

Professionalization and higher education in Germany

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Veröffentlichungsversion / Published Version

Sammelwerksbeitrag / collection article

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Empfohlene Zitierung / Suggested Citation:

McClelland, C. E. (1982). Professionalization and higher education in Germany. In K. H. Jarausch (Ed.), *The transformation of higher learning 1860-1930 : expansion, diversification, social opening and professionalization in England, Germany, Russia and the United States* (pp. 306-320). Stuttgart: Klett-Cotta. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-339239>

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Professionalization and Higher Education in Germany

What was the relationship between the professionalization of occupations and higher education in Germany between 1860 and 1930? Although the question artificially delimits our inquiry, the abiding centrality of higher education to professionalization in Germany cannot be disputed. This centrality in all advanced societies is assumed even by otherwise antagonistic analyses.¹ Furthermore, it was, if anything, greater in Germany, where the higher educational system had largely evolved to its classic form before high industrialism, was a state monopoly, and was in a position to control the demands of many occupational groups for professional legitimation.²

These preliminary remarks about the peculiarity of professionalization and higher education in Germany suggest an interactive triangle. The professions themselves (including their representative organizations) and the institutions of higher education were joined by the German states in pushing or retarding professionalization. The state was not only the ultimate arbiter of higher educational policy through its ministries and budgetary grants by offices and parliaments, its "state officials" in chairs and other professorial or educational offices, its examination commissions for aspirant professionals, its post-educational certification system and its decision-making

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1. See Talcott Parsons, "Professions," *International Encyclopedia of the Social Sciences* (New York, 1968), 536-46; and H. Jamous and B. Peloille, "Professions or Self-Perpetuating Systems? Changes in the French University-Hospital System," in J. A. Jackson (ed.), *Professions and Professionalization* (Cambridge, 1970), 109-152. For a sample of German conceptions of professions (which differ markedly from Anglo-American ones), see J. F. Volrad Deneke, *Klassifizierung der Freien Berufe* (Cologne and Berlin, 1969) 13-30; Hans Kairat, "*Professions*" oder "*Freie Berufe*" (Berlin, 1969), 12-38; Helmut C. H. Gatzert, "Beruf bei Martin Luther und in der industriellen Gesellschaft" (Dissertation Münster, 1964); also Arthur Salz, "Zur Geschichte der Berufsidee," *Archiv für Sozialwissenschaften und Sozialpolitik*, 37 (1913), 380-423.
 2. To illustrate this point, one might compare the repeated invocations of *Wissenschaft* (science or, more broadly, a theoretically grounded expertise) as the highest goal of education by German professors with the constant attention to "customer service" among American professors at the end of the 19th century. See Burton J. Bledstein, *The Culture of Professionalism: The Middle Class and the Development of Higher Education in America* (New York, 1976), esp. Chapter 8.

powers concerning many individual careers. It was also a tone-giving abstraction, model, and dispenser of ideas of prestige.

The Professions:

In 1860, relatively few occupations were professionalized. Such general indicators of professionalization as highly specialized formal education, codes and traditions of occupational behavior, special privileges and obligations, and organization of members of the same occupational group were characteristic of only a few professions.³ What set the professions off from other trades was the general connection of their formal training with universities, the special mysteries of their knowledge, the high degree of elaboration of their codes of behavior, privileges, and obligations, the autonomy of their practice, and a large amount of respect for their organizations.

The most important professions in the German states in 1860 were the traditional callings of clergyman, physician, graduate in law, and academic professor. All clergymen and professors as well as a large proportion of the legal graduates practiced their professions as officials of the church or state. Partly for this reason, private professional organizations were weak or nonexistent, particularly on the national level. Official disapproval of agitation for German national unification had throughout the early 19th century discouraged universal German professional organizations. Those that did exist were often undifferentiated, such as the *Verband deutscher Naturforscher und Ärzte* (League of German Natural Scientists and Physicians), which had been founded in the 1840s to promote science.

Membership in a fully recognized profession was thus tied very strongly to higher education and to the subsequent legally defined initiation into the practical experience represented by the equivalent of years of poorly paid internship. For this reason, "new" professions (e.g., engineer, schoolteacher, private architect, or economist) tended to form vocal, activist organizations that could lobby effectively for recognition of their status and, typically, the upgrading of educational paths into their occupation.⁴ The model for a professional career had already been loosely set by the "old" professions.

The connection of the prestige of a learned profession with the officially prescribed initial steps in a career (culminating in higher education, state examinations and apprenticeship) indicates that association with public authority (the churches or the state) rather than with the "professional" organizations tended in 1860 to establish the identity of a profession. If closeness to such authority lent prestige, distance from it had the opposite effect.

The vaunted academic freedom of the universities and of professionals in many areas of expertise to choose between state and private service were all mere privileges granted by the state. German sociologists from Tönnies (positively) to Dahrendorf

3. It might be mentioned that some of these characteristics had at one time been found in the artisan occupations organized into guilds, which were continuing their long decline in German states in 1860.

