

What Do Chinese Lawyers Want? Political Values and Legal Practice*

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ABSTRACT

In this paper we assess the extent to which lawyers, as a part of China’s emerging middle class, want political change. 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. After first showing that lawyers are squarely situated in China’s expanding middle-class, we then show that they clearly and vociferously articulate politically radical values. 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 discontent 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 members of China’s “legal complex,” and (3) citizens of over 40 different countries. However, their political values have little to do with their class status. Rather, we find that Chinese lawyers’ 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 conclude that Chinese lawyers’ commitment to radical political reform is unstable and unlikely to be politically consequential.

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Introduction

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. Our goal in this paper is to contribute to this growing literature by assessing the extent to which lawyers, as a part of China’s emerging middle class, want political change. Using data from a national survey we conducted in the summer of 2009 of about 1,500 lawyers and non-lawyers working in China’s legal system, we explore more thoroughly and rigorously than has been done previously the political values of Chinese lawyers. By any definition of “middle class,” lawyers belong to this expanding Chinese population of well-educated urbanites who have achieved—or are in pursuit of—economic comfort and even affluence. As a group, Chinese lawyers also clearly and vociferously articulate their political interests. 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 discontent with the political status quo.

Our descriptive findings show that Chinese lawyers’ political discontent and aspirations for political rights and reform are extreme from three comparative vantage points: (1) vis-à-vis other members of Chinese society, (2) vis-à-vis citizens of other countries, and (3) vis-à-vis other members of the Chinese “legal complex” (defined as “all legally-trained personnel in a society who undertake legal work, including prosecutors and civil servants involved in the administration of justice” [Halliday, Karpik, and Feeley 2007:7]). Our explanatory findings show that Chinese lawyers’ 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 greatest risk of professional failure.

Our general conclusion is that, notwithstanding their generally strong support for political reform, Chinese lawyers are not a force for political change and thus do not pose a significant threat to the political status quo in China. Lawyers’ commitment to radical political reform is probably unstable because their overriding priority appears to be to protect and enhance their livelihood. Their palpable discontent with the political status quo and the importance they attach to political rights and political reform stem less from their class status and more from their desire for institutionalized protections against the sources of vulnerability that compromise their legal practice.

Issues, Debates, and Approaches

Scholars already debate the democratic inclinations of China’s incipient middle class. Some argue its members are, on the whole, conservative (Pei 2006; Unger 2006; Yang 2007), while others argue the opposite (Chen and Lu 2006; Goldman 2005; Rowen 2007; Tang, Woods, and Zhao 2009). 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 (Li and Wang 2008). Survey research suggests that the political values of “lower” and “middle” classes (which are inconsistently defined using competing occupation and income criteria) are often statistically

marginal and difficult to interpret (e.g., Chen and Lu 2006; Tang, Woods, and Zhao 2009; also see Guo [2009] for a review of the relevant Chinese-language sociological research).

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 (Chen 2002; Dickson 2008; Tsai 2007), whereas support for democratic political reform appears to arise from intellectuals (Tang 2005), homeowners (Read 2003), students returning from overseas (Li 2006a), and Internet users, or “netizens” (Yang 2009)—groups that do not always map neatly onto occupational categories and income groups. Our aim in this chapter is to use the case of lawyers to contribute to this growing body of research on specific component parts of Chinese society that, taken together, help constitute the middle class. 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 (e.g., Grusky and Weeden [2008] and Weeden and Grusky [2005]) in which the operative unit of analysis is the occupation rather than the “big class.”

Data and Measures

We analyze data from the China Legal Environment (CLE) Survey, a survey we conducted in the summer of 2009. In this section we first describe the survey before describing the key measures we employ in our analyses.

THE 2009 CHINA LEGAL ENVIRONMENT SURVEY

High rates of—and perhaps even near-universal—Internet usage among Chinese lawyers was the premise that motivated our decision to conduct an Internet survey. Halliday and Liu (2007) have documented the popularity of electronic message boards among Chinese lawyers as a means of sharing information, airing grievances, and even finding clients. Nonetheless, 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. Even if some measure of selection bias afflicts our sample, however, we can be sure that it is far less than would be the case in an Internet survey of the general population, or even of the middle class as a whole. Moreover, the Internet overcomes an important limitation of conventional survey techniques: As we will see, about half of the lawyers in our sample work independently of their firms. Law firms are therefore not always the best place to sample lawyers. Indeed, when he conducted his first survey of lawyers in 2000, Michelson (2003:378) found that many lawyers were “missing in action.” Given that officially published rosters of lawyers contain law firm contact information but not the addresses and telephone numbers 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 costs¹—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) reported themselves in 244 cities.

We collected email addresses from all the profiles of registered users to four popular electronic messages boards frequented by Chinese lawyers: <http://www.acla.org.cn/forum/>; <http://www.fl168.com/>; <http://www.chinalawyer.org.cn/>; and <http://www.law-lib.com/>. Registered users on these four websites represent our sample universe. 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 complex, 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 complex.

After eliminating redundant email addresses, and after identifying and consolidating multiple email addresses of unique users, our email 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 to multiple addresses. Second, invalid email addresses were undoubtedly far more numerous than the 2,660 reported by SurveyMonkey.com. For example, although email addresses belonging to the qq.com domain accounted for 20% of all addresses in our database, they account for only 4% of our final sample despite the fact that not a single qq.com email address was reported as “hard bounced.”

Of all 2,335 people who responded to our survey invitations, 1,511 identified themselves as members of the legal complex. 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)

Although it is not a probability sample, our sample of lawyers is representative of the true population 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, the most recent year available (ZLN 2006:337). Second, the proportion of lawyers who are CCP members in our sample (27.5%) is practically identical to the proportion in the true population (27.3%) (ZLN 2006:336). However, our sample of lawyers appears to underrepresent women. Whereas the true population of lawyers was 15.8% female in 2005 (ZLN 2006:336), our sample of lawyers is only 11.3% female. Official data on the population of lawyers (ZLN 2006) include

¹ Survey costs totaled less than US\$1,000: \$150 for the webcrawler software that downloaded user profiles, \$100 for a (discounted) professional subscription to SurveyMonkey.com, and about \$600 to hire two computer programmers to write Perl scripts to extract email addresses from the webcrawler’s downloaded HTML files.

provincial populations, gender, education, and CCP membership. Owing to an excessive amount of missing educational data in our survey,² we cannot use education to assess the representativeness of our sample.

KEY MEASURES

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

Class Status. We borrowed measures of class status and political values from the 2005-2007 wave of the World Values Survey (2005). 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 comparability purposes. 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 (*gao ceng*), (2) upper-middle class (*zhonggao ceng*), (3) middle class (*zhong ceng*), (4) lower-middle class (*zhongxia ceng*), and (5) lower class (*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 *economic rights* plus three questions on the importance of *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 strongly politically liberal values. Conversely, a lower value, reflecting a greater degree of relative importance attached to economic rights, implies more strongly politically conservative values. To be sure, this measure is imperfect insofar as it conflates values associated with *democracy* (importance attached to free elections and popular referendums) with values associated with *political liberalism* (importance attached to civil rights that protect people’s liberty against oppression). After all, democracy and political liberalism do not always go hand in hand. “Illiberal democracies” such as Egypt coexist with liberal non-democracies such as Hong Kong (Karpik 2007; Zakaria 2003). Nonetheless, we consider these two sets of values together as politically liberal values largely because, as we will see, survey respondents in China and elsewhere in the world assess their importance with a high degree of consistency.

