State Examination was replaced by the ""First Examination"", consisting of a state compulsory examination (70% of the final mark) and a university specialization examination (*Schwerpunktbereichsprüfung*), which accounts for the remaining 30%. The reform was intended to strengthen the academic profile of law faculties and to encourage greater specialization and scholarly depth in legal education. Reform of legal education has always been a recurring topic of debate. The discussion is currently being advanced by the Society for Legal Didactics (*Gesellschaft für Rechtsdidaktik*), established in 2024, and will also constitute the principal theme of the 2026 German Jurists' Conference (*Deutscher Juristentag*).

cases. Throughout their studies they learn the highly formalized style of legal reasoning[8] and legal opinion-writing (*Gutachtenstil*). During the *Referendariat* they additionally learn the skills required to draft judicial decisions,[9] prosecution files and other legal documents. In essence, the system continues to prepare students primarily for judicial careers, although for many decades now the majority of graduates have ultimately entered private legal practice (Schultz 2011).

Law is a discipline with a remarkably long intellectual tradition and a correspondingly distinctive professional culture (Liebau & Huber 1985). German law combines elements inherited from Roman law—symbolized by the *Corpus Iuris*—with those of Germanic legal traditions.

Although legal education is intended to prepare students for legal practice, the teaching of law remains firmly embedded within the university and is largely taught by academic professors. Systematic exposure to the practical work of lawyers occurs mainly during the subsequent *Referendariat*.

The opening verse quoted above captures students' experience remarkably well. Law students spend much of their time writing ("a large inkwell"), carrying heavy books ("the *Corpus Iuris*") and, above all, sitting for long hours in lecture theatres, listening, reading and learning.

The character of legal education has nevertheless changed considerably in the past decades. In the 1950s and 1960s, legal studies were even less structured than they are today. There was less legislation, less extensive and differentiated case law and far less specialist literature to master. Students received little systematic guidance and were largely expected to organize their studies themselves—to a considerable extent, this however remains true today. The underlying ideal was that of the broadly educated *Generalist*, equipped with a general legal education rather than specialized knowledge.

From the late 1960s onwards the traditional model came under sustained criticism (Loccumer Arbeitskreis für Fragen der Juristenausbildung 1970). Against the background of a broader critique of the state and its institutions, reformers regarded legal education

[8] Known as *Subsumtion*: the facts of a case are reduced to their legally relevant elements and then fitted within the applicable legal rules. Mastering this process demands a sound understanding of legal methodology and legal argumentation, even if the exercise itself is often highly technical.

[9] Called *Relationstechnik*. It is a distinctive German method of legal analysis used primarily in civil procedure during practical legal training. It provides a systematic framework for identifying, organizing and evaluating the factual and legal issues arising in complex civil disputes before drafting a judicial decision.

as overly doctrinal and detached from social reality. They demanded greater attention to the social, economic and political contexts of law and greater familiarity with neighbouring disciplines (Wassermann 1969; Loccumer Arbeitskreis für Juristenausbildung 1970: 12-24; Lührig 1997: 116-124).

An important attempt at reform took place during the 1970s with the introduction of experimental one-stage models of legal education, integrating academic study and practical training in alternating blocks. Teaching was conducted in small groups, in contrast to the conventional mass instruction in large lecture halls. These reforms strengthened the teaching of jurisprudence, legal sociology and other foundational subjects. Their explicit objective was to educate lawyers capable of critical reflection—a deliberate response to the experience of the "terrible lawyers" (*furchtbare Juristen*) of the Nazi era, who had administered injustice through technically correct applications of Nazi law (Müller 1987). After approximately two decades, however, these reform faculties had to abandon the experimental model. Traditional structures and practices proved too deeply entrenched and financial considerations also played a role. Eventually, all law faculties returned to the established two-stage model. Although foundational subjects have retained a formal place, they have remained marginal to the core of legal education, which is shaped by the demands of the state examination and the mastery of a growing body of legal doctrine (Wissenschaftsrat 2012; Sörgel 2014).

