ABSTRACT

Using data from a national survey we conducted in 2009 of about 1,500 lawyers and non-lawyers working in China’s legal system, we measure the political values of Chinese lawyers, compare them to various reference populations, and identify some of their sources. We find that, on the whole, Chinese lawyers are strongly inclined toward political reform, attach far greater importance to political rights than to economic rights, and are profoundly discontented with the political status quo. The extent of their political discontent and aspirations for political rights and reform are extreme compared to (1) the general Chinese population, (2) other actors in China’s legal system, and (3) citizens of over 40 different countries. However, we find that Chinese lawyers are not intrinsically predisposed to politically radical values. Rather, their politically radical values are explained in large measure by their economic and institutional vulnerabilities, including deadbeat clients who fail to pay their legal fees, exploitative employers who fail to support their professional work and to protect their social security, and, above all, state actors who interfere with and obstruct their work. In the absence of these sources of vulnerability, Chinese lawyers’ political values are no different from those of the general Chinese population.

* We thank Jianling Jiang and Huiguo Liu for their help with survey preparations and Lily Liang for her editorial assistance. Above all, we are grateful to all the people who participated in the survey whose time and trust made this research possible.
Searching for vanguards of political reform in China has become a veritable cottage industry among social scientists. Scholars have identified—and disagree about—various sources of popular sentiment in Chinese society supportive of democracy. Regarding China’s incipient middle class, some argue its members are, on the whole, conservative, while others argue the opposite.¹ On the whole, the political values and aspirations of the Chinese middle class appear from survey data to be at least as incoherent as they are unified.² With respect to their political values, differences between China’s “lower” and “middle” classes, which are inconsistently defined using competing occupation and income criteria, are statistically marginal and difficult to interpret.³

A separate body of research suggests that the way out of this analytical morass is to disaggregate the middle class into its constitutive elements. More narrowly focused research on specific social groups brings into high relief the limitations of conceptualizing and analyzing the middle class as a monolithic entity. The “middle class,” taken as a whole, obscures internal variation as much as it illuminates internal commonalities. For example, business entrepreneurs appear to be generally politically conservative, whereas support for democratic political reform


appears to arise from intellectuals, homeowners, students returning from overseas, and Internet users, or “netizens”—groups that do not always map neatly onto income strata or occupational categories.4 We thus eschew approaches to the study of attitudes that lump together disparate social groups. We instead borrow and build on the “microclass” approach within sociology in which the operative unit of analysis is the occupation rather than the “big class.” Research in this tradition suggests that attitudes and values are shaped by specific occupational experiences more than by socioeconomic outcomes.5

Our aim in this chapter is to use the case of lawyers to contribute to the growing body of research on specific component parts of Chinese society that, taken together, help constitute the middle class. More specifically, we assess the extent to which lawyers, as a part of China’s emerging middle class, want political change. Chinese lawyers have grown dramatically in number from only a few thousand shortly after their revival in 1979 to almost 150,000 in 2007.6 However, recent reports suggest their thirst for political reform is disproportionate to their still-small population.7 Using data from a national survey we conducted in the summer of 2009 of

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about 1,500 lawyers and non-lawyers working in China’s legal system, we assess more thoroughly and rigorously than has been done previously the political values of Chinese lawyers. We measure the political values of Chinese lawyers, compare them to various reference populations, and identify some of their sources.

We find that, on the whole, Chinese lawyers are strongly inclined toward political reform, attach greater importance to political rights than to economic rights, and are profoundly discontented with the political status quo. At the same time, their politically radical values are explained in large measure by their economic and institutional vulnerabilities, including deadbeat clients who fail to pay their legal fees, exploitative employers who fail to support their professional work and protect their social security, and state actors who interfere with and obstruct their work. The lawyers who express the most politically radical values are those who are most vulnerable and exposed to these sources of trouble, and therefore at the greatest risk of professional failure. In the absence of these sources of vulnerability, Chinese lawyers’ political values are no different from those of the general Chinese population.

We conclude that Chinese lawyers’ commitment to radical political reform is probably unstable and unlikely to be politically consequential insofar as their overriding priority is to protect and enhance their livelihood. Our findings suggest that their palpable discontent with the political status quo and the importance they attach to political rights and political reform stem less from ideological commitments and more from their desire for institutionalized protections against the sources of vulnerability that compromise their legal practice.

Survey Data and Key Measures

We analyze data from the China Legal Environment (CLE) Survey, a survey we conducted in the summer of 2009. The high rate of Internet usage among Chinese lawyers was the premise that motivated our decision to conduct an Internet survey. Halliday and Liu, for example, have documented the popularity of electronic message boards among Chinese lawyers as a means of sharing information and airing grievances.\(^8\) We collected email addresses from all of the profiles of registered users of four popular electronic messages boards frequented by Chinese lawyers: www.acla.org.cn/forum/; www.fl168.com/; www.chinalawyer.org.cn/; and www.law-lib.com/. Because registered users on the four websites from which we collected email addresses also include non-lawyers, our sample includes other actors in the legal system, including judges, prosecutors, and law school students and faculty, as well as a few hundred spectators who work outside the law and who thus do not belong to the legal system.

After eliminating redundant email addresses, and after identifying and consolidating multiple email addresses attached to unique users, our database contained email addresses of 17,276 users. We sent out survey invitations and administered the survey on SurveyMonkey.com (using its alternate URL, Surveymk.com). Each survey invitation contained a unique hyperlink to the survey. We were thus able to track respondents, limit the survey to people we targeted, and prevent people from submitting multiple questionnaires. We launched the survey on July 2, 2009 and closed it on October 4, 2009 (Beijing time).