4. G. Hortleder, *Das Gesellschaftsbild des Ingenieurs* (Frankfurt, 1970), 18–20; Hans Schimank, *Der Ingenieur* (Cologne, 1961), 39–41.

(critically)⁵ have pointed to the exceptional degree to which German values in modern times have differed from "Western" ones in emphasizing *Gemeinschaft* over *Gesellschaft* (public virtues over private virtues), and the priority of demands by the state over those of the individual or organizations of individuals. In this climate, professional organizations have frequently had to battle harder than their counterparts in other countries against the charge of serving only their "private" interests. They have had to emphasize their cooperation with the state and its educational system, to align themselves with the state's rhetoric and imagery concerning their professions, and to press their demands in a very gingerly fashion.

The complex position of law graduates in the professional hierarchy may serve to illustrate this point. German law graduates could choose to enter one of two branches of the legal profession: the administrative and judicial divisions of the state or private practice. Despite the fact that such private attorneys (*Rechtsanwälte*) were officers of the court, they had always been held in lesser esteem than law graduates in the judiciary and civil service. But after a lowering of barriers to private practice, culminating in the national *Reichsanwaltschaftsordnung* of 1878, private attorneys, no longer strongly tied to the state and the court system, ironically began complaining about a decline in their status. Though required to be as well-qualified as any judge, they did not have the prestige or, in most cases, the earnings of their colleagues on the bench. The number of attorneys increased both absolutely and in relationship to the population after 1878; the reform also appears to have led to a reduction of the attorneys' real average income. By turning private legal practice into a more genuinely "free" profession, the German states increased the prestige gap between the state lawyers (higher civil servants and judges) and attorneys at law. Despite the later organization of attorneys on a national scale and discussion of ways to raise the honor and incomes of private lawyers, the gap within the legal profession persisted until after 1930.⁶

The persistence of high prestige attached to the traditional university-oriented professions, especially those that involved direct civil service status, caused the evolution of the professions in Germany to follow a somewhat different path than in other countries. Sociological theory of professions that departs from relatively free British or American conditions cannot apply to professions in a highly bureaucratized and authoritarian society.

Both the "old" and "new" professions were organized into autonomous, private associations after 1860. Early attempts dating back to the 1840s and even before had mostly foundered on the rock of state opposition, particularly against national organizations. But by about 1860, the new current of nationalism in Germany and a more liberal attitude by many states led to more successful organizational attempts. German attorneys organized nationally in the *Deutscher Anwaltsverein* in 1870; physicians, in the *Deutscher Ärztevereinsbund* in 1873. Typically such organizations took the form of an alliance among already existing local groups; they then attempted to set up local chapters where none existed. Other members of the "old" professions

5. Ferdinand Tönnies, *Gemeinschaft und Gesellschaft* (Leipzig, 1887); Ralf Dahrendorf, *Society and Democracy in Germany* (Garden City, N.Y., 1967).

6. Fritz Ostler, *Der deutsche Rechtsanwalt, 1871-1971* (Essen, 1971), 207-9.

were less quick to organize nationally, partly because they were not “free” practitioners like attorneys and physicians, but rather officials. The *Deutscher Juristentag*, or legal convention, did organize in 1860 and included some civil servants, such as judges, state’s attorneys and professors, but it was cautious not to lobby for *Standesinteressen*, that is, the legal profession’s self-interests: instead, it devoted much of its attention initially to reform and codification of German law. Even the private professional organizations claimed that an interest in the scientific and benevolent side of their occupations was the major reason for their foundation, and meetings of professional societies in the first decades after 1860 did indeed spend a great deal of time discussing non-material issues.

The remaining “old” professions were even slower and usually organized only in the face of some perceived threat. Protestant pastors founded the *Verband deutscher evangelischer Pfarrervereine* in 1892, following the lead of a local organization in Hessen that was prompted to act by a government decree ordering pastors not to get mixed up in anti-semitic agitation. University professors did not create an organization until 1907, largely spurred by their perception of unwarranted government interference in academic self-government. Once founded on high-sounding principles, however, most of the national associations of the “old” professions gradually spent more and more time on so-called *Standesfragen* or questions of material and status self-interest.⁷

“New” professionals followed a somewhat similar pattern. Relatively independent ones (engineers, dentists, and apothecaries) organized as early as the 1850s, whereas those employed by the state (e.g., schoolteachers, surveyors) delayed until much later. In the case of both “old” and “new” professional organizations, the tendency was not to press for the dissolving of ties with the state, but only for their rearrangement. Physicians and attorneys, for example, felt uncomfortable with the relative deregulation of practice by the legislation of the liberal phase of the North German Confederation and early *Reich*. The medical organizations constantly called on the state to suppress *Kurpfuscherei* (unlicensed health-care) and lobbied for legislative aid in their long guerilla war against Bismarck’s health-insurance funds. Attorneys sought to raise their status by seeking government-granted honorary titles. Gymnasium teachers by the end of the 19th century clamored for officially proclaimed equality with the minor judiciary. Engineers fought unsuccessfully to have the state protect the title *Ingenieur* from use by mere mechanics and tinkerers. In all these cases and many others, one can perceive a thread of yearning for a nearness to public authority outside the ranks of the professions.