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

² Perhaps because our questions on education were open-ended and toward the end of the questionnaire, 60% of the lawyers in our sample skipped them.

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 strongly politically liberal values. Conversely, a higher value, reflecting a higher degree of fulfillment and greater satisfaction with the political status quo, implies more strongly politically conservative 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 strongly politically liberal values. Conversely, a lower reported level of prevalence implies more strongly politically conservative values. More details both on these key dependent variables and on key independent variables are available from the authors upon request.

Findings

This section is divided into two parts. In the first part we provide a descriptive overview of Chinese lawyers’ socioeconomic status in order to situate them in China’s larger class landscape. In the second part we describe, compare, and explain their political values. We will see that Chinese lawyers’ politically liberal values are explained less by their class status and more by their vulnerability.

ECONOMIC STATUS AND CLASS IDENTITY

Chinese lawyers overwhelmingly define themselves as middle class. Indeed, compared to the general Chinese population, they situate themselves far more squarely in the 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 consider themselves part of the “middle.” Meanwhile, only 0.6% identified themselves as “upper class.” This distribution is very similar to that in the United States, where 47% of the general population identifies itself as middle class and only 4% as upper class (Hout 2008:29).

Chinese lawyers are considerably more likely to identify themselves as members of 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.”

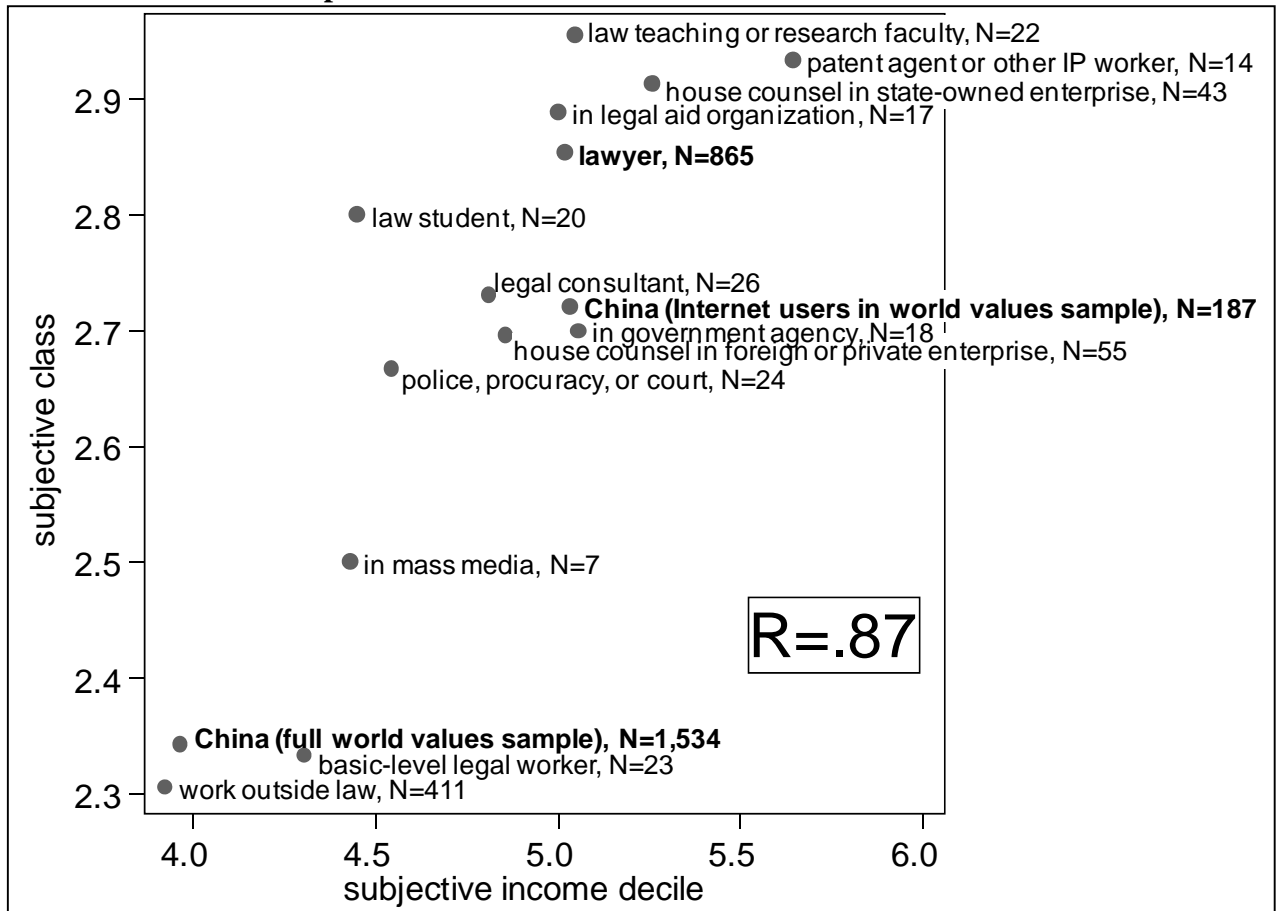
Income is considerably higher in the legal profession than in the general population. With respect to perceived income decile, 58% of people in the China World Values Survey sample situated themselves below the fifth decile. By contrast, only 34% of the lawyers in the 2009 CLE Survey situated themselves below the fifth decile. According to the World Bank, the Chinese middle class is defined by personal annual income in the range of about RMB¥20,000-90,000.³ 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 (Guo 2009). By either definition, 84% of Chinese lawyers in our sample are in or above the middle class. Indeed, the median income of lawyers

³ 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 (IMF 2009). Assuming an annual income growth rate of 11.9% (ZTN 2008:Table 9-2), the World Bank’s 2005 income range corresponds roughly to RMB¥20,000-90,000 in 2009.

who self-identify as “middle-class” is ¥88,000. (If “upper-middle” is included, the median increases to ¥100,000 and the mean jumps from ¥166,000 to ¥207,000.)

Many Chinese lawyers are doing well even by American standards. Of all the lawyers in our sample, 9% reported incomes above ¥500,000, or US\$73,000.⁴ 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).

Figure 1. Subjective Class Status by Subjective Income Ranking in China’s Legal Complex and China’s General Population



NOTE: “IP” refers to “intellectual property.” 2009 CLE Survey, N=1,420.

SOURCE: 2007 China World Values Survey; 2009 CLE Survey

As well as they are doing on the whole, lawyers are not at the top of the legal complex’s economic hierarchy. Figure 1 shows the location of Chinese lawyers relative both to other actors in the legal complex and to the general population of China. Three patterns are worthy of note: First, on average, lawyers’ economic status is far higher than that of the general population, and is even higher than that of other regular Internet users.⁵ Second, several groups of actors in the

⁴ During the period of the survey, the exchange rate averaged ¥6.841 per US\$1 (<http://www.oanda.com/convert/fxhistory>).

