

# The Widening Occupational Space of Jurists

Differentiation and Stratification of Danish Jurists (1974–2019)

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# The widening occupational space of jurists: differentiation and stratification of Danish jurists (1974–2019)

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## ABSTRACT

This paper joins the discussion on differentiation and stratification of legal professionals through the lens of Danish law graduates and the evolution of their careers from the 1970s. Using register data, we analyse the job positions and wages of six cohorts 20 years after their graduation. This enables us to sketch an overview of, on the one hand, the professional spaces the law grads occupy at a specific point in time, and on the other, gain insight into the overall trajectories of the different cohorts, as well as the more specific trajectories of different professional groupings. These groupings are then examined in terms of their wages and corporate income to get an understanding of the degree of stratification of each group within each cohort, and thereby the social hierarchy structuring the cohort.

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Legal profession; legal occupations; differentiation; stratification

## 1. Introduction

The legal profession has changed dramatically over the last fifty years (Abel *et al.* 2021). For decades, the legal profession was an elite performing four delineated but central roles in the liberal state: civil servants in the central administration, private attorneys, judges, and prosecutors (Halliday and Karpik 1998; Hammerslev 2003; Madsen 2021). This limited set of professional functions – and career options – corresponded to a controlled intake of law students at law faculties and law schools, thereby establishing the legal profession as an elite organized around state-sanctioned monopolies. From the 1970s, legal education in many countries expanded in conjunction with the broader trend

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toward mass education. This resulted in the production of a far higher number of law graduates than what was needed to service the traditional legal functions (Dezalay and Garth 2018). This “surplus” of jurists, many with a more modest social background, eventually started venturing into new functions and positions, for instance in lower-level state administration, consultancy, corporations, and other institutions that hitherto were not typical recipients of legally trained individuals (Dezalay and Garth 2018). The question we ask in this article is how this new legal job market is made up. Basically, where have all the jurists gone since the 1970s? Has the increased production of graduates contributed to new legal and quasi-legal careers in an increasingly more diverse set of institutions and positions?

Sociologists of law have sought to grapple with some of these developments, arguing that a process of *differentiation* has taken place within the legal profession in terms of its internationalization (Henderson 2007; Dezalay 1990), its changing gender composition (Kay and Gorman 2008), its varieties of social capital (Heinz and Laumann 1992), its relative marketization (Heineman 2016), and with the general replacement of jurists as key figures of the liberal state (Bertilsson 1995). This differentiation has gone hand in hand with the profession’s growing stratification (Dixon and Seron 1995; Johnson 1997; Sommerlad 2016), for example, as an effect of the rise of large law firms (Madsen 2008) as well as rising inequalities within the profession (Faulconbridge and Muzio 2008). In the case of the US, Nelson et al. (2023) recently published an extensive analysis on inequality in the American legal profession showing not only that it is highly stratified but also how this inequality is growing across segments of the profession. In this way, the growing differentiation of the legal profession entails a related *stratification*, whereby certain parts of the profession can capture a higher proportion of the rewards, whether it be in the form of prestige or wages or both.

Occupations have long been considered primary drivers of wage stratification in the sociological literature on the subject (Blau and Duncan 1967; Weeden 2002; Williams and Bol 2018). Recent studies have, however, begun to look at stratification within occupations (Autor and Handel 2013), as well as examine alternative drivers of stratification such as establishment and job (Avent-Holt et al. 2020). The implication is that there are substantive patterns of differentiation within occupational groups when one attends closely to their social structure, and in turn these differences shape stratification (Weeden 2002). We posit that the legal profession is marked by such processes. Behind the veil of occupational professionalism – defined by Evetts (2011, p.411) as common education and training, professional associations providing codes of conduct and credentialing, cohesive occupational identity, collegial authority, trust relations with client and discretionary judgment – we find an increasingly complex space of occupations marked by both differentiation and stratification.

To explore these questions on differentiation and stratification of the legal profession, we study Danish law graduates and the evolution of their careers

from the 1970s to the present. We do this by following six cohorts of law graduates 20 years after their graduation to observe their subsequent job positions and earnings. Moreover, we examine differences between the private sector and the public sector. We analyse data collected on where they end up on the job market, thereby sketching an overview of, on the one hand, the professional spaces they occupy at a specific point in time, and on the other, gain insight into the overall trajectories of the different cohorts, as well as the more specific trajectories of different professional groupings. These groupings are then examined in terms of their wages and corporate income to get an understanding of the degree of stratification of each group within each cohort, and thereby the social hierarchy structuring the cohort.<sup>1</sup>

The choice of Denmark as a case-study is justified for several reasons. Firstly, no study of this scope has been done on the Danish legal profession. Secondly, as a case of the transformation of the legal profession in Continental Europe, Denmark is illustrative for exploring the transformation of jurists from being a limited elite associated with state sanctioned monopolies to increasingly becoming a mass educated set of experts with broad competencies employed in a host of different jobs, including the traditional ones (Dalberg-Larsen 1994). As is the case in most other Continental European countries, law faculties produce jurists in the thousands and are sites of generalist legal training. For example, the Faculty of Law at the University of Copenhagen – the largest and oldest law faculty in Denmark – has 4,500 students enrolled for its five-year law degree.<sup>2</sup> Other universities, notably Aarhus University and the University of Southern Denmark, also contribute to the expansion of the profession.

Thirdly, focusing on Denmark provides an account of a national jurisdiction that is largely understudied in terms of the legal profession (but see overview in Hammerslev and Madsen 2014). Our study is inspired by a number of approaches that seek to track career trajectories of lawyers in several jurisdictions of the world, mostly, in the United States (Dinovitzer *et al.* 2004; Heinz and Laumann 1992) and the United Kingdom (Abel 2003). Yet, it departs from them in two important ways. Focusing on Danish jurists means overcoming the strong Anglo-American bias that often characterizes studies of the legal profession. We provide evidence on a profession that – like in other Continental European countries, but different from the Anglo-Saxon world – has been operating in the shadow of the state, in a social position of brokers between public and private interests since medieval times (Madsen 2021).

Finally, we can access unique and comprehensive data from Statistics Denmark (DST), the national statistical authority, which comprises population-level cohorts, giving observations on education, occupation, wages, workplace, industry, and sector. Given the scope of the data, we can trace cohorts of Danish graduates with a master's degree in law (*candidatus juris*) over time. Consequently, this rich data enables us to provide precise statistical accounts of the trajectories of individuals and cohorts of individuals in a

relatively nuanced, yet comprehensive way. While this is a unique data source, it nevertheless comes with challenges, especially as the preconstructed categories have not been developed with consideration to the legal profession. Our contention is that the law graduates take on a very broad range of work roles, exemplifying a more complex social structure than previously observed in the literature on the legal profession, and that means that we have had to take a more active role in constructing the categories – i.e. the conceptualization of the spaces and the trajectories.

Therefore, not only do we cover the full spectrum of job attainment by the law graduates, but we also seek to establish job categories based on the data, as opposed to basing them on prior conceptual assumptions. Thus, we show how the legal profession is differentiated via the job attainment of different cohorts of law graduates by constructing categories inductively based on the data, while triangulating these categories with national and international occupational manuals used by the Danish statistical authorities (DST 1996, 2011; ILO 2012). After presenting the pattern of differentiation across six cohorts of law graduates, we then examine the differences in wages and corporate income based on the differentiated social structure and further look at the effects of sector in terms of stratification. In sum, this paper provides a descriptive statistical study of the career trajectories of the entire population of Danish law graduates for the chosen years.