SurveyMonkey.com reported that 2,660 of the original 17,276 email addresses in our database were “hard bounced,” or invalid. Of the remaining 14,616 users with seemingly valid email addresses, 2,335 responded, yielding a response rate of 16%. However, the true response rate is undoubtedly much higher for at least two reasons. First, despite our efforts to consolidate email addresses among unique users, some individual respondents reported receiving invitations at multiple addresses. Second, invalid email addresses were undoubtedly far more numerous than the 2,660 reported by SurveyMonkey.com.

Of the 2,335 people who responded to our survey invitations, 1,511 identified themselves as members of the legal system. The remaining 824 individuals either refused to participate in the survey after reading the study information sheet (63), refused to identify their occupation (239), or identified themselves as working outside the law (522).

We should address inevitable concerns about sampling bias. Lawyers eligible to receive our survey invitation, and, among them, lawyers who actually participated, may not represent the true population of lawyers. However, given that many Chinese lawyers work independently of their firms and officially published rosters of lawyers contain law firm contact information but not that of individual lawyers, coupled with the fact that such rosters are far from nationally comprehensive, alternatives to an Internet research design offer no obvious advantages. Overall, the benefits of conducting the survey via the Internet—namely, vastly greater geographical coverage at a tiny fraction of conventional survey costs—far outweigh the limitations of this research design. The geographical diversity of our sample is perhaps unparalleled in Chinese survey research: Our sample includes lawyers in every province, autonomous region, and centrally-administered city. Lawyers reported themselves to be in 194 cities; respondents of every stripe (i.e., lawyers and non-lawyers) self-reported from 244 cities.
Although it is not a probability sample (i.e., not every member of the Chinese bar had an opportunity to be included), our sample of lawyers is representative of the true population of lawyers in at least two respects. First, the geographical distribution of the 1,019 full-time lawyers who supplied geographical information is almost perfectly correlated ($R=.92$) with the geographical distribution of the 114,253 full-time lawyers in the true population in 2005. Second, the proportion of lawyers who are Chinese Communist Party (CCP) members in our sample (27.5%) is practically identical to the proportion of the true population (27.3%). However, our sample of lawyers appears to underrepresent women. Whereas the true population of lawyers was 15.8% female in 2005, our sample of lawyers is only 11.3% female.\(^9\)

Using complex skip patterns, we tailored the instrument to respondents according to their occupations. That is, not every respondent was asked the same set of questions. We first identified members of the legal system (“Are you a legal service provider?”). All survey participants, members and non-members of the legal system alike, were asked about their class status, educational background, and political values. Members of the legal system, lawyers and non-lawyers alike, were also asked a battery of questions concerning lawyers’ professional challenges. Finally, only lawyers were asked specific questions about their professional practice, including their incomes and various dimensions of job satisfaction.

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Class Status

We borrowed measures of class status and political values from the 2005-2007 wave of the World Values Survey.\textsuperscript{10} Because China was part of the World Values Survey, we were able to use preexisting Chinese translations, and thus to make comparisons between the two surveys with a greater degree of confidence. Although our income data are limited to lawyers, we have subjective measures of class status for all respondents. Moreover, because household income is missing in 40% of the 2007 China World Values Survey sample, we would, in any event, still be limited to subjective class measures for purposes of comparison. Our primary measure of subjective class status is the following: “Sometimes people divide themselves into higher and lower classes. To which social class would you describe yourself as belonging?” Response categories include: (1) upper class (\textit{gao ceng}), (2) upper-middle class (\textit{zhonggao ceng}), (3) middle class (\textit{zhong ceng}), (4) lower-middle class (\textit{zhongxia ceng}), and (5) lower class (\textit{xia ceng}).

Political Values

A battery of eight questions from the World Values Survey is the basis of two measures of political values. First, three questions on the importance of \textit{economic rights} plus three questions on the importance of \textit{political rights} are the basis of a measure we term the “extent to which political rights should trump economic rights.” A higher value, reflecting a greater degree of relative importance attached to political rights, implies more liberal political values. Conversely, a lower value, reflecting a greater degree of relative importance attached to economic rights, implies more conservative political values.

Second, two additional questions from the World Values Survey are the basis of a measure we term, the “extent to which democratic aspirations are fulfilled.” This measure is calculated simply as the extent to which the “current level of democracy” falls short of the “importance of democracy.” A lower value, reflecting a lower degree of fulfillment and a greater degree of discontent with the political status quo, implies more liberal political values. Conversely, a higher value, reflecting a higher degree of fulfillment and greater satisfaction with the political status quo, implies more conservative political values.

In addition to the foregoing two measures of political values, we also analyze responses to an additional question in our 2009 CLE Survey: the extent to which “lawyers are inclined toward political reform.” A higher reported level of prevalence implies more liberal political values. Conversely, a lower reported level of prevalence implies more conservative political values. More details both on these key dependent variables and on key independent variables are available from the authors upon request.

Economic Status and Class Identity

Chinese lawyers overwhelmingly defined themselves as middle class. In the China World Values Survey, 43% of respondents identified themselves as “middle class”; if “upper-middle” is also included, then 48% of respondents considered themselves part of the “middle.” Meanwhile, only 0.6% identified themselves as “upper class.” This distribution is very similar to that of the United States, where 47% of all respondents in the 2000-2004 General Social Survey identified
themselves as middle class and only 4% as upper class. Compared to the general Chinese population, Chinese lawyers situated themselves more squarely in the middle class: 55% said they belong to the “middle class”; if the “middle” also includes “upper-middle,” then 70% said they belong to this class. Meanwhile, similar to the World Values Survey, only 0.9% of lawyers said they belong to the “upper class.”