⁵ We identified Internet users in the World Values Survey sample as those who indicated “Internet, Email: used it last week” in response to the following item: “People use different sources to learn what is going on in their country

legal complex, including patent agents and house counsel in state-owned enterprises, report higher levels of economic status than lawyers. Third, the spectators in our sample working outside the legal complex (“work outside the law”) are indistinguishable from the general Chinese population in terms of subjective economic status.

Not only do lawyers, on the whole, enjoy higher levels of income than the general population, but they also tend to be far better educated than the general population. At the same time, no different from 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 (ZLN 2006:337). In our sample, almost every lawyer with non-missing educational data reported a BA degree or higher.

By all measures—income, education, and subjective class identification—lawyers are disproportionately represented in the middle class. Moreover, their overall income advantage appears to have remained stable between 2000 and 2009.⁶ Having established that lawyers’ economic status and class identity are significantly different from those of the general population, we now perform the same exercise with respect to political values.

POLITICAL VALUES AND POLITICAL ASPIRATIONS

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

- “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)
- “I hope China can quickly get on the road of democracy.” (lawyer, respondent #80204, Shandong)
- “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 tend to push for a moderate state but not for democracy (Karpik 2007), Chinese lawyers tend to conflate these two sets of political rights (Michelson 2003:357-370; Halliday and Liu 2007). Cronbach’s alpha among the three items we include in our measure of political rights (see the “Data and Measures” section

and the world. For each of the following sources, please indicate whether you used it last week or did not use it last week to obtain information.” Because our 2009 CLE Survey sample is limited to Internet users, we want to be sure differences between lawyers and the general population extend to Internet users in the general population.

⁶ 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 (ZTN 2008:Table 9-2) corresponds to lawyers’ income growth, then we should expect that Beijing lawyers’ average income of ¥100,000 in 2000 (Michelson 2003:336) should have compounded to ¥275,000 by 2009. Indeed, according to the 2009 CLE Survey, average income among lawyers in Beijing was ¥261,000.

above) is .65, meaning they can be meaningfully combined into a single scale. Indeed, Cronbach's alpha exceeds .60 in 32 out of all 46 countries 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 tends 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 ranks toward the bottom. This finding supports the argument that Chinese people tend to privilege socioeconomic security over individual political rights (Lee 2007; Perry 2008). At the same time, China ranks 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 tend to be content with the current level of democracy in their country. Although Internet users in China are no different from the general population in terms of the relative importance they attach to economic and political rights, they are less likely to be content with China's current level of democracy.

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

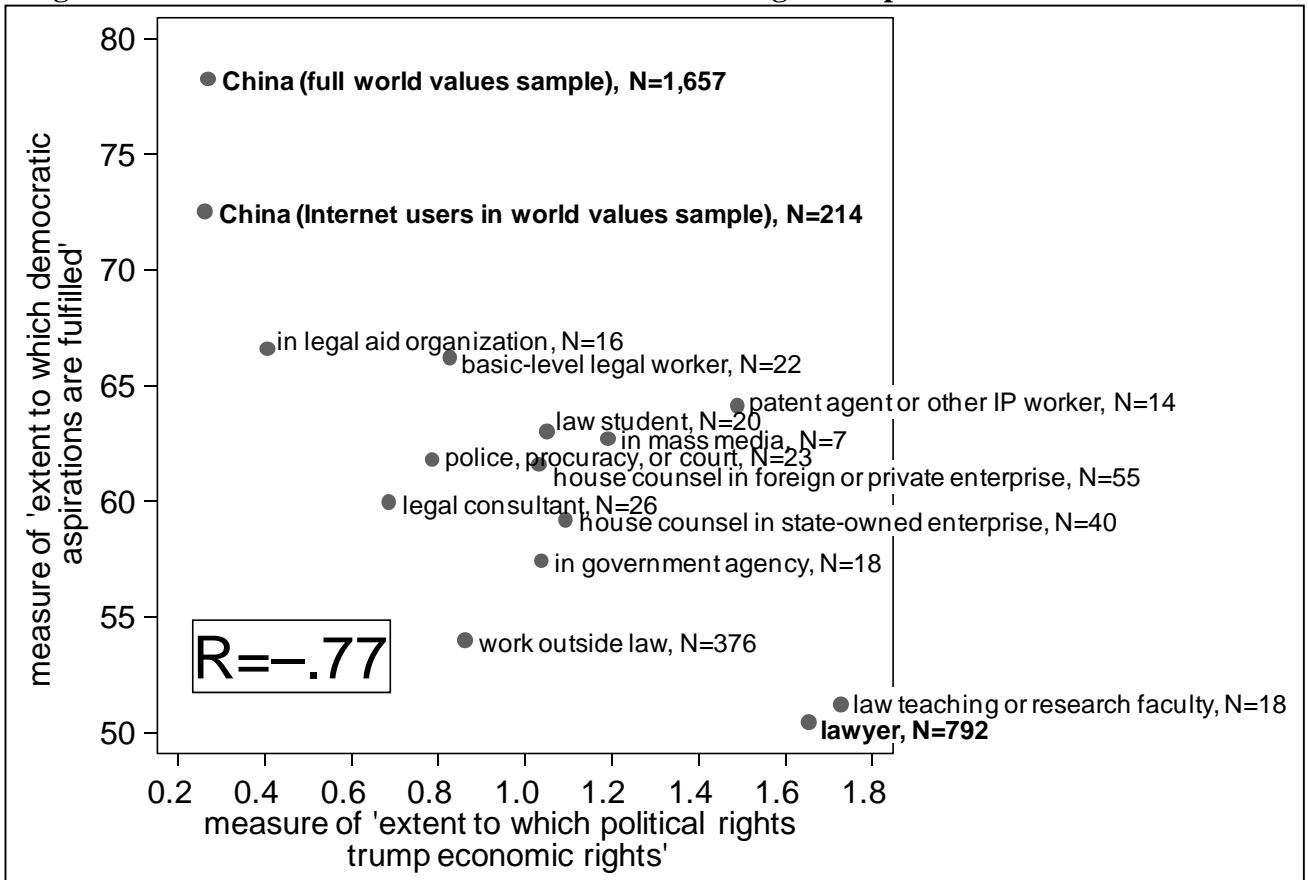
	Subjective Class	Extent to Which Political Rights Should Trump Economic Rights			Extent to Which Democratic Aspirations Are Realized		
		Rank	Mean (95% CI)	N	Rank	Mean (95% CI)	N
A. Location of Full China World Values Sample	"lower class"	#41/47	0.27 (0.16, 0.39)	782	#17/46	77.5 (75.6, 79.5)	637
	"middle class"	#41/47	0.28 (0.16, 0.40)	763	#18/46	78.4 (76.6, 80.1)	671
B. Location of Internet Users in China World Values Sample	"lower class"	#37/47	0.39 (-0.05, 0.82)	69	#31/46	68.3 (61.3, 75.2)	62
	"middle class"	#44/47	0.20 (-0.10, 0.50)	135	#25/46	74.4 (70.5, 78.3)	133
C. Location of Chinese Lawyers	"lower class"	#4/47	1.74 (1.38, 2.10)	233	#45/46	46.1 (42.5, 49.8)	241
	"middle class"	#10/47	1.63 (1.40, 1.85)	561	#45/46	52.2 (50.0, 54.5)	563

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 44 or 45 depending on whether questions were omitted from country-specific questionnaires. Thus, the total number of groups ranked is 46 to 47. 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.