Reform of legal education has been a recurring topic of debate in Germany. The discussion has recently gained renewed momentum with the establishment of the Society for Legal Didactics (*Gesellschaft für Rechtsdidaktik*) in 2024 and has also been chosen as the principal theme of the 2026 German Jurists' Conference (*Deutscher Juristentag*). Current reform efforts focus particularly on reducing the considerable volume of material to be covered and shifting the emphasis from the accumulation of doctrinal knowledge towards methodological and problem-solving skills. At the same time, greater attention is being paid to teaching methods and the didactic qualification of law teachers.[10]

What matters from the perspective of professional socialization, however, is not only the knowledge and skills transmitted through this system, but the particular way of thinking that students acquire in the process.

[10] An important milestone was the publication of the *Handbook of Legal Education and Didactics* (Krüper 2022), which offers a broad, though by no means exhaustive, engagement with questions of legal didactics (Schultz 2023).

[E] WHO BECOMES A LAWYER? SOCIAL BACKGROUND AND MOTIVATION FOR STUDYING LAW

Most German law students come from middle-class families. The representative study "Justice as a Profession" (*Gerechtigkeit als Beruf*), conducted in the late 1970s by Andreas Heldrich and Gerhard Schmidtchen, found that children of civil servants were particularly overrepresented among law students. They are joined by students from higher middle-class and upper-class families who choose to study law as part of a long-standing family tradition (Heldrich & Schmidtchen 1982: 252). More recent studies have confirmed these findings (Böning 2017b).

Among the traditional professions, such as law and medicine, the influence of parental occupation on students' choice of subject is stronger than in almost any other field of study (Hartmann 2002). This reflects both the desire to maintain social status and prestige and the fact that growing up in an academic or legal family provides the intellectual environment and cultural capital that make studying law appear both attractive and attainable (Schölling 2005; RuhrUniversität Bochum 2012: 18; Böning 2017b).

Law is frequently chosen as a "default" degree by students who have not yet developed a clear vocational ambition. More positively expressed, however, many are attracted by the exceptional breadth of career opportunities and the favourable employment prospects that a law degree offers (Schultz & Ors 2018: 297).

Empirical studies consistently show that law students display particularly high levels of academic motivation—well above the average across German universities (Böning & Schultz 2018: 197). Like medical education, legal education is characterized by demanding academic standards and high expectations of student performance. Most students aspire to achieve an excellent degree (Multrus & Ors 2017; Schröder 2022).

[F] THE SYSTEM OF PROFESSIONAL SOCIALIZATION

Problematic features of legal studies at university

At the same time, students report a number of significant problems (Schultz & Ors 2018: 203). The most frequently mentioned are limited contact with academic staff and strong competition among fellow students. Roughly one-third feel overwhelmed by the volume of knowledge they are expected to master, and law students are among those most likely to doubt their own academic ability: approximately 42% report uncertainty about whether they are capable of completing their studies successfully (Multrus & Ors 2017; Schröder 2022).

The breadth of the subject matter constitutes a considerable burden in itself. Together with students of business and economics, law students report higher levels of anxiety than students in almost any other discipline with regard to examinations, navigating their course of study, and coping with the extensive formal requirements governing their studies (Multrus & Ors 2010).

Overall, law students perceive the social climate within their faculties as relatively poor. Many describe an environment characterized more by rivalry than cooperation, which not only makes studying more difficult but may actively impede academic success. More than half of all students identify competition among their peers as a significant problem (Multrus & Ors 2017).

At the same time, legal education pays comparatively little attention to developing social responsibility. Instead, material aspects of future employment—particularly a high income and opportunities for career advancement—are regarded as important incentives for choosing the profession (Multrus & Ors 2017).

Equally revealing is the way students organize their studies. According to the findings of the regularly conducted student surveys,[11] almost half of law students attended fewer classes than prescribed by the curriculum. This reflects the well-known discrepancy between what universities teach and what students perceive to be relevant for passing the state examinations. Legal education also receives lower evaluations for teaching quality than many other disciplines.

[11] See Bundesministerium fürForschung, Technologie und Raumfahrt, "Studierenden-Forschung"; compare also Multrus & Ors (2010: 7).