As one would expect, income was considerably higher in the legal profession than in the general population. With respect to perceived income decile, 58% of people in the China World Values Survey sample situated themselves below the fifth decile. By contrast, only 34% of the lawyers in the 2009 CLE Survey situated themselves below the fifth decile. According to the World Bank, the Chinese middle class is defined as a personal annual income in the range of about RMB¥20,000-90,000. An alternative definition of middle class—created by the Economic Research Institute of the Chinese National Development and Reform Commission—includes individuals with an annual income in the range of RMB¥34,000-100,000. By either definition, 84% of Chinese lawyers in our sample were in or above the middle class. Indeed, the median income of lawyers who self-identified as “middle-class” was ¥88,000. If “upper-middle” is included, the median increases to ¥100,000.

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12 The World Bank defines the middle class as people with annual incomes between $4,000 and $17,000 in 2005 purchase-power parity, or international, dollars. The 2006 conversion rate was ¥3.462 per PPP$1, see International Monetary Fund (IMF), World Economic Outlook Database, 2009 (www.imf.org/external/pubs/ft/weo/2009/01/weorept/weorept.aspx?pr.x=41&pr.y=7&sy=2006&ey=2014&sosm=1 &ssd=1&sort=country&ds=.&br=1&c=924&s=PPPX&grp=0&a=). Assuming an annual income growth rate of 11.9%, the World Bank’s 2005 income range corresponds roughly to RMB¥20,000-90,000 in 2009, see Zhongguo Tongji Nianjian 2007, Table 9-2 (www.stats.gov.cn/tjsj/ndsj/2008/html/J0902c.htm).
13 Guo, “Farewell to Class, except the Middle Class.”
Many Chinese lawyers were also doing well by international standards. Of all the lawyers in our sample, 9% reported incomes above ¥500,000, or US$73,000.\textsuperscript{14} Indeed, 25 lawyers in the sample reported incomes of at least ¥1 million (or US$146,000), and five respondents reported incomes of at least ¥10 million (or about US$1.5 million). At the same time, as is the case with the general population, variation in level of education helps explain variation in income among lawyers. Median income among lawyers in our sample with junior college degrees or less, with BA degrees, with MA degrees, and with PhD degrees was ¥50,000, ¥88,000, ¥138,000, and ¥231,000 respectively. According to official government data, 74% of full-time lawyers in 2005 possessed a university degree.\textsuperscript{15} In our sample, almost every lawyer who reported educational data held a BA degree or higher.

In sum, by all measures—income, education, and subjective class identification—lawyers were disproportionately represented in the middle class. Moreover, their overall income advantage appears to have remained stable between 2000 and 2009.\textsuperscript{16}

\textbf{Political Values}

Lawyers’ political values and aspirations were extreme both in international comparison and compared to other members of the legal system. The following is a very small selection of comments volunteered by our survey respondents:

\begin{quote}

\end{quote}

\begin{footnotesize}
\begin{enumerate}
\item\textsuperscript{14} During the period of the survey, the exchange rate averaged ¥6.841 per US$1 (www.oanda.com/convert/fxhistory).
\item\textsuperscript{15} \textit{Zhongguo Lüshi Nianjian 2005}, p. 337. 2005 is the most recent year for which lawyer data disaggregated by province are available.
\item\textsuperscript{16} Income growth among lawyers seems to parallel income growth in the general population. If the average annual rate of income growth of 11.9% in China’s general urban population between 2000 and 2007 corresponds to lawyers’ income growth, then we should expect that Beijing lawyers’ average income of ¥100,000 in 2000 should have compounded to ¥275,000 by 2009. Indeed, according to the 2009 CLE Survey, average income among lawyers in Beijing was ¥261,000. \textit{Zhongguo Tongji Nianjian 2007}, Table 9-2 (www.stats.gov.cn/tjsj/ndsj/2008/html/J0902c.htm); Ethan Michelson, “Unhooking from the State: Chinese Lawyers in Transition,” Ph.D. Dissertation, University of Chicago, Department of Sociology, 2003, p. 336.
\end{enumerate}
\end{footnotesize}
• “The thirst for rights and democracy is far greater among Chinese lawyers than among any other segment of society!” (lawyer, respondent #91164, Henan)

• “Protect every citizen’s freedom and equal rights. Democratic constitutions are the standard (zhunsheng) guiding our actions.” (lawyer, respondent #30954, Jiangsu)

• “I greatly hope China will elevate political reform on its agenda. I greatly hope China can swiftly become a genuinely democratic and rule-of-law society.” (lawyer, respondent #36071, Chongqing)

• “Democracy and rule of law! This is what we pursue!” (lawyer, respondent #63481, Fujian)

• “The rule of law is premised on democracy; rights are premised on the rule of law; rights-defense (weiquan) is premised on rights; and lawyers are premised on rights-defense.” (lawyer, respondent #27619, Henan)

These comments also reflect Chinese lawyers’ conflation of different dimensions of political rights. Even if lawyers in historical and comparative perspective have often pushed for a moderate state (i.e., executive power “counterbalanced by forces outside the state”) but not for democracy, Chinese lawyers in our survey tended to conflate these two sets of political rights.17

The Cronbach’s alpha value (a common measure of internal consistency among multiple measures) for the three items we include in our measure of political rights is .65, meaning they can be meaningfully combined into a single scale. Indeed, Cronbach’s alpha exceeds .60 in 34 out of all 47 countries (with non-missing data) in the 2005-2007 wave of the World Values Survey, meaning Chinese lawyers are no different from most people in the world in their conflation of these two dimensions of political rights.