SOURCE: 2007 China World Values Survey; 2009 CLE Survey

Differences between Internet users and the general population in China are, at best, modest. However, differences between lawyers and the general population in China are 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 attach to political rights, and they rank near the very bottom with respect to the extent to which their aspirations for democracy are realized. Chinese lawyers privilege political rights over economic rights to a similar degree as do people in the World Values Survey samples from Sweden, Norway, Australia, the United States, and Argentina. Likewise, Chinese lawyers' level of contentment with their county's current level of democracy is surpassed by every World Values Survey sample except Ethiopia and Georgia (in the "lower-class" and "middle-class" rankings respectively), and is not far below Ukraine, Bulgaria, and Morocco. We can also see in Table 1 that, for the most part, subject class identification has little effect on our measures of political values and political aspirations.

Figure 2. Political Values Inside and Outside China's Legal Complex



NOTE: The points in this scatterplot do not correspond perfectly to the mean values presented in Table 1 because this figure does not disaggregate by subjective class identification. 2009 CLE Survey, N=1,305.
 SOURCE: 2007 China World Values Survey; 2009 CLE Survey

Variation within the Chinese Legal Complex. Figure 2 shows the location of Chinese lawyers relative both to the general Chinese population and to other actors in China's legal complex. Although lawyers are not at the top of the economic hierarchy in China's legal complex (Figure 1), their political values are more extreme than every other group except law school faculty (Figure 2). Two additional patterns are worthy of note. First, political values in the legal complex as a whole are far more radical than in the general population as a whole and even among Internet users in the general population. Second, although their overall class status was indistinguishable from that of the general Chinese population (Figure 1), spectators in our sample working outside the legal complex attach markedly more importance to political rights and harbor 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 such spectators of the legal complex supplied details about their grievances and disappointments.

VULNERABILITIES IN LEGAL PRACTICE

Our efforts to explain why Chinese lawyers' values are so extreme relative both to people in the general population of China and to people elsewhere in the world focus on their sources of vulnerability. Simply put, lawyers' vulnerability drives their political values. Our survey data reflect three primary sources of vulnerability in the Chinese bar: deadbeat clients who fail to pay their legal fees, law firms which provide scant support to—while exacting heavy fees from—the lawyers they employ, and state actors who obstruct or otherwise undermine the work of lawyers.

Vulnerability Vis-à-vis Clients. Chinese lawyers experience difficulty collecting their fees from clients (Michelson 2006:18-19). 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.⁷ Lawyers in our survey were asked to rate the importance of seven factors they take 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).

Vulnerability Vis-a-vis Law Firms. Lawyers' vulnerability vis-à-vis troublesome clients is compounded by the organization of legal labor in law firms. Although almost all lawyers belong to law firms, they tend 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” (Michelson 2006:11).⁸ Almost half (46%) of all lawyers in our sample indicated that they operated entirely independently of their firms (“In reality I work independently of my law firm.”).

Lawyers' independence from their firms is reflected in their remuneration methods. More than half of the lawyers in Michelson's (2003:43) 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 Guanzhou) reported getting paid exclusively on a commission basis, while between 54% and 93% in the provincial samples reported getting paid this way.⁹ In our 2009 CLE Survey, 54% of lawyers reported getting paid “mainly by

⁷ 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.

⁸ 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.

⁹ I am 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.

commission.”¹⁰ 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., among 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 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 (2006:11) 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.” 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” (respondent #206901, Liaoning)

So far we have seen that law firms, on the whole, take a lot from their lawyers and give back very little. This source of economic vulnerability exacerbates the widespread problem of clients who renege on their lawyer fee agreements.

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 (2007:386) combined into an aggregate 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 supplied negative assessments of at least four of the seven statements.¹¹

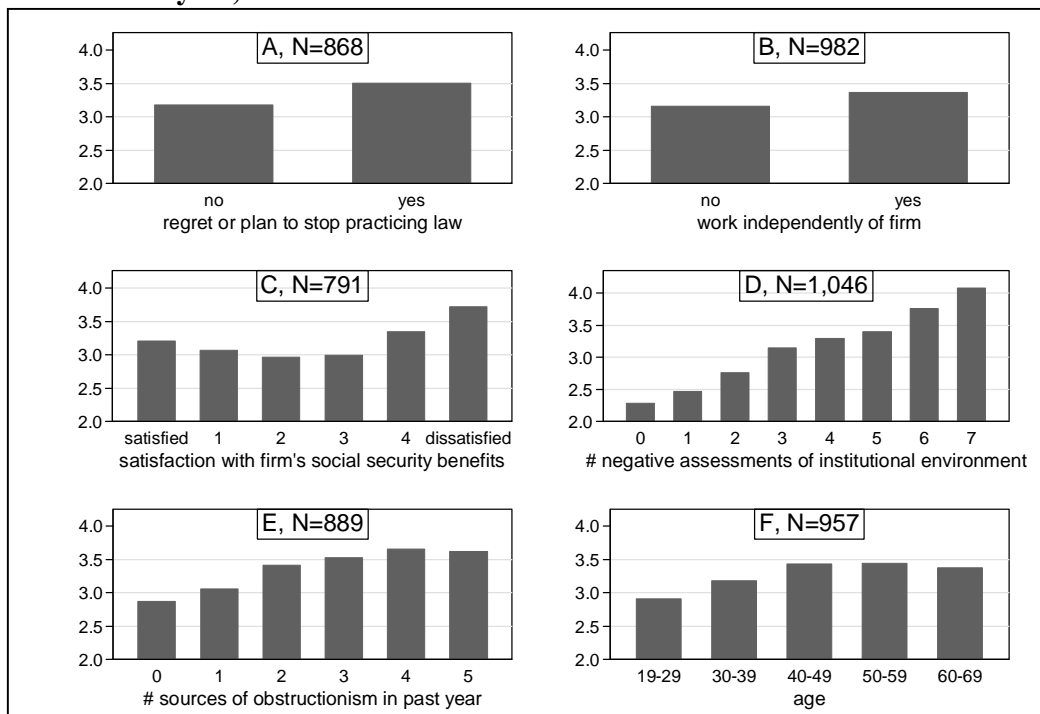
Our questionnaire also includes a question about concrete, firsthand experiences with government interference and obstructionism. Lawyers were asked to identify organizations that, “Over the past year...obstructed your work or failed to provide reasonable and lawful cooperation

¹⁰ 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%.

¹¹ 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 (Michelson 2007:387).

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 such 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 such an experience from an average of 2.0 different types of state actors.

Figure 3. Bivariate Correlates of “Prevalence of Support for Political Reform,” Chinese Lawyers, 2009



NOTE: All differences are statistically significant. There are only 38 lawyers in the “0 satisfied” category in Figure 3C; this category therefore exerts no countervailing influence on the positive correlation in this figure. The Y-axis measures mean response values to the statement, “Lawyers are inclined toward political reform.” Response categories are: “0 very rare,” 1, 2, 3, 4, “5 very prevalent.”