Our results show that the Danish legal professional field that law graduates occupy is highly differentiated, with various novel categories emerging from the data, over and above the expected categories, resulting in 16 substantive categories. These findings demonstrate that the legal profession has a more complex social structure than previously assumed. Secondly, within this increased differentiation, we find that sector (private/public) plays a significant role in shaping stratification in different ways. In terms of sector, we find, perhaps unsurprisingly, that law graduates in the private sector earn significantly more than those in the public sector. Moreover, we find that stratification is further driven within the private sector through the increasing reliance on partnerships, self-employment and becoming a company owner as opposed to a wage-earner. By comparing the patterns of stratification first on wage earnings and then on corporate income, we show how the increased use of corporate forms, for example partnership income in some corporate law firms, enables more wealth accumulation than through wages. In this way, the professional spaces become increasingly differentiated by not only the new roles law graduates attain beyond the strictly legal categories, but also by the increasing use of corporate structures which enable wealth accumulation, thereby driving stratification. In this regard, a key observation is that legal professionals are moving away from the public sector, which indicates a contracting professional space for jurists. In turn, we see legal professionals moving to the private sector and establishing new trajectories and positions.

The paper is structured as follows. Following this introduction, Part 2 explores theories of change in the legal profession as well as theories of stratification and argues that existing scholarship mostly follows conventional conceptualisations of the profession that are too narrow for depicting the actual professional space of jurists. We argue for a broader conception of the profession in order to capture the full spectrum of legal and quasi-legal jobs that law graduates take, which gives a more nuanced picture of the Danish legal profession's complex and increasingly stratified social structure. Part 3 introduces our research design, data, and methods, and presents how the job categories for the law graduates were constructed, partly inductively and partly deductively to attain valid conceptualisations. Part 4 presents and discusses the empirical results of the research. Part 5 provides a short conclusion, also pointing to new avenues for research.

## **2. "Where have all the lawyers gone?" Theories of legal professional change**

Given the supporting role of jurists in the development of the state and eventually democracy (Dezalay and Garth 2010), where lawyers work, and how they collectively appear as a profession, has consequences not only for the rule of law but also more broadly for the operation of the state and society. Moreover, lawyers have historically often occupied exalted positions within national occupational hierarchies (Sarfatti Larson 1977), having high social standing due to the cultural, economic, and political influence they exercise (Abel and Lewis 1988–89). This relatively uniform appearance of a socially-elevated profession of jurists central to the operation of the state has led many scholars to view jurists through the lens of sociological functionalism (Carr-Saunders and Wilson 1933; Parsons 1954). Using a functionalist approach, these studies consider the legal profession as a somewhat coherent conglomerate of individuals often moved by common goals and ideologies and driven by the pursuit of the common good (Millerson 1964).

This idea of the lawyer-statesman devoted to the public good (Kronman 1993) assumes an undifferentiated profession which seems increasingly at odds with the contemporary legal profession. Besides the traditional roles linked to legal monopolies, contemporary jurists perform multiple roles in society, including as business advisors or running business operations themselves, in-house counsel at corporations, politicians, lobbyists, local-level public administration as well as roles in banking, insurance, real estate, IT and many other fields. This challenges the traditional paradigm of the unified profession and professional project. The practice of law is increasingly differentiated, reflecting how legal jurists function as legal specialists in advanced capitalist societies (Weber 1978), marked by competition over expertise (Dezalay and Sugarman 1995) both in the private sector and in a complex and disaggregated state structure.



Scholars have already sought to explain these remarkable changes of the legal profession from different angles, focusing for instance on *social roles* and *internal stratification*. Scholars focusing on social roles have explored the different positions lawyers take in contemporary society, for example, how lawyers have changed and protected liberal democracy (Halliday and Karpik 1998), enabled social reform (Moliterno 2009), while underlining the tension between fighting for social reform and pursuing private interests (Sarat and Scheingold 1998). Others have studied the relation between jurists and the state, finding that in Europe they worked chiefly in the state or the shadow of the state (Karpik 1988), while in the US the private sector was dominant (Rueschemeyer 1986). A particularly relevant stream of scholarship for this paper emerged in Scandinavia, where three sociologists – the Norwegian Vilhelm Aubert, the Danish Britt-Mari Blegvad and the Swedish Margareta Bertilsson – explored how jurists were being replaced by other professions. Using statistical data, Aubert, Blegvad and Bertilsson discovered that, although the legal profession had been indispensable to the development of the modern state, the rise of the Scandinavian welfare state brought about competing forms of expertise which in turn led to the relative marginalization of jurists as key providers of state expertise (Aubert 1976; Blegvad 1973; Bertilsson 1989).

In addition to this (neo)functionalistic scholarship, another camp have focused more on processes of stratification, for instance by exploring the formation of national (Bourdieu 1998) and global legal elites (Trubek *et al.* 1994) as well as trends related to the profession's segmentation (Dixon and Seron 1995), racialization (Johnson 1997), and sexualization (Sommerlad 2016). Many studies in this camp have focused on explaining wage gaps within the profession, often with a focus on gender gaps, finding that human and social capitals (Heinz and Laumann 1992), economic segmentation between core and periphery (Heinz and Laumann 1992; Hagan 1990), as well as organizational segmentation (Dixon and Seron 1995), can all play a role in shaping inequalities within the profession. For the first group, differences in human capital, or individuals' natural cognitive abilities and credentials, are commonly cited as sources of inequality, especially within the legal profession. For instance, it has been argued that educational credentials, such as school prestige, class rank, and grades are the most important factors governing entry into high prestige jobs (Galanter and Palay 1991). Others have complemented these studies on human capital by investigating how various forms of social capital help explain the professions' inequality (Coleman 1988; Dinovitzer 2006; Bourdieu 1986). Kay and Hagan, for example, determine that networked social capital, defined as the extent of personal contacts and institutional clients, is crucial to career advancement within law firms (Kay and Hagan 1999, p.542). For the second and third group, internal differences and inequalities are mostly explained by the occupational sector (i.e. private/public or core/periphery) in which lawyers find employment (Hagan 1990)



or by the jurists' professional positioning within the bureaucratic structure (Blau and Meyer 1971). For instance, in a 1995 study on US lawyers, Jo Dixon and Carrol Seron found that the effects of human and social capital on income vary among male and female lawyers practicing in private, corporate and government organizational sectors, thus demonstrating that stratification processes in the legal profession are based both on gender and organizational segmentation (Dixon and Seron 1995). Nevertheless, their study is limited to a sample of lawyers and does not focus on any other types of job within the legal profession.

Others have studied the consequences of the rise of large law firms for the politics of professionalism (Madsen 2008) and the rising inequalities within the profession (Faulconbridge and Muzio 2008), arguing that the latter is moving away from the politics of professionalism and towards a new legal business culture (Boltanski and Chiapello 1999). These studies have concluded that lawyers employed by large private law firms are often considered to have the highest status because they garner the highest financial rewards found within the legal sector while engaging in "professionally pure" legal work for prestigious clients in highly lucrative areas of practice (Heinz *et al.* 2005; Sandefur 2001). Most commonly found on the lower end of the spectrum are lawyers working for small private firms (including solo practitioners), lower-level state bureaucracies, and in the public interest, as these jurists typically have lower average salaries (Heinz *et al.* 2005, p. 100). Finally, scholars in this field have explored the division between lawyers serving individuals and small businesses (Heinz and Laumann 1992; Heinz *et al.* 2005) and those lawyers serving large corporations and accruing the prestige of working in large corporate law firms (Flood 1996). Others have surveyed career trajectories of law graduates, finding that many sought employment in private practice (Dinovitzer *et al.* 2004). A shared characteristic of these studies is that they explore how career trajectories of lawyers are shaped by demographic, social, and to a lesser extent, educational experience (Albiston *et al.* 2021; Dinovitzer *et al.* 2004).