International Variation

Table 1 shows that, compared to people elsewhere in the world, China’s general population tended to prioritize political over economic rights to a far smaller extent. With respect to our measure of the “extent to which political rights should trump economic rights,” China ranked toward the bottom. This finding supports the argument that Chinese people tend to privilege socioeconomic security over individual political rights.\(^\text{18}\) At the same time, China ranked toward the top of the rankings with respect to our measure of the “extent to which democratic aspirations are realized.” In other words, relative to most people elsewhere in the world, Chinese people tended to be content with the current level of democracy in their country. Although Internet users in China were no different from the general population in terms of the relative importance they attached to economic and political rights, they were less likely to be content with China’s current level of democracy.

Differences between Internet users and the general population in China were, at best, modest. However, differences between lawyers and the general population in China were dramatic. If Chinese lawyers are treated like a country and compared to the populations of other countries, they rank in the top ten with respect to the relative importance they attached to political rights, and near the very bottom with respect to the extent to which their aspirations for democracy are realized. In our survey, Chinese lawyers privileged political rights over economic rights to a similar degree as did people in the World Values Survey samples from Sweden, Norway, Australia, the United States, and Argentina. Likewise, Chinese lawyers’ level of contentment with their country’s current level of democracy was surpassed by every World

Values Survey sample except Georgia, and was not far below Ethiopia, Ukraine, Bulgaria, and Morocco. We can also see in Table 1 that, for the most part, subjective class identification had little effect on our measures of political values and political aspirations. Differences between self-identified members of “lower” and “middle” classes were trivial.

Table 1. China and Chinese Lawyers in the Global Distribution of Political Values

<table>
<thead>
<tr>
<th>Subjective Class</th>
<th>Rank</th>
<th>Mean (95% CI)</th>
<th>N</th>
<th>Rank</th>
<th>Mean (95% CI)</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&quot;Extent to Which Political Rights Should Trump Economic Rights&quot;</td>
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<td>&quot;Extent to Which Democratic Aspirations Are Realized&quot;</td>
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<tr>
<td>A. Location of Full China World Values Sample</td>
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</tr>
<tr>
<td>&quot;lower class&quot;</td>
<td>42/49</td>
<td>0.27 (0.16, 0.39)</td>
<td>782</td>
<td>17/47</td>
<td>77.5 (75.6, 79.5)</td>
<td>637</td>
</tr>
<tr>
<td>&quot;middle class&quot;</td>
<td>43/49</td>
<td>0.28 (0.16, 0.40)</td>
<td>763</td>
<td>18/47</td>
<td>78.4 (76.6, 80.1)</td>
<td>671</td>
</tr>
<tr>
<td>B. Location of Internet Users</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;lower class&quot;</td>
<td>37/49</td>
<td>0.39 (–0.05, 0.82)</td>
<td>69</td>
<td>31/47</td>
<td>68.3 (61.3, 75.2)</td>
<td>62</td>
</tr>
<tr>
<td>&quot;middle class&quot;</td>
<td>46/49</td>
<td>0.20 (–0.10, 0.50)</td>
<td>135</td>
<td>25/47</td>
<td>74.4 (70.5, 78.3)</td>
<td>133</td>
</tr>
<tr>
<td>C. Location of Chinese Lawyers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;lower class&quot;</td>
<td>4/49</td>
<td>1.74 (1.38, 2.10)</td>
<td>233</td>
<td>46/47</td>
<td>46.1 (42.5, 49.8)</td>
<td>241</td>
</tr>
<tr>
<td>&quot;middle class&quot;</td>
<td>10/49</td>
<td>1.63 (1.40, 1.85)</td>
<td>561</td>
<td>46/47</td>
<td>52.2 (50.0, 54.5)</td>
<td>563</td>
</tr>
</tbody>
</table>

SOURCE: 2007 China World Values Survey; 2009 CLE Survey
NOTE: This table presents rankings (in descending order) of all countries in the 2005-2007 wave of the World Values Survey plus two additional groups: (1) Internet users in the China World Values Survey sample and (2) lawyers in the 2009 CLE Survey. Thus, Chinese Internet users are double-counted; they appear in both the “full sample” group and the “Internet users” group. The number of country samples is 45 or 47 depending on whether questions were omitted from country-specific questionnaires. Thus, the total number of groups ranked is 47 and 49 respectively. Details on measures used in the above rankings are available from the authors upon request. Rankings are disaggregated by subjective class identify. “Lower class” is defined as respondents who identified their class status as “lower” or “lower-middle” class. “Middle class” is defined as respondents who identified their class status as “middle” or “upper-middle” class. “95% CI” are confidence intervals: upper and lower bounds containing mean scores of 95% of samples drawn randomly from the same populations.

Variation within the Chinese Legal System

According to our measure of the “extent to which democratic aspirations are fulfilled,” lawyers were more discontented with the political status quo than any other occupational group in the legal system. According to our measure of the “extent to which political rights should trump economic rights,” lawyers’ political values were more liberal than every other occupational group except law school faculty.19 Two additional findings are noteworthy. First, the political values of legal actors as a whole were far more radical than those of the general population as a

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19 Other occupational groups include employees of foreign law firms, basic-level legal workers, employees of legal aid organizations, employees of government agencies, law teaching or research faculty, house counsel in state-owned enterprises, house counsel in foreign or private enterprises, legal consultants, police, law students, patent agents or other intellectual property workers, and employees of mass media organizations.
whole, as well as Internet users. Second, although their overall class status was indistinguishable from that of the general Chinese population, spectators in our sample working outside the legal system attached markedly more importance to political rights and harbored markedly higher levels of political discontent. The reason is simple: many ordinary people who registered as users on the websites from which we collected email addresses did so in search of legal help with a longstanding, unresolved grievance, which often involved a government agency or other public organization. Many of these spectators provided details about their grievances and disappointments.