SOURCE: 2009 CLE Survey

Lawyers’ high degree of vulnerability—both economic and institutional—helps explain why so many regret their career decision to practice law. More than one in four lawyers in the sample (27%) said they would not become a lawyer 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.”

BIVARIATE ASSOCIATIONS BETWEEN VULNERABILITIES AND POLITICAL VALUES

Lawyers' vulnerabilities help explain their political discontent and the importance they attach to political rights and political reform. More than anything, Chinese lawyers crave basic rights and protections, to keep capricious state actors off their backs. Chinese lawyers' aspirations for political rights, including democracy, reflect their craving for basic professional rights to carry out their work free from arbitrary state interference and obstructionism, and with greater support from their law firms. Their political values and aspirations reflect, more than anything else, their desire for enhanced professional status, protection, and security.

Overall, 32% of lawyers in our sample assessed as "very prevalent" (response category 5) the following statement: "Lawyers are inclined toward political reform." An additional 19% of lawyer respondents chose response category 4, meaning that over half of our sample of lawyers perceived the situation in this statement to be prevalent. While lawyers tend to attach great importance to political reform, they do so mainly because, in general, they are highly vulnerable. As we can see in Figure 3, lawyers who are less vulnerable attach less importance to political reform. Frustration expressed in terms of regretting the decision to practice law is positively associated with perceived support for political reform (Figure 3A). Compared to their counterparts who receive more support from their law firms, lawyers who work independently of their law firms (Figure 3B) and lawyers who complain about their social security benefits (Figure 3C) report stronger overall support for political reform.

Economic vulnerability is not the only apparent cause of lawyers' support for political reform. Lawyers' institutional vulnerability also promotes politically liberal values. Figures 3D and 3E show that the perceived prevalence of support for political reform increases commensurately with negative assessments of and negative experiences with state actors, most notably in the public security, procuratorial, and court systems. Compared to younger lawyers, older lawyers, perhaps jaded by their longer experiences, perceive support for political reform to be more prevalent (Figure 3F).

Our additional two measures of political values and aspirations are not only highly correlated with perceptions of support for political reform (Figures 4A and 5A), but are also highly correlated with our measures of vulnerability. No different from the pattern in Figure 3C, second-guessing one's career decision to practice law is strongly and positively associated with politically liberal values (Figures 4B and 5B). Figures 4C-4F and 5C-5F display various dimensions of the relationship between economic vulnerability and political values. With only two exceptions, they are all pronounced and statistically significant. First, the relationship between subjective class identification and political values is mixed. It is only weakly (and insignificantly) associated with the relative importance attached to political rights (Figure 4F), but it is strongly (and significantly) associated with the fulfillment of democratic aspirations (Figure 5F). Second, the relationship between client arrears and discontent with the current level of democracy (Figure 5C) is not statistically significant. Figures 4G-4J and 5G-5J display various dimensions of the relationship between institutional vulnerability and political values. All measures of institutional vulnerability are markedly and statistically significantly associated with both measures of political values, with one notable exception. The political values and political aspirations self-identified rights-defense (*weiquan*) lawyers (Figures 4H and 5H) are no different from those of lawyers who do not identify as such. Our survey data suggest that popular accounts of rights-defense lawyers as politically radical (Cha 2009; Ford 2009; Lim 2009; O'Neill 2009) are greatly exaggerated, and support Fu and Cullen's (2008) account of rights-

defense lawyers as generally nonthreatening politically. Indeed, given that precisely half of all the lawyers in our sample assume the “rights-defense” moniker, it is largely devoid of political significance.

After asking lawyers whether or not they identify themselves as “rights-defense lawyers,” the questionnaire then asked the following question: “What do you think the defining characteristics of ‘rights-defense lawyers’ are?” Among the almost 500 open-ended descriptions lawyers supplied, many contained “public interest,” “justice,” “fairness,” “protecting the weak,” and so on. However, only a small handful of responses contained political content. The very few exceptions include the following:

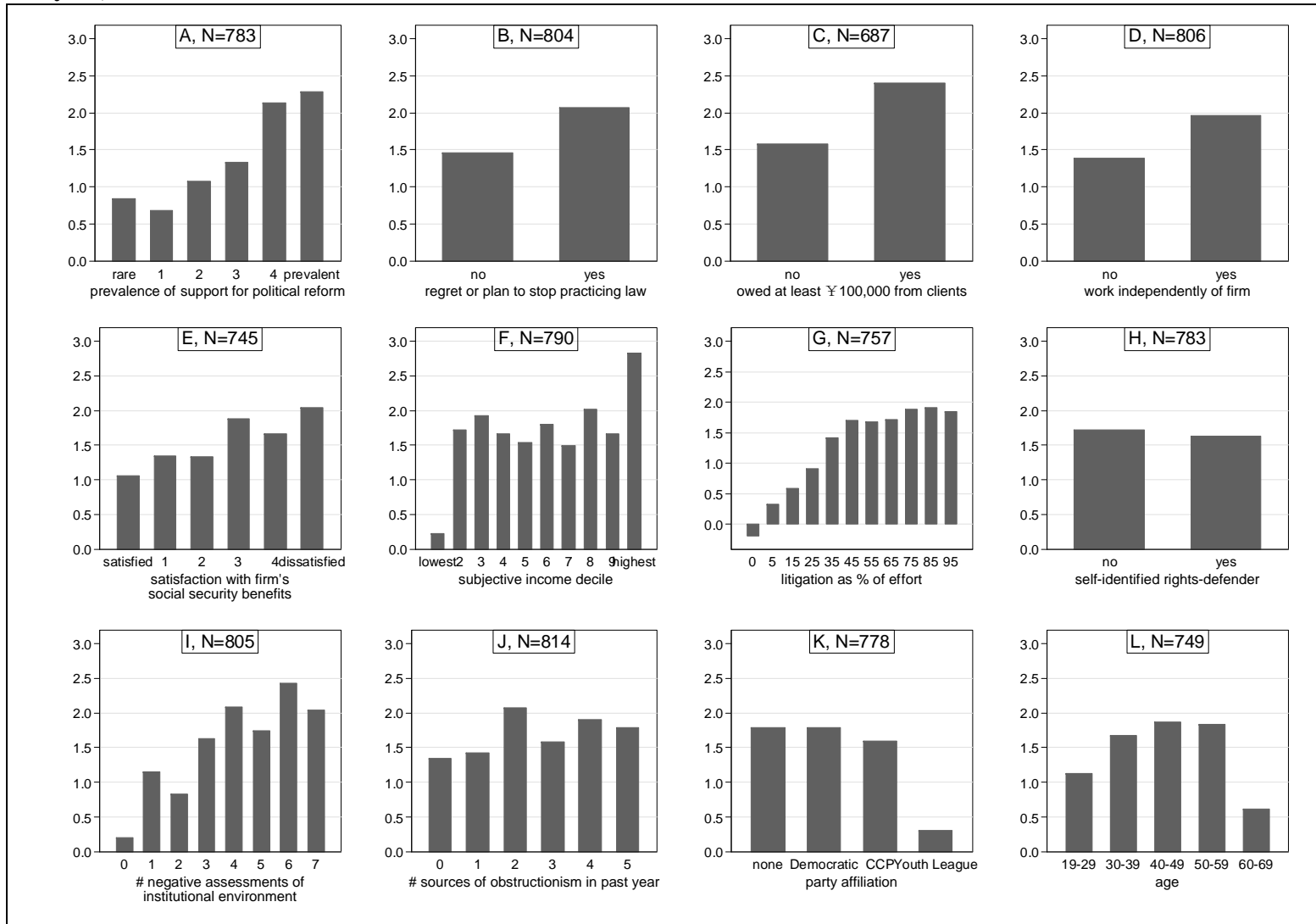
- “to care about democratic politics” (respondent #6915, Guangdong).
- “to dare to represent sensitive cases...not to fear offending authority...to pay attention fervently to the national progress of democracy and rule of law” (respondent #36071, Chongqing).
- “To possess a strong awareness of human rights, to uphold the values of democracy and freedom, and exclusively to represent sensitive cases” (respondent #51328, Shandong).
- “Democracy, freedom, and the spirit of sacrifice” (respondent #208109, Shandong).