The abovementioned literature gives insight into differentiation and stratification, but there is nevertheless a common omission in most of these studies: they either focus primarily on practicing lawyers – a bias attributed to the UK/US-centric focus of these studies – or they focus on another specific segment of the legal profession, such as judges or jurists in the state. There are legal jobs in numerous organizational contexts situated beyond the walls of law firms, governments and courtrooms, and indeed there are numerous law graduates working beyond the legal profession strictly speaking. Moreover, while many of these studies capture changes and continuities over time, it is again regarding a segment of the profession, for example, the *After the JD* project, which looks at practicing lawyers two to three years into their careers and then again at six and ten years

(Dinovitzer *et al.* 2004). In this way, most studies do not capture the full range of legal job attainment, nor do they capture the long-term changes and continuities that shape the spaces and trajectories of legal professionals broadly speaking.

A key issue in the literature seems to be related to how the legal profession is conceptualized, with many studies using the notion of “legal profession” interchangeably with “lawyers”, or rather using “lawyers” as the primary representation of the profession. Lawyers are one professional grouping in the broader legal profession, together with judges, state jurists and more. Thus, if the legal profession can be considered a differentiated social space, we are interested in establishing the degree of differentiation. Differentiation is a key social process that drives complexity in social systems as groups become distinct from each other (Durkheim [1893] 1984), and in this case refers to the emergence of positions based on the technical division of labour. This division of labour in turn engenders what Max Weber termed *social closure*, i.e. social groups attempting to reduce competition through monopoly and limiting “social and economic opportunities to *outsiders*” (Weber 1978, p.342). Lawyers as a social group have achieved distinct social and legal mechanisms that secure them occupational rewards, such as higher income and status, but understanding this substantively entails rendering how other social groupings within the legal profession are subordinated or displaced through such practices, which in turn constitute the occupational hierarchy of which lawyers are a part.

So, while differentiation concerns the emergence of positions based on the technical division of labour, stratification theorists connect the social closure of these positions by theorizing on the social and legal barriers that are enacted to restrict access to resources and rewards that follow from occupational closure (Weeden 2002). Thus, capturing a broader pattern of differentiation than what most studies have done in the literature matters for not only understanding what the legal profession actually looks like – i.e. being critical to self-professed job positions and titles – but also getting a better understanding of the pattern of stratification and the social hierarchies connected to the various groupings that comprise it. In this study, we therefore take our starting point in all the individuals who have received a law degree and then trace where these individuals have moved professionally over time. To show possible differences between different “generations” of law graduates, we compare different cohorts of graduates. With this approach, we hope to capture a more comprehensive picture of the complexity of the legal profession by not self-blinding the study by introducing a priori professional categories. We return to the research design in the next section.

In the extant literature, there is very little scholarship on the differentiation of the profession into its various social groupings, i.e. the full range of different legal skill groupings, and how this social structure matters in terms of income,

gender, and the overall hierarchy of legal jobs. To be sure, some studies do look at stratification (see eg Nelson et al. 2023), however, for the most part these patterns of stratification are not related to the broader professional hierarchy, but rather to the internal social structure of a specific segment, for example, lawyers and the effect of gender (Hagan 1990; Dixon and Seron 1995) or religion on that segment (Dinovitzer 2006). Critically, the full spectrum of legal jobs cannot be assumed in advance, and will no doubt vary between countries. In this way, establishing an exhaustive overview of all the various groupings that comprise a legal profession (in terms of all individuals with a law degree) is an empirical exercise, and one that will no doubt also entail a fair amount of contestation as to where exactly the boundaries lie. Nevertheless, capturing the broadest scope of the legal profession will start with an empirically driven and more inductive approach as we argue below.

Following this empirical imperative, this study takes point of departure in law graduates and their career paths in order to capture the differentiation that emerges from their participation in the labour market, as well as the degree of stratification based on the earnings related to this pattern of differentiation, as well as sector. We use the jobs of law graduates to conceptualize occupational categories in order to visualize and describe the differentiation of the legal profession over time. In this way, we substantiate the emergence of new professional spaces and trajectories for our graduates by following them empirically to see where they end up.

### **3. Research design, data and methods**

Our approach for analysing professional spaces and trajectories of Danish legal professionals has been designed around two key steps: first, identifying empirical patterns of job differentiation and the widening of the profession; and second, identifying empirical patterns of wage and corporate income stratification connected to differentiation and sector. To that end, we use a descriptive quantitative research design to identify and report on a set of patterns. Moreover, the scope of the research is longitudinal, covering a 25-year period in total. In terms of job differentiation, we focus on the distribution of law graduates across various job categories and report on the patterns of distribution over time, while for stratification, we focus on two variables: wages and corporate income.

#### **3.1. Analytical approach**

Firstly, to establish the scope of differentiation, the law graduates have been categorized into 16 categories based on a process that is described below. More practically, we present the six cohorts by observation year and by the job categories to which the law graduates belong, along with percentage

indicators showing the distribution of law graduates for each year. We do this to show the distribution of each cohort across the categories and to show how this distribution changes over time, giving a picture of the changes and continuities in the law graduate's job attainment. We have included categories which are in a sense non-legal, such as *Business & Finance Professionals*, because it helps us capture where legally-educated individuals go when they do not enter formally-defined legal jobs and to show the distribution of law graduates that took non-legal jobs, which is an important element in sketching the boundaries of the legal profession in terms of how law graduates move in and out of formally-designated legal jobs.<sup>3</sup> Furthermore, there is a possibility that law graduates became credentialed to enter career tracks in formally-defined legal jobs, such as lawyer or judge, but could not find work because of a demand-side constraint. In other words, while educational expansion has led to larger cohorts of law graduates – i.e. an expansion of the supply-side of jurists – it is very possible that there has not been a proportional growth in legal jobs such as lawyer or judge. At the same time movements on the demand side will matter here: the rise and change of how professional service firms operate as well as the role of businesses have likely affected the demand for legal expertise in the private sector.

The second analytical step concerns the examination of stratification of the profession in terms of its differentiation as well as sector. To assess the degree of wage stratification of the Danish jurists, we look at the mean hourly wages, as well as the corporate annual income, of the law graduates on the labour market 20 years after graduation. When comparing the cohorts, we look at how stratification is informed by job differentiation, and sector (public and private). To do this, we first generate the mean variable of hourly wages based on the observation years and job categories and create a ratio value by dividing this mean by the cohort mean for each observation year. This ratio makes it possible for us to compare the hourly wages of each job category against the cohort mean over time to observe which categories experience upward or downward development relative to the cohort and therefore the overall pattern of stratification. We do the same procedure to look at annual corporate income and finally, we compare the patterns based on hourly wages to patterns based on corporate income to see how they deviate. The observations here are about discerning whether wealth is being captured through wages or corporate income. In sum, we can compare the wage and corporate income developments for all jobs across the cohorts and demonstrate whether there is stratification based on wages in terms of the differentiation of the legal job market over time. By having the non-legal categories of the jobs that law graduates attain, we are able to assess whether there are economic rewards for being “outside” the formally designated legal jobs. Subsequently, we generate mean hourly and annual wages by sector respectively to identify differences between private and public sector jobs.

### 3.2. Data

For this study, we use the Alumni Register (*Komprimeret Elevregister*) from Statistics Denmark (DST) to identify the population of individuals who graduated with a Master's degree in law (*cand.jur* in Danish) from 1974 to 1999 in five-year intervals.<sup>4</sup> Using the unique identifier from the Central Person Register, we track these law cohorts across several administrative datasets that enable us to observe their gender, occupation, industry, sector, and wages. This data is significantly more robust than what has been used in previous studies,<sup>5</sup> as it is not prone to survey-based measurement errors in, e.g. occupational codes (Perales 2014) or in earnings reporting (Kim and Tamborini 2014). Administrative data, especially regarding earnings and job codes, describe a given individual's data based on their employers' staff records (Avent-holt *et al.* 2020) and are therefore less prone to errors connected to respondents' differing views of their job and wages. Moreover, we do not have to account for sampling error because this dataset consists of the full population of Danish law graduates for the chosen years.

