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## Becoming Global Lawyers? A Comparative Study of Civic Professionalism

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### Publication Statement

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## BECOMING GLOBAL LAWYERS: A COMPARATIVE STUDY OF CIVIC PROFESSIONALISM

*John Bliss*\*

### ABSTRACT

Through their professional education and training, new lawyers are generally encouraged to adopt a civic vision of professional identity. This article explores convergences and divergences in how new lawyers entering an increasingly globalized legal profession conceive of their civic roles in different national contexts. In particular, I examine corporate lawyers-in-training in the U.S. and China, drawing on interviews and a cross-cultural identity mapping method to compare their accounts of the lived experiences of civic professionalism. I find that professional identity formation in the U.S. sample is largely marked by role distancing and a sense of constrained public-interest expression. In contrast, Chinese respondents generally identified strongly with their civic roles, while framing their public contributions in pragmatic, state-aligned terms. I conclude with a comparative analysis of young lawyers' bottom-up efforts to expand their civic impact.

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## INTRODUCTION

The value of my existence (存在的价值) depends on how much contribution I can make to others, or to the society, or to the whole human race. This probably is my core identity (最核心的身份) . . . . All other roles are just an extension of this core role as a contributor (贡献者).

The above interview excerpt from “Hu,” a young Chinese corporate lawyer, suggests a deeply public-regarding vision of the lawyer role. This article compares what being a “contributor” means to lawyers-in-training like Hu in the U.S. and China. To gain insights into globalized convergences around the civic dimension of professional identity, I focus on the elite corporate law sector where new lawyers have extensive contact with international norms and values. In China, the transnational corporate practice sector is evident in the widespread American and other foreign law firms as well as major Chinese domestic firms, which largely import the structures and practices of foreign-firm counterparts (Liu 2008, 786-87). Do new Chinese lawyers in these firms internalize and translate foreign norms of civic professionalism, or do they present a more distinctly Chinese model rooted in domestic politics and authoritarian legality? More generally, how do young lawyers’ accounts of professional identity reflect their bottom-up efforts to advance the public interest within the constraints of their national legal and political contexts?

I address these questions through bilingual interviews and a cross-cultural identity-mapping methodology. Although exploratory and qualitative, examining only a slice of the bar in both countries and only a moment in the professional socialization timeline, my qualitative analysis provides insights and new directions for comparative research on the globalizing legal profession.

My findings suggest sharp differences in how U.S. and Chinese respondents perceive the public-service value of corporate law practice and more broadly how they experience the civic dimension of professional identity. As I have described in previous writings on the U.S. side of this study, American corporate lawyers-in-training often experience “divided selves,” a personal and civic detachment from professional identity (Bliss 2017). This tension with respect to perceived constraints on public-interest expression is, I argue, a defining feature of the lived experience of civic professionalism among many U.S. corporate-lawyers-in-training. I add this sense of civic constraint to what I take to be the existing definition of civic professionalism found in American legal profession scholarship, wherein lawyers have a professional responsibility to serve the public good as client-centered neutral partisans and as guardians of an independent legal system that moderates state power. While U.S. respondents’ sense of constraint and sometimes alienation in their corporate law practice raises concerns about mental health and intrinsic job satisfaction, I argue that it can also support bottom-up legal reform efforts via the legal profession.

In contrast, Chinese respondents more often described corporate law practice in morally favorable terms. Their perception that corporate lawyers make positive civic contributions appeared to bring these lawyers a strong sense of purpose and personal investment in their early legal careers. Indeed, I argue that young corporate lawyers in the China sample approximated a

moderate “integrated cause lawyering identity” (Bliss 2017, 872), wherein respondents generally located the lawyer role in the center of their identity maps and described modest contributions to developing the economy and the rule of law. Respondents rarely framed these civic commitments in the liberal rhetoric of promoting the profession’s independence, developing civil society and democratic political structures, or advancing legal and social change.

This stark variation between how U.S. and Chinese corporate-lawyers-in-training think about civic professionalism is perhaps surprising given that, in many respects, they belong to the same transnational corporate bar. The Chinese respondents were employed either by foreign firms or domestic firms in the mold of foreign firms. They had proximity to foreign clients, foreign legal actors, and foreign legal concepts. Twelve of the thirty Chinese respondents studied abroad for LLM degrees. When asked about their general impressions of lawyers, they often cited foreign media images. Chinese law schools have undergone dramatic internationalization efforts (Wang et al. 2016). Daily life in Shanghai, where all of the Chinese interviews were conducted, consists of a global mix of international people, business, products, food, and language. English is prevalent in the daily written and spoken language of these lawyers’ workplaces.

In spite of these internationalization trends, my findings suggest marked divergence in the U.S. and China samples. I conclude with a comparative analysis of the civic dimension of professional identity. In the U.S. sample, professional identities were generally divided, constrained, and unstable, while the Chinese sample tended to present central, state-aligned, and stable professional selves. I label the Chinese model “pragmatic professionalism” to emphasize that it is an affirmatively civic vision of lawyer identity that lacks bottom-up frustration but instead draws on a pragmatic recognition of the limited role of lawyers in the legal and political order. I argue that evaluation of the competing merits of these country-specific models should avoid the ethical and empirical deficits (the “unwitting hegemonism”) behind U.S.-led liberalization and rule-of-law efforts (Alford 2000). As the Chinese system of authoritarian governance and legality gains global prominence, the Chinese model of legal professionalism cannot be dismissed merely as a target for diffusion of American norms.

## **IDEOLOGIES OF CIVIC PROFESSIONALISM IN THE U.S. BAR**

The standard U.S. conception of the lawyer role emphasizes zealous advocacy for clients in support of the adversarial legal process. This client-centered vision is complemented by a tradition of (at least rhetorically) robust public commitments, where lawyers serve as “officers of the court” and “lawyer statesmen” (Kronman 1995). Lawyers are tasked with not only providing technical legal analysis but also judgment and wise counseling of clients (Wilkins 1998, 1528). Practitioners are invited to pursue the lawyer role as a calling, either in the framework of cause lawyering, where the lawyer explicitly seeks to realize a personal vision of the good society, or in the framework of neutral-partisan client service, where the lawyer provides access to justice as a precondition for a functional democracy (Pepper 1986, 617; Spaulding 2003).

This perspective on lawyer identity has deep roots in what Halliday (1999) refers to as an American tradition of “civic professionalism” drawing on lawyers’ “altruistic, prosocial,

humanistic, and other-regarding motivations.” Historians trace civic professionalism to the early American legal profession before the Civil War, when lawyers were heavily represented in public office as well as serving as country attorneys who provided access to justice (Auerbach 1977). This public-service tradition finds further support in American lawyers’ prominent roles as civil rights leaders, legal change agents in the common law system, and, more generally, “societal problem solvers” (Edley 2012). These ideals are said to be reproduced through U.S. legal education where students are socialized into a professional collective based on a shared identity and an obligation to serve the public.

Commentators have lamented the growing commercialization of legal practice and the decline of the lawyer-statesman ideal (Kronman 1995). This lament features prominently in the recent wave of research and commentary on U.S. legal education, which stresses the importance of inculcating students in “civic professionalism” and a sense of duty to “the members of the public the profession is pledged to serve” (Sullivan et al. 2007, 4).

In sum, the ideal American professional identity presented to new U.S. lawyers, and perhaps offered for export to developing countries, frames lawyers as public-regarding professionals who internalize a sense of civic purpose in their representation of clients and in their leadership in legal and social reform. As a collective, these lawyers are expected to work within the channels of the liberal legal order to provide a semi-autonomous alternative to the market and state.