Given the paucity of political content in their descriptions, and given the abundance of generic content concerning defending the legal rights and interests of individuals, our survey data suggest that the term “rights-defense” lawyer is largely meaningless insofar as it is widely understood among lawyers to apply to virtually any lawyer who represents individual clients.

Finally, CCP members and Communist Youth League (CYL) members were significantly less politically liberal than both members of the official state-sponsored Democratic Party and lawyers with no political affiliation (Figures 4K and 5K). Finally, no different from what we saw in Figure 3F, age is positively associated with politically liberal values (Figures 4L and 5L).

We expected politically liberal values to be associated with criminal defense (Halliday and Liu 2007). Thanks to “big stick 306” (Article 306 of the Criminal Law), criminal defense lawyers simply trying to gain access to their clients in police custody, collect or inspect evidence, interview witnesses, and so on face harassment, intimidation, and even prosecution (Cohen 2003; Human Rights Watch 2009; Kellogg 2003; Michelson 2003:107; Pils 2008). According to Halliday and Liu (2007), such extreme vulnerability motivates their relatively extreme political ambitions. According to Fu (2007), however, this relationship is endogenous: lawyers are under assault because of their political assertiveness, not vice versa. Regardless of the direction of the relationship, however, the survey data fail to support our expectation of a positive relationship between membership in specific fields of practice—most notably criminal defense—and politically liberal values. Regardless of how we define membership in a field of practice (e.g., more than 0%, at least 5%, at least 10%, or at least 20% of total billings derived from that field), and regardless of which fields of practice we consider (e.g., criminal defense, administrative litigation representing plaintiffs, labor representing workers, or housing demolition representing residents), we find no association between fields of practice and political values. Elevated exposure to institutional vulnerability in specific fields of practice does not appear to translate directly into more strongly politically liberal values. Our interpretation of this non-finding is that, with respect to political values, variation *within* fields of practice rivals variation *between* fields of practice.

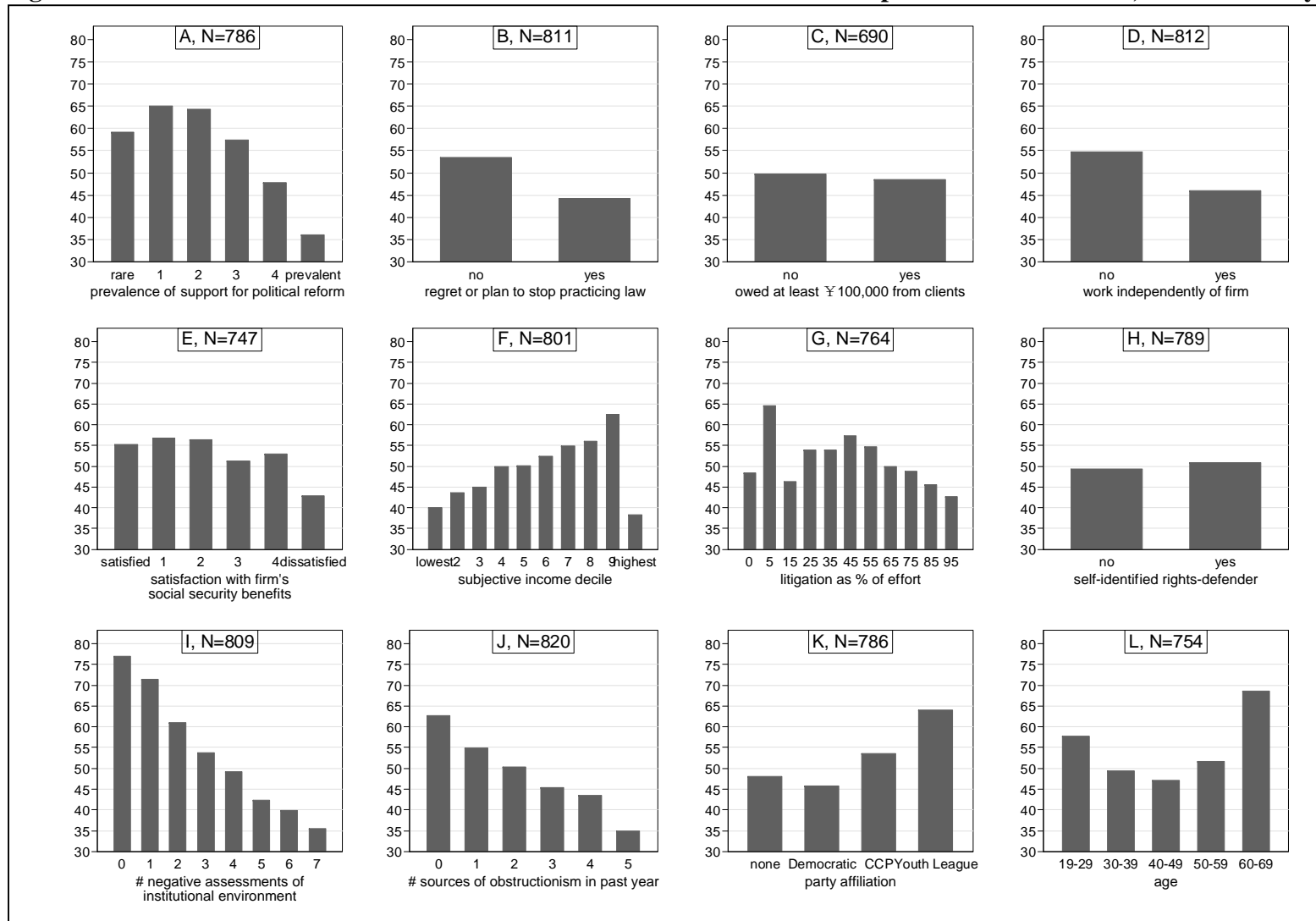
Figure 4. Bivariate Correlates of Measure of “Extent to Which Political Rights Should Trump Economic Rights,” Chinese Lawyers, 2009



NOTE: All differences are statistically significant except for those in Figures 4F, 4H, and 4L. There are only 6 lawyers in the “lowest” income category and only 2 lawyers in the “highest” income category in Figure 4F. There are only 7 lawyers in the “60-69” age category in Figure 4L.