The method of tracing the graduates throughout the various data registers and over time is made feasible since each individual has a unique identifier (PNR). While all personal data is anonymised, this unique identifier allows us to link the individual graduate to the labour market to collect data on earnings and occupation as well as to firm data, i.e. organizational form, industry and sector (private or public). The point of departure for locating the data was the student register,<sup>6</sup> which provides data on tertiary-education graduation in terms of year, institution, and degree type. Here, the data for our six cohorts was extracted based on graduation year, for which we chose the following: 1974, 1979, 1984, 1989, 1994, 1999. A time interval of 5 years between the graduation years was chosen because, given its length, it provides a higher probability of demonstrating evolution in the labour market between the cohorts. In line with this, another variable was created for the purpose of observing the law graduates on the labour market 20 years after their graduation year: 1994, 1999, 2004, 2009, 2014, 2019. We chose 20 years as the interval on the labour market in order to observe the graduates at a point when their chosen careers would presumably be relatively well-established rather than examining less stabilized careers closer to graduation time. In addition, this corresponds with our objective of identifying the wider set of professional positions held by law graduates as graduates are more likely to have ventured further out in the labour market and found more fixed positions later in their career. Finally, a more pragmatic reason we start with 1974 for the graduation year, which in turn gives us 1994 as the starting point for the analysis, is because in 1994 occupational codes, including those for legal professionals, were introduced into the labour market register.<sup>7</sup>

Once the cohorts were created, each one is merged with the relevant datasets. First, the 1974 cohort, for example, is merged with the population register data

(called BEF) for the observation year, in this case 1994 for the 1974 cohort. With the population data, we get the graduates' age, gender, country of origin, and migration status. A key step here is to check that each graduate is in fact located in the population data for 1994, because if this data is missing, the graduate must be dropped from the entire dataset, as it indicates that they are either deceased or have moved out of the country.

Second, the labour market data (called RAS) are merged into the cohort data. The key variables here are the occupation code (*DISCO*) which is a local adaptation of the International Standard Classification of Occupations from the ILO, the firm identifier (*ARBGNR* and later *CVRNR*), the function code (*FUNKTION*), which refers to the sector, i.e. public or private, and the industry code (*BRANCHE*). There are two key steps when merging in this data: the first is to extract the labour market data that is connected to the graduates' primary place of employment in that year, which is registered in November of the given year. For this, a variable called "NOVPRIOR" (short for "novemberprioritering") is used to indicate the graduates primary labour market connection. It should be noted that a full-time job is considered as any job that exceeds 26 hours a week as designated by the registrar. The second key step is to drop the graduates that are not connected to the labour market from the cohort dataset, which accounts for 19% of the full population of Danish law graduates from the six cohorts.

Third, the occupation and industry labels are merged into the dataset to give us detailed information on the types of positions, and the industries, in which the graduates find themselves in the year of observation. All these codes were renamed and most of them have been collapsed into fewer codes, the details of which are described below in the section on occupation categories.

Fourth, the Firm register data was merged into the cohort data using the firm identifier. The Firm data provides insight into the type of organizations that the law graduates work at, with a key variable being the organizational form (*VIRKFORM*) which indicates the legally given form of the organization. Finally, wage data from IDAN is merged into the cohort datasets in order to get the graduates annual (*JOBLON*) and hourly wages (*TIMELON*), which will be central for the stratification analysis of the law graduates. In connection with this, we merged data on corporate income from the IND (*ERHVERVSINDKOMST*) register, which is crucial for grasping the total picture of income wealth accumulated by the law graduates, especially in the categories *Lawyers* and *Employers/Owners* due to the use of corporate structures in larger law firms. In comparison to wages, corporate income captures wages plus honorariums – fee remuneration for one-off jobs – as well as any surplus from the ownership of a company, for example, a law firm.

The above five steps are done for each cohort, giving datasets for a total of six cohorts, a total of 2,423 individuals. The next step was to combine all the cohorts into one dataset and to start the process of re-coding the data for sector, organizational form, and occupation. In this regard, the data present a

number of coding challenges that must be remedied, and also entail several limitations that should be noted. Firstly, as we look at different cohorts over time, there are breaks in the data regarding the implementation of new categories at various points in time, which concern the occupational codes for workers and the industry and sectors codes at the firm level. The occupational code (DISCO) is for the years 1994, 1999, 2004, and 2009 based on the four digit DISCO-88 (372 groups) which is an adaptation of the ISCO-88 classification. Since Statistics Denmark implemented the ISCO-08 classification in 2010 through a local six digit adaptation named DISCO-08 (563 groups), the years 2014 and 2019 represent a data break. On industry codes, we rely on NACE six digit codes, where Statistics Denmark's DB07-version is available from 2000 and on, but where for observations year 1994 and 1999 we rely on the earlier DB93 version. Secondly, the data are highly specific and finely grained, presenting a high level of complexity in terms of the large number of different occupational categories that law graduates have. In the next section, the process of re-coding is explained.

### **3.3. Data categories and codes**

Once the cohorts were merged with the relevant registers, the categories needed to be adjusted. The original list of DST categories linked to the full dataset on the law graduates comprised 249 categories, and although DST have the expected categories for legal professionals, such as lawyer (*advokat* in Danish) and judge (*dommer* in Danish), there were numerous categories that needed to be collapsed together and designated with a new label.<sup>8</sup>

The final list of 16 legal job categories:

- (1) *Lawyers* (skill level 4): law graduates who have passed the Danish bar exam and are certified to plead cases in court and work for law firms.
- (2) *Judges* (skill level 4): jurists who preside over criminal and civil proceedings in court.
- (3) *Law Enforcement & Public Prosecutors* (skill level 4): legal professionals that work as public prosecutors – a function that falls under the police in Denmark – as well as legal professionals that work in the police department.
- (4) *Legal Professionals not elsewhere classified (n.e.c.)* (skill level 4): actors in the private sector who perform legal functions besides presiding over court proceedings or pleading or prosecuting cases.
- (5) *In-House Lawyers* (skill level 4): lawyers – as designated in category 1 – who do not work in law firms but in private commercial entities (i.e. corporate and general counsel of large companies).
- (6) *Civil Servants* (skill level 4): legal professionals in various administrative roles in the public sector at the level of state central administration.



- (7) *Local Government Officials* (skill level 4): legal professionals in various administrative roles in the public sector at the regional-, and municipal-levels.
- (8) *Public Legal Advisors* (skill level 4): legal professionals or lawyers that work for a company or association that is in the public sector.
- (9) *Business & Finance Professionals* (skill level 3 + 4): professionals in the private corporate sector performing non-legal tasks, including finance, administration, marketing, sales, and public relations in companies.
- (10) *Research & Teaching* (skill level 4): professionals who teach theory, method and practice at all levels of education (primary, secondary and tertiary education, and researchers at university).
- (11) *Professional, Technical & Admin. Services* (skill level 3 + 4): professionals in non-legal work that requires knowledge at the highest skill level as well as technical and administrative tasks that require knowledge at an intermediate level. These are still complex and knowledge intensive areas but indicate a more operational and technical support function.
- (12) *Public Management* (skill levels 3 + 4): senior officials who advise on government matters and legislators who formulate, create and direct policies at multiple levels of government as well as make and implement legislation. Included here are also heads of administration in the public sector.
- (13) *Private Management* (skill levels 3 + 4): managing directors and chief executives of private organizations, as well as mid-level managers responsible for business services and administration, including finance, human resources, policy and planning, as well as production and manufacturing.
- (14) *Employers/Owners* (skill levels 1 + 2 + 3 + 4): these are company owners of non-legal entities, which includes both sole proprietorships as well as companies that have employees. Examples include leasing of commercial properties and business consulting.
- (15) *Other Private* (skill levels 1 + 2): comprises clerical support work based on the recording, organizing and computing of information in the private sector. It further includes all categories of manual work.
- (16) *Other Public* (skill levels 1 + 2): comprises clerical support work based on the recording, organizing and computing of information in the public sector. It further includes all categories of manual work.