Some “new” professions with highly bureaucratized career patterns found it necessary to organize and agitate for greater state recognition of their professional status. Teaching groups in particular protested about their increasingly difficult economic position and their lack of professional autonomy. Non-tenured teachers in universities and other tertiary educational institutions, e.g., *Privatdozenten* and many *ausserordentliche Professoren*, organized a league of “non-full professors” (*Nichtordnarienbund*), and high school teachers did the same. A characteristic feature of public

7. For a superficial survey of the German professional organizations down to 1906, see W. Kulmann, *Die Berufsvereine*, 6 vols. (Jena, 1908), esp. vol. 1.

organizations in the German *Reich* after about 1880 was an increased pursuit of economic self-interest, sometimes quite blatantly. An example of the trend may be drawn from the history of the *Verein deutscher Ingenieure*. The VDI was founded in 1857 as a league of Germans in technology, industry, and applied science. For many decades it attempted to fuse the interests of engineers, laymen interested in technological developments and industrialists. While it rallied around a high vision of the social utility of *Technik*, many members began splitting off from it in the 1880s to join new, more vigorous interest-oriented groups.⁸

The organization even of such "old" professions as medicine and law indicates comparable difficulties in establishing universal norms of professional conduct and, additionally, an uphill battle to wrest control of professional standards from the state. Before 1873, the German medical profession was organized locally. Most states had some kind of *ärztliche Standesvertretung* (for example, "chambers" of physicians), but by no means all. The *Deutscher Ärztetag* might better be called a "convention" than an "association" of medical practitioners, but it often sought to influence government medical policy and to achieve a role for the local medical "chambers" in such matters as licensing, professional discipline, and titles. In 1882 the *Ärztetag* met in Nürnberg and called for a national physicians' law, parallel to similar legislation for German lawyers four years before. Such legislation was meant to unify professional conduct and rights and, very clearly, set up local medical organizations where they did not exist and grant all such organizations sweeping rights over the profession. Their demands suggest the relative organizational weakness of the German medical profession previously and the correspondingly large role of the state organs of medical affairs.⁹

Despite slow beginnings, by 1930, virtually every professional group had organized and indeed overorganized. The characteristic feature of this later wave of organization was, however, its heterogeneity. Among all the professions, old as well as new, it proved impossible to achieve a national unanimity and corresponding singleness of representation. Traditions of localism long outlived the unification of Germany into a single state in 1871. Despite the political unity of Germany, admission to and regulation of the medical profession, the bar and bench, the clergy, and university teaching were still matters for the states, not the *Reich*, to administer. By the eve of the First World War, virtually all professional organizations, both old and new, were clamoring in one way or another for more state intervention to protect their status and incomes. These demands only increased in number and volume in the unsettled era between the world war and the collapse of the Weimar Republic. Thus to understand the professions and their organizations, we must also understand their relationship to the state.

The State and the Professions:

The new princely *Polizeistaat* of the late 17th and 18th centuries assumed, along with greater tasks of war and taxation, an increasing amount of responsibility for the

8. Hortleder, 44-9.

9. Anon., "Die korporative Organisation der Ärzte," *Schmollers Jahrbuch*, 6 (1882), 1363-4.

“public welfare.” At the same time, the professions were held in fairly low esteem by both the public and the princely bureaucracies.

At the beginning of the 18th century, for example, the king of Prussia decreed that lawyers in his realm should wear knee-length black robes. He did this not to heighten their dignity, but merely to make them identifiable in the street, so that the people could “see the scoundrels coming.”¹⁰ At about the same time, an official of Hanover referred to physicians as “exterminating angels” whose main tasks were to hurry along the death of their patients and bury them methodically.¹¹

By the end of the 18th century, however, many states had begun to take measures to improve the quality of the professions and to bureaucratize them. As universities were reformed and granted much greater freedom of instruction, examinations became more and more necessary to insure that graduate candidates for professions had not overly abused their freedom from standard courses. Official boards were appointed by the government to administer state examinations. Medical, legal and clerical careers began, by the early 19th century, with a post-university examination and often an extended period of on-the-job training. Thus the state took away with one hand a part of the new academic freedom it granted to students with the other.

Because studying for a profession was expensive and the unpaid period of post-examination training financially burdensome, the state’s requirements in effect discouraged all but a few poor people from the professions. Government pressure helped keep the size of the student body and the old professions relatively stable until about 1870.

The German states achieved this stability by discouraging the formation of independent professional organizations and upholding regulation by government or quasi-government agencies such as the *Ärztammer* or local physicians’ chambers. Not only were competence and professional standards determined by the states through examinations and official supervision of professional conduct; but even the political and religious opinions of the professionals were carefully scrutinized. Since most members of the old “free professions” were in one way or another public employees of the state, they were easily intimidated.

