

GERMAN LAW AND LEGAL INFORMATION

The Law Library Profession in Germany

Abstract: In this article Christian Wolf seeks to identify and understand the nature of the profession of law librarianship in Germany. The first question he seeks to address is whether there is a recognised profession at all. He explains some basic principles of German public and labour law and then, having laid this foundation, he describes the profession of law librarianship in Germany in detail.

Keywords: librarianship; law librarianship; Germany

INTRODUCTION

When asked to write this article I was requested to deal with certain specific questions considered by the editor of this journal to be of particular interest to readers. My task, therefore, was to provide the information and answers to this pre-determined set of questions.

The first question I was asked to answer was whether there is a recognised profession of law librarian in Germany at all. I tend to answer this question with ‘yes’. To understand why my answer is a qualified, rather than a definite, ‘yes’, I must ask you to bear with me while I explain some basic principles of German public and labour law in relation to libraries. Having laid this foundation, I can then proceed to describe the profession of law librarianship in Germany.

I. PUBLIC SECTOR LIBRARIANS

I.1. The Basics

Law librarians in Germany are generally employed either in the public sector or in larger legal practices. Those working in the public sector can be either “Beamte” or “Angestellte”. Private companies can only employ “Angestellte”.

In the German system “Beamte” are civil servants with a special duty of loyalty to the German state. Once duly sworn into office they cannot be dismissed (as long as they are not convicted of a crime). With regard to remuneration, they do not have to pay social insurance contributions and do not receive wages. Instead, Beamte are paid stipends. These stipends take into account not only the rank of an individual but also the civil status, the number of children to be supported and so on, and are fixed by law. “Beamte” are forbidden to strike or take industrial action.

“Angestellte” in the public sector are contracted employees who receive wages and have to pay social insurance contributions. In most cases the “Angestellte” are classified by and paid in accordance with a fixed wage scale. This scale takes into account only the number of years someone has been working in a specific pay grade. In contrast to “Beamte”, “Angestellte” can bargain for

regular pay increases, are represented by trade unions, and are allowed to strike.

Both Angestellte and Beamte are graded (and paid) according to set scales which run from grade 1 up to grade 16. The highest remuneration is grade 16, the lowest grade 1. To make things even more complicated, these grades are grouped together to form four clusters. If you now imagine we have reached the maximum level of confusion I have to frustrate you. Germany is a federal republic. The remuneration therefore varies and depends to whom one is working for (ie. a local authority, one of the 16 states, or the federal government). I will explain this system with a few examples (using the federal remuneration scales) later.

This complicated pay and status structure is also reflected in the organisation of the German library system. At the bottom of the staff hierarchy in a library there are employees performing simple tasks without a formal qualification in librarianship. For example, they fetch and return books to shelves in the stacks, supervise access to the library, or update loose-leaf collections. These are clustered and referred to as “einfacher Dienst”, which can be translated as “lower service” (literally, simple service). Their remuneration is according to grade; 1 through 6 in the scales. In practice there are hardly any “Beamte” of this type to be found in libraries any more.

One step up in the hierarchy are those with a vocational training in librarianship. This training nowadays lasts three years. During these three years, apprentices work in one or more libraries, attend vocational schools and sit for exams. It used to lead to a qualification called “Bibliotheksassistent” (*library assistant*) but has changed recently to be called “Fachangestellter für Medien und Information” (*specialist employee for media and information*). They, for example, do basic cataloging or run counters. They are clustered and referred to as “mittlerer Dienst” which literally translates into English as “middle service”. Their remuneration runs from grade 5 to 9 in the scales. Most libraries have ceased to appoint “Beamte” at this level.

Further up the hierarchy are those people who have been awarded a bachelor’s degree in librarianship.

It usually takes three to three and a half years of studies at a university of applied sciences to receive this degree. Before the implementation of the Bologna process, this degree was “Diplom-Bibliothekar” (*diploma librarian*). Today the different institutions award varying bachelor titles. They, for example, do the complicated cataloging, manage sections within larger libraries, or run smaller ones. As a cluster they are referred to as “gehobener Dienst” which literally translates into English as “higher service”. Their remuneration is from grade 9 to 13 in the scales. Here, too, many libraries are no longer appointing young librarians as “Beamte” within the service.