Teaching methods remain largely traditional. Knowledge is primarily transmitted through one-way teaching, in which professors systematically explain statutory law while students—still tellingly referred to in German as "listeners" (*Hörer*)—are expected to absorb the material. Students typically encounter their professors in large lectures often attended by several hundred students, with relatively little opportunity for direct interaction. Legal education at German universities is characterized by a particularly unfavourable student-to-professor ratio.[12]

Uncertainty in the absence of a coherent curriculum

One striking feature of German legal education is that the requirements of the programme are never fully transparent. Unlike many other university subjects, legal education is not organized around competence-based curricula or clearly defined learning outcomes. The regulations in the Acts of the federal states governing legal education merely specify the subjects that students are expected to master for the state examinations.

The result is considerable uncertainty about what students actually need to learn and how they should organize their studies. This lack of orientation is one of the factors contributing to the remarkably high dropout rate. More than half of those who begin studying law never reach the First State Examination, and a further 10% do not proceed to the *Referendariat*.

Discipline through grades: the culture of assessment

The pleasure of studying law is further diminished by an exceptionally rigorous grading culture.

The German grading system in legal education differs markedly from conventional university marking schemes. It includes the distinctive grade *vollbefriedigend* ("fully satisfactory"), commonly referred to simply as the *Staatsnote* ("state grade"). Achieving this mark is widely regarded as the passport to an outstanding legal career, opening the doors both to the judiciary and to leading commercial law firms.

Only around 2% of candidates obtain the grades "good" or "very good" in either State Examination, while approximately 15% in the First Examination—and slightly more in the Second—achieve the coveted grade *vollbefriedigend*. For many years the failure rate in the First

[12] In 2024/2025, there were approximately 89 law students for every C3/W2 or C4/W3 professorship. This is roughly twice as many as in all the other subjects combined (unpublished higher education statistics provided by the Federal Statistical Office –*Statistisches Bundesamt* -).

State Examination has remained at around 30%; in the Second State Examination it is approximately 14% (Roloff & Schultz 2016: 21ff).[13]

During the *Referendariat*, trainees are assessed repeatedly by supervising judges, prosecutors, administrative lawyers and practising attorneys in each placement as well as in accompanying training groups. Although marks awarded at this stage tend to be somewhat higher, most trainees receive no more than an assessment equivalent to "satisfactory" in the final examination.

Grades therefore acquire enormous biographical significance. They shape professional identity and self-perception long after legal education has ended. Those who successfully survive what many describe as the "purgatory" of the State Examinations may develop the stereotypical legal self-confidence—sometimes perceived by outsiders as legal arrogance—that accompanies admission to one of Germany's most prestigious branches of the legal profession.

At the same time, examination results function as an official state quality label that continues to exert a powerful influence on career opportunities throughout lawyers' professional lives.

Bridging—or reinforcing—the gap between theory and practice

A longstanding question in German legal education is whether universities should primarily teach legal scholarship or prepare students for legal practice.

Unlike in many common-law countries, legal education is almost exclusively provided by university academics. Most professors have spent virtually their entire careers in research and teaching and possess comparatively limited practical experience of legal work. Academic appointments continue to require both a doctorate and a "habilitation",[14] and newly appointed professors are on average around thirty-nine years old (Schultz & Ors 2018: 168).

The curriculum concentrates on solving complex legal problems presented in carefully constructed hypothetical cases. Students are therefore trained above all as technicians of the law. At the same time, however, legal education also encourages critical reflection on legal

[13] The latest examination statistics can be found here: Ausbildungsstatistik.

[14] The habilitation is the second "big book", and the subject of the doctoral thesis and the habilitation have to be different to guarantee that the candidate's qualification is broadly based.

reasoning itself. Particularly in constitutional and public law, students learn to examine legislation against constitutional principles. They are thus introduced to the constitutional value system and gradually come to regard themselves as guardians of the rule of law.

Influenced by developments in Anglo-American legal education, practical training has nevertheless become more prominent in recent years. Since the liberalization of German legislation governing legal advice, universities have established student law clinics in which legal advice is provided under the supervision of practising lawyers. Moot court competitions have likewise become widespread, enabling students to develop advocacy skills in simulated court proceedings (Kilian & Schultz 2020: 227).