The new professions emerging in the 19th century enjoyed comparatively more freedom from government interference, at least initially. The state authorities tended at first to look upon the new professions as mere trades. Even the education, certification and supervision of the new professions differed radically from the old: schools for engineers or schoolteachers were little more than drill grounds and barracks for their immature charges. They were allowed far less chance to develop independent minds and develop self-esteem than university students.

Between 1850 and 1930, however, the German states and the *Reich* itself went through several distinct phases in attitudes toward the professions, both old and new. A period of liberalism in the 1870s produced greater independence for some of the older professions, notably medicine with the *Gewerbeordnung* of 1869 and law with the *Reichsanwaltschaftsordnung* of 1878. From the 1880s until the First World War, howev-

10. Adolf Weessler, *Geschichte der Rechtsanwaltschaft* (Leipzig, 1905), 310–16.

11. J. G. von Meiern, cited in Götz von Selle, *Die Georg-August-Universität zu Göttingen, 1737–1937* (Göttingen, 1937), 27.

er, the German states resumed their supervisory role, though without quite the crushing authoritarianism of the early 19th century. Private professional organizations, for example, were now tolerated and even heeded occasionally by government policy-makers.

The Weimar Republic, by tendency both liberal and weak, was unable or unwilling to intervene very effectively in matters impinging on the security of the professions.

This bare sketch of the relationship between the German states and professions may lead us into the arena in which both interacted most strongly, namely in that of education. It was here, through the virtual state monopoly of higher education, that the German professions were most profoundly affected by state power. Yet the institutions of higher education themselves had a considerable amount of autonomy, and professors were able to exert influence on both state policy and the professions as such. It is the peculiar relationship among state, education and professions to which we now turn.

Higher Education and the Professions:

Between 1860 and 1930 the higher educational system raised the standards for all learned professions, most dramatically for the new professions. It legitimated the professions through a rising amount of study of increasingly complex information over a longer and more arduous course. Working in the opposite direction, however, it had no way to choke off the rising stream of would-be professionals through the system.

The traditional monopoly of the universities over preparation for the recognized and limited professions in 1860 gave way to broader inclusion of non-university higher education by 1930, as in the case of the bestowal of degree-granting rights on the technical colleges. But the universities retained in many ways a model character throughout the period. Efforts both to upgrade the status of non-university tertiary institutions of education in the direction of university-level *Wissenschaft* and the effort to introduce into the universities study programs regarded by many professors as suspiciously "practical" testify to the continuing residual prestige of the traditional university model.

The expansion and diversification of higher education therefore took the form of founding new specialized professional schools instead of incorporating new pedagogical functions into existing universities (or even technical schools). Despite some degree of openness to added pedagogical functions in the 18th century, the universities of the early 19th century rejected the inclusion of "practical" training (*Ausbildung*) and accepted instead a mission of providing almost exclusively "theoretical" training, preceded more and more necessarily by the classical secondary education in the gymnasium. Government educational officials themselves accepted the distinction between this ethically and spiritually superior *Bildung* even as they perceived the need for "practical" higher education. The result was the foundation of technical, agricultural, etc. schools, which were often placed under the control of such government bureaus as that of commerce.

With the passage of time, these schools evolved into more clearly tertiary institutions, with student bodies of a median age comparable to university students, a more

complex curriculum with the growing introduction of theoretical courses and rising qualifications for the teaching staff. But the pattern of separate institutional creations for new tertiary educational needs was set firmly enough by the 1860s that the universities were never seriously considered as seats for these new departments of applied learning. Such efforts as were made to integrate technological training into the university curriculum were notable for their rarity, and even they encountered discouragingly stiff resistance from the universities themselves.¹²

This continued division between universities and other tertiary educational institutions set parameters for professional self-consciousness among graduates of both types. In the thinking of one important group "after a synthesis [of the two types of education] had failed, disputes over rank, social claims and questions of titles became merely an expression of the independent rise of the engineers, a part of the confrontation between realism and idealism, technology and educational humanism entrenched in traditions."¹³

The culture of *Wissenschaft*, the maintenance and transmission of which the university professors more and more consciously invoked in the late 19th century, was paradoxically being undermined to some degree within the universities themselves. Many contemporaries complained about *Brotstudenten*, who were allegedly intent on acquiring only the minimum of knowledge to pass on into one of the learned professions as rapidly as possible. *Brotstudenten* threatened the professoriate, for the faculties could not very well defend their case against admitting the claims of the emerging *new* professions unless they could maintain in the training of the *old* professions a high level of Humboldt's "purposeless" scholarly and scientific study for its own sake. To use Jamous and Peloille's terms, they sought to introduce a higher degree of "indeterminate" professional knowledge. A good example of this effort may be found in the training and examining of law students.