At the top of the staff hierarchy are those professionals who have been awarded a postgraduate qualification in librarianship. There are people with bachelor degrees in librarianship who study for a masters degree. In most cases they end up in public libraries, not in university or academic ones. To establish oneself in an academic library one normally has to qualify via a masters degree in any subject plus a library qualification. These librarians, for example, act as subject librarians, manage libraries or departments of larger ones. As a cluster they are referred to as “höherer Dienst” which translates to English as “senior service”. Their remuneration is from grade 13 to 16 in the scales. It is this group, which still has the best chances of gaining the status of “Beamte”. The fastest route to becoming a “Beamte” within the German civil service is to be selected for one of the relatively few training positions as “Library-Referendar”. This lasts two years and concludes with the second state exam in librarianship. For positions as an “Angestellte” at a senior level, a MA LIS degree is sufficient. Someone without a second state exam but an MA LIS can become a “Beamte” after working for several years in the profession.

1.2. Public-Sector Law Librarians

So, who is a law librarian and how is he or she trained to become one?

My introduction to the staff hierarchy in German libraries makes it clear that all employees in the “einfacher Dienst” (*simple service*) cannot be classed as law librarians at all.

With respect to academic libraries I will also exclude those working in the middle service. I limit this exclusion to academic libraries because there may be some people working, for example, in court libraries who could rightfully call themselves law librarians. With reference to the higher service, the picture is heavily mixed. There are staff employed long-term in law libraries whom I would not call law librarians as they do not fulfill any task that is really specific to a law library and have no legal knowledge. On the other hand, there are those who manage smaller law libraries or have acquired in-depth knowledge of legal databases, etc. who could be classified as law librarians. The only simple answer is that in those cases, where staff in the senior service have one or more degrees in law, these may easily be considered to be law librarians.

But how are all those librarians trained? The answer is surprisingly simple: through work experience. Law librarians in the middle and higher service have qualified as such via work experience in a law library. Even for those librarians in the senior service there is no formal training in law librarianship in Germany. Their practical training consists of hands-on experience of working in university and academic libraries under the supervision of experienced colleagues. Their theoretical training is in the general principles and practice of librarianship, no matter what their academic background, which can range from archeology to zoology.

If we focus our attention further on the law librarians in the senior service, some enlightening data is available. The “Jahrbuch der deutschen Bibliotheken” (*Yearbook of German Libraries*), which has been published regularly since 1902, gives quite detailed biographical information on most German librarians in the senior service.

An analysis of its 65th edition (for 2013/2014) conducted for this article revealed:

- There are about 50 law librarians currently working in university libraries in Germany.
- Another 30 law librarians work at the national library, state libraries, senior courts, government departments or scientific institutions (MPs for example).
- Of these law librarians, most have a law degree and almost all have a library qualification.

		Library Qualification		
		Yes	No	Unclear
Degree in Law	Yes	52	4	5
	No	9	0	1
	Unclear	3	0	9

However, there are some who do not have any law degree and others who do not have a library qualification.

1.3. Roles and Examples

Lower Service

An employee in the lower service at a law library is normally in the second half of his working life and is in many cases disabled. These possibly shocking facts can be explained objectively. German labour laws require every employer to employ a certain percentage of disabled people. The public sector has to set a good example and is actively encouraging disabled persons to apply. Law libraries are normally part of universities or scientific institutions. As there are very few professors, lecturers or junior academics who fall into the category of disabled

persons, these institutions try to fulfill their quota with staff who are ranked at non-academic, lower grades. Many disabled persons have more difficulties finding work opportunities on the open labour market because employers unfortunately fear increased costs through more illness and longer holiday entitlements. Libraries operating in the public sector can offer people employment suited to their abilities and needs (although often with no career prospects) in a suitable environment. Many of these people have experienced failure in other professions. The experience of employing disabled people in the public sector has proved to be positive. In general, they are content employees, happy and eager to work, even for the low pay they receive.

A typical lower service employee in a law library, whose main task is to return books to shelves, update loose-leaf collections, and supervise library users, has the status of "Angestellte" and is paid according to E3. E3 means he/she will earn a gross income of between €1800 and €2300 per month. If we further assume that he/she has worked in this position for 9 years already, is married and has adult children only, we can calculate a net income. From this €2230 the following deductions are made: ~€300 in direct taxes, ~€220 for health insurance, ~€250 for pension contributions and ~€35 for unemployment insurance. Leaving him/her about €1420 net per month.

Middle Service

Someone working in the middle service at a law library normally is female and has a professed interest in working with books and/or digital media. Entry to the profession is via an application for an apprenticeship. This is a competitive process designed to select the most suitable candidates. As a typical "Angestellte" in a law library, she will have several different tasks. She will probably work at a counter where she records loans and returns, do some cataloging and look after the journal subscriptions. Her salary depends on the level of the tasks she is entrusted with. In most cases she will be paid according to E 6. This means she will earn a gross income of between €2100 and €2700. If we assume, that she has started her career 9 years ago, is not yet married, has no children, we can again calculate her income. From her gross income of €2550 the following deductions are made: ~€390 in direct taxes, ~€250 for health insurance, ~€280 for pension contributions, and ~€40 for unemployment insurance. Leaving her with a net income of ~€1590.

Higher Service

Librarians working in the higher service of law libraries are usually female too. The reason for this is that there are hardly any male students undergoing the training to enter the profession. At this level, tasks for librarians in the higher service include ordering the books which have been selected for acquisition, cataloguing them on arrival, supervising lower-grade staff, introducing students and other users to the library, etc.

If we assume that she is in her early thirties, has just married and has already been working in the profession for nine years, we can look at two examples: one for Angestellte and one for Beamte. As an Angestellte, she will be in Grade E 9 (A band ranging from €2450–€3500) and earn a gross salary of €3200. From her gross income of €3200 the following deductions are made: ~€600 in direct taxes, ~€315 for health insurance, ~€360 for pension insurance and ~€50 for unemployment insurance. Leaving her ~€1900 net per month.

As a "Beamte" she might have been promoted for the first time. Now as "Bibliotheksoberinspektorin" (senior library inspector) she is paid according to grade A 10 (A band ranging from €2600–€3600). In our example she will receive a gross stipend of €3060, plus an additional premium of €125 (because she is married). To calculate her net income we have to deduct ~€700 in direct taxes, leaving her approximately €2500 net. In addition she will have to pay an additional €200–300 for private health insurance.

If we assume another example, (late forties, married, with two adult children still studying at university) who is managing the day to day business of a larger law library and supervising other librarians, the comparison between Beamte and Angestellte is even more revealing. As an Angestellte she will probably be in grade E 11 (due to transition rules). This means she will receive €3750 gross and has to pay ~€750 in direct tax, ~€360 for health insurance, ~€420 for pension contributions and ~€60 for unemployment insurance, leaving her €2150 to which another €370 has to be added for children's allowance, making a final total of €2520. As a Beamte she can be "Bibliotheksamtsfrau" and paid according to grade A 11 (a band ranging from €3000–€4000). In our example she will earn €3630 gross, plus a premium of €340 (because she is married and has two children). From these €3970 €990 are deducted in direct taxes, leaving her €2980 net to which the €370 children's allowance has to be added. Her total income is then €3350 which is significantly more than the €2520 an Angestellte earns, even if private health insurance will cost an additional €200–300.

Senior Service

It has already been stated that there are currently about 80 to 90 law librarians working at German public law libraries in the senior service. Around 30 of them work in quite diverse institutions ranging from parliaments to highly specialised research facilities. Due to this diversity I will limit my description to librarians working at university libraries. Fortunately in this respect, it is here that the majority of law librarians are employed.

Currently there are 45 universities (including two private ones) in Germany offering law courses to prepare their students for the university-level examinations in law conducted by the federal states.

Students who have passed this university-level examination successfully can enter a course (called

“Referendariat”) which is managed by the federal states and lasts for another two years during which they learn more practical aspects and procedures of jurisprudence. Upon completion of these two years they have to sit another examination. Lawyers with both examinations can register as solicitors or be appointed as judges or public prosecutors.

Each of these universities has a law library and at least one law librarian. Some of these law libraries are integrated parts of large university libraries. Others are integrated library departments which are just located in separate buildings. But there are still some law libraries functioning quite independently from their main university library. The independence of the library determines the duties of the law librarian to a large extent. A law librarian working in a highly integrated system can be a subject specialist with little or no managerial responsibilities. On the other hand, there are law librarians who manage complex law library systems in large (old) universities.

As subject specialists, law librarians normally select the resources which then are acquired and catalogued by lower-grade staff. Where there are no subject headings and classification data available for copy-cataloguing, it is the law librarian’s job to enrich the catalogue with these entries. Teaching information literacy skills as well as the proper handling of legal databases occupies an increasing share of the workload of law librarians in recent years.

When changes are made to laws relevant to library management (for example, the “Urheberrechtsgesetz – UrhG” = *copyright law*), it is the law librarian’s responsibility to advise his colleagues on the legal consequences of these changes. Sometimes the law librarian is called upon to advise senior colleagues on other aspects of the law, too. Depending on the size of the library and its budget for staff and acquisitions, it is very likely that the law librarian is responsible for more subjects than law alone. In many cases due to constrained budgets for staff, the law librarian is also subject librarian for related subjects such as economics or politics.

The larger and/or more independent the law library is, the more time the law librarian will have to devote to management and administration with less time available for other tasks. In Germany, law is still a subject that is heavily orientated towards the national so, it is hardly surprising that most of the resources we buy are concerned with German law and jurisprudence. Furthermore, Germany has legislation that fixes the prices for books and leaves no room for negotiations – every bookseller or dealer is required to sell us the books for the same fixed price. Only foreign books have some leeway for price negotiations. In respect to databases, there are two big players in the market: the publishing house Beck with its database “Beck-online” and the Juris GmbH with its database “Juris”. Both are normally licensed via consortia. So the only decision is to enter the consortia and thereby accept the negotiated

prices, or not to enter the consortia. In reality, it is impossible to run a law library any more without these databases. Unfortunately, the companies are well aware of this fact.

Many foreign or less important databases are nowadays licensed via consortia, too. Therefore negotiating contracts or prices for books or databases is of relatively little importance to individual German law librarians. It is only the budgets that can be controlled through negotiations with the different providers.

In respect to careers, law librarians typically start at grade E13 or A13 on the scales for Angestellte and Beamte respectively. After some years in the profession they normally rise to grade 14. Only a few academic law libraries are large enough to justify a further rise to grade 15. A small number of law librarians are paid at grade 15 because they are not only subject specialists but also responsible for library departments. Surprisingly few law librarians actually have positions as head librarians of a university library, which would normally mean entitlement to grade 16 for Beamte and an individual salary for Angestellte (the unions are not bargaining for these individuals any more).

If we again assume an example, where the librarian has entered the profession nine years ago, has two small children and is married to a partner who looks after these children (reduces the taxes to be deducted) we can calculate an income.

An Angestellter is likely to be paid E14 (a band ranging from €3600–€5100). In our example he/she will receive €4560 gross. From this income the following deductions are made: ~€650 direct taxes, ~€370 for health insurance, ~€510 for pension insurance and ~€70 for unemployment insurance. If we add the €370 paid as children’s allowance the net income sums up to €3330.

As “Bibliotheksobererrat,” a Beamter receives a stipend according to A 14 (A band ranging from €3900–€5300). In our example it will be a basic stipend of €4615, plus another €340 for his partner and two children. Of these €4950, €875 are deducted for direct taxes and €370 added as children’s allowance. This amounts to a net income of €4450. This is considerably more than what an Angestellte earns, even if you take into account, that this Beamte will pay approximately €500 for private health insurance.

2. PRIVATE-SECTOR LAW LIBRARIANS

For generations, Germany had been a country with only sole practitioners or small partnerships in the law profession. This situation started to change only a few decades ago. Nowadays, there is a wide range of opportunities available for qualified law professionals. Many still work as sole practitioners or in small partnerships. Others work for highly specialized practices or medium-sized law firms – most of whom serve the German business

community. But some important (international) law firms have established themselves in Germany, employing hundreds of solicitors.

The bigger players have in-house law libraries at their disposal. Some libraries are looked after by secretaries, paralegals or part-time students. Others are run by information professionals trained as librarians or people who have acquired comparable knowledge. Few are run by individuals who have qualified in law and librarianship. One of the few things that can be said for certain in respect of private-sector law libraries is that they are all managed by *Angestellte* who have individual contracts with their employers, and not by *Beamte*. I stress individuals here, because most private law libraries are One-Person-Libraries. As OPLs, much of their reputation and work depends on the professionalism of this staff. In cases where only secretaries look after the library, decisions regarding acquisitions, database contracts or complex data retrieval have to be made by other professionals, such as solicitors or partners. This is unnecessary when an experienced information professional is in charge.

3. PROFESSIONAL SUPPORT NETWORKS

By now, you have learned that there is no formal training in law librarianship in Germany, that there are surprisingly few law librarians at all, and that there is normally only one working for each employer. It is therefore quite natural that law librarians have developed professional support networks.

One of them is active all over Germany and several surrounding countries. It is called “*Arbeitsgemeinschaft für juristisches Bibliotheks- und Dokumentationswesen*” (*Working Group for Law Libraries and Documentation Services*) or abbreviated: AjBD (homepage: www.ajbd.de). Its concept is to unite the professionals working in law libraries and related institutions of all German-speaking countries. This concept is working successfully. In addition to members from Germany, there are also members from Austria and Switzerland. Membership is open to both libraries and individual librarians and currently exceeds 170 members.