## **IDEOLOGIES OF CIVIC PROFESSIONALISM IN THE CHINESE BAR**

Western observers frequently suggest that legal professionalism in China is compromised by *guanxi* relations (reciprocal networks of relationships that span personal, legal, and political arenas) and state oversight, such that Chinese lawyers “have not developed a strong professional identity independent of the desire to get good work and stay out of trouble” (McMorrow 2010, 1102). The state supervises legal practice, as evident in the required party cells in law firms, state control over bar associations, and the oath to the Party taken by new entrants to the bar. This supervision contrasts with the liberal notion of an independent, self-regulating collective of professionals. Lawyers’ neutrality is filtered through the “socialist rule of law,” creating a “fundamental conflict of interest between lawyers’ loyalty to the state and their loyalty to their clients” (Michelson 2006, 30). This conflict may be most visible among criminal defense lawyers and other lawyers who take controversial cases where they can face personal liability.

Some recent scholarship has highlighted emerging but limited norms of professional independence in the Chinese bar. These norms have been influenced by lawyers’ mobilization around recent cases where lawyers have been prosecuted (Alford 2010; Liu et al. 2014). In addition to defending the legal profession, these movements have included a growing commitment to pro bono practice, spurred by global markets and rhetorical campaigns and policies of the Ministry of Justice and the All China Lawyers Association (Dong 2016). These pro bono contributions generally consist of charitable donations and education projects rather than legal representation (Dong 2016), although pro bono legal representation within the framework of state legal aid initiatives is publicly celebrated (Stern and Liu 2020, 241). As reflected in interview excerpts discussed below, Chinese lawyers are also frequently called on to provide informal pro bono legal services to friends and family (Stern 2013, 155-56).

A great deal of scholarly and media attention has been paid to China's cause lawyers, or "rights protection" (维权) lawyers as they are generally labeled. These lawyers are often framed as the harbingers of political liberalization, although researchers offer a more modest portrait of their impact. It may even be strategically advantageous for Chinese cause lawyers to be moderate, politically embedded, explicitly patriotic (Michelson 2007; Fu and Cullen 2008; Liu and Halliday 2011; Stern 2013). Yet, a minority of Chinese lawyers are "motivated by cause rather than cash" and attracted to the "idealistic identity" of being a "rights-defending hero" (Stern 2013, 51). Lawyers who match this description appear to adopt a similar professional identity to U.S. cause lawyers, who aspire to find in their careers "something to believe in" (Scheingold and Sarat 2004, 51).

While this body of literature has increasingly examined Chinese corporate law offices (Liu 2006; Liu 2008; Li and Liu 2012; Liu and Wu 2016; Stern and Li 2016; Liu and Wilkins forthcoming), researchers have yet to empirically study how new lawyers in this sector are influenced by liberal understandings of civic professionalism. Foreign efforts to promote political liberalism in China via the legal profession have been fostered by development organizations, banks, aid agencies, private foundations, bar associations, universities, and U.S. congressional, judicial, and executive branches, prominently President Clinton's 1997 "China Rule of Law Initiative" (Carothers 2006; Erie 2009). Robust funding for these activities became available beginning in 2002 (Stephenson 2006). The development community behind these initiatives has been criticized for assuming that spreading the "legal language of globalization" will facilitate the rise of global capitalism and that reform in corporate law will "spill over" into the development of rule-of-law (Dezalay and Garth 2011). Regarding China, this Trojan Horse strategy is summarized by Matthew Stephenson (2006) as follows:

[T]he Chinese will adopt an initial set of legal reforms and legal education programs in order to achieve economic goals, and [those] reforms, once adopted, will take on a life of their own. The growth of legal methods for dealing with commercial disputes will foster a culture of legality that will spread beyond economic transactions to other areas. Because the same judicial institutions and legal profession that handle commercial issues also handle other types of legal issues, improving training and organization will lead to improvements in all areas, even if the original motivation is strictly economic. And the success of legal reforms in the commercial area will strengthen the hand of reformers in China who want to push for legal reforms in other areas.

Skeptics have long suggested that the Trojan Horse model relies on an unrealistic assumption that the legal complex is a "machine that runs itself," which will automatically "trigger a chain reaction transforming economic liberalization into political and social reform" (Silverstein 2003).

Trojan Horse efforts may currently be losing potency as the Chinese model of law and politics ascends as a coherent vision of authoritarian legality (Gallagher 2017). While the U.S. has sought to "plant seeds in patches of sunlight" through commercial law reform, the Chinese leadership has effectively set up "institutional firewalls" around areas of legal reform considered off limits (Stephenson 2006). As Sida Liu notes, the narrative that the Chinese legal order is

transforming from “the rule of guanxi” to “the rule of law” does not match the reality of what has become “a strong Chinese state underneath the structural outlook of a market economy” (Liu 2011). This view is bolstered by Xi Jinping’s recent efforts to position China as a global epicenter, which rejects Western norms and instead pursues a “Chinese dream” (中国梦) and a Belt and Road foreign policy of increasing influence abroad. Taisu Zhang and Tom Ginsburg (2019) have argued that although President Xi frames himself as a “champion of law and legalization” he does so primarily as a self-legitimizing strategy while seeking to limit the rule of law in practice. In the legal profession, Xi’s rule has brought tightening control over lawyers’ independence and more explicit ideological training in the “socialist rule of law” and Party loyalty (Stern and Liu 2020).

## **SAMPLE AND METHODOLOGY**

Edited volumes compiling research on the legal professions of various countries have provided rich resources for comparative insights into the globalizing legal profession (i.e. Abel and Lewis 1989; Sarat and Scheingold 2001; Dezalay and Garth 2011; Cummings, De Sa e Silva, Trubek forthcoming). These volumes have included a substantial focus on the transnational corporate law bar in particular (Wilkins et al. 2017; Cunha et al. 2018; Liu and Wilkins forthcoming). Yet, it is rare that we include multiple legal professions within the same empirical study, drawing on the same research questions and methods to create direct comparisons. Such research designs face formidable challenges in dealing with cultural and linguistic differences in addition to the wide range of confounding variables (e.g., with respect to systems of education, governance, and law) introduced when analyzing social phenomena across countries. For the primarily theory-generating purposes of this qualitative study, this broad scope of cross-national variation can be advantageous and can help shape narrower research questions for future inquiry. This article wades into these waters by employing cross-cultural methods: a visual identity-mapping exercise and a bilingual approach to research interviews and analysis.

China offers a strategic site for examining how professional identity formation is globalizing. Emerging economies have been a source of dramatic growth in the global legal profession. Nowhere has this growth been more pronounced than China. The number of lawyers in the People’s Republic of China has grown roughly one-hundred fold in the past four decades—from just 3,000 in 1980 when the legal profession was formally revived to nearly 300,000 in 2017 (Minzner 2013; Stern 2013).

I focus on the corporate law sector in both countries to support commensurability in the U.S.-China comparison, although I also discuss some structural variations in these firms’ training and advancement programs (Liu 2008). These elite corporate-lawyers-in-training are not representative of the full bar in either country. The U.S. legal profession has long been characterized by a division into two hemispheres, one serving large organizations and the other serving individual clients (Heinz and Laumann 1982). This division has become less distinct over time (Heinz et al. 1998), yet the large-firm corporate law sector has increasingly departed from other practice settings in terms of compensation. New lawyers in large firms earn roughly double the incoming salaries offered by small firms and triple what new lawyers earn in solo practice, government, public interest, and legal aid (Dinovitzer et al. 2004).