The guarantee of *Lehrfreiheit* and *Lernfreiheit* (freedom of teaching and learning) in German universities theoretically left the student free to "mold" (*bilden*) his own spirit through his own choice of lectures, readings, and possibly original research. This idiosyncratic confrontation between the student and knowledge was supposed to produce a more flexible, broad and active mind, one ultimately capable of grasping the principles of any subject rather than one limited to a corpus of passively acquired expertise. For professionalization, this kind of education had serious contributions to make: the student could internalize the responsibility and autonomy of professional practice before entering the profession. The student's socialization was in theory more effective for being self-acquired rather than imposed as a "code" from without.

Professions also required minimum common standards of expertise, however, and these were in practice imposed on the aspiring student by his consciousness of the state examinations awaiting him after the university. The lawyer, clergyman and physician had to trim his university courses to the expected pattern of state examina-

12. For an example of one such effort see Karl-Heinz Manegold, *Universität, Technische Hochschule und Industrie. Ein Beitrag zur Emanzipation der Technik im 19. Jahrhundert unter besonderer Berücksichtigung der Bestrebungen Felix Kleins* (Berlin, 1970), esp. Chapter 3.

13. Manegold, 80.

tions. It was well-known to students through rumor and, in some cases, government prescription which professors' courses were "musts" for the successful passage of state examinations. Furthermore, many senior professors were actually members of the state examination commissions, a fact which made their lectures even more compelling.

Despite their reluctance to include new "practical" disciplines, universities were not wholly averse to the acceptance of new "scientific" ones, as Peter Lundgreen has pointed out. Specialization within traditional disciplines ultimately caused the creation of new chairs, seminars and institutes. These in turn sometimes legitimized the claims of practitioners of these new disciplines that they constituted a new profession, or at least a distinct subdivision of a profession. The multiplication of chairs and institutes in chemistry after 1860, for example, was followed by a rising demand for recognition of the graduate chemist. By the mid-1880s, with the increasing importance of the German chemical industry, demands were raised to introduce special state examinations for "academically trained" chemists so as to distinguish this emerging *profession* from the mere *trade* of chemist practiced by people without sufficient academic education.¹⁴ The *Verein Deutscher Chemiker* (German Chemists' Association), led by many chemistry professors, not only began demanding a state examination for chemists in 1896 but came to view chemical education as something best rounded off with an academic doctorate. More professorships and higher standards of instruction constituted other demands by German chemists concerning education.¹⁵

Still, such recognition of new professional disciplines by the creation of universities' chairs often stumbled over the determined resistance of conservative professors. As late as 1919, for example, the field of sociology was denounced as inappropriate for university study by the historian Georg von Below.¹⁶ New disciplines and specialties such as psychology, psychiatry, public hygiene, social work, pedagogical science and many more struggled with mixed success to find a place in the traditional higher educational system.

In the end, efforts by professors themselves to resist "chartering" new professional specialties could only slow down but not prevent their expansion. Even under the German Empire, but most definitely under the Weimar Republic, such attempts served only to delay the implementation of new chairs and institutes, or to force the establishment of higher educational programs for new disciplines into non-university channels.

A good example of this tendency may be drawn from one of the least successful new professions, public elementary schoolteaching. Dissatisfaction with status, working conditions, and salary was a chronic story in this occupation, but by the end of the 19th century schoolteachers had decided that demanding university education as a career qualification would help alleviate all problems. Finally, after World War I,

14. See H. Ortloff, "Über die Gewerbefreiheit der Chemiker und die Bezahlung ihrer Konsultationen," *Schmollers Jahrbuch*, 9 (1885), 969-71.

15. B. L. P. Rassow, *Geschichte des Vereins deutscher Chemiker* (Leipzig, 1912), 74-7.

16. Georg von Below, "Soziologie als Lehrfach. Kritischer Beitrag zur Hochschulreform," *Schmollers Jahrbuch*, 43 (1919), 1271-1322.

reforms in this direction were begun, but not completed. Instead of sending future elementary schoolteachers to a university just as gymnasium teachers always had been, the old teacher-training institutes were upgraded here and there into "pedagogical academies" the status of which was not really equal to that of universities or technical colleges. The teachers' failure to achieve full academic study damaged their ability to improve their social prestige and incomes right down to the end of our period.¹⁷ By contrast, teachers in higher schools (*Oberlehrer*) were able to increase their status through harder examinations, more semesters of attendance at the universities and more successful lobbying by their organizations. By 1909 they had won their long battle for nominal equivalence in rank with judges and for higher salaries.¹⁸

The rapid and disproportionate expansion of enrollments in tertiary institutions of all types, marked enough between 1860 and 1900, and stunning thereafter, indicated a potential weakening of professorial control over recruitment into the professions. By general agreement among contemporaries, the rapid expansion involved mostly careerists grasping for professions attainable only by university or other tertiary training. The universities had to admit all qualified secondary school graduates as one part of the Humboldtian heritage, and the professoriate had few effective weapons with which to winnow out unfit or poor students.¹⁹ With the exception of medicine, there were no examinations before students left and controls through seminar or laboratory work could only function if the students submitted to such exercises. Even physical attendance at lectures was uncontrollable in most disciplines, as Gustav Schmoller, a professor of law and economics, complained in 1886.²⁰ Yet professorial annoyance with class cutting did not lead anybody to suggest obligatory class attendance, for that was held to be a serious breach of academic freedom. Furthermore, greater restrictions on the student body might have reduced the increased lecture-fee income of the professoriate. Thus the faculty members had to choose means of influencing the professional training of students other than external coercion.