In addition, all law students are required to complete three months of practical placements during their university studies, spending time in courts, public administration or legal practice before entering the *Referendariat*.

The trauma of the state examinations

One peculiarity of German legal education is that those who teach students are generally not the ones who examine them. The state judicial examination authorities administer the state components of the First Examination and the Second State Examination. Written examination papers are marked predominantly by legal practitioners, including judges, prosecutors, government lawyers and practising attorneys (Schultz & Ors 2018: 216).

As a rule, candidates have never met their examiners before. The absence of any personal relationship constitutes an additional source of uncertainty. It also raises the question of how well university teaching actually prepares students for the examinations.

For both stages of legal education, many students therefore turn to private coaches (*Repetitoren*), an institution with a long history in Germany (Ranieri 1985: 7). These commercial providers, sometimes referred to colloquially as “crammers”, prepare students specifically for the State Examinations. In contrast to the anonymity of large university lectures, some offer intensive individual supervision and personal mentoring. Private exam preparation for law students is a lucrative business in Germany.

Since the scope of the examination syllabus is virtually unlimited and the examination requirements are never precisely defined, the State

Examinations are widely perceived as a "black box". Students frequently feel that success depends not only on ability but also on the unpredictable expectations of individual examiners.

In this respect the examinations resemble classic initiation rituals or rites of passage (Kvale 1972; Prahl 1976; Schultz & Ors 2018: 205). Even decades later, lawyers vividly remember particular examination problems in the case scenarios they were required to solve in the written part[15] of their examinations and situations from their oral examinations. They recount these experiences to younger colleagues much as military veterans exchange memories of decisive battles.

Ultimately, the examinations function as a test of conformity (Schütte 1982; Portele & Schütte 1983: 32). At the same time, the relatively homogeneous social background of law students already contributes to a considerable degree of conformity long before the examinations themselves begin (Kulamadayil 2024).

Does the place of study matter?

Compared with most other academic disciplines—and unlike legal education in many other countries—the particular university at which a student studies law has relatively little influence on later career success. Since the State Examinations are externally administered by the justice authorities, what often matters more is the federal state (*Land*) in which legal education has been completed.

In recent years various rankings of German law faculties have become popular. The long-established faculties generally perform better than those founded during the university expansion of the 1960s and 1970s. Yet students' satisfaction with their studies appears to depend much less on the indicators used in these rankings—such as publications, research reputation or external funding—than on the quality of teaching, personal contact with academic staff and the overall learning environment (Schultz & Ors 2018: 242).

Nevertheless, law faculties differ considerably in their institutional cultures. Some are regarded as more conservative, others as more

[15] This applied even more strongly to the four- to six-week written examination assignments which, in almost all German states, used to form part of both state examinations. In the First State Examination, candidates were required to prepare a legal opinion on an assigned case; in the Second, they had to analyse a case file and draft a legal opinion and judgment. These extended examination assignments were eventually abolished in most states in 2003, as the internet facilitated copying and pasting, the nationwide sharing of solutions, and plagiarism, making it increasingly difficult to ensure that the work submitted was the candidate's own.

progressive. Although the general rule against appointments to professorships at the university where they completed their habilitation (*Hausberufungsverbot*) regularly brings new scholars into a faculty, informal mechanisms of co-option often serve to preserve existing academic cultures.

There are also marked differences between large and small faculties, between institutions drawing students primarily from their surrounding region and those attracting students from across Germany. A comparison of universities such as Tübingen (a traditional, relatively small faculty), Bochum (a "new" faculty, founded in 1966), Munich (a traditional, very large faculty), Bremen (a "new", reform-oriented faculty with a politically progressive profile), and Berlin illustrates the diversity of academic environments within German legal education.

More recently, additional differences have emerged as universities have been allowed to select their own students following reforms of the former central admissions system. Faculties admitting only applicants with outstanding school-leaving grades naturally tend to produce a disproportionately high number of graduates achieving the coveted distinction marks in the State Examinations.