**Vulnerabilities in Legal Practice**

Our efforts to explain why Chinese lawyers’ values were so liberal relative both to China’s general population and other populaces focus on this group’s sources of vulnerability. Our survey data reflect three primary sources of vulnerability in the Chinese bar: deadbeat clients who failed to pay their legal fees, law firms which provided scant support to—while exacting heavy fees from—the lawyers they employ, and state actors who obstructed or otherwise undermined the work of lawyers.

*Economic Vulnerability Vis-à-vis Clients*

Chinese lawyers experienced difficulty collecting their fees from clients.20 Among all lawyers in the sample, mean and median client arrears were ¥77,000 and ¥13,000 respectively. Lawyers

reporting total client arrears of at least ¥100,000 account for 15% of the total lawyer sample.\textsuperscript{21} Lawyers in our survey were asked to rate the importance of seven factors they took into consideration when deciding whether or not to represent a client. The most important factor of all was “the probability that the client will refuse to pay your fee,” which even edged out “the legal merit of the case” and “the chances of winning the case.” In response to the statement, “Lawyers have trouble collecting their fees from clients”, lawyers in the sample were more than 50% more likely to choose one of the two most “prevalent” categories (33% chose category 4 or 5) than to choose one of the two most “rare” categories (20% chose category 0 or 1).

**Economic Vulnerability Vis-a-vis Law Firms**

Lawyers’ vulnerability vis-à-vis troublesome clients was compounded by the organization of law firms. Although almost all lawyers belonged to law firms, they tended to work independently of their firms. “Most Chinese lawyers ‘eat what they kill’; despite mandatory firm membership, they operate like solo practitioners, solely responsible for finding and representing clients from beginning to end.”\textsuperscript{22} Almost half (46\%) of the lawyers in our sample indicated that they operated entirely independently of their firms (by selecting “In reality I work independently of my law firm.”).

\begin{footnotesize}
\begin{itemize}
\item[21] Unlike income, which refers to the previous year (12 months), client arrears refer to the respondent’s entire career as a lawyer: “In the course of your career as a lawyer, roughly how much are you owed by clients who refused to pay your fee?” The mean value of client arrears is so much higher than the median because the distribution is so skewed. While almost half (46\%) of the lawyers who supplied information reported arrears less than ¥10,000, 9\% reported arrears of at least ¥200,000, and 2\% reported arrears of at least ¥1 million.
\item[22] Michelson, “The Practice of Law as an Obstacle to Justice,” p. 11. Prior to the 2007 revised Law on Lawyers, individual law firms were banned; only a small number existed on a trial basis. Official statistics on law firm ownership in the time since the general prohibition on solo practice was lifted in 2007 are not yet available. The owners of individually-owned law firms are not always solo practitioners. In our 2009 CLE Survey, only two lawyers indicated working alone in individually-owned firms, while 59 lawyers indicated that they were employed by individually-owned law firms.
\end{itemize}
\end{footnotesize}
Lawyers’ independence from their firms is reflected in their remuneration methods. More than half of the lawyers in Michelson’s earlier 2000 lawyer survey reported getting paid exclusively by commission—calculated as a percentage of the business they generated. In a 2007 survey of lawyers in three major cities and five provinces, between 24% and 40% of lawyers in the large cities (Beijing, Shanghai, and Guangzhou) reported getting paid exclusively on a commission basis, while the spread was between 54% and 93% for provincial samples. In our 2009 CLE Survey, 54% of lawyers reported getting paid “mainly by commission.” Another 9% of lawyers in our sample reported making an annual lump-sum payment to their firms. Among the lawyers who reported working entirely independently of their firms (i.e., the lawyers who did not supervise or work with a team of junior lawyers and who received no help or support from their firms with respect to finding and managing clients), the annual amount of money lawyers paid to their law firms in the form of client billings or lump-sum payments averaged ¥131,000 per lawyer.

Not only did they receive little in the way of professional help or support in exchange for the “rents” they paid to their firms, but lawyers also received little in the way of perks and benefits from their firms. Of 12 items lawyers were asked to assess in terms of satisfaction, “the social security benefits supplied by my firm” registered far and away the highest levels of dissatisfaction. Lawyers were more than twice as likely to say they were “very dissatisfied” (32%) with their firms’ perks and benefits than they were with the item generating the second-highest levels of dissatisfaction (“my chances for advancement,” with which 15% of lawyers said

23 Michelson, “Unhooking from the State,” p. 43.
24 We are grateful to Professor Ji Weidong for generously sharing his 2007 survey data collected with the financial support of the Center for Legal Dynamics of Advanced Market Societies, Graduate School of Law, Kobe University, Japan.
25 In 2009 the modal commission rate (% billings kept as income) was 70%. Of all lawyers who reported commission-based income, 30% indicated this level, 15% reported 60%, and 14% reported 80%.
they were “very dissatisfied”). In light of the high costs and negligible benefits of law firm membership, we should not be surprised that 71% of lawyers in our sample who reported working entirely independently of their firms also reported hoping or planning “in the future to take advantage of the provision in the revised Law on Lawyers to establish an individually-owned firm.”

In his earlier research, Michelson found that lawyers in general and commission-based lawyers in particular characterized themselves as “‘fighting the battle alone’ (dan da du dou), which fits into the larger rhetorical trope of fighting and hunting, of the combat character of lawyering.”26 In 2009, a lawyer in our survey echoed this theme: “Currently the vast majority of Chinese law firms are fake partnerships. Lawyers are all soldiers in war. Law firms only collect fees and do not shoulder any labor remuneration. They especially fail to provide any form of social insurance.”27 On the whole, law firms took much from their lawyers and gave back very little. This source of economic vulnerability exacerbated the widespread problem of clients who reneged on their lawyer fee agreements.

Institutional Vulnerability Vis-à-vis State Actors

Lawyers’ responses to seven statements describing their status in the criminal justice system, their relations with judges, levels of support and cooperation they receive in the course of their work, and their overall effectiveness in the legal system poignantly reveal additional sources of vulnerability. These are the same seven questions Michelson combined into an aggregate

26 Michelson, “The Practice of Law as an Obstacle to Justice,” p. 11.
27 Respondent #206901, Liaoning.
measure of lawyers’ “vexation with their institutional environment.” Only 9% of lawyers in our 2009 survey failed to assess at least one of these seven statements negatively; another 10% assessed all seven statements negatively. More than half (58%) of the lawyers in our sample reported negatively on at least four of the seven statements.

Our questionnaire also includes a question about concrete, firsthand experiences with government interference and obstructionism. Lawyers were asked to identify organizations that, “Over the past year...obstructed your work or failed to provide reasonable and lawful cooperation in other ways”. Lawyers were asked to select all applicable organizations from a list: public security (police), procuracy (state prosecution), court, bureau of justice or lawyers association, and “other government agency.” Only 23% of lawyers in the sample reported no such direct experience with any of the listed state actors. Meanwhile, 54% reported an experience of interference or obstructionism with at least two—and 20% with at least four—different types of state actors over the previous year. Overall, lawyers in the sample reported this type of experience from an average of 2.0 different types of state actors.

Lawyers’ high degree of vulnerability—both economic and institutional—helps explain why so many regret their choice of career. More than one in four lawyers in the sample (27%) said they would not become a lawyer if they “had it all to do over again”, and almost one in five lawyers in the sample (18%) said they do not “hope to be working in the same job in five years.”

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29 The extent of lawyers’ vulnerability vis-à-vis state actors appears to have remained fairly stable, and has perhaps even intensified, since 2000. In Michelson’s 2000 survey, 8% of lawyers failed to assess at least one of these seven statements negatively; another 5% assessed all seven statements negatively; and 49% supplied negative assessments of at least four of the seven statements. See Michelson, “Lawyers, Political Embeddedness, and Institutional Continuity in China’s Transition from Socialism.”
Bivariate Associations between Vulnerabilities and Political Values

Chinese lawyers’ aspirations for political rights, including democracy, reflect their craving for basic professional rights to carry out their work free of arbitrary state interference and obstructionism, and with greater support from their law firms. They reflect, more than anything else, their desire for enhanced professional status, protection, and security.

Most of our measures of economic vulnerability (vis-à-vis clients and law firms) are strongly associated with the two measures of political values we analyzed above, viz. the “extent to which political rights should trump economic rights” and the “extent to which democratic aspirations are fulfilled.” Lawyers who worked independently of their firms, lawyers who were dissatisfied with their firms’ social security benefits, and lawyers who regretted or planned to stop practicing law attached significantly greater importance to political rights and were more discontented with the political status quo than other lawyers. Lawyers who were owed at least ¥100,000 in client arrears attached significantly more relative importance to political rights, but were not significantly more discontented with the current level of democracy. The relationship between subjective class identification and political values is mixed: it is only weakly associated with the relative importance attached to political rights, but strongly (and significantly) associated with the fulfillment of democratic aspirations.

Lawyers’ institutional vulnerability (vis-à-vis state actors) also promoted liberal political values. Litigation, for example, exposed lawyers to the advantages as well as the potential interference and obstructionism of state actors. Bivariate associations between litigation work (measured as the proportion of total legal effort devoted to litigation) and these two measures of political values are both statistically significant. Consistent with this pattern, we also found that both measures of political values are positively and statistically significantly associated with
lawyers’ “vexation with their institutional environment” and direct experience with government obstructionism. CCP members and Communist Youth League (CYL) members were significantly less politically liberal than both members of the official state-sponsored “democratic parties” (minzhu dangpai) and lawyers with no political affiliation. However, we found no support for our expectation that lawyers with prior work experience in government agencies, including as former judges, prosecutors, and other former actors, would be less politically liberal than lawyers without this special background. We also found no evidence that the political values of self-identified rights-defense (weiquan) lawyers differed from those of lawyers who did not identify as such. Our survey data thus fail to support popular accounts of rights-defense lawyers as politically radical, and instead support Fu and Cullen’s account of rights-defense lawyers as generally nonthreatening politically.\textsuperscript{30} Indeed, given that almost half of all the lawyers in our sample assume the “rights-defense” moniker, it appears to be largely devoid of political significance.

Our third measure of political values yielded similar findings. Overall, 32\% of the lawyers in our sample selected “very prevalent” (response category 5) when assessing the following statement: “Lawyers are inclined toward political reform.” An additional 19\% chose response category 4, meaning over half of our sample believed lawyers are inclined toward political reform. Although lawyers tended to attach importance to political reform, they did so mainly because they also tended to be highly vulnerable. With respect to economic vulnerabilities, lawyers who worked independently of their law firms and lawyers who

complained about their social security benefits reported stronger overall support for political reform than their counterparts who received more support from their law firms. Not surprisingly, frustration expressed in terms of regretting the decision to practice law was positively associated with support for political reform. Client arrears, however, were not associated with support for political reform. At the same time, neither subjective income nor subjective class status was associated with support for political reform.

As with our previous two measures of political values, institutional vulnerabilities were also closely associated with this measure of political values. Support for political reform increased commensurately with negative general assessments of and negative direct experiences with state actors.

**Multivariate Associations between Vulnerabilities and Political Values**

We performed multivariate regression analysis to test whether the bivariate associations reported above are robust to controls. Owing to space limitations, however, we do not present detailed results in this chapter.31

These multivariate regression models support our finding that, with the exception of law school faculty, Chinese lawyers’ political values were more liberal than those of any other group of actors in the legal system. They also suggest that occupation explains away some but not all of the effects of party affiliation. CCP and CYL members were, on the whole, more politically conservative than other lawyers without these affiliations. Respondents who reported attending a Communist Party school (*dang xiao*) were likewise more politically conservative than those who

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31 Detailed results are available from the authors upon request. None of our analyses considers regional variation because we found no obvious patterns with respect to local city-level characteristics (population, economic indicators, social indicators, and so on).
did not report this educational experience. The regression models also show that, with only a few exceptions, the effects of lawyers’ economic and institutional vulnerability on their political values generally persist independent of controls (with only a few exceptions).

Our finding that the political values of self-identified rights-defense lawyers are no different from those of other lawyers also persists in multivariate analysis. Lawyers’ “vexation” with their institutional environment was a statistically significant predictor of all measures of political values. Direct experiences with state interference or obstructionism were statistically significant determinants of all measures of political values except the relative importance attached to political rights.

The effects of lawyers’ subjective economic status on their political values and aspirations are mixed and contradictory. In multivariate models, lawyers’ subjective income is significantly positively associated with the relative importance attached to political rights, suggesting it was an engine of liberal political values. However, it is not significantly associated with the other two measures of political values. Furthermore, its strong and positive bivariate association with the extent to which democratic aspirations were realized—suggesting it was an engine of conservative political values—is explained away by our measures of vulnerability. Results are similarly murky when we replace subjective income with subjective class identification.

Whereas the simple bivariate relationships described in the previous section reveal the effects of various dimensions of vulnerability one at a time, multivariate regression models allow us to simulate the effects of simultaneously erasing multiple sources of vulnerability. If we plug low values of our vulnerability measures into our regression models, we can predict the political values of “low-vulnerability lawyers.” By the same token, if we plug in high values, we can
predict the political values of “high-vulnerability lawyers.” We define “low-vulnerability lawyers” as those who did not operate independently of their firms, devoted 20% of their practice to litigation, had no negative evaluations of their institutional environment, and reported no state obstructionism in the past year. We define “high-vulnerability lawyers,” by contrast, as those who operated independently of their firms, devoted 80% of their effort to litigation, had at least one negative evaluation of their institutional environment, and reported three sources of state obstructionism in the past year. Figure 1 depicts the predicted distributions of these two groups’ responses to the statement, “Lawyers are inclined toward political reform.” High-vulnerability lawyers would be 2.5 times more likely than low-vulnerability lawyers to choose “very prevalent” (39% versus 15%), whereas low-vulnerability lawyers would be more than three times more likely than high-vulnerability lawyers to choose “very rare” (17% versus 5%). Confidence intervals (CI) show that these differences are statistically significant.

The effect of erasing lawyers’ vulnerability is even more apparent in simulations of the remaining two measures of political values. Figure 2 depicts the predicted values of our measures of the relative importance attached to political rights and the extent to which democratic aspirations are realized. Recall from Table 1 that, according to the 2007 China World Values Survey, the general population of China averaged between 0.27 and 0.28 on the first measure and 78 on the second measure. In Figure 2 we can see that low-vulnerability lawyers are similarly politically conservative, clocking in at 0.16 on the first measure and 75 on the second measure. In other words, the political values of low-vulnerability lawyers are indistinguishable from those of the general population of China (cf. Table 1). By contrast, the predicted values of high-vulnerability lawyers are dramatically—and statistically significantly—more politically liberal.
Conclusions

The findings we report in this chapter suggest that, by any standard, Chinese lawyers’ political values are highly liberal. The extent to which they embraced political rights (relative to economic rights), and the extent of their aspirations for more democracy in China, were extreme relative to three reference standards: (1) the general population of China, (2) the general
populations of 46 additional countries included in the 2005-2007 wave of the World Values Survey, and (3) other members of China’s legal system.

**Figure 2. Predicted Values of Remaining Measures of Political Values, with 95% Confidence Intervals**

![Figure 2: Predicted Values of Remaining Measures of Political Values](image)

**SOURCE:** 2009 CLE Survey
**NOTE:** See note under Figure 1 for definitions of “low-vulnerability” and “high-vulnerability” lawyers. The multivariate regression models used to calculate the predicted probabilities in this figure are available from the authors upon request.

The story of political values in this chapter is not about “big classes”—aggregations of occupations whose inhabitants share similar socioeconomic outcomes. We found that the effects of subjective class and subjective income on political values were small and mixed not only among lawyers, but also in the general population. Data from the 2007 China World Values Survey fail to confirm findings reported elsewhere of a Chinese middle-class affinity for democracy. In the Chinese population as a whole, people who identified as members of the middle class were no more liberal in their political values than people who identified as members of the lower class, at least according to the measures we analyzed in this chapter. One

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32 Weeden and Grusky, “The Case for a New Class Map.”
33 Chen and Lu, “Does China’s Middle Class Think and Act Democratically?”; Goldman, *From Comrade to Citizen*; Rowen, “When Will the Chinese People be Free?”; Tang, Woods, and Zhao, “The Attitudes of the Chinese Middle Class Towards Democracy.”
implication of our findings is that existing and future research on Chinese middle-class attitudes that treats the middle class monolithically rather than disaggregating it into specific occupations could be seriously flawed.