The most obvious of these means lay in the example of the professors themselves. The wide acceptance among the professoriate of the idea of *Wissenschaft* as a goal orientation meant that German professors were hired and promoted largely on the basis of their scholarly and scientific productivity. Professors of medicine, law and the natural sciences, for example, contributed to the advance of those disciplines in the broader society with discoveries or, in the case of law, advice to governments on

17. For a full picture of elementary schoolteachers, especially their educational background, see Rainer Bölling, *Volksschullehrer und Politik. Der deutsche Lehrerverein 1918-1933* (Wiesbaden, 1978); Manfred Heinemann (ed.), *Der Lehrer und seine Organisation* (Stuttgart, 1977); and Helmuth Kittel, *Die Entstehung der Pädagogischen Hochschulen. 1926-1932* (Berlin, 1957), a less critical account than Bölling's.

18. Hartmut Titze, "Die soziale und geistige Umbildung des preußischen Oberlehrerstandes von 1870 bis 1914," *Zeitschrift für Pädagogik*, Beiheft 14 (1977), 107-28.

19. For a rather interesting comparison of the German and American systems, with much praise for American hardness toward poorly qualified students, see Heinrich Waentig, "Die amerikanischen Law schools und die Reform des Rechtsunterrichts in Preußen," *Schmollers Jahrbuch*, 26 (1902), 1439-68.

20. Gustav Schmoller, Review of Georges Blondel, *De l'enseignement de droit dans les universités allemandes* (Paris, 1885), in *Schmollers Jahrbuch*, 10 (1886), 613.

the framing of legislation. Theologians and humanists in the universities set the parameters of discussion and research in their fields, with direct effects on the activities of pastors, teachers and publicists. Likewise, professors in the technical colleges made direct contributions to German engineering.

For this reason, the role model of the professor as an exemplar of his profession had an important, if unmeasurable, impact on students. In the culture of *Wissenschaft*, the student ideally learned method, not merely the results such method had produced. To be sure, in the increasingly overcrowded German higher educational institutions, not all students could or would avail themselves of the opportunity to learn method in the relatively intimate and demanding arena of the seminar or laboratory course. But for those who did, great opportunities were available for trying their own hand at applying the most advanced methods; and the result, when successful, should have been a heightened degree of professional self-confidence on the part of the students. Did those students whose studies were carried out in close proximity to the professoriate therefore experience different career patterns in their later professions, when compared to the *Brotstudenten*, who did the minimum to gain access to the professions? Clearly in some professions, such as academic teaching, the difference was crucial, whereas in other fields, such as law, it may have been far less significant.

A more concrete influence of the professoriate upon the professional preparation of German students operated through the post-educational institution of examination boards for the professions. Their composition and the nature of the test differed in detail from one profession to another and from one German state to another. They were by law and custom *state* examining boards, so that the states determined in principle who would be appointed to them. The corpus of required professional knowledge was determined in general by government regulations. The boards usually contained a certain number of civil servants whose expertise lay in the area to be examined. For example, officials of the established state churches would sit on examining boards for clergymen; those from the medical departments, on medical examining boards; those from the judiciary or general administrative departments, on boards to examine graduates in the law; and so on. But the professoriate could influence both the composition of the boards and the content of the examinations. On the one hand professors were informally consulted by the government about appointment to boards and regulations concerning examination content, and on the other hand they were actually appointed to the boards themselves.

The formal composition of the boards could range from 100% civil servants, as in the case of the Prussian state examination commissions for lawyers and civil servants down to 1864, to 100% professors, as was traditionally the case for candidates for teaching positions in the universities. The professoriate agitated, sometimes successfully, for greater formal representation of professors on those boards having few or no such examiners. In the case of the legal examining boards, they argued that testing by civil servants alone led to an exaggerated emphasis on practical knowledge to the detriment of theoretical knowledge obtained through higher education in the law. Since the legal examining boards were among the most frequently and vehemently attacked by the German professoriate (and often enough by the legal voluntary organizations such as the *Deutscher Juristentag*), it may be illustrative to dwell on their history at some length.