[G] WHO—OR WHAT—IS A LAWYER?

Processes of assimilation: identity and *esprit de corps*

Legal education is far more than the acquisition of legal knowledge. Through observation, imitation and participation, students gradually become accustomed to the conventions, values and behavioural patterns of the legal profession. They slowly assimilate into what might almost be described as the legal "guild", acquiring the professional habitus characteristic of German lawyers. (Huber & Ors 1983; Schaeper 1997: 221; Schultz 2011; Böning 2017a; 2017b; Schultz 2025b).

Educational researchers have described this process as the operation of a "hidden curriculum" (Schütte 1982; Huber & Ors 1983). Much of what students learn is tacit knowledge: forms of understanding that are never explicitly taught but are transmitted informally through everyday academic practices, institutional routines and professional culture. In much the same way, teaching styles and academic habits are passed on from one generation of legal scholars to the next.

The uncertainty and, at times, alienation experienced during legal education (Portele & Schütte 1983; Schultz 1990: 331ff), together with

the considerable pressures shared by successive generations of students, create particularly strong bonds among future lawyers. Combined with the unusually long two-stage course of professional training, these experiences foster a pronounced *esprit de corps* and a durable professional identity that often remains with lawyers throughout their lives.

Competencies

Legal education is not merely about acquiring knowledge of statutes, case law and techniques of legal reasoning. After approximately five years of university study and two years of practical training during the *Referendariat*, graduates have developed a broad range of competencies that extend well beyond those formally specified in the legal education regulations. These competencies equip them for a remarkably wide variety of professional careers.

When young lawyers participating in continuing professional development courses are asked which competencies they acquired during their legal education—apart from legal knowledge itself[16]—they regularly identify the following strengths:

- ◊ structured, logical thinking and writing;
- ◊ precision, organizational ability and careful attention to detail;
- ◊ the ability to abstract from complex facts and identify the essential issues;
- ◊ objectivity and analytical reasoning;
- ◊ awareness of problems and the ability to question established assumptions;
- ◊ critical and self-critical reflection;
- ◊ the ability to work as a generalist and to familiarize oneself quickly with new subject areas;
- ◊ versatility, flexibility and the capacity to view issues from different perspectives;
- ◊ determination, powers of persuasion and confident decision-making;
- ◊ self-discipline, perseverance and a high level of intrinsic motivation;
- ◊ the ability to work effectively under pressure, meet deadlines and deliver results on time;
- ◊ eloquence, communication skills and the ability to construct convincing arguments;

[16] I have been asking this question for many years at professional development courses and seminars on legal career paths.

- ◊ commitment and a willingness to engage in intellectual and professional challenges; and
- ◊ independence (Schultz 2022b; 2022d).

Many of these competencies are transferable and explain why law graduates occupy leading positions not only within the legal professions but also in politics, business, public administration and many other sectors.

Interestingly, despite the considerable differences in legal education, the strengths identified by the young lawyers correspond closely to what the United States American Carnegie study (Sullivan & Ors 2007) describes as the cognitive apprenticeship of becoming a lawyer: legal education is remarkably successful in teaching students to "think like a lawyer": to analyse complex material, identify and structure problems, distinguish relevant from irrelevant information, and develop arguments and counter-arguments. The study, however, also identifies an imbalance between this strong cognitive training and the less systematic development of practical skills, professional identity and ethical responsibility, although this imbalance may need to be assessed differently in Germany because of the practical training provided during the *Referendariat*.

Internationalization

Although German legal education focuses primarily on German and European law, today's law students are increasingly internationally oriented. Periods of study abroad have become both common and highly valued. In earlier decades, Lausanne and Geneva were among the preferred destinations for German law students. Today, the European Union Erasmus programme[17] enables students to spend part of their studies at universities throughout Europe with financial support. In addition, many law faculties maintain exchange agreements with partner institutions around the world, offer bilingual degree programmes[18] and participate in international academic networks.[19]

Specialized legal language courses, available at many universities,[20] further prepare students for studying and working abroad while strengthening their intercultural and professional competencies.

[17] See European Commission, "Studium im Ausland".

[18] See Universität Münster, "Doppelabschluss".

[19] Eg Humboldt Universität Berlin, "Ins Ausland – Studierende"; Universität Heidelberg, "Partneruniversitäten".

[20] The law faculty in Münster was one of the first to offer such a certificate programme.

The *Referendariat* also provides opportunities for international experience. Administrative placements and, in particular, the elective stage may be completed abroad—for example in international law firms, German Chambers of Commerce Abroad, embassies or international organizations. Such experience has become especially valuable for careers in internationally operating law firms and other globally oriented legal workplaces.

Feminization

Until the 1970s, law was overwhelmingly a male domain. When I started to study law in Munich in 1966 we were 10% women, in fact the overall share of women amongst law students was around 10%. Only with the expansion of higher education and the availability of reliable methods of birth control did women's participation begin to increase substantially. Since the turn of the millennium, women have outnumbered men among law students in Germany and now account for almost 60% of the student body. Yet female students report an even greater sense of estrangement from the culture and practices of legal education than their male peers (Schultz 1990; 2003b). Despite making up the majority of law students, women continue to fare worse than men in the First State Examination: they are more likely to fail and, on average, achieve lower grades (Schultz 2003b: 276; Schultz & Ors 2018; Towfigh & Ors 2018).[21]

Unlike previous generations, women no longer leave legal education in disproportionately high numbers. As a consequence, they now account for more than half of the judiciary (Schultz & Ors 2011; Schultz 2012) and prosecution,[22] meanwhile close to 40% of practising lawyers are women, although women are much more likely than men to work as *Syndika/ Syndikus*, that is, as in-house lawyers employed by companies or other organizations (Schultz 2018a).

The academic profession, however, has changed much more slowly. Women still occupy only a relatively small proportion of professorships in law,[23] and progress has been gradual (Schultz 2021). Legal education therefore continues to be taught largely within a male-dominated academic culture and female students still lack role models (Schultz 2014; Schultz & Ors 2018: 239).

[21] Again confirmed by the judicial education statistics 2024: "Ausbildungsstatistik".

[22] In Germany the prosecution is counted into the "*Justiz*".

[23] Women currently hold only 20% of the chairs (unpublished higher education statistics provided by the Federal Statistical Office - *Statistisches Bundesamt* -). Their representation varies considerably between law faculties. In 1980 it was 1.4%, in 2000 7.6% (Schultz & Ors 2018: 166; 2021).

Embedded in centuries-old traditions, legal education continues to transmit a rather conservative image of society, which students tend to internalize during the processes of professional socialization described above. This conservative orientation is particularly evident in the image of women presented in many legal textbooks and teaching materials (Schultz 2003b; Schultz & Ors 2018: 226; Schultz 2019). It may also be understood within the broader context of sexist practices that have repeatedly been documented in German legal education (Chebout & Ors 2016: 190).[24]

There are, moreover, persistent shortcomings in the use of gender-inclusive language. "This is particularly striking in a discipline that is fundamentally based on language and texts" (Chebout & Ors 2016: 191; see also Grabrucker 1993). Gender and diversity perspectives still occupy only a marginal place in mainstream legal teaching (Schultz 2020; Grünberger & Ors 2021; Schultz 2022a),[25] and these perspectives receive virtually no attention in continuing professional development (Schultz 2025a). In the substantial 1342-page handbook on teaching law and didactics (Krüper 2022), gender is not mentioned at all (Schultz 2023).

The German Women Lawyers Association (*Deutscher Juristinnenbund*, (djb)), which has more than 6500 members despite its relatively high membership fees, is an influential advocacy organization promoting legal and social policy reforms aimed at advancing gender equality. It also contributes to debates on improving legal education through policy statements and supports young women lawyers through mentoring programmes.[26]

AI and the changing professional role[27]

AI is likely to become another important factor in reshaping what it means to be a lawyer. Legal work has traditionally been associated with the command of specialized knowledge, the ability to locate and interpret legal sources, and the drafting of legal arguments and documents. Generative AI can already assist with, and in some areas partly perform, many of these tasks. This raises the question of which competencies will continue

[24] Sexist practices in German academia are also described in Schultz (2022c), an article which took as its starting point the American film *Picture a Scientist*.

[25] See also Schultz (2016a; 2016b). In 2008 I wrote a Gender Curriculum for law, updated in 2012 and 2018 (Schultz 2018b). It has never been discussed, either formally or informally, nor has it been implemented.

[26] See Lieber gleichberechtigt als später!.

[27] This section was developed in dialogue with ChatGPT (OpenAI).

to distinguish lawyers from increasingly sophisticated technological tools. The professional role may shift towards activities that require contextual understanding, critical evaluation, strategic judgement, communication and the assumption of responsibility for legal decisions and advice. At the same time, lawyers will increasingly need to assess the reliability of AI-generated information, recognize errors and biases, and understand the ethical and professional implications of its use. AI may therefore change not only the organization of legal work but also the professional self-understanding of lawyers and the qualities by which legal expertise is defined.

[H] CONCLUSION: CONSEQUENCES FOR LEGAL PRACTICE

Law is one of the largest and most influential academic disciplines within the German university system. Among women it is the second most popular field of study; among men it ranks fifth. Legal scholarship is closely associated with power and authority and tends to stabilize existing social arrangements (Hartmann 2002).

Through its institutional interconnections with legal practice and its responsibility to reflect upon and safeguard key guiding principles of modern society—such as justice, solidarity, human dignity, and individual freedom—legal scholarship occupies a distinctive position in society (Wissenschaftsrat 2012: 25).

Until the 1990s, German legislation required many leading positions within the state administration to be filled by fully qualified lawyers. Although this statutory "lawyers' monopoly" (Dahrendorf 1962; 1965) has gradually been relaxed, law may still be regarded as one of Germany's leading academic disciplines. Lawyers continue to occupy many of the country's most influential positions, and a substantial proportion of Members of Parliament have a legal qualification.[28] The close relationship between legal education and the state, together with the disciplinary mechanisms inherent in the educational system, nevertheless carries the risk of fostering excessive conformity and deference to authority.

Although the legal profession has become increasingly market-oriented during the past three decades, following a series of legislative reforms, professional autonomy remains more limited than in the classic Anglo-American model of the legal profession (Schultz 2003a; 2005; Kilian & Schultz 2020). German lawyers therefore cannot be regarded as an ideal-

[28] 124 of the 630 Members of Parliament (19.7%) hold a legal qualification.

type profession in the sociological sense developed in the Anglo-American literature.

The strongly competitive culture of legal education is also reflected in professional life, where deficits in collegiality have repeatedly been observed (Wagner 2014: 14ff). Lawyers constitute a comparatively homogeneous professional group characterized by a pronounced *esprit de corps*. They are generally internationally minded, yet at the same time many are socially and institutionally conservative.

Legal education inevitably inculcates respect for the law (*Rechtstreue*). At the same time, lawyers bear a particular responsibility *de lege ferenda*: they are expected to contribute to adapting the law to changing social conditions.

For precisely this reason, the socialization processes through which lawyers are formed deserve continuing critical attention. Lawyers are not merely legal technicians. They are guardians of the rule of law and custodians of the constitutional values upon which democratic society is founded.[29]

What is striking is the remarkable persistence of the structures and mechanisms of professional socialization in German law. It remains to be seen to what extent the growing use of AI will transform legal education and professional practice and, in doing so, reshape the mechanisms through which lawyers acquire their professional identity, values and ways of thinking.

About the author

Ulrike Schultz i*s a lawyer and retired Senior Academic at FernUniversität Hagen, Germany. She specializes in sociology of law and the legal professions, legal education, didactics and professional communication, and questions of gender and law. She is the organizer of many international comparative socio-legal projects and co-founder of the RCSL Working Group on the Comparative Studies of the Legal Profession, heading the subgroup on Women/Gender in the Legal Profession. From 2018-2023, she was President of RCSL—the International Sociological Association's Research Committee on Sociology of Law.*

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[29] For this reason, sociology of law should play a more prominent role in legal education.

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