SOURCE: 2009 CLE Survey

Figure 5. Bivariate Correlates of Measure of “Extent to Which Democratic Aspirations Are Fulfilled,” Chinese Lawyers, 2009



NOTE: All differences are statistically significant except for those in Figure 5C and 5H. There are only 2 lawyers in the “highest” income category in Figure 5F; this category therefore exerts no countervailing influence on the highly positive correlation in this figure. There are only 7 lawyers in the “60-69” age category in Figure 5L; this category therefore exerts no countervailing influence on the negative correlation in this figure.

SOURCE: 2009 CLE Survey

We also found no support for our expectation that lawyers with prior work experience in government agencies, including former judges, former prosecutors, and other former state actors, are less politically liberal than lawyers without this special background. Insofar this special background greatly increases the probability of being a CCP member, career background may have an indirect effect on political values. However, we found no support for such an indirect relationship in our multivariate analyses.

MULTIVARIATE ASSOCIATIONS BETWEEN VULNERABILITIES AND POLITICAL VALUES

We performed multivariate analyses to test whether the bivariate associations reported in the previous section are robust to controls. Owing to space limitations, however, we do not present detailed results.¹²

Variation within the Chinese Legal Complex. Multivariate regression models support our finding in Figure 2 that, with the exception of law school faculty, Chinese lawyers' political values are more liberal than those of any other group of actors in the legal complex. They also show that occupation explains away some but not all of the effects of party affiliation. CCP and CYL members are, 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 did not report this educational experience.

Variation among Chinese Lawyers. Multivariate regression models also show that the effects of lawyers' economic and institutional vulnerability on their political values persist net of controls. With the exception of working independently of one's law firm, all remaining bivariate associations presented in Figure 3 are statistically significant.

Turning to the correlates of our remaining two measures of political values and political aspirations presented in Figures 4 and 5, regretting the choice to enter legal practice or planning to exit legal practice (Figures 4B and 5B) and working independently of one's law firm (Figures 4D and 5D) are both statistically significant in multivariate regression models, whereas the effect of dissatisfaction with law firm perks and benefits (Figures 4E and 5E) is explained away by other sources of vulnerability. The effect of a large balance of client arrears is a significant determinant of the relative importance attached to political rights (Figure 4C) but not of the extent to which democratic aspirations are fulfilled (Figure 5C).

In multivariate models, lawyers' subjective income is significantly positively associated with the relative importance they attach to political rights (Figure 4F), suggesting it is an engine of politically liberal values. However, in multivariate models it is not significantly associated with the other two measures of political values. In both bivariate and multivariate analyses it is uncorrelated with lawyers' assessment of the extent to which "lawyers are inclined toward political reform." Its strongly positive bivariate association with the extent to which democratic aspirations are realized (Figure 5F)—suggesting it is an engine of politically conservative values—is explained away by our measures of vulnerability. In short, the effects of lawyers' subjective economic status on their political values and aspirations are mixed and contradictory. When we use subjective class identification as our measure of economic status, its effects are similarly murky (details not presented).

¹² 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).

With respect to the effects of institutional vulnerability, litigation exposes lawyers to the advantages, interference, and obstructionism of state actors. Its bivariate and multivariate associations with the relative importance of political rights (Figure 4G) and with the realization of democratic aspirations (Figure 5G) are statistically significant. Consistent with bivariate associations, the political values of self-identified rights-defense lawyers are no different from those of other lawyers. Negative assessments of lawyers' institutional environment are statistically significant predictors of all measures of political values. Direct experiences with state interference or obstructionism are statistically significant determinants of all measures of political values except the relative importance attached to political rights. While we have argued that their institutional vulnerabilities drive their political values, the causal direction could also run the other way: Perhaps lawyers are harassed and obstructed because of their prior political leanings and activism (Fu 2007; Peerenboom 2008). Even if some measure of this relationship is endogenous, the possibility that the state apparatus is able to target, with such pinpoint accuracy, such a large number of lawyers strikes us as implausible.

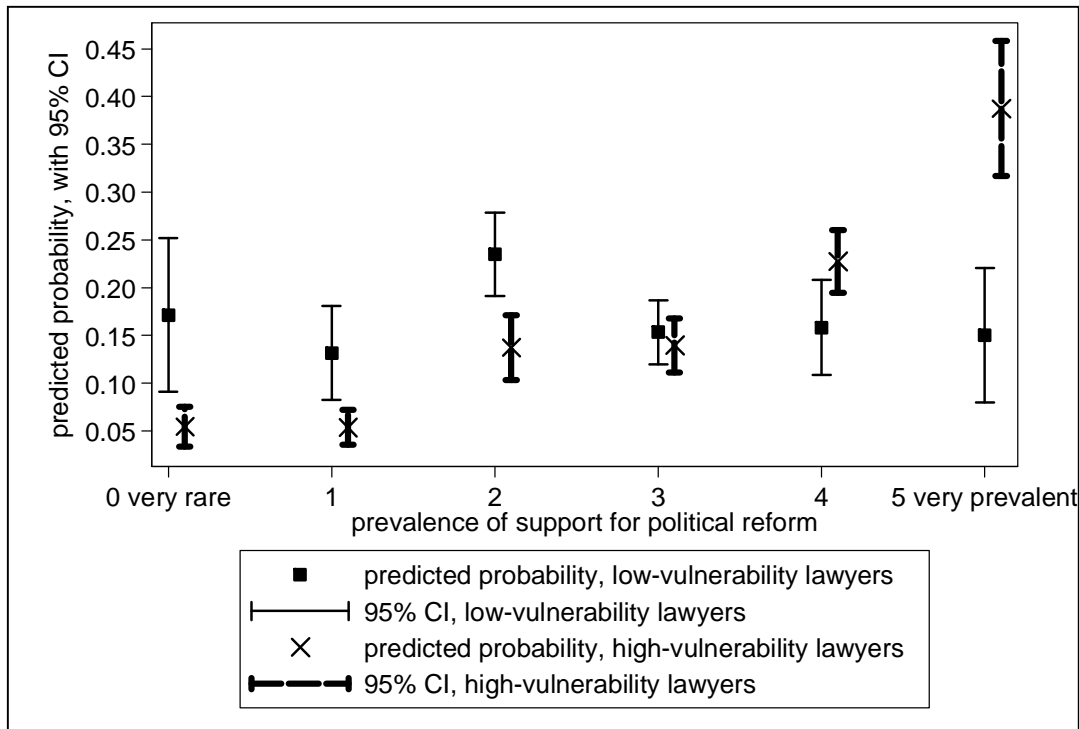
The effects of party affiliation on political values in our multivariate models are mixed. CYL membership is a statistically significant determinant of all measures of political values except the relative importance attached to political rights. CCP membership is significantly associated with only one measure of political values (the fulfillment of democratic aspirations, as seen in Figure 5K), but this effect is explained away by our measures of vulnerability, suggesting that CCP membership reduces vulnerability.