Certain German states already had by the 1870s examining boards for judges, civil servants (*Verwaltungsbeamte*) and attorneys that were entirely composed of university professors. Württemberg was widely regarded as possessing one of the best of these, and the relative seriousness of the study of law at the University of Tübingen was believed to derive from the professorial nature of the examining commission.²¹ Prussia, however, while amending its laws in 1864 and 1869 to provide for a university professor on the legal examining boards, assigned a preponderant influence to the members of the state judiciary and thus to such “practical” expertise as knowledge of how to draft a brief correctly. Law professors complained from the 1870s through the 1920s about the results. These included lax attention to formal university study of the law, reliance by students on private coaches (*Einpauker*) to prepare them for examinations, and a well-deserved public skepticism about the stringency of law examinations and, consequently, the qualifications of those who passed them.²² Even professors were divided over the question of creating boards solely from professors or from a mixture of professors and civil servants. The German Jurists’ Association resolved on a combination of both, thereby criticizing the Prussian practice of overrepresenting non-university legal experts.²³ By the 1920s, the pressure from university professors and the voluntary associations to which they belonged had resulted in somewhat greater influence by professors on North German examining boards, but not enough to satisfy the professoriate. In the eyes of some professors, the inauguration of a codified civil law (*Bürgerliches Gesetzbuch*) for all Germany in 1900 as the basis for most university teaching had merely encouraged students to think in ever more “practical” terms about the law and to overlook the indeterminate side of legal knowledge connected to a broader culture:

The university should bring before the soul of the student the world of law as a product of culture in a systematic context; it should present law as conditioned by political, economic, ethical, and religious factors; it should show the student—always in a systematic context—how the norms of law dispose themselves around this cultural life and under the standard of justice, and how individual questions fit into the system of law.²⁴

The ongoing thrust and parry of “practical” against “theoretical” orientations in legal examinations involved the certification of not just one but several professions departing from legal examinations. The civil service had its own second examination for its young members after a stated period of service, whereas the bar did not. Thus for the sake of the social standing of the German bar, if for no other reason, an examination system that would certify the kind of values mentioned above had more meaning than an easy, publicly-despised one. And German law professors were able

21. See von Kräwel, “Die einheitliche Regelung unserer ersten juristischen Staatsprüfung,” *Schmollers Jahrbuch*, 9 (1885), 512. Other states having a completely professorial examining board by this time included Bavaria, Saxony, and Hesse. Although attorneys were “liberated” from many regulations in 1878, they still had to qualify in the same way as aspirants for judgeships.

22. For a detailed discussion of the situation in the 1870s, see Otto Gierke, “Die juristische Studienordnung,” *Schmollers Jahrbuch*, 1 (1877); 1–32; for the 1920s, Ernst Heymann, “Die juristische Studienreform,” *Schmollers Jahrbuch*, 46 (1922), 109–161.

23. Von Kräwel, “Die einheitliche Regelung,” 516.

24. Heymann, “Juristische Studienreform,” 117.

to impress this view on the bar, at least until it began to split in the 1920s: "The elite of the profession consisted of highly competent lawyers steeped in an idealistic conception of their profession and, strange perhaps in as mundane an occupation as the law [sic], in ideals of *Bildung*, of literary culture, and a refined personality."²⁵ It is perhaps significant that the Weimar Republic brought a heightened consciousness of the division between the traditional court lawyers and the rapidly increasing corporate lawyers. Diminished economic security for many practitioners prompted calls for a *numerus clausus* to limit the number of lawyers—and more demands for heightened professorial powers on the examining boards.

In contrast, the medical faculties in our period had considerably more control over admission to their profession. Not only did they participate more in post-university examining boards, but they insisted on examinations given to aspiring medical students in the middle of their studies. The problem with German medical education therefore does not appear to have lain so much with quality, but with quantity. Most foreign observers gave German medical training high marks and urged emulation by their own countries.²⁶ But the German medical professional organizations, to which most medical professors belonged, raised their voices ever more loudly after the 1880s against the production of too many M.D.s by the universities.²⁷

In at least one case, certification by professors alone could raise complaints that too little attention was being paid to practical knowledge. Graduate economists, whose numbers grew dramatically after World War I, confronted this problem:

The study of economics in the postwar era has developed into a subject for the masses that culminates in the doctoral examination, especially that of the *Dr. rer. pol.* . . . On the one hand, a purely scientific examination was devalued; on the other hand, a purely theoretical training in no way sufficed for a practical profession. Professors of economics and economists in the public positions and the private sector took exception to all this.²⁸

Such an admission by professors themselves that academic credentials alone (in this case, the doctorate) are inadequate preparation for the professions indicates that professors preferred to influence state examining bodies, not abolish them in favor of a less controllable system of university certification alone.

In addition, the professors had at their disposal the obvious professionalizing tool of curricular determination. The freedom of teaching for the professor was far less circumscribed than the freedom of learning for the profession-bound student. The *venia docendi* of most German professors gave them the right to offer courses on subjects of their choosing. Nevertheless, professors (particularly those with chairs) were

25. Dietrich Rüschemeyer, *Lawyers and Their Society* (Cambridge, MA., 1973), 178.

26. A classic example is found in Abraham Flexner, *Medical Education: A Comparative Study* (New York, 1925).

27. Not only were professors prominent in the League of German Medical Associations (*Deutscher Ärztevereinsbund*), which was to be expected; they also joined the purely interest-oriented *Leipziger Verein (Hartmann-Bund)* in large numbers. Well over half of German medical professors belonged to it by 1910, according to Bernhard Puppe, *Die Bestrebungen der deutschen Ärzte zu gemeinsamer Wahrnehmung ihrer wirtschaftlichen Interessen* (Wiesbaden, 1911), 21.

