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Social Mobility into Law Firms in Germany: A Micro-class Perspective

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Introduction

In this article, I explain the rationale behind my work-in-progress study on social mobility into law firms – the yet largest scientific inquiry of the law industry in Germany. It includes responses from roughly 3,000 lawyers working in the top 100 law firms (by JUVE revenue ranking 2020/21), and over fifty interviews with lawyers working for these firms (to be published in 2024). I first outline the idiosyncrasies of legal occupations which are defined by distinct institutional and cultural properties, and thereby form a micro social class. Second, I contextualise the debate on social class in Germany, and suggest why the law is an industry where social class origins might be particularly influential on individuals' careers. Social class is defined by one's parents' education, occupation, or income. Social mobility describes the movement of individuals between different social classes, such as working-class, middle-class, and upper class. Lastly, the article discusses how experiences of upward social mobility differ significantly for individuals of different class, racial, or gendered backgrounds and require further unpacking beyond common 'rags to riches' narratives of working-class success.

The legal profession as a micro-class

Social mobility research generally categorises society into different groups to describe movement between hierarchical social classes. However, these classification schemes of working-class, middle class, and upper class conflate the idiosyncrasies of the heterogeneous groups they are comprised of. Elite professions such as law, medicine, engineering, or academia are commonly viewed as one big social class, yet their cultural features are inherently different. This is why a more granular conceptualisation of social classes at the level of individual occupations, so-called micro-classes, are more accurate when analysing the lived experience of social class.

Research in occupational sociology has showcased how the legal profession can be understood as its own occupational sub-culture, or micro-class. This is due to a) its outstanding degree of occupational closure, and b) the distinct cultural repertoire the profession rests upon. Both components interplay with one another as specific institutionalised boundaries of an occupation shape its social and cultural characteristics.¹ The high degree of institutionalisation in legal occupations is likely to influence the interactions of individuals in the profession.

Germany's two-staged law training regime is particularly rigid which strongly restricts access to the profession. This becomes

more apparent in comparison to qualification schemes in other countries, such as the UK, or to other elite professions with more diverse ways of entry, such as management consulting.² In most cases, a law degree, pupillage, and successful pass of both state exams is the single way to qualify as a lawyer in Germany.

With this lengthy and tightly formalised training regime, lawyers, more than other professionals, might be inclined to "develop an 'esprit de corps'"³ – a distinct professional habitus which is additionally shaped by the field's long and prestigious history, the importance of self-presentation along with a sophisticated rhetoric repertoire, subtle patterns of taste, and 'gentlemanly' characteristics that serve as markers of belonging.⁴ This is in line with French sociologist *Pierre Bourdieu's* habitus theory which understands the habitus as a collective system which is defined by "a subjective but not individual system of internalised structures [...] and action common to all members of the same group or class".⁵ While belonging to the same micro-class does not utterly determine individuals' dispositions, it can lay the foundation to develop a shared habitus within a micro-class. This collective cultural affiliation is particularly powerful as recruiters in law firms explicitly seek candidates who are a "cultural matching" – beyond mere meritocratic parameter.⁶

Where is the debate on social class in Germany?

This marks a pivotal point at which social class origin might operate as a powerful differentiator between individuals. There are different ways to measure social origin, which is typically defined by one's parents' education, occupation, or income. Social class inequalities have gained limited scholarly and public attention in Germany. One reason could be the overall more egalitarian access to higher education. Moreover, the impact of German elite academic institutions is largely insignificant as compared to the UK or France, where institutions such as Oxbridge or the *Grandes écoles* operate as discernible catalysts of elitism. The criticism put forward against these institutions periodically reignites the public debate

- 1 K. A. Weeden and D. B. Grusky, 'The Case for a New Class Map' (2005) p. 111, in: *American Journal of Sociology*, p. 141–212.
- 2 L. Ashley and L. Empson, 'Understanding social exclusion in elite professional service firms: field level dynamics and the "professional project"' (2017) p. 31 in: *Work, Employment and Society*, p. 211–29; J. O. Jonsson, D. B. Grusky, M. Di Carlo, R. Pollak, and M. C. Brinton, 'Microclass Mobility: Social Reproduction in Four Countries' (2009) p. 114 *American Journal of Sociology*, p. 977–1036.
- 3 P. Bourdieu, *Distinction: A social critique of the judgement of taste* (Routledge & Kegan Paul, 1984); Jonsson, Grusky, Di Carlo, Pollak, and Brinton, 'Microclass Mobility', p. 989.
- 4 L. A. Rivera, 'Hiring as Cultural Matching: The Case of Elite Professional Service Firms' (2012) p. 77, in: *American Sociological Review*, p. 999–1022.
- 5 P. Bourdieu, *Outline of a theory of practice* (1977) p. 86.
- 6 Rivera, 'Hiring as Cultural Matching', p. 999.

on class in these countries.⁷ For Germany, however, comparative research on public beliefs in meritocracy demonstrates how the German population strongly advocates and champions that there is equal opportunity for everyone – as long as they work hard.⁸

These perceptions are in stark contrast with findings from the OECD which reveal that, in Germany, an individual's social origin significantly impacts their social destination. Despite the country's comparatively low income inequality (after redistribution measures) and strong meritocracy beliefs, its intergenerational social mobility rates are strikingly low. In fact, the OECD speaks of “sticky floors and sticky ceilings”⁹ to describe a) a robust income persistence with lower chances to move upward for those at the bottom, and b) even lower risks of falling down from the top, in this case the top quartile of the earnings distribution. This ultimately secures top positions for those who inherit them while only few make it to the top.

These data raise important questions about the influence of social origin in high-income and high-status occupations. It also queries to what extent education can fulfil its duty to be ‘the great equaliser’ to unequal social origins, and the prime remedy to an unlevel playing field. How can we better understand this arguably strong reproduction at the upper end of the class spectrum? – I propose to scrutinise recruitment in elite professions and its potential mechanisms of social reproduction.

Many children of lawyers become lawyers – but what does this mean?

The law sector represents one of such elite professions where parental education and occupation appears to be of particularly strong influence as heightened levels of micro-class reproduction indicate across various national settings. Micro-class reproduction describes how children follow their parents' occupational footpaths. This self-recruitment has been explored in the UK where children of lawyers are 17-times more likely to also go into law (this rate is only higher in medicine).¹⁰ Similarly, law shows high rates of occupational inheritance in Spain which results in almost 25 percent of the children of lawyers being lawyers themselves.¹¹ The work-in-progress data set of my study projects a similar trend with almost a fifth of participating lawyers having a parent with a professional background in law.

In the light of these data, the participants' own accounts on how they perceive their profession become even more insightful. The survey I launched in collaboration with leading law industry publication JUVE included an open-ended question: *Generally speaking, what kind of people do you think work in the legal profession? How would you describe the ‘typical’ lawyer socially and culturally?* While the scientific qualitative analysis of the material is on-going, one cluster of responses can be constructed around statements such as *‘The legal profession is just as diverse as society is’*. Understandings such as this raise concerns to what extent individuals critically engage with their own social origins, current class positions, and, conversely, how they view the social composition of society in general. Approaches to an explanation might lie in the consequences of long-term social fragmentation. This could be attributable

not only to detachment among social classes, but also sheer geographical distance to those with differing experiences and perceptions of life.¹²

However, nothing is ever black and white in the social sciences, and to paint the whole picture we need more colours. The considerable share of lawyers descending from families where the occupation might have been inherited can be indicative of a trend – but requires further academic investigation. It is highly improbable that one's professional choices are utterly pre-determined by parents with a similar occupation. To circumvent such short-sighted simplifications, I combine the quantitative survey data set with qualitative one-to-one interviews. This will help to attain a more nuanced understanding on how a potential intergenerational transmission of habitus, capital, and knowledge operates. To further diversify and compare individuals' accounts, I have spoken to more than fifty lawyers who come from various backgrounds including those a) whose parents worked in the law, b) who come from working-class families and c) who are of immigrant descent, to holistically understand various career trajectories.

Started from the bottom – now we're where? The downside of upward social mobility

Particularly those who come from working-class and/or immigrant backgrounds contribute to compelling accounts of upward social mobility tales of success.¹³ These ‘rags to riches’ stories are celebrated and entertained in pop cultural narratives. Yet many of these disregard the often discomfiting lived experience of finding oneself in an elite environment while coming from a disadvantaged social class. Upwardly mobile individuals in elite occupations often express internal conflicts when they try to emulate the highbrow dispositions of their elite peers.¹⁴ Many upwardly mobile individuals feel the need to ‘fit in’, ‘acquire’ an appropriate habitus, and often struggle

- 7 M. Hartmann, ‘Class-Specific Habitus and the Social Reproduction of the Business Elite in Germany and France’ (2000) p. 48, in: *The Sociological Review*, p. 241–61.
- 8 J. J. B. Mijls, ‘Visualizing Belief in Meritocracy, 1930–2010’ (2018) p. 4, *Socius: Sociological Research for a Dynamic World* (237802311881180).
- 9 OECD, *A Broken Social Elevator? How to Promote Social Mobility* (OECD, 2018) p. 29.
- 10 S. Friedman and D. Laurison, *The class ceiling: Why it pays to be privileged*, 1 ed. (Policy Press, 2019).
- 11 F. Bernardi and C. J. Gil-Hernández, ‘The Social-Origins Gap in Labour Market Outcomes: Compensatory and Boosting Advantages Using a Micro-Class Approach’ (2020), in: *European Sociological Review* jcaa034, p. 12.
- 12 A. M. Born, ‘The long shadow of territorial stigma: Upward social mobility and the symbolic baggage of the old neighbourhood’ (2022), *Urban Studies* (004209802211063).
- 13 C. Lang, A. Pott, and J. Schneider, *Unwahrscheinlich erfolgreich: sozialer Aufstieg in der Einwanderungsgesellschaft* (Institut für Migrationsforschung und Interkulturelle Studien (IMIS), Universität Osnabrück, 2016); Rezaei, ‘Self-made lawyers? Pathways of socially mobile descendants of migrants from Turkey in Europe’ (2017) p. 40, in: *Ethnic and Racial Studies* p. 230–46.
- 14 S. Friedman, ‘The limits of capital gains: Using Bourdieu to understand social mobility into elite occupations’ (2016) p. 107–22.

to ‘construct’ an authentic and effortless professional self.¹⁵ In contrast, their privileged counterparts are often more ‘at ease’ and confident as they benefit from a wider cultural repertoire and personality traits which are promoted by an upbringing in advantaged social milieus.¹⁶

Along with class-based and racial differences, experiences of upward social mobility also disclose important gendered fault lines. Women of working-class origins in elite occupations tend to hide their backgrounds at work to prevent potential negative judgement and vulnerability. This “often leaves a significant emotional imprint, with many women reporting a lingering sense of inferiority and shame” at work while upwardly mobile men in elite professions tend to utilise their experience of social mobility as an asset.¹⁷ Findings as such demonstrate how there is no female equivalent of the ‘working-class boy done good’ story¹⁸ – a narrative which is also reproduced by *John Grisham’s* bestselling legal thriller *The Firm* (1991). The novel’s protagonist *Mitch McDeere* is the son of a coal miner and a waitress, graduates from Harvard Law School, and, through his hard work, dedication, and merit, lands a job at an elite law firm with a male-only policy. The novel alludes to glossy ‘against all odds’ stories of working-class success. But, in reality, the lived experiences of class, race, and gender significantly shape trajectories of upward social mobility. They remain complex webs which need further unpacking to better understand how inequalities come to light in the workplace.¹⁹

Conclusion and outlook

This article has provided an overview over various strands of research from social mobility and occupational sociology. These accounts have inspired my research endeavour to scrutinise the social composition of lawyers in leading law firms in Germany as an example of an elite profession combining high occupational prestige and high earnings prospects. By a) deploying a micro-class approach which recognises the cultural and social idiosyncrasies of the profession, b) implementing a mixed-methods research design which utilises primary survey and interview data, and c) combining perspectives from sociology and economics, this project brings together a diverse set of methodological and theoretical strands. It thereby aims to make a vital contribution to better grasp the conditions and consequences of inequalities in the labour market. Beyond the academic publication of the study which is planned for 2024, the findings will be used to develop strategic recommendations for law firms to grant more equal access to and progression within the profession.

15 C. Schwarz, ‘Elitenforscher Michael Hartmann: Gestus der Gelassenheit’ (2019).

16 Ebd.

17 S. Friedman, ‘(Not) bringing your whole self to work: The gendered experience of upward mobility in the UK Civil Service’ (2022) p. 29, in: *Gender, Work & Organization* p. 502–19.

18 S. Lawler, ‘Disgusted Subjects: The Making of Middle-Class Identities’ (2005) p. 53, in: *The Sociological Review* p. 429–46.

19 Ashley and Empson, ‘Understanding social exclusion in elite professional service firms’ (Fn. 2); Friedman and Laurison, *The class ceiling: Why it pays to be privileged* (Fn. 10).

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Schlaglichter zum Berufseinstieg

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Als Anwält*in ist es nicht unbedingt selbstverständlich, dass man beruflich mit Sachverhalten (und Mandant*innen) zu tun hat, für die man sich auch persönlich begeistern kann. Umso mehr freue ich mich darüber, bei einer der wenigen Kanzleien arbeiten zu können, die ihr Beratungsangebot nicht auf bestimmte Rechtsgebiete ausrichten, sondern es sich zur Aufgabe gemacht haben, bestimmte Mandant*innen – in unserem Fall sämtliche Akteur*innen des Kunstmarktes – umfassend rechtlich zu beraten. Der sehr starken Fokussierung auf die „Nische Kunstmarkt“ steht eine große Bandbreite rechtlicher Themen gegenüber, die mir in meinem Arbeitsalltag begegnen: „klassisches“ Schuld- und Sachenrecht ebenso wie Erbrecht, Urheberrecht, Gemeinnützigkeits- und Stiftungsrecht oder Geldwäsche-Compliance, um nur ein paar der Bereiche zu nennen, mit denen ich mich seit meinem Berufsstart beschäftige. Ich finde es zugleich herausfordernd und spannend, mich immer wieder in neue Rechtsgebiete einzuarbeiten und unsere Mandant*innen in allen Bereichen ihres Schaffens zu begleiten.

Frisch examiniert und vereidigt wird einem schnell klar, wie viel man noch „on the job“ lernen muss, um wirklich ein*e gute*r Anwält*in zu werden. Gleichzeitig gehört es zur DNA des Anwaltsberufs, Mandate eigenverantwortlich zu führen und irgendwann auch selbst zu gewinnen. Nach meiner Erfahrung bieten hier gerade kleinere Einheiten ein gutes Gleichgewicht: Zwischen dem nötigen Rückhalt, den es braucht, um Erfahrungen zu sammeln, und dem Vertrauen, dass auch Associates selbständig für und mit Mandant*innen arbeiten können.

Ebenfalls zur anwaltlichen Berufsbeschreibung gehört: Man ist Dienstleister*in. Die Mandatsarbeit muss erledigt werden und verträgt sich nur schwer mit dem Wunsch nach einem unantastbaren Feierabend. Umgekehrt genieße ich aber auch die große Flexibilität, mit der man sich als Anwält*in die eigene Arbeit einteilen kann. Manchmal erst spät ins Büro zu kommen, sich dafür abends nochmal eine Stunde an den Rechner zu setzen, bei Bedarf einfach von zuhause aus arbeiten zu können – das alles ist für mich mit zwei kleinen Töchtern (vier und fast zwei Jahre alt) besonders wichtig. Daher empfinde ich es als Entlastung, mich nicht dafür rechtfertigen zu müssen, wann und wo ich