The Shanghai respondents' international orientation, elite educational credentials, and foreign-facing practice settings make them good candidates for investigating the globalization of professional norms. Yet these very traits distinguish them from the mainstream of lawyers in the Chinese bar, many of whom suffer from acute "economic and institutional vulnerabilities" that are absent in transnational corporate practice (Michelson and Liu 2010, 311).

Throughout this article, my presentation of the U.S. data is abridged and I cite to my previous publications on the American sample for more detailed analysis (Bliss 2017; Bliss 2018). The Chinese portion of the study was designed as an extension of the U.S. project, applying a Mandarin-language adaptation of the same interview protocol and identity mapping method. All interviews referenced in this article were conducted by the author.

The U.S. study draws on longitudinal interviews and identity mapping with three cohorts of law students and young lawyers. The earliest cohort was followed with interviews through their first three years of practice. These respondents all attended the same top-tier law school. While the study included respondents who pursued other career tracks, this article focuses on the 39 respondents who interned at large corporate law firms, including respondents in the first cohort whom I continued to interview in their post-graduation jobs in large firms. Four respondents from the earliest cohort did not complete an identity map and so are excluded from any counts in the below identity map analysis.

Most U.S. respondents were recruited by requesting their volunteer participation through in-person announcements in first-year classes. This approach was supplemented by a small amount of snowball sampling.

The China sample consisted of 30 corporate law associates who were in their first three years of practice at elite law firms in Shanghai. For this comparative extension of the U.S. study, I initially considered sampling Chinese law students rather than young Chinese lawyers, given that my U.S. data consists of more law student interviews (104) than post-JD follow-up interviews (49). However, after conducting a pilot study, I concluded that focusing on legal education in China would miss most of the professional socialization process. Many young Chinese lawyers completed their legal studies at the undergraduate level, which focused on black letter law with few experiential elements and little expectation that graduates will become lawyers. For these lawyers, their first substantial exposure to the profession occurs on the job. U.S. law students in contrast undergo a deliberate professional socialization program including experiential education and supervised legal practice opportunities. Comparing Chinese law students to U.S. law students would likely prove unfruitful for a study of professional identity formation. Instead, I sampled new Chinese lawyers, who are undergoing on-the-job socialization, and U.S. law students and new lawyers whose professional socialization begins in law school and continues in their first positions as lawyers.

The China sample is evenly split between lawyers working for elite Chinese domestic firms (15 respondents) and those working for elite foreign firms (15 respondents). Respondents were employed by a total of five domestic firms and six foreign firms. Of the six foreign firms, two are headquartered in the U.S., two are structured as multinational Swiss vereins, and two are headquartered in Europe. Firms in both categories draw top law students, offer attractive salaries,

handle large entity clients, and have expertise in international legal matters. The domestic firms in many respects imitate foreign firms, as observed by Sida Liu (2008, 786-87):

From minor issues such as document settings and website design to more substantive aspects such as billing method and management structure, these Chinese law firms want to look similar to the Anglo-American mega-law firms in almost every way, even firm size.

The China interviews were conducted during two data collection trips to Shanghai in 2015 and 2016. Respondents were primarily recruited with the help of gatekeepers at law firms (generally law firm partners) and direct queries on lawyer-specific WeChat groups. The interviews were held in a confidential setting. Pilot interviews were conducted in respondents' offices. The subsequent interviews for the study were mostly held in a meeting room at the Harvard Center Shanghai. As in the U.S. study, interviews were recorded with respondents' consent. The characteristics of the China sample are summarized in Table 1.

Table 1. Chinese sample characteristics (n=30)

Gender	Male	14
	Female	16
Law Firm Type	Domestic	15
	Foreign	15
Graduate Studies	Foreign LLM	12
	Domestic master's in law	6
	None	12

The semi-structured interview protocol in the China study largely mirrored the U.S. protocol—focusing on entrance into the profession, sense of professional purpose, civic contributions, legal education and training, and professional and personal identities. The Chinese interviews were conducted in Mandarin. Interview data was coded and analyzed by the author with research and language assistance from two law students at Koguan Law School and one at Harvard Law School.

Mid-way through each interview, I introduced the identity-mapping exercise that I first developed in the U.S. portion of this study (Bliss 2017). This method provides visual representations of how one's professional role relates to one's broader self-concept. Underlying this method is a Goffmanesque theory of role distancing and personal identity, which emphasizes the continual alignment of roles on a spectrum, some roles being more proximate, embraced, and central constituents of identity, and others more distant and detached (Goffman 1959). The first step in the exercise is to list all of the roles one enacts in daily life. The only role that respondents were specifically asked to include was "lawyer." I then handed the respondent a sheet of paper with a large circle representing the respondent's identity. Respondents then drew and labeled smaller circles on this identity map representing each of their roles—placing roles that felt constitutive and self-expressive closer to the center and roles that felt less essential to one's identity further from the center. This exercise was followed by a 15- to 30-minute interpretive dialogue in which respondents discussed the placement and labelling of their roles.

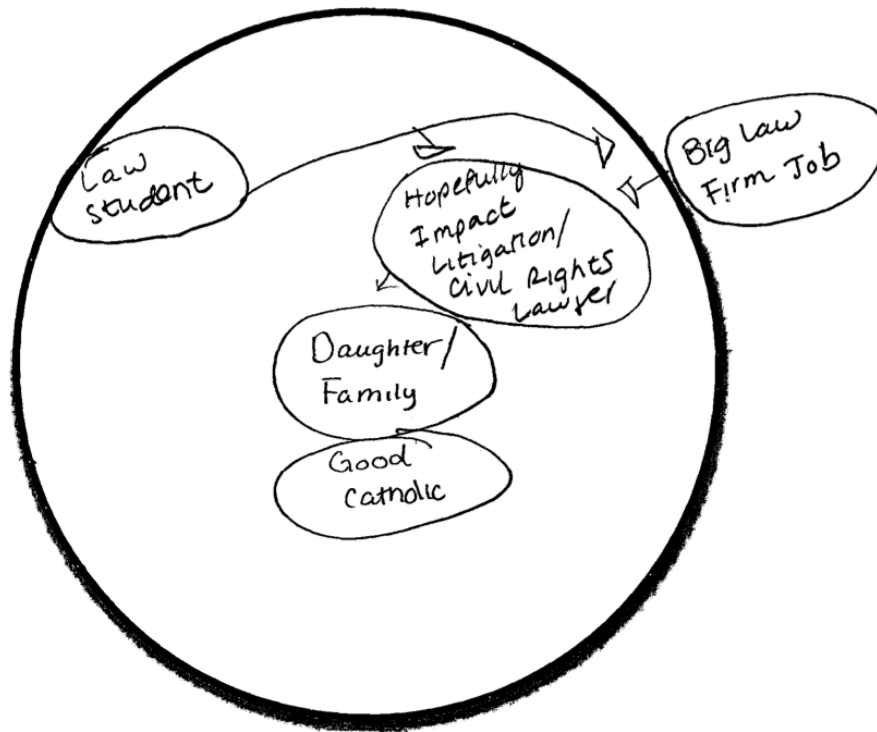
As evident in the examples below, this exercise provides visual cross-cultural data as well as helping to open interview discussions of abstract, personal, and somewhat politically sensitive questions about professional identity.

All identifying references have been eliminated in order to maintain participant confidentiality. Respondents have been randomly assigned pseudonyms. For the China sample, these pseudonyms are drawn from a list of common Chinese surnames.

## **U.S. FINDINGS: CONSTRAINED, DIVIDED, AND UNSTABLE PROFESSIONAL SELVES**

This section builds on my earlier-published analysis of how U.S. corporate-lawyers-in-training form professional selves. Here, I concentrate on the civic dimension of professional identity (Sullivan et al. 2007). Many U.S. respondents in my sample entered law school with what I label a cause-lawyering identity profile, where the lawyer role was central in their identity maps and overlapping with personal and political roles. When describing their motivation for attending law school, these respondents emphasized their strong political orientations and the civic and social-change capacities of the legal profession (Stover 1989; Granfield 1992). However, in their second year of law school, those respondents who had accepted positions in elite corporate law firms generally came to locate the lawyer role in a more peripheral position in their identity maps (Bliss 2017) amid accounts of instrumental professional identity. Rather than pursuing a public-interest calling, they described their upcoming positions as primarily motivated by income. See, for example, Sara's identity map from her second year in law school (Figure 1), after she had accepted an internship in a large corporate law firm ("Big Law") that would lead to a post-graduation job at the firm.

Figure 1. U.S. identity map: Sara



After paying down her debt for several years in a law firm, Sara hoped to return to what she labeled in Figure 1, “Impact Litigation/Civil Rights Lawyer.” Notice that the “Big Law” role is completely outside the identity circle. In the interview, she explained that this job lacks public-interest value and does not reflect on her identity. Her “biggest concern” was that she would become “addicted to money” and find it difficult to leave corporate law practice.

This disappointment with the corporate law path was common in the U.S. sample, particularly among students who began law school with public-interest sector ambitions. As these students met elite-firm recruiters during the on-campus hiring program at the beginning of the second year of law school, they often moderated their judgment toward these firms, although some respondents continued to hold profoundly negative views (Bliss 2018, 2010-12). In spite of their reservations, many of these respondents took positions in large firms. Following the acceptance of these job offers, these respondents often adopted a pessimistic view of their upcoming professional identities, as one student concluded: “I don’t even want to be a lawyer anymore. Everything these [large-firm lawyers] do sounds unappealing” (Bliss 2018, 2012).

Students who emphasized a lack of civic calling in corporate law practice generally continued to offer similar accounts in the post-JD interviews (Bliss 2018, 1981). When asked about their sense of professional purpose, these lawyers emphasized ethical contributions to clients and the legal system; however, these contributions often fell far short of their initial expectations for civic engagement. They emphasized political identities and a desire to

contribute to large-scale social, political, and legal reform, but felt that those values were disconnected from their current legal practice. Instead, many of these respondents suggested that their own emphasis on ethical client service was merely a post-hoc rationalization for the decision to “drift” to a corporate law firm instead of starting their careers in public-interest practice settings (Granfield 1992). Thus, one respondent who cited the adversarial professionalism ideal (that “everyone deserves a defense, even corporate clients”) for his decision to work in a large firm quickly clarified: “That’s probably just a justification for myself so I don’t have to feel like a sellout” (Bliss 2018, 2020).

Pro bono opportunities seemed to alleviate some of this disappointment with the civic significance of working in corporate law. Amid the institutionalization of pro bono programs in large U.S. law firms, associates are incentivized to meet pro bono hour targets (Cummings and Rhode 2009). In this process, pro bono coordinators often put great care into matching associates to pro bono cases that suit the individual associate’s values and interests while avoiding “difficult” clients and legal matters (Bliss and Boucher forthcoming). However, respondents’ heavy emphasis on pro bono when discussing their civic contributions was often associated with their underlying view that their service to firms’ paying clients was not socially beneficial.

Some of these frustrations were rooted in *external constraints* on associates’ civic professionalism resulting from their relative lack of autonomy, control over clients, and opportunities for pro bono service. But I also find evidence in the U.S. sample of *internal constraints* on civic professionalism. Some respondents described their legal practice in transactional terms as business careers with primarily remunerative value. Others held onto an image of themselves as cause lawyers and planned to return to public-interest practice after a few years in large firms, but they explained that they had little interest in attempting to express their civic values in large-firm practice. Instead, they had developed “divided selves,” where the performance of a professional role was described primarily as a matter of passing in a corporate law environment until a future date when they could return to a more central professional identity as a public-interest attorney.

Other U.S. respondents seemed to push back against external constraints on civic expression within corporate law practice, proactively seeking out opportunities to engage in, for example, pro bono, diversity, and environmental sustainability efforts. In the same spirit, some respondents emphasized their duty to steer powerful clients toward ethical and socially beneficial behavior. These bottom-up efforts from young lawyers may influence their firms’ continued priority on pro bono and corporate social responsibility. Indeed, large U.S. firms often cite the civic dimension of corporate law practice as a key ingredient in recruiting and retaining talented young lawyers (Rhode 2009).

U.S. respondents tended to express dissatisfaction with their current placement of the lawyer role, particularly when the lawyer role was located on the far periphery of their identity maps. This desire to move the lawyer role inward was made visually apparent in some of the U.S. identity maps, where arrows and other markings indicated an intention or hope that the role placement would change in the future (see, e.g., Sara’s chronological arrows in Figure 1 above, which express her hope to inhabit a more central lawyer role when she later changes jobs).

Respondents often explained this instability in their professional role alignments as a function of their lack of civic expression and intrinsically rewarding work.

In summary, U.S. corporate lawyers-in-training often struggled fundamentally with a tension between their desire for public-interest outlets and their limited opportunities for such outlets in their daily practice. To some extent this struggle may reflect an inherent tension in the stated American ideals of professional identity, where lawyers are expected to serve as client agents (holding one's own morality in abeyance) while also playing a robust public role as officers of the court and lawyer statesman. This tension is heightened for young corporate lawyers who came to the profession seeking to reform market, state, and legal systems, but who feel that corporate law practice instead reinforces these systems.

For some of these lawyers-in-training, frustration with the limited public-service outlets available in their daily practice can motivate bottom-up efforts to expand civic commitments in the corporate law sector. But these lawyers' experiences of "divided selves" also raise concerns about job satisfaction, mental health, and the pipeline into these firms (Bliss 2017). This sense of constrained civic expression emerges from my analysis as a defining feature of the lived experience of civic professionalism among many U.S. corporate-lawyers-in-training.

## **CHINA FINDINGS: INTEGRATED, PRAGMATIC, AND STABLE PROFESSIONAL SELVES**

The Chinese respondents did not generally present the tension with professional identity found in the U.S. sample. 90% of the Chinese respondents located the lawyer role in what I coded as a central and integrated cluster in their identity maps (27 of 30 respondents). Only 17% of U.S. respondents who completed one or two identity maps located the lawyer role in a central cluster in any of their maps (6 of 35 respondents). The Chinese maps were more stable than found in the U.S. sample. When asked whether they hoped the roles in their identity maps would move in the future, Chinese respondents generally expressed satisfaction with their current role alignments. This stands in sharp contrast to the unstable and dissatisfied professional self-portraits in the U.S. sample. Among the multiple interpretations of this variation, respondents in both the U.S. and China samples emphasized their relationship to the civic dimension of professionalism. In contrast to the U.S. experience of frustrated civic self-expression, the China sample was largely satisfied regarding their degree of civic engagement. Chinese respondents offered a far more optimistic view of the public contributions of corporate law practice. In this section, I break down Chinese respondents' accounts of civic professionalism into contributions to clients, the legal system, and society (Heineman et al. 2014). I then discuss how these respondents described their internal constraints on civic expression.

### **i. Contributions to Clients**

In the recent Chinese context, scholars suggest that the professional responsibility principles of neutrality and partisanship are filtered through the "socialist rule of law," which requires that lawyers "serve the interests of the state above all else" (Michelson 2006, 30). According to the 1997 Lawyers Law, lawyers are not liable for opinions rendered as a client's agent. In practice, however, Chinese lawyers can run the risk of personal liability, especially

when representing politically controversial clients (Liu and Halliday 2016). Young corporate lawyers in Shanghai may be somewhat exempt from these political interferences with client loyalty. When asked about their relationships to clients, respondents consistently described notions of neutrality, fiduciary duties, and confidentiality standards. My methods do not give me access to actual relationships between these lawyers and their clients. Furthermore, young Chinese associates in foreign firms in particular have little contact with clients (Bliss forthcoming). However, the consistent inclination of respondents in the China sample to elaborate on client-centered legal ethics suggests sincere engagement with these values.

Chinese respondents generally downplayed the notion of governmental oversight in their daily practice. Guo, for example, explained the marginal role of the Party cell in his firm as follows:

We have a party cell (党支部) . . . the head of [the Party cell] is an office manager and is not very powerful. She doesn't care about politics . . . . The Party cell is not very active. Having a party cell is just to comply with the legal requirement.

This lack of concern about political risks was also evident in respondents' approach to the research interviews. Given the scholarly and media reporting on repression in the Chinese bar, it is perhaps surprising that all but one Chinese respondent consented without hesitation to being recorded for the research interviews. These respondents generally skimmed the Chinese-language consent document and promptly signed. Unlike cause lawyers in China, who are subjected to "unpredictable flashes of repression [that] instill fear and amplify silence," Chinese corporate lawyers appear to carry out their professional obligations to clients (or at least to conceive of such obligations) without a great deal of concern about governmental oversight (Stern and Hassid 2012, 1231). More generally, previous research has suggested that Chinese lawyers' experiences of political and state supervision are contingent on their practice settings (Stern and Hassid 2012, 1245).

## ii. **Contributions to the Legal System**

In their discussion of client service, the Chinese respondents generally included broader considerations of their duties to the legal system. Wu, for example, expressed his faith that client-centered practice is vital to the legal order: "You have to put aside your personal values to be a good lawyer, and in this way justice as a whole will be served." While the Chinese respondents emphasized some challenges in setting aside personal values, they strongly prioritized their commitment to contributing to the healthy functioning of the legal system. Hu explained:

Within the limits of the law, I would like to add my personal values to the legal advice I give to my clients. However, of course I would not twist what the law really means and tell the client the version of the law that I wish existed.

Although I did not ask questions specifically dealing with corruption, several Chinese respondents mentioned their desire to counteract corruption in the legal system, as Huang explained: "Most lawyers in my firm feel that they have a role in reforming law...by interacting

with judges in non-corrupt ways.” Some of these comments specifically cited a commitment to eschewing *guanxi* (reciprocal relationship networks). Following the privatization of the bar in the 1990s, scholars suggest that “lawyers’ individual-level *guanxi* helped fill the void left in the wake of retreating organizational-level support . . . by mobilizing microlevel political connections” (Michelson 2007, 353). On this point, several respondents in this study distinguished Shanghai’s cosmopolitan corporate law practice as an exception to China’s generally relationship-based legal norms. Qian explained: “Shanghai is very advanced in the rule of law (法治); however in many other areas of China, it’s usually rule by people (人治) rather than rule of law.” While this study does not provide empirical evidence of whether these respondents are accurate in their assessment of the Shanghai bar’s distinctive commitment to the rule of law, it is important to note here that these respondents often included concerns for the legitimacy of the legal system within their conceptions of professional identity. Generally, these lawyers did not appear to be advocating liberal rule-of-law reforms, but rather incremental improvements in the daily functioning of the current system.

### iii. Contributions to Society

In contrast to the common perceptions among U.S. respondents that corporate law firms provide little public-interest value, the China sample presented a far more salutary sense of their civic engagement, emphasizing contributions to national economic development. In the interviews, these lawyers’ initial responses to questions about their professional goals (职业目标) and the purpose of lawyers in society (律师的目的) did not generally begin with statements on broad public contributions. They most commonly began by saying that they aspired to be successful as lawyers. However, most of the Chinese respondents were expansive when prompted with the question: “How important is it to you to make a public contribution?” (为社会做贡献对你有多重要?) The elaborate and elevated ideals expressed in response to this question revealed that these lawyers had previously reflected on these issues to a great extent. For example, Li explained:

[Lawyers help] to resolve society’s contradictions (社会矛盾) and promote the development of business for the benefit of the economy, and to promote the perfection and development of law.

Li further emphasized that Chinese lawyers have a distinct capacity to contribute not only through their daily practice but also through legislative work: “Chinese law feels very incomplete. Not everything has specific regulations. Lawyers can participate in drafting and interpreting laws drawing on their legal experience.”

Developing the national economy was the primary focus of respondents’ claims to public contributions. These comments often specifically cited the international economic relations facilitated by Shanghai corporate law offices. The China sample was near unanimous in expressing the belief that, as one respondent phrased it, “the globalization of the economy is good for the country.” Some respondents pointed to the work of more senior corporate lawyers in their own firms and similar firms, who constitute the first generation of the modern private bar. Respondents credited these senior attorneys with paving the way to the reform and opening up (改革开放) of the post-Mao economy, including the emergence and radical expansion of the



middle class. These reflections locate respondents' work in a patriotic tradition supporting China's ascension as a world power, although respondents were often quite modest about their current contributions as junior attorneys. Zheng explained: "I would not say that my work makes a great contribution to society, but I do think that business lawyers in general are helping to improve the economy... [which is] the most important issue for our country."

This emphasis on supporting the economy is well aligned with state policy and with the Party's longstanding claim to legitimacy on the basis of sustained national economic growth. But respondents consistently clarified that their support of the economy was conducted in a manner that distinctly reflects the values of the legal profession in contrast to the contributions of other corporate professionals. These accounts underscored the professional obligations of lawyers to supervise clients' behavior, as Wu explained:

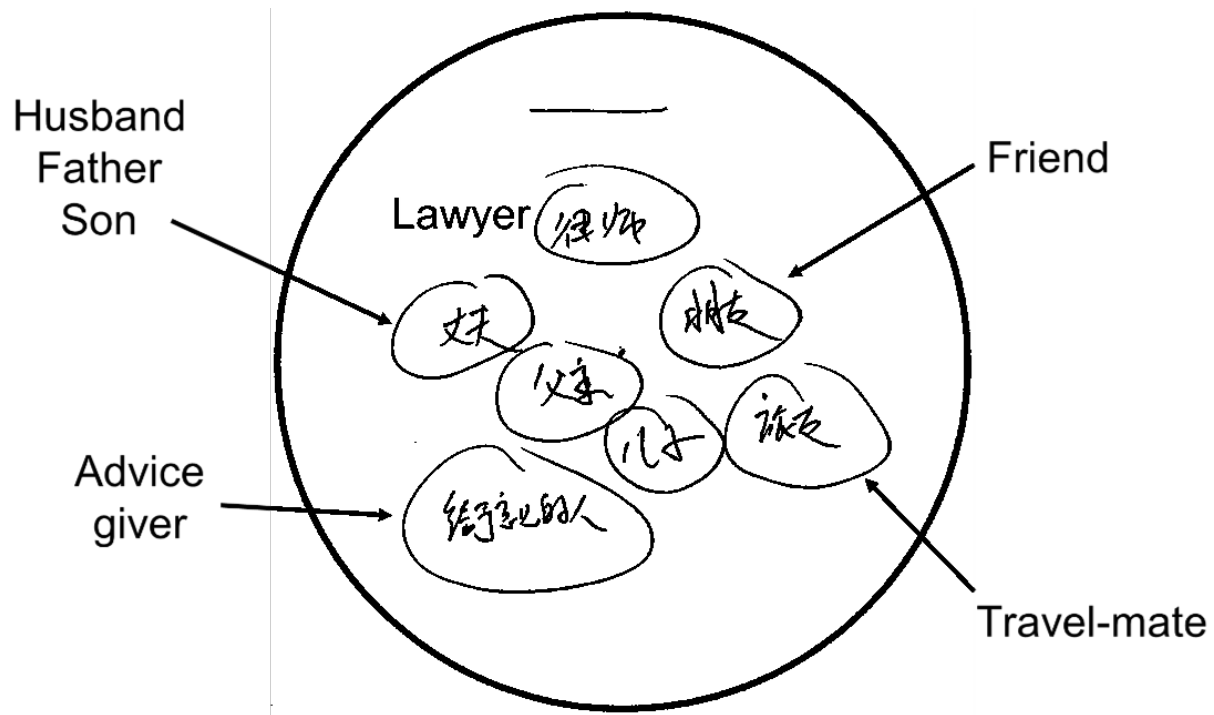
Business people are driven more by profit and willing to do unlawful things for profit. But lawyers have to look out for the bottom line and the risks. Thus, lawyers make sure that business people conduct themselves in a lawful manner, while supporting their financial interests as well.

When asked about pro bono practice, most Chinese respondents explained that pro bono was an important component of lawyers' obligations to society. These accounts emphasized future contributions, as young associates had few pro bono opportunities in their current positions. Depictions of pro bono varied between domestic and foreign firms. Domestic firms are legally required to take pro bono cases assigned to them by local bar associations. Some respondents were aware of these requirements, but suggested that other lawyers in their firms handled pro bono matters, in particular lawyers specializing in litigation, senior partners who take high profile cases to gain prestige and political favor, and lawyers in flagging practices. Pro bono may also be employed as a strategy in times of "organizational slack," when firms have spare resources and personnel (Sandefur 2007).

In contrast, foreign firms in China are not legally permitted to represent clients in paid or pro bono capacities. Nevertheless, these firms generally have corporate social responsibility initiatives that reflect their international pro bono commitments. Such charitable contributions and volunteer work are common in domestic firms as well, constituting a "Chinese-style pro bono" (Dong 2016). One domestic-firm respondent described his firm's efforts to provide clothing and education to rural children. Another respondent was working with her domestic firm on a program to provide goats and calves to farmers. Three foreign-firm respondents described rendering pro bono service on behalf of foundations and non-governmental organizations. Yet, most Chinese respondents explained that their firms did not prioritize charitable work.

While formal pro bono opportunities were relatively uncommon, Chinese respondents frequently described providing informal pro bono services to family and friends throughout their extended social networks. Because there are still relatively few lawyers in China, respondents found themselves in great demand. For example, in Zhang's identity map below, he described one of his core constitutive roles as being an "advice giver" (给予意见的人) for clients and for his broader community.

Figure 2. Chinese Identity Map: Zhang



Zhang explained that providing pro bono legal advice for a great many people in his life is a professional responsibility integrated into his sense of lawyer identity:

Because I practice labor law, many friends call me up with questions that deal with law. When I'm not busy, I'll give them advice. Maybe it is different from the United States. People around here, if they hear you are a lawyer, or if they know a person who knows you, they will directly give you a call. This kind of situation is common, where it is a friend of a friend. If it is not too distant of a connection, I usually can help them out.

In these accounts of "informal pro bono" (Mather et al. 2001, 138-56) or "de facto pro bono" (Rhode 2005, 135), respondents typically emphasized a sense of personal obligation to their family and friends. Often, however, these young attorneys noted that they lacked the legal skills to help with many of the pro bono issues they encountered. This concern generally suggests a mismatch between their training in international corporate law and the legal needs that arise in informal pro bono matters. One respondent explained:

Especially if it is older people [who are asking for legal advice], they do not know anything about specialization in the legal profession. Most of the work I do is international law, business law, contract law, but most of what they ask me about is divorce law, criminal law. I do not understand those areas.... I can just know some basic legal principles. I can tell them, "Law is like this...." But there is a big difference between the theory that I learned in school and the practice that they need. I usually tell them they should really look for a more specialized lawyer....

If I have time I can help them look up legal information. But if I don't have time I can recommend a more specialized lawyer.

This emphasis on volunteer practice, even when respondents acknowledged limitations on their effectiveness in providing pro bono services, suggests an internalized sense of civic duty and engagement.

Nine of the 30 Chinese respondents stated that they hoped to find opportunities to engage in rights protection (维权) cases later in their careers. These lawyers may find such opportunities in the future. While popular media accounts often emphasize the small cadre of committed cause lawyers in China, public-interest legal causes in China are perhaps more commonly served by attorneys who take these cases on an occasional or part-time basis (Givens 2013). When asked about their perceptions of full-time activist lawyers, respondents often expressed admiration for these lawyers' personal risk-taking, but suggested that their tactics and large-scale reform goals are not realistic or pragmatic. Instead, the China sample generally recommended that lawyers make smaller-scale, incremental public-interest contributions working within the current system.

#### iv. **Internal Constraints on Civic Professionalism**

Although Chinese respondents emphasized their civic contributions in corporate law practice, they also generally acknowledged that these contributions were very moderate. For example, Qian suggested that she highly prioritized civic values in her work, but she offered a very narrow view of her impact on society: "My main contribution is to share expertise with clients and young lawyers." Tang explained that rather than seeking to change law, lawyers should strive to improve the functioning of the legal system: "The most important role for lawyers in society is to inform people of the law."

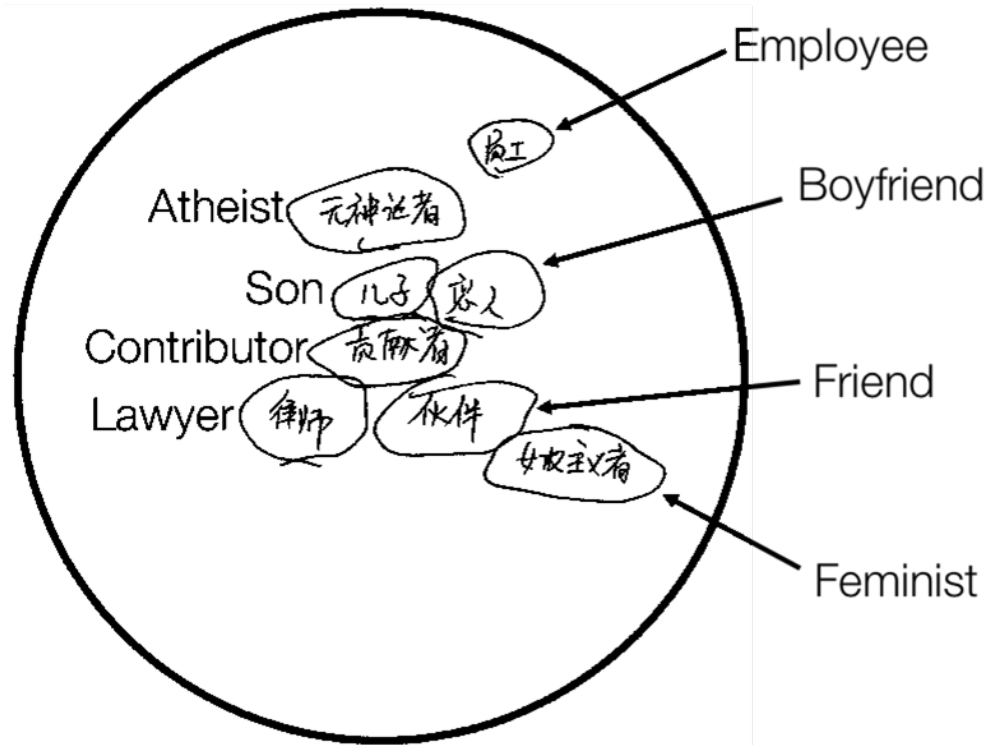
These narrow conceptions of civic impact, wherein lawyers share expertise and inform people of law, are not only shaped by *external constraints*—associates' lack of autonomy within their firms and the broader lack of lawyer autonomy in the Chinese national context. These accounts also suggest *internal constraints*, whereby young lawyers do not robustly push back against limits imposed by the firm, the profession, and the state. Chinese respondents generally reported feeling satisfied with their degree of civic engagement. They characterized this incrementalist approach to civic professionalism in *pragmatic* terms as an affirmative strategy for moderately developing the legal system and national economy. These themes can be illustrated through the example of Hu. As quoted at the beginning of this article, Hu expressed a particularly strong and broad commitment to his public contributions:

The value of my existence (存在的价值) depends on how much contribution I can make to others, or to the society, or to the whole human race. This probably is my core identity (最核心的身份) . . . All other roles are just an extension of this core role as a *contributor* (贡献者)."

Hu explained that being a contributor was his top priority in shaping his legal career, and that his corporate law position was the best vehicle for these civic aspirations, noting: "I will change jobs if another job allows me to make a greater contribution to society." This

commitment was reflected in the centrality of the role labeled “contributor (贡献者)” in his identity map (adjacent to and slightly overlapping with his “lawyer” role) (Figure 3).

Figure 3. Chinese Identity Map: Hu



Over the course of the interview, Hu narrowed this notion of civic contribution, clarifying that he does not seek to change society: “As a lawyer, the core of what we can do is [promoting] the rule of law. But of course I am not a radical activist (激进的行动者).” This notion of promoting rule-of-law within the current system may reflect what many Chinese respondents characterized as a pragmatic stance on the value of non-radical legal practice in a context where lawyers generally have limited public impact. Later in the interview, Hu’s initial strong emphasis on civic contribution seemed to waver:

*Interviewer:* Can you talk about your sense of purpose as a lawyer?

*Respondent:* If being a successful lawyer counts as a sense of purpose, then I’ll say that.

*Interviewer:* Anything else? For example, what is the connection between being a “contributor” and your career goals?

*Respondent:* Contributor, this, umm, maybe it is, not that I, because . . . contributor is a broad idea, so it is not that you have an exact purpose that I want to be a contributor. It is an element hiding in the background (一个隐藏在后面的因素) when I engage in “decision making” [spoken in English]. . . . Maybe this is not an “exact purpose” [spoken in English].

*Interviewer:* Do you have a broader sense of career purpose?

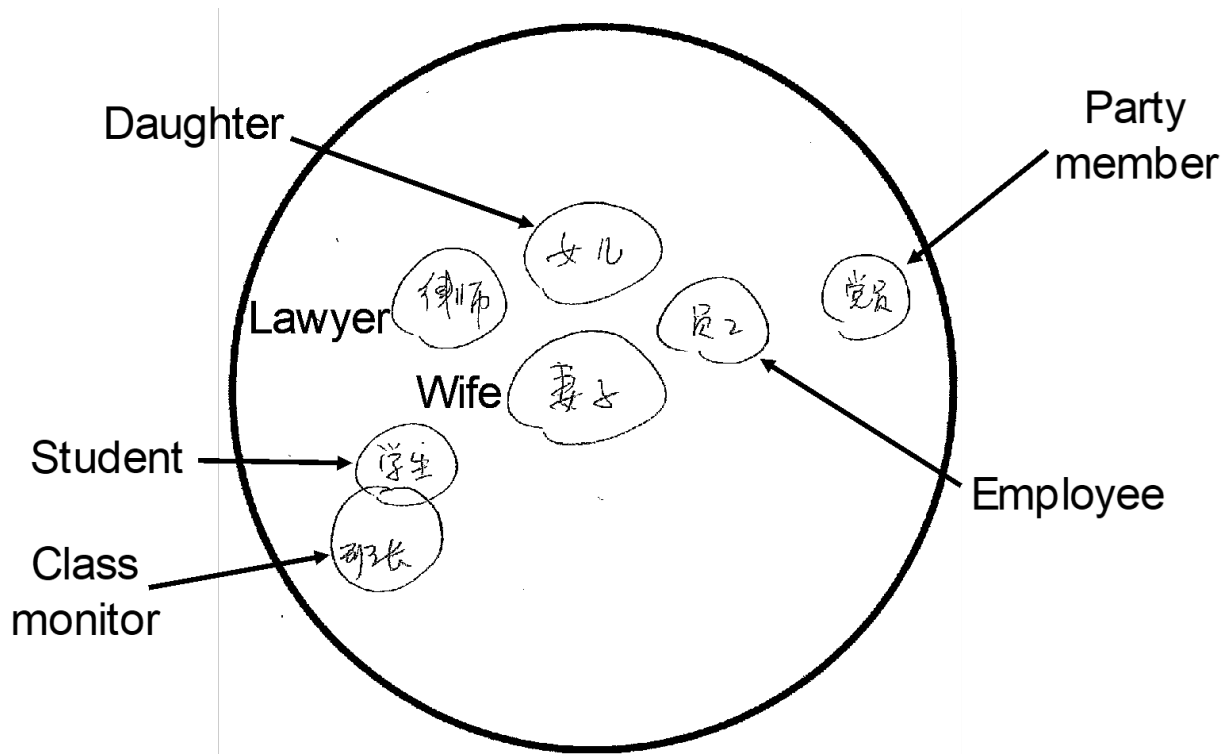
*Respondent:* A broader career purpose? [12 second pause] Perhaps all I can see now is becoming a successful lawyer. (可能目前我能看到的就是做一个成功的律师)

Following the long, twelve-second pause near the end of this excerpt, Hu's narrative of public contribution appeared to collapse. In a resigned tone ("Perhaps all I can see . . ."), his turn to a careerist interpretation of professional purpose ("becoming a successful lawyer") suggests a narrow conception of civic motivation.

These internal constraints on civic expression were in some cases tied to respondents' disinterest in politics. Only 14% (4 of 30) of the Chinese maps included what I coded as political terminology. These roles were labelled party member, feminist (twice), and contributor (from Hu's map, cited above). While they did not generally identify with political roles, the Chinese respondents did tend to identify with the positive (but moderate) political significance of their work as corporate lawyers. In the U.S. sample, political terminology was much more common under labels such as "Democrat," "Republican," "politics," "activist," "social justice." U.S. respondents generally reported that their political identities found little expression in corporate law practice. In contrast, the Chinese sample generally reported finding satisfactory expression of their moderate political goals.

The relative unimportance of politics in the China sample is reflected in Qian's identity map below. Although Qian is one of the few respondents to report party membership, she located the "Party member" role on the periphery of her identity map.

Figure 4. Chinese Identity Map: Qian



Qian estimated that there were only ten party members in her firm’s office of roughly 100 lawyers. This lack of party engagement was explained by Qian as follows: “Young people are not very interested in joining the Party. Law firms do not care about [party membership].... You have to pay the fee, just a few RMB to join meetings [of the firm’s party cell].” Another respondent explained: “Party members are all technically included in the Party cell, but you are allowed to not disclose that you are a Party member so that you do not have to pay the fee.” Furthermore, no respondents mentioned membership in a Party youth league (共青团), whose more than one-hundred million members range from ages 14 to 28. Just as Chinese respondents generally did not prioritize involvement with the Party, they also expressed little interest in strong anti-establishment politics (or at least they did not share such views in the interviews).

In sum, respondents in the China sample seemed committed to an affirmative, pragmatic account of civic professionalism. They emphasized their roles as public contributors who serve clients ethically, provide pro bono service, and advance the development of the economy and moderate improvements in the legal system. These contributions were consistently framed in state-aligned terms without liberal connotations of promoting democratic reforms, professional independence, and moderating state power. While these respondents described an unexpected sense of civic purpose in their careers, they did not appear to struggle against external constraints on the expression of these civic ideals in practice. Instead they reported centrally integrated and stable professional selves.

## DISCUSSION

In the U.S. context, I find that many respondents bristled against constraints on the expression of their civic ideals in corporate law practice. In contrast, Chinese respondents tended to present a central and civically invested professional self. The Chinese corporate-lawyers-in-training framed these public contributions in moderate terms. Rather than struggling against external constraints on civic expression, these lawyers generally appeared to adopt an affirmative sense of civic purpose in their work without the associated frustration and role distancing found in the U.S. sample.

The brand of civic professionalism found among the Chinese respondents likely draws on a combination of domestic and foreign influences. These lawyers' experience professional socialization against a backdrop of foreign firms, foreign law, foreign clients, foreign LLM education, foreign media images of lawyers, and foreign language. In the research interviews, this global context was reflected perhaps most prominently in respondents' regular use of English terms in otherwise Mandarin conversation, as evident in the interview excerpts throughout this article. When I asked respondents about this practice, they consistently explained that they were not using English terms for my benefit as a non-native Mandarin speaker, but rather they were following the everyday linguistic norms of their offices. Their English terms covered multiple areas of professional life including law firm structure (e.g., "founding partner"), practice (e.g., "conflict of interest"), business (e.g., "mutual fund"), and career considerations (e.g., "work-life balance"), in addition to grammatical and casual words (e.g., "basically"). For some legal terminology, respondents explained that they did not know the appropriate Chinese words, or that the English terms were what came to mind first.

Yet, my findings suggest that these international influences in the Chinese corporate bar should not be exaggerated. Chinese respondents portray a model of civic professionalism that is distinct from the U.S. model. Even in the transnational corporate law sector, recent scholarship suggests that the arrival of foreign law firms in China does not entail the transplantation of a homogeneous global legal profession or the rise of "boundless connectivity" across national boundaries and legal systems (Stern and Li 2016, 22; Liu 2008). Instead, the foreign-firm presence in China largely consists of relatively small outpost offices that are often unprofitable but serve a global branding function for multinational firms (Stern and Li 2016). Furthermore, Chinese lawyers may outwardly present signs of American-style professionalism in symbolic compliance with global norms while concealing local dimensions of legal practice (Liu 2008). This continued divergence in the U.S. and Chinese legal professions is not only evidenced by Chinese lawyers' resistance to U.S. transplantation efforts, but also by Chinese innovations, including firms that are moving away from collegial partnerships (Liu and Wu 2016).

My findings of cross-national variation in civic professionalism likely reflect country-specific understandings of how professions function within a political order. U.S. professions are tasked, under the traditional framework, with providing an independent source of public benefit as a complement to and check on the power of the state. Thus, professional socialization serves to inculcate lawyers with commitments to serving the public-interest in a bottom-up collective manner. In these respects, the Chinese system differs fundamentally. Rather than an alternative to the state, professions are folded into the state in explicit loyalty to and supervision by the

Chinese Communist Party. Recent Party initiatives have sought to socialize lawyers in a “positive, affirmative vision of political participation” that is closely aligned with state programs and ideologies (Stern and Liu 2020, 228). The economic value that corporate lawyers bring is paramount in the state’s priorities, as the Party’s claim to legitimacy has largely relied on three decades of sustained national economic growth. Furthermore, the Party’s legitimating narratives have recently taken a “turn toward law,” celebrating and moderately strengthening legal institutions, even while consolidating centralized power (Zhang and Ginsburg 2019). These domestic mandates may help to explain why U.S. respondents struggle against constraints on civic expression while Chinese accounts are more enthusiastic about moderately promoting economic and legal development.

These findings push back against the notion of an increasingly homogenized global professional identity among lawyers, and more specifically the image of a far-reaching diffusion of American ideals to the Chinese corporate bar. The divergence between U.S. and Chinese accounts suggests that civic professionalism should not be viewed as the exclusive domain of liberal legal-political contexts. Instead, my findings point toward distinct U.S. and Chinese modes of inhabiting the lawyer role.

The lived experience of civic professionalism in the U.S. sample may be frustrating and deleterious for the wellbeing of some young lawyers. Many of these respondents’ accounts of role distancing and disappointment in corporate law as a “sellout” career may contribute to the large-firm sector’s well-documented struggles with job satisfaction, intrinsic work motivation, and mental health (Dinovitzer 2004; Sheldon and Krieger 2014). The Chinese respondents appeared to express greater intrinsic motivation, professional role centrality, and satisfaction with their civic contributions. These lawyers’ claims that their work incrementally improves the legal system are supported by the mandate of the Chinese legal profession to reinforce state legitimacy. Given this context, it is not surprising that many of these lawyers take a favorable view of their roles as civic professionals.

This cross-national variation in the formation of professional identity may suggest country-specific constraints on lawyers’ ability to impact the public interest. In the U.S., detachment from the professional role can reflect inherent tensions in the profession’s ideal image of lawyer identity, where the lawyer is expected to serve as a client agent while also playing a robust role in legal and political development. This tension can lead lawyers to disinvest from the civic dimension of their roles as corporate lawyers, and instead focus on exit strategies to find a practice setting that offers more direct opportunities for public service. But this frustration can also manifest as a bottom-up tension that can (in some cases) be productive for promoting commitment to public service, particularly in large U.S. firms where young attorneys have opportunities to shape pro bono practices. Thus, although an unstable and constrained professional identity may raise troubling accounts of professional detachment, it may also be associated with young lawyers’ proactive efforts to find and create civic engagement within their firms.

The China sample’s more stable and integrated conception of civic professionalism could be read as acquiescence to Chinese lawyers’ marginal role in the authoritarian order. These respondents do not appear to urgently seek greater civic expression in their careers. The relative



absence of identity tensions in the China sample may suggest inertia in bottom-up movements for reform via young lawyers. But this moderate approach to public-interest engagement could instead be characterized as a pragmatic brand of civic professionalism, which promotes incremental reforms in a context of heavy external constraints. This state-aligned understanding of civic professionalism is perhaps central to what it means to be an effective public-regarding lawyer in an authoritarian state. In this context, the professional self is stable, not struggling to make dramatic shifts in one's own self-concept or in the legal-political order. These lawyers instead adopt a patient optimism that reflects state signals about the profession (Stern and Liu 2020, 242). They are perhaps a very moderate version of what Abel and Lewis (1989, 19) described as "loyal opposition" lawyers who take a conservative approach to reform "within strict limits." Thus, although this moderate view of civic professionalism may serve state interests, it is perhaps also an effective strategy for reform in a system where lawyers are generally marginalized.

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