We have further created two categories for the variable sector: *Private* and *Public*. These categories are central for looking at the differences in wage development between the two sectors and seeing which occupations fall under which sector. Most categories fall entirely under a sector, for example, *Judges* and *Civil Servants* fall under *Public* and *Business & Finance Professionals* fall under *Private*.

### 3.4. Measurement

In terms of differentiation, we measure the distribution of graduates across the job categories for each observation year, and for all cohorts combined. We further show the total cumulative growth for each category over the full time period. For the wage and income data, we measure the central tendency using the mean scores for each job category by observation year and create a ratio value that enables us to compare the average wage and average income of each job category to the average wage and average income of the cohort.

For stratification, we have two different procedures because each analysis needs to be run separately. The wage and corporate income data are first controlled for any outliers, especially on the bottom-end, i.e. any corporate income that is unusually low are removed. This operation is done by dropping any corporate income that is below a set threshold. The threshold is calculated using the OECD's data on Danish salaries,<sup>9</sup> with the threshold set at 1/3 of the relevant annual salary. Moreover, other outliers that would clearly distort the mean value for wages are controlled for, for example, an extremely high hourly wage in a job category where the majority are closer to the mean. Finally, both the wage and corporate income data are adjusted for inflation by using the user price index.<sup>10</sup> Because the most recent observation year in our data is 2019, we use the 2019 January user price index (102.3) as a reference and adjust all other observation years (1994, 1999, 2004, 2009, 2014) with this reference year.

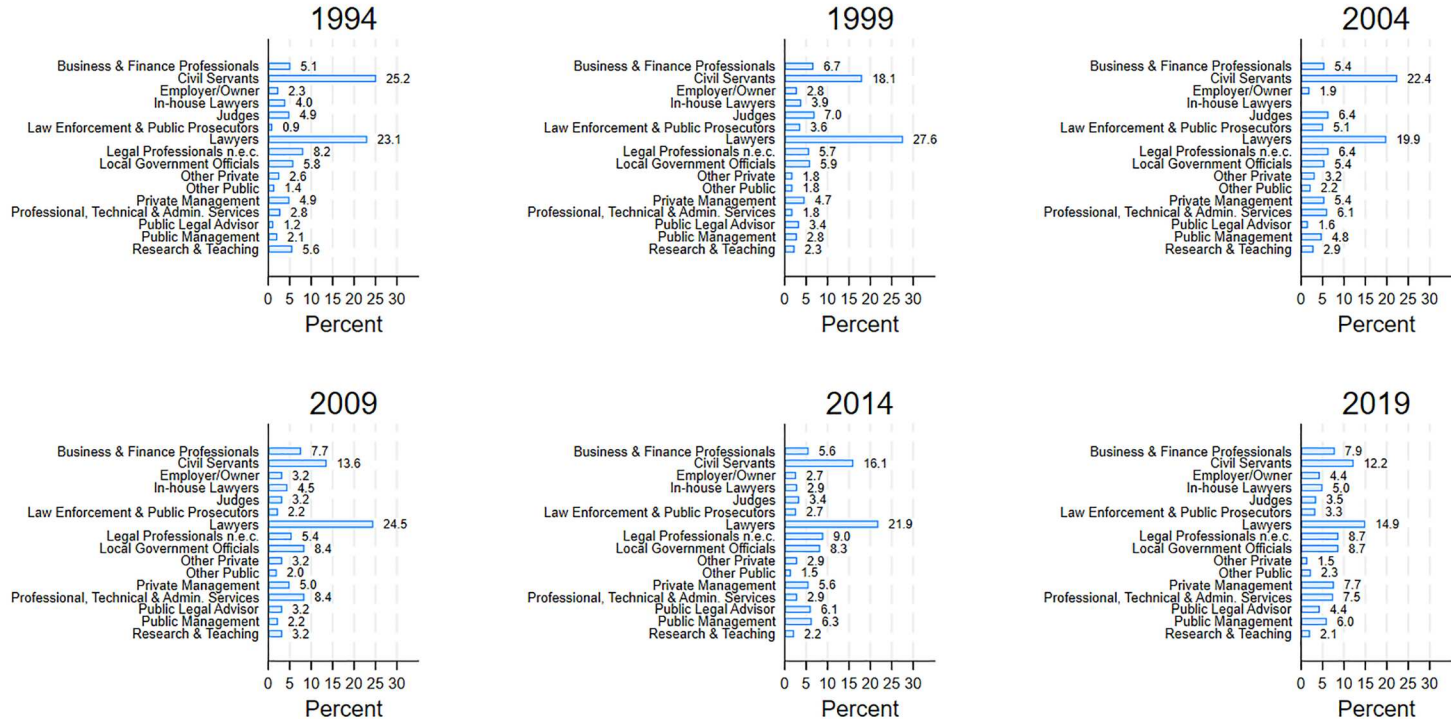
## 4. Results

### 4.1. Differentiation of total population of six cohorts

The first graph, [Figure 1](#), shows the entire population by the six observation years and by their occupation 20 years after graduation: a total of 2,423 individuals after removing individuals who are either deceased or left the country (246 observations) and are not on the labour market (4 observations) or the job variable is missing.<sup>11</sup> The distribution of graduates across the 16 job categories remains relatively stable across the six cohorts.

Nevertheless, there are some interesting developments. The most significant changes are the decrease in *Civil Servants*. In 1994, *Civil Servants* capture the largest proportion of graduates at 25.2%. By 1999, *Civil Servants* dips to 18.1% then back to 22.4% and then falls dramatically to 12.2% in 2019. No other category experiences such a dramatic fall. In terms of total cumulative growth, the *Civil Servants* category drops by 45% from 1994 to 2019. In contrast, *Local Government Officials* – the equivalent of *Civil Servants* but situated in municipalities and regions instead of the central state administration – increases from 5.8% in 1994 to 8.7% in 2019, which indicates a growth in bureaucratic public legal work outside the central administration as well as a growing need for legal professionals in smaller metropolitan areas. In 1994,

# Job Differentiation of Law Graduates in percent 20 years after Graduation



Sub-total for each year. 1994: 429 | 1999: 387 | 2004: 310 | 2009: 404 | 2014: 411 | 2019: 482 | Total Population: 2423