Whereas the descriptive, bivariate relationships in Figures 3-5 display 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 simulate the political values of "low-vulnerability lawyers." By the same token, if we plug in high values of our vulnerability measures, we can simulate the political values of "high-vulnerability lawyers." We define "low-vulnerability lawyers" as those who do not operate independently of their firms, who devote 20% of their legal effort to litigation, with no negative evaluations of their institutional environment, and who reported no state obstructionism in the past year. We define "high-vulnerability lawyers," by contrast, as those who do operate independently of their firms, who devote 80% of their effort to litigation, with at least one negative evaluation of their institutional environment, and who reported 3 sources of state obstructionism in the past year. Figure 6 depicts the predicted distributions of these two groups' responses to the statement, "Lawyers are inclined toward political reform." High-vulnerability lawyers are 2.5 times more likely than low-vulnerability lawyers to choose "very prevalent" (39% versus 15%), whereas low-vulnerability lawyers are more than three times more likely than high-vulnerability lawyers to choose "very rare" (17% versus 5%). Confidence intervals 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 7 depicts the predicted values of both our measure of the relative importance attached to political rights and our measure of 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 (also see Figure 2). In Figure 7 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.

Figure 6. Predicted Probabilities of Support for Political Reform, with 95% Confidence Intervals

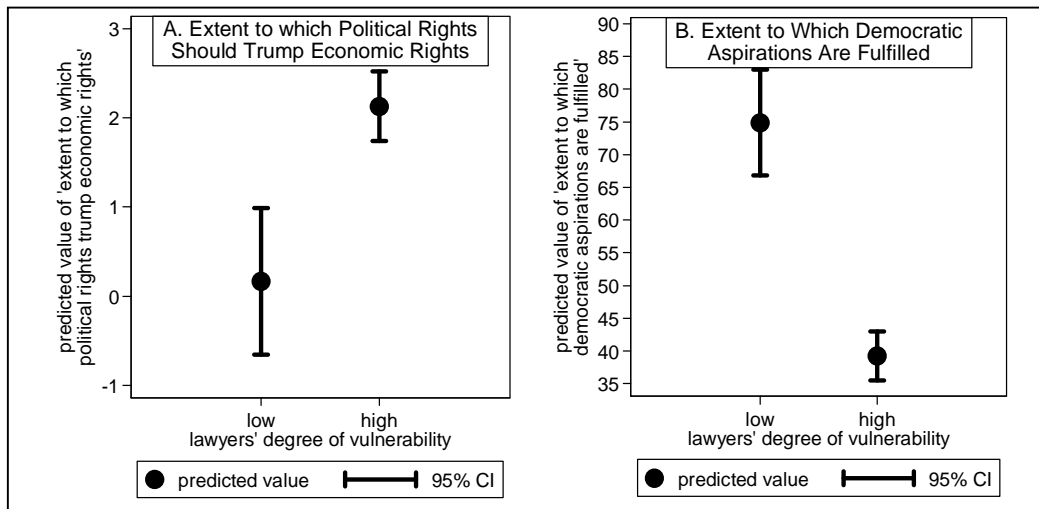


NOTE: “Low-vulnerability lawyers” are defined as those who do not operate independently of their firms, who devote 20% of their legal effort to litigation, with no negative evaluations of their institutional environment, and who reported no state obstructionism in the past year. “High-vulnerability lawyers” are defined as those who do operate independently of their firms, who devote 80% of their effort to litigation, with at least one negative evaluation of their institutional environment, and who reported 3 sources of state obstructionism in the past year. All remaining variables were set to sample means. Predicted probabilities for each group of lawyers sum to 100%. For details on post-estimation techniques, see Long and Freese (2006). The multivariate regression model used to calculate the predicted probabilities in this figure is available from the authors upon request.

Discussion and Conclusions

Findings we reported in this chapter show that, by any standard, Chinese lawyers’ political values are extremely liberal. The extent to which they embrace political rights (relative to economic rights), and the extent of their aspirations for more democracy in China, are extreme relative to three reference standards: (1) the general population of China, (2) the general populations of 44 additional countries included in the 2005-2007 wave of the World Values Survey, and (3) other members of China’s legal complex.

Figure 7. Predicted Probabilities of Remaining Measures of Political Values, with 95% Confidence Intervals



NOTE: See note under Figure 6 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.

Although they bring into high relief Chinese lawyers’ strongly politically liberal values, our data fail to support the argument that Chinese lawyers, like their counterparts elsewhere in time and place, are intrinsically predisposed to demand political freedoms (Halliday 2009; Halliday and Karpik 1997, 2001; Halliday, Karpik, and Feeley 2007). At the same time, although Chinese lawyers are squarely in the middle class in terms of their income and education, their political values are not driven by their class status. In the Chinese bar, the effects of economic status on political values are weak and inconclusive. Within the larger Chinese legal complex, lawyers are at the extreme liberal end of the political value spectrum even though their class status does not put them at the top of the socioeconomic hierarchy. Indeed, 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. Thus, at least according to the measures we analyzed in this paper, the 2007 China World Values Survey fail to confirm findings reported elsewhere of a Chinese middle-class affinity for democracy (Chen and Lu 2006; Goldman 2005; Rowen 2007; Tang, Woods, and Zhao 2009). In short, class is not part of the story of political values we tell in this paper.

Rather, our data strongly suggest that Chinese lawyers support political freedoms to the extent that their professional livelihood is compromised by their marginal status and weakly protected rights in the legal system—manifested most notably in the form of state actors who enjoy “insider” advantages vis-à-vis lawyers and who arbitrarily interfere in and obstruct the work of lawyers. Chinese lawyers, as a whole, embrace politically liberal values only because their vulnerability is so acute and widespread. Lawyers’ general perception that the bar as a whole is inclined toward political reform, the generally great importance they attach to political rights, and the generally small degree to which their democratic hopes have been fulfilled are, more than anything else, functions of their vulnerability. Our survey data show that erasing Chinese lawyers’ sources of vulnerability also erases the politically liberal tendency of their political values. Chinese lawyers who are not exceptionally vulnerable are likewise not exceptionally liberal in their political leanings. By extension, given that the general Chinese

population is more politically conservative than most of the other 44 countries in the 2005-2007 wave of the World Values Survey, Chinese lawyers, absent their sources of vulnerability, are politically conservative in global comparison.

In our effort to identify occupation-specific reasons for Chinese lawyers' politically liberal values, we found support and inspiration from sociological research on attitudes that disaggregates "big classes" into their specific constituent occupations (Grusky and Weeden 2008; Weeden and Grusky 2005). Our research further contributes to this approach by suggesting that attitudes map onto specific occupations more reliably than onto aggregates of occupations not only because of self-selection, socialization, and other social mechanisms unrelated to work (Weeden and Grusky 2005), but also because of occupation-specific work experiences, work conditions, and work environments. An 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.

Despite the radically liberal character of Chinese lawyers' political values, we conclude that they do not pose a challenge to the political status quo for at least three reasons. First, our findings suggest that Chinese lawyers want state actors off their backs as well as more and better-protected rights vis-à-vis their clients and law firms more than they want system-wide political change. The importance they attach to political rights is conditioned by their demand for institutionalized constraints on the power of state actors who stymie their work and livelihood, their demand for institutionalized protections in dealