

## **Pedagogy: A German Perspective**

By:

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### **1. Preliminary considerations**

1a) The current discussion about legal education should focus not only on preparing students for their future professional life but must also include the conditions for legal research, and the shape and organisation of law faculties.

1b) Modern faculties ought to be sufficiently developed for international cooperation. This task requires more effective faculty organisation and financial independence.

1c) Faculties will have to cope with national and international competition. They can no longer content themselves with merely acceptable conditions for providing the legal education of domestic students. The aim of every faculty should be to attract the brightest teachers and students (from its own country and abroad).

### **2. Basic Conditions of Legal Education in Germany**

To understand the idea of Bucerius Law School, one should be aware of the basic shape of legal education in Germany.

2a) Legal education in Germany is a state driven affair. It is performed by public universities and terminates with state examinations. No-one can work as a lawyer in Germany without having passed two state examinations: one after the academic period, and the second after a period of practical work.

2b) The tradition of German state faculties has been characterized by strong academic chairs and institutes and less influential Deans. It was the individual chair rather than the respective faculty which created academic reputation. Sharpening the profile of a modern faculty requires more consolidated activities without detracting from the research independence of academics.

2c) Access to German universities does not depend on selection. Anyone who has the German high-school degree called "Abitur" is able to enter law school. Large numbers of students fail or drop out, some of them at the late age of 30 years. At the same time the technical skill of writing papers for the state examination tends to be overemphasized.

2d) The traditional legal education in Germany focusses on the skills needed to work as judges and as lawyers in the courtroom. Practical skills needed for the legal profession such as mediation or legal advice are rather neglected.

2e) Studying law in Germany is highly academic. This is not necessarily disadvantageous for the influence of academic thought in courtrooms and in the legal profession is much stronger than in other countries. On the other hand, however, the theoretical basis of German law studies tends to outweigh any consideration of practical skills for later professional life.

2f) International law has traditionally been regarded as a surplus program for a sophisticated minority of law school students.

### **3. The Particular Role and Experience of Bucerius Law School**

3a) Regarding domestic students the key characteristics of Bucerius Law School are:

- a rigorous selection of students;
- a condensed course schedule so that Bucerius Law School obtain their LL.B. after only 3 years and immediately afterwards finish the state exam;
- a highly individual training of skills required in the state examination;
- the teaching of practical skills in an international context (languages, contract drafting etc.);
- practical experience through internships, including at least one in a foreign country;
- the teaching of non-legal subjects in its Studium generale, and
- an exchange program which brings all of our law students to law schools abroad.

3b) The curriculum of legal education at Bucerius Law School is partly predetermined by the requirements of the state exam. There is, however, a wide range of options outside this mandatory program. This is where we make the difference.

3c) Legal education means preparing students for coping with unexpected demands and shaping the future. This task means

- fitting for future challenges,
- strengthening their awareness of social responsibilities,
- opening their minds to global society and business,
- making them sufficiently sophisticated to play a role in innovating both domestic and international law.

3d) Specially designed international programs (exchange programs and MLB program) ensure the contribution to worldwide legal education, and the German students themselves benefit from this.

3e) The Bucerius/WHU Master Program “Master of Law and Business”, designed for international students with a legal or business background, is a unique and successful attempt to translate the idea of interdisciplinary education into action.

### **4. Lessons from academic pedagogy**

4a) Observing educational skills is more than making use of mere technical tools of better teaching and learning. Pedagogy is an integrated perspective on students as representatives of future generations.

4b) For this reason legal education has to be informed by current research and must be academic in this positive sense. It is the knowledge of fundamental principles which cannot be gained or caught up with amid the demands of subsequent professional life.

4c) Transparency of the course of curricula and student involvement regarding shaping programs and the organisation of legal studies.