**Figure 1.** Job differentiation in percent.

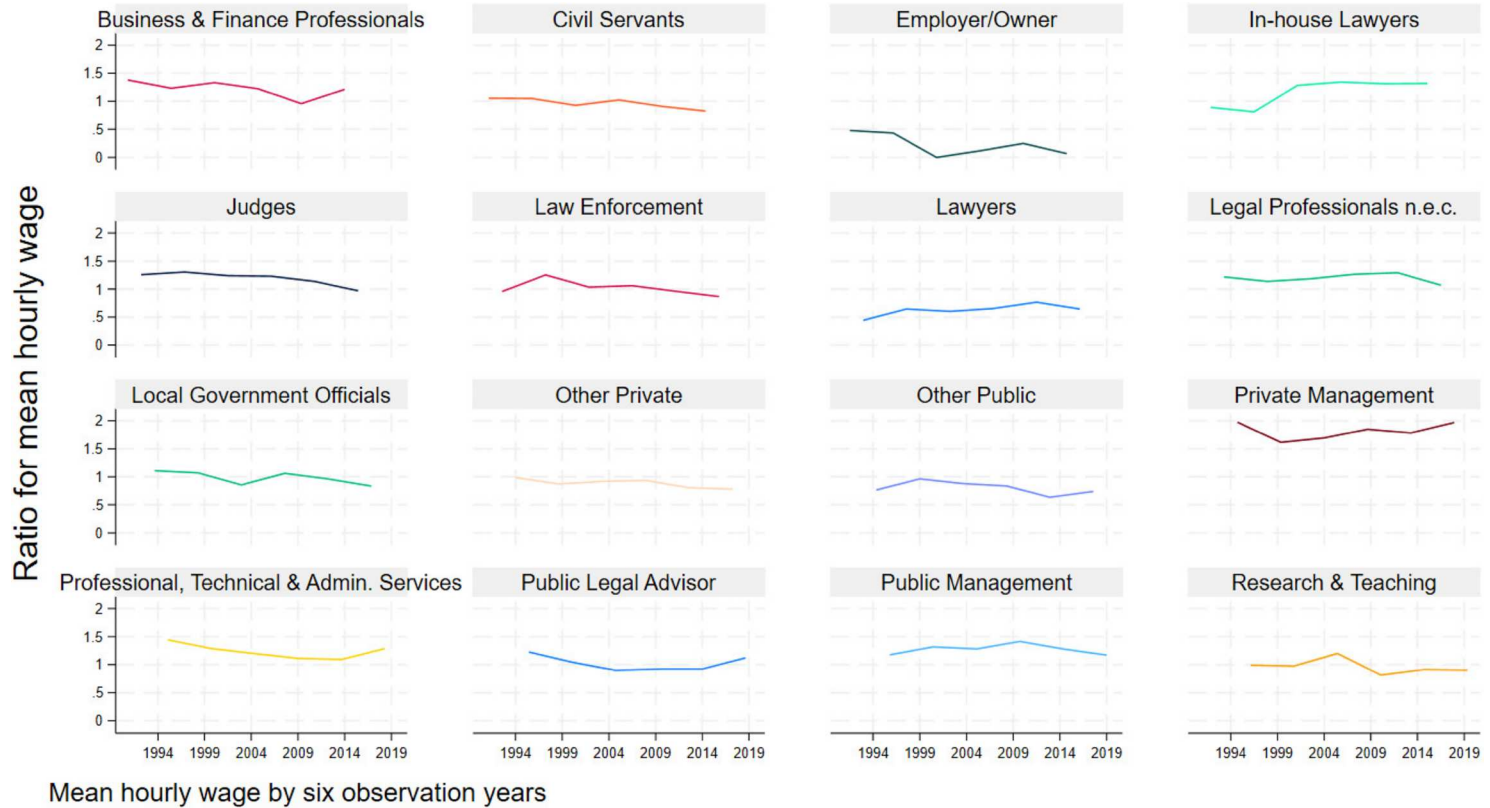


*Judges* account for 4.9% of the cohort and increases in 1999–7% but then declines in 2004–6.4% and then hovers around 3.5% mark from 2009 to 2019.

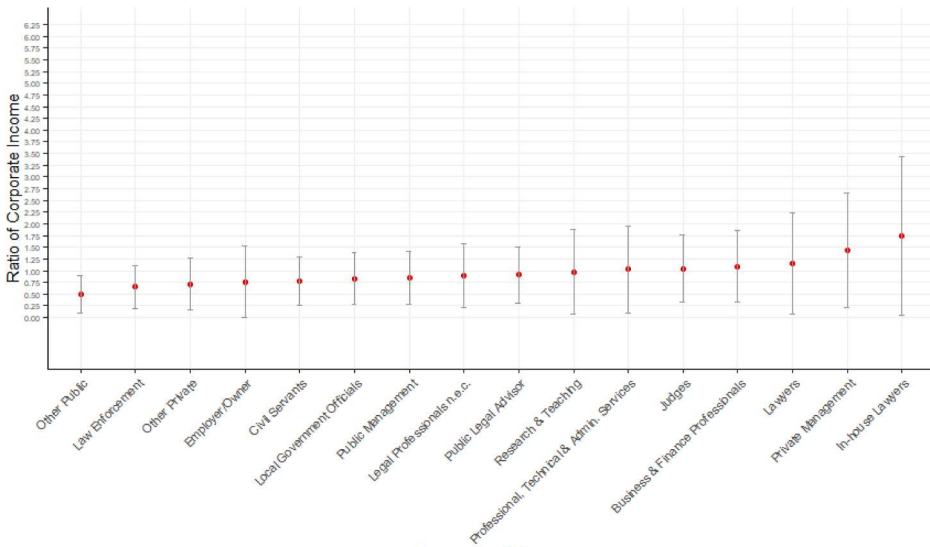
The category of *Lawyers* seems to remain relatively stable across the observation years, but curiously experiences a drop from 21.9% in 2014 to 14.9% in 2019, a decline that perhaps indicates that law graduates are increasingly seeking alternative occupations to the conventional law categories of judge, lawyer, and civil servant. In contrast, *Private management* increases overall, to a high of 7.7% in 2019. Similarly, *Professional, Technical & Admin. Services* which comprises law graduates working in various non-legal and non-corporate professional roles, for example, IT, architecture, journalism and engineering, increases from a low of 1.8% in 1999 to 7.5% in 2019, with a total cumulative growth of 200%, which is the second largest cumulative growth, with the largest being *Law Enforcement & Public Prosecutors*, which has a total cumulative growth of 300%. Finally, *In-house Lawyers*, which comprise graduates who have passed the bar exam and work in companies as opposed to law firms, start at 4% in 1994 and disappears in 2004, but then reappears in 2009 and increases to 5% in 2019. Finally, *Research & Teaching* drops from 5.6% in 1994 to 2.3% in 1999, then increases to 3.2% in 2009 before landing on 2.1% in 2019, which is a cumulative drop of 58%. Overall, the general trend in distribution seems to hold relatively steadily from 1994 to 2014, apart from the drop in *Civil Servants* in 2009. The biggest change in terms of the overall distribution occurs in 2019 with the largest two categories – *Lawyers* and *Civil Servants* – decreasing a lot while nearly all the other categories increase. While there are slightly more graduates in 2019, 482 in total, this is not much bigger than 1994, where the cohort comprises 429 graduates. In this way, we see differentiation increasing in terms of the number of graduates seeking alternative roles to the classic roles of lawyer, civil servant, judge and academic, all of which decrease.

#### **4.2. Ratios for wages and corporate income**

When looking at the ratios on wages and corporate income, it is instructive to compare these ratios against each other as well as across cohorts. Firstly, if we look at the wage ratio in 1994 (see [Figure 2](#) below), *Lawyers* had a mean hourly wage of 40% of the cohort mean, which then rose to 64% in 1999 and hovered between 60% and 70%, until 2019 where it finally sits at 61%. While the ratio of *Lawyers*' mean hourly wage has increased since 1994, it is nevertheless striking how low it is. However, if we look at corporate income then *Lawyers* have seen a considerable increase. In 1994, *Lawyers* have a corporate income rate of 114% of the cohort mean, which then rises steadily to 186% in 2014, reaching almost double that of the cohort mean, before dropping to 173% in 2019 (see [Figure 4](#)). This suggests that the highest earning lawyers earn primarily through corporate income, which is largely a reflection of the

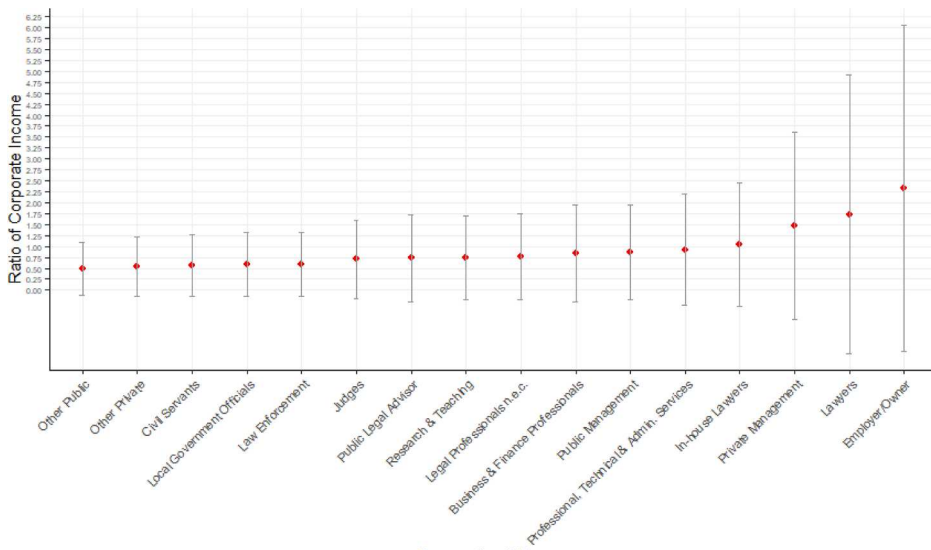


**Figure 2.** Stratification based on ratios for mean hourly wage for all six cohorts.



**Figure 3.** Stratification based on ratios for corporate income for 1994.

corporate structures of larger law firms and that the owners – the partners – are not wage earners. Secondly, the highest wage-earners are not the same as the highest corporate income-earners and over time some initial low corporate income-earners become very high corporate income-earners. Here we see the category *Employers/Owners* start at 76% (0.76) of the cohort mean in 1994 (see Figure 2), which then drops to 55% (0.55) and reaches a low of 48% in 2009, after which it increases to 66% in 2014 and finally makes a dramatic rise to 233% of the cohort mean. A possible explanation for this can be found in the types of business found in this category, namely the leasing of commercial and private real estate, which saw a rise in value during the same time period. Although not as dramatic as *Employers/Owners*, the *Lawyers* category sees significant upward development. If we look at public sector jobs, we generally see stagnation in wages and downward trajectories in corporate income relative to the private sector jobs. For example, *Judges*' mean wages start at essentially 125% of the cohort mean in 1994 and go up to 128% in 1999 before dropping steadily to 93% in 2019. For corporate income the drop is from 104% in 1994 of the cohort mean to 70% in 2019. For *Civil Servants*, we see a similar pattern with mean wages dropping from 83% of the cohort mean in 1994 to 72% in 2019, while for corporate income we see a drop from 77% in 1994 (see Figure 3) to 57% in 2019 (see Figure 4). For management jobs, we see that *Private Management* is at the very high end in terms of mean wages with 180% of the cohort mean in 2019 from 170% in 1994 (see Figure 2). However, in terms of corporate income it rises from 143% in 1994 to 147% in 2019 (see Figure 4), which is still high but lower than *Lawyers*, which was conversely much lower than *Private Management* in terms of relative mean wages.



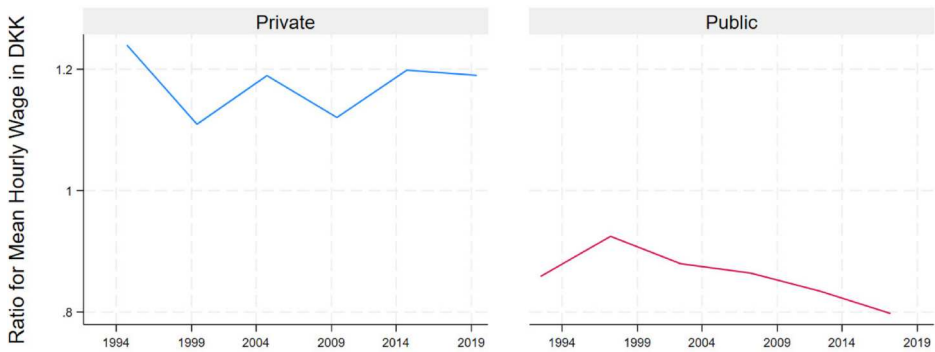
**Figure 4.** Stratification based on ratios for corporate income for 2019.

In other words, *Private Management* achieves its primary source of wealth accumulation through wages, while *Lawyers*, as previously mentioned, capture it through the ownership structure of the law firm. Amongst legal professionals strictly speaking, *In-house Lawyers* experience a curious trend. In terms of mean wages, they start at 129% in 1994 of the cohort mean but then drop to a low of 93% in 1999 and go back up to 128% in 2019 (see [Figure 2](#) above). In contrast, they start at 182% of the corporate income mean in 1994, the highest for that cohort, but then drop to a low of 82% in 2014 before rising slightly to 104% in 2019 (see [Figure 4](#) above). According to our data, *In-house Lawyers* do not have ownership stakes in the companies they work for, it is thus unclear why they would see such variation in their corporate income. If we look at wage ratios for private sector non-legal jobs, for example, *Business & Finance Professionals* and *Professional, Technical & Admin. Services*, we see that both of these categories hover between 150% and 100% of the cohort mean from 1994 to 2019 (see [Figure 2](#) above), however, for corporate income ratios, they dip below the cohort mean. For *Professional, Technical & Admin. Services* it is below the cohort mean except in 2004 when it reaches a high of 137%, while *Business & Finance Professionals* oscillates between around 80% and 137%.

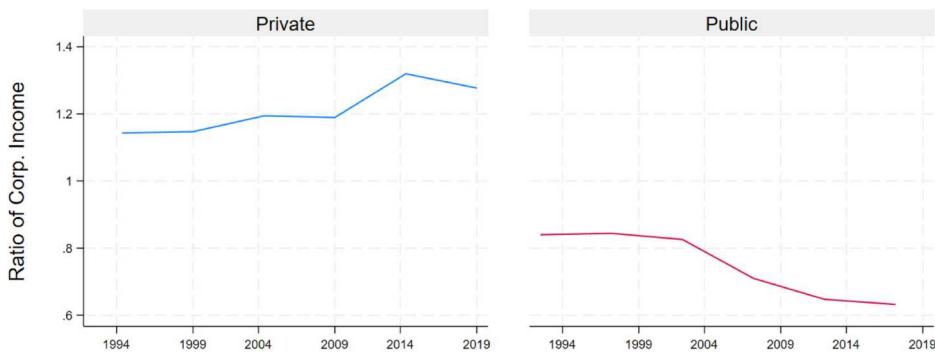
#### 4.3. Ratios for wages and corporate income by sector

[Figure 5](#) shows the evolution of the ratios for mean hourly wages across the six observation years for the private and public sectors. It should be noted that in terms of the distribution of law graduates between the sectors, there are 1322 (55%) in the private sector and 1072 (44%) in the public. In terms of hourly





**Figure 5.** Stratification in mean wages by sector for all six cohorts.



**Figure 6.** Stratification in corporate income by sector for all six cohorts.

wages, we see a clear distinction between the two sectors, with the private sector consistently earning a higher average wage for each observation year which seems to oscillate around 120% of the cohort mean (see [Figure 5](#)).

For the public sector, besides a slight upward trend from 1994 to 1999, the overall trend is downward, ending at 80% of the cohort mean in 2019. However, if we look at the corporate income ratio (see [Figure 6](#) below), we see that the private sector does indeed experience an increase in wealth over time, albeit with a very slight dip between 2014 and 2019, ending on 127% of the cohort mean. For the public sector, we see a general downward trend starting at 84% in 1994 and ending with 63% of the cohort mean in 2019.

## 5. Discussion and conclusion

In this paper, we have analysed the increasingly differentiated occupational space of Danish law graduates. We found that several novel categories emerged from the data, over and above the expected categories, which resulted in 16 categories. This indicates first and foremost a more complex social structure than previously assumed. Of note here were the increasing number of non-

legal jobs – for instance *Professional, Technical & Admin. Services* – that the law graduates attained, especially in 2019, while a decrease was evident in the conventional legal categories overall, such as judge, lawyer, civil servant and academic. Furthermore, we also see an increase in other legal jobs, such as *Local Government Officials*, denoting legal work in the public sector at the regional and municipal levels. This could indicate an increase in demand for legal services in less densely populated areas.

In terms of stratification, we find that the private/public sector differentiation is playing a significant role in shaping stratification outcomes, albeit in different ways. Firstly, we find that law graduates in the private sector earn more than those in the public sector in terms of wages. However, within the private sector we saw markedly different earnings. For example, categories such as *Private Management* and *Business & Finance Professionals*, are high earners relative to the rest of the cohort in terms of high hourly wages, while *Lawyers* and *Employers/Owners* are relatively low wage earners. However, in terms of corporate income *Lawyers* and *Employers/Owners* are the top earners. This indicates that these two categories accumulate wealth through the ownership structures of their companies, whether they are law firm partnerships or sole proprietorships, while *Private Management* and *Business & Finance Professionals* accumulate wealth through high wages. Furthermore, the corporate income figures show us that public sector jobs are falling behind private sector jobs, even once lucrative jobs such as *Judges*. In sum, there is a tendency for public sector job earnings to decrease relative to the private sector jobs over time. In terms of corporate income, the mechanisms to accumulate more wealth open to the private sector jobs are alternative sources of income, such as having an ownership stake in a corporate structure.

In terms of the extant literature, our results correspond with scholarship that shows the decrease in legal professionals in the public sector (Aubert 1976; Blegvad 1973; Bertilsson 1989). However, these studies were done some decades ago, and while indicating a similar trend in terms of legal professionals, our research shows contemporary trends (see Nelson et al. 2023 for the US case). In our paper, a key trend is the increasing corporate sphere and the use of corporate structures to attain wealth, reflected in the figures showing that while wages for the private sector had stagnated, corporate income for the private sector is on an upward trajectory. In this way, the professional spaces of the legal profession are stratified by the increasing use of corporate structures, meaning wage-earning jobs are less lucrative. Moreover, the downward trend in public wages indicates the further stratification of public sector jobs. Together with the decreasing numbers in public sector jobs, this indicates that key public sector legal jobs such as judges, civil servants and academics are losing ground to more lucrative jobs in the private sector. Further research could look at the consequences this development has for the public legal system and whether we are seeing a simultaneous downward trend in quality and service. Finally, another

key avenue of future research could look more at the significance of gender in these dynamics, for instance, whether women more likely to be wage-earners or self-employed and the ratio of women to men in the public sector.

## Notes

1. In this paper we do not include an analysis of differentiation and stratification in terms of gender, as we believe that this requires a more in-depth treatment. A subsequent paper will deal with these dimensions.
2. See <https://jura.ku.dk/english/about/faculty-of-law-in-brief/> (last accessed 16 August, 2022).
3. The current analysis does not look at the sequence of discrete jobs that law graduates have attained over time, but will be a future avenue of work.
4. While it is possible to leave university with only a BA degree in law following the EU-induced harmonization of European higher education commonly known as the Bologna process, almost all students enrolled in law in Denmark pursue the cand.jur degree which is also the required educational level for traditional legal work as attorneys, judges, central administration civil servants and prosecutors.
5. A notable example is the US-based *After the JD* project, spanning over 20 years and including over 10 000 survey responses as published in the recent book “The Making of Lawyers’ Careers: Inequality and Opportunity in the American Legal Profession” (Nelson et al. 2023)..
6. This dataset is called KOTRE or “Komprimeret elevregister”
7. Although the official DST reports say that the occupational codes were applicable from 1996, these codes are part of the data registers from 1994.
8. Please see Appendix 1 for a detailed description of how we created the categories.
9. Accessed at <https://data.oecd.org/earnwage/average-wages.htm>.
10. Danmarks Statistik’s table for user price indexes is available here: <https://www.dst.dk/da/Statistik/emner/oekonomi/prisindeks/forbrugerprisindeks>
11. We do not remove missing wage data at this point because some actors have corporate income data but no wage data, which means they are still able to earn money.

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## Appendix 1

To construct valid categories, we followed two logics: first, a deductive logic taking point of departure in the conceptual framework used by DST to create the original categories; and second, an inductive logic used to explore how the data of the original job categories triangulated with the related individual data points on industry, sector and the legal form of the organization. The first logic entails considering the methods used by DST in constructing the original categories under the Danish classification of occupation (DISCO). DISCO is based on the International Standard Classification of Occupation (ISCO) by the International Labour Organization and is essentially the Danish version of ISCO (Danmarks Statistik 2011). For us, a key point here is to ensure that when constructing a category, it still remains in line with the overall structure of categories in the ISCO documentation. Here we follow the notion of skill level, which plays a role in giving a hierarchical structure to the ISCO and DISCO classification systems and which ensures that the occupations are not collapsed in a way that inappropriately mixes different skill levels. Skill level indicates the level of education and training required for a given occupation on a scale from 1 to 4, with 4 being the highest. Skill levels 1 and 2 refer to the performance of manual tasks that are routine in nature, with level 1 being simple and level 2 being based on the operation of machinery and electronic equipment. Skill level 3 involves “the performance of complex technical and practical tasks that require an extensive body of factual, technical and procedural knowledge ...” (ILO 2012, p.13). Skill level 4 indicates “the performance of tasks that require complex problem-solving, decision-making and creativity based on an extensive body of theoretical and factual knowledge in a specialized field” (ILO 2012, p.13). Although all the law graduates have attained a postgraduate degree as part of their second-stage tertiary education (i.e. master’s degree) which is often a pre-requisite for an occupation with skill level 4, they may nevertheless still have a job that is at a lower skill level.

The second logic entails triangulating the industry, sector and organizational form codes with the job category code for each individual in order to ensure they were categorized appropriately. For example, we created the Civil Servants category by locating all the law graduates who were categorized as “policy administration professionals” (“Arbejde med administration af lovgivningen inden for den offentlige sektor” in Danish) under the DST regime. Other law graduates added to this category came from DST categories such as “Work related to the economy” (“Arbejde med emner inden for samfundsøkonomi”) and “Organizational and management advisor” (“Specialfunktioner vedrørende organisation, herunder ledelsesrådgivning”), but who were also working in the public sector in public entities. Here we used the industry code related to public services together with the sector code related to the specific public area of governance: State, as well as the organizational form designating types of public organization: State Central Administration. In this way, the Civil Servants group consists of professional-level employees, all of whom fall under skill level 4 as per the DST regime, and who are working in the public sector at the state level.

In sum, by following these two logics related to conceptualizing occupational categories, together with triangulation of the various codes related to industry and sector together with the original category, we can collapse the finer-grained categories into fewer categories, while also maintaining a level of validity through triangulation. Through this process, the total number of unique codes for the occupations was reduced from 249 to 16 categories.