28. W. F. Bruck, "Zur Reform des Bildungswesens der Juristen und Volkswirte," *Schollers Jahrbuch*, 52 (1928), 458.

obliged by their office to lay out systematically the basic knowledge in their field in the course of "public" lectures. Since the chairholders giving these lectures tended to be the leading professional authorities in their institutions, their course content had a heavy impact on the professionalization of students. Given the diversity of the entire German system of higher education, there was no uniform professionalization. Moreover at least those students who availed themselves of the chance, could also take the "private" and specialized courses offered by *Privatdozenten* and *ausserordentliche Professoren* in particular. Along with a constantly growing number of smaller advanced classes such as seminars and "exercises" (*Übungen*), these provided in theory a wider field for the development of professional autonomy. But their number and the quantity of their student clientele did not grow as fast as the general student population, particularly after 1900. Thus it must be concluded that large numbers of students made little use of them and clung instead to the straight and narrow path of professional preparation in the main-line courses. For such students the curriculum thus meant exposure to the *Ordinarien*, whose prestige was also reflected by their highly visible role in the professional organizations of Germany.

Professorial participation in such organizations closes the circle of professional definitions through higher education. Although statistics are difficult to find in secondary literature, a few figures are indicative. In an old profession such as law, legal professors were disproportionately represented in the governing levels of the *Deutscher Juristentag*. Founded chiefly by practitioners, this national organization had by 1900 eight professors out of 20 jurists sitting on the governing board. Of 36 presidents of the organization between 1860 and 1931, no less than 28 were university professors.²⁹

Even in the relatively new professions, academic teachers appear to have taken a strong role in voicing the concerns of professional organizations about educational matters. The German Chemists' Society, to name but one example, turned to professors of chemistry for leadership in tightening up recruitment and curriculum in higher education.³⁰ It is a relative rarity in the annals of professional organizations before 1930 to read pronouncements that professional higher education was "too academic" as members of the League of German Architects (including Taut and Gropius) complained in the 1920s. But even in a case such as this, those who sought fundamental educational reform for private architects were operating from a base in the *Bauhaus* and were themselves teachers.³¹

Although conclusions about the relationship of professionalization and higher education in Germany between 1860 and 1930 must remain very tentative at this stage of research, a few generalizations emerge for further testing. First, the professions themselves grew vigorously in this period, as did their representative organizations. These organizations possessed less unity, singleness of purpose and autonomy than comparable ones in Britain or the United States. In the course of time, many of

29. Deutscher Juristentag, *Verhandlungen des 25. Deutschen Juristentages* (Tübingen, 1900), III, xiii; Ernst von Caemmerer et al. (eds.), *Hundert Jahre deutsches Rechtsleben*, 2 vols. (Karlsruhe, 1960), 2, 45 ff.

30. Rassow, *Verein deutscher Chemiker*, 74 ff.

31. Bernhard Gaber, *Die Entwicklung des Berufsstandes der freischwebenden Architekten dargestellt an der Geschichte des Bundes Deutscher Architekten BDA* (Essen, 1966), 124-8.

them evolved away from preoccupation with the scientific or scholarly basis of their profession and increasingly became lobbies for special interests. As such, they were not *vocally* concerned about higher education (although some concern was always shown). The professional organizations appear to have been generally satisfied with higher educational preparation, with two major exceptions. These were a demand for longer periods of higher education or tighter examination procedures and, after World War I, the call for a *numerus clausus* restriction on admission to higher education as a means of throttling "overcrowding" in the professions. The "new" professions demanded higher education or equal recognition of their special kind of training with that provided by universities, and they were somewhat less concerned about *numerus clausus*; but the tendency remained comparable.

The professional organizations did not need to concern themselves very much with changing higher education because the state guided both the standards of training and the certification of the trained. Despite occasional charges of corruption or at least laxity in this system, most practitioners appear to have accepted the state's monopolistic role. They asked only that examining boards and curricula become themselves more professionalized.

For reasons somewhat exogenous to the professions, the German professoriate had itself adopted a modern professional ethic by the 1870s and led the assault on poor educational preparation for the professions. This was true first in the universities, later in the technical colleges, which emerged as true professional schools toward the end of the 19th century. Since professors came to play a stronger and wider role in the state certification process *and* played a vital role in professional organizations, they were in a position to dominate or at least lead discussion of educational reform. As both state officials and highly respected members of professional organizations, professors were in an excellent position to mediate between the two. Down to 1918, at least, they used this influence to improve professional education and lure greater funding from the states, while also doing little to stem the flood tide of enrollments and qualified professionals pouring through the universities and technical colleges. The result in the 1920s was a well-trained but vastly under-employed professional force that one critic called ominously in 1932 *Doktoren ohne Brot*.³²

32. Friedrich Maetzel, "Doktoren ohne Brot," *Die Tat*, 23 (1931-2), 1004-11.