The AjBD organizes two official events each year to update its members. One relatively brief event takes place as part of the German Library Congress (an event lasting four days and attracting many librarians from all over Germany and its neighbouring countries). The other is a specialist congress of its own, lasting two days and addresses a topic of current interest. Attendance at this congress is quite high. Last year's topic was ‘eBooks in law libraries’ and attracted over 130 participants.

During the year, information is disseminated via an e-mail newsletter and two publications. One of these publications is the journal “*Recht, Bibliothek, Dokumentation*”

(*Law, Libraries and Documentation*) published three times a year. The other is a serial appearing less regularly.

In addition to this society, there are other more locally rooted and more informal professional support networks. There is, for example, a group of One-Person-Librarians active in the greater Frankfurt area. It is open not only to law librarians, but most of them are in fact working at private law firms.

4. CHALLENGES FOR LAW LIBRARIES AND LIBRARIANS

Law librarians in Germany are librarians in a “wealthy” post-industrial society. They therefore face the same problems and challenges that other librarians in Germany and comparable countries must confront: increasing scientific output, changing demands of our patrons, technological change, aging society and limited resources, to name only a few.

As librarians at German universities, we have to cope with an ever increasing share of each cohort entering university. Another factor leading to a temporary rise in student numbers is the abolition of compulsory military service. This resulted in the entry of two male cohorts to the universities in the same year as there were already two other cohorts descending on them (those who had passed A levels after the traditional 13 years and others who were allowed to sit these exams after 12 years at school).

In recent years, several of our state legislators have amended our constitutions in a manner intended to rule out budget deficits in the future. Others have changed the rules governing the allocation of funds to universities and/or fixed the budget without taking inflation into account. As a result, there is mounting pressure on university and library budgets.

The greatest challenge we currently face as academic librarians is a small paragraph hidden in section 137 k UrhG (our copyright law). It bars us from including copyrighted material in self-learning platforms and environments for our students after the 31st December 2014. This deadline has already been shifted several times. However, it is extremely unlikely to be postponed again.

As German law librarians we face further specific challenges, too.

We need more foreign language resources. The reason for this is, on the one hand, because more and more national law is enacted to implement European rules and regulations, and we need to be informed about what our European colleagues are writing on these topics. On the other hand, our academics try to keep or reach a wide audience. With a decreasing ability to understand German within foreign countries, they have to switch to English to be understood. Unfortunately, these foreign language resources do not replace the

German ones, they only supplement them. They thus place huge pressure on our budgets.

eBooks have not become as well established within our branch as in other sciences. But that wave is hitting us hard at the moment, with many publishers now offering new or out of print books as eBooks, too.

For years the publisher Beck used to be the biggest player among several other competitors. Over the last years, Beck has purchased some of these rivals and thus increased its dominance in this specialized market.

5. CONCLUSION

Yes, there are law libraries in Germany. And there are people who work in them. But there are surprisingly few people all over Germany who can or should be called law librarians. Those few professionals who fulfil the criteria face the challenges outlined above, but it must be said that most of these are challenges that the allocation of sufficient resources to libraries could resolve. In this respect, there is little we can do as law librarians except lobby our sponsors for money and the legislator to change the copyright law.

Biography

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Retrospective Digitisation of Legal Sources in Germany

Abstract: This article, written by Ivo Vogel and Elisabeth Schrecklinger, deals with the efforts of German libraries to digitise historical legal sources and make them publicly available. Although the main focus is on two selected libraries, a general overview is included. Commercial products are not considered since their contents are likely to become increasingly less relevant due to German law libraries' own initiatives. More attention is paid to problems that have been identified during the implementation of digitisation projects such as the recording of full texts is highlighted. The retrieval of digitised legal materials and, eventually, the digitisation of historical legal gazettes or parliamentary literature is also discussed. This contribution focuses exclusively on the retrospective digitisation of historical legal materials.

Keywords: law libraries; legal information; digitisation; Germany

FROM CATALOGUE ENRICHMENT TO MASS DIGITISATION

A few projects started the extensive digitisation wave of legal content in Germany. Two libraries were particularly prominent in that sphere: The Max Planck Institute for European Legal History (Max-Planck-Institut für

europäische Rechtsgeschichte) in Frankfurt/Main¹ and the Berlin State Library – Prussian Cultural Heritage (Staatsbibliothek zu Berlin – Preussischer Kulturbesitz)² with their unique law collections. Regarding these projects a very different quality and quantity is to be considered, as well as the progress that has been made in this field during the last 10–15 years.