This chapter’s emphasis on occupation-specific reasons for Chinese lawyers’ liberal political values was inspired by and supports the “microclass” approach in which “big classes” are disaggregated into their specific constituent occupations. Our findings are consistent with other microclass research insofar as they suggest that political values map onto specific occupations more reliably than onto aggregates of occupations.34 Chinese lawyers’ liberal political values were not reducible to their socioeconomic status. The generally great importance they attached to political rights, the generally small degree to which their democratic hopes were fulfilled, and their general perception that the bar as a whole was inclined toward political reform were, more than anything else, functions of the occupational hazards of their work. Chinese lawyers, as a whole, embraced liberal political values in large measure because their occupational vulnerability was so acute and widespread. Thus, our findings further contribute to microclass research by identifying work experiences, work conditions, and work environments as occupation-specific causes of political values.

Notwithstanding their radically liberal character, Chinese lawyers’ political values may be harmless to the political status quo. First, our data suggest that Chinese lawyers’ demands fell far short of system-wide political change. Most lawyers simply wanted more and better-protected rights vis-à-vis their clients, law firms, and state actors. Chinese lawyers supported political freedoms only to the extent that their professional livelihood was compromised by their marginal status and weakly protected rights in the legal system. “High vulnerability” lawyers—who

34 Weeden and Grusky, “The Case for a New Class Map.”
represented the majority of Chinese lawyers—craved basic rights and protections to keep capricious state actors off their backs. Put another way, the importance they attached to political rights was conditioned by their demand for institutionalized constraints on the power of state actors who obstructed their work and compromised their livelihood, their demand for institutionalized protections in dealings with clients, and their demand for institutionalized support from their law firms. Redressing their sources vulnerability could thus serve to blunt their political demands and aspirations. By implication, Chinese lawyers’ political values are unstable and could easily swing in the opposite direction if the sources of their discontent are remedied. It follows, then, that lawyers could potentially follow a trajectory similar to that of politically conservative business entrepreneurs and other politically conservative middle-class citizens who align their interests with the state and the CCP.

Second, if vulnerability breeds political radicalism within the Chinese bar, and if vulnerability causes lawyers to abandon legal practice, then politically liberal lawyers are at elevated risk of exiting the bar and taking their political values with them. Politically conservative lawyers, on the other hand, are more likely to survive, helping to color the political values of the bar as a whole. Michelson has estimated an annual attrition rate of 5% in the Beijing bar between 1995 and 2004, meaning every year in this time period 1 in 20 lawyers exited the bar. Over the nine years between 1996 and 2004, 35%—or more than 1 in 3 lawyers—dropped out.35 As one lawyer in our 2009 survey commented, “I think it is essential to study young lawyers’ survival difficulties, which is an important reason why the legal profession is losing so much talent” (respondent #47169, Chongqing).

Third, in historical and comparative perspective, lawyers’ political mobilization efforts have generally been more successful in response to the plight of ordinary people than in response to their own professional difficulties. They have tended to be more successful when mobilizing in support of universal political rights, not in support of their narrow professional interests. At the same time, a *sine qua non* of lawyers’ successful mobilization in support of political liberalism has been an alliance with judges and other members of the legal system. Insofar as Chinese lawyers are relegated to “a marginal status of outside interloper” in the judicial system, and insofar as their political values are shaped by their narrow professional interests, Chinese lawyers are not likely to become the vanguard of political change.

In sum, although Chinese lawyers’ counterparts elsewhere in time and place have often supported political freedoms, such a natural affinity does not appear to extend to the contemporary Chinese bar. If Chinese lawyers were more ideologically committed to political reform and political freedoms, our data would have exhibited less variation between “low-vulnerability” and “high-vulnerability” lawyers. If Chinese lawyers’ embrace of liberal political values was more deeply entrenched, even low-vulnerability lawyers’ political values would have been more liberal than those of the general Chinese population.

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To be sure, however, we also recognize that countervailing forces may be at work. Lawyers’ grievances—the primary engine of their liberal political values—may very well persist into the foreseeable future for at least two reasons. First, although we have argued that political values are shaped by grievances, we also acknowledge the possibility that this relationship is endogenous. Lawyers with a prior inclination toward political reform may, by virtue of their more radical political values, deliberately choose cases that expose them to vulnerability and risk. Preexisting political values may help shape vulnerability insofar as lawyers most inclined toward political reform are also the most politically assertive and confrontational and therefore at greatest risk of administrative interference and obstructionism.

Second, from the CCP’s standpoint, co-opting lawyers is more politically risky than co-opting entrepreneurs and other members of the middle class. The beginning of some measure of judicial autonomy from state interference and control are necessary conditions for assuaging the complaints of Chinese lawyers. Official measures to redress the sources of lawyers’ vulnerability would, by necessity, include the enforcement of legal mechanisms designed to constrain the privileges—as well as the arbitrary and discretionary behavior—of state actors. Blunting lawyers’ political aspirations by redressing their institutional vulnerability could paradoxically blunt the authority of the CCP and compromise its political monopoly. Thus, compared to the political risks of alienating China’s tens of millions of private business owners and employees, the political risks of alienating China’s approximately 150,000 lawyers appear relatively trivial. Insofar as the political costs to the CCP of redressing lawyers’ vulnerabilities outweigh the political benefits of ignoring them, we might expect lawyers’ vulnerabilities and the liberal political values they spawn to persist for the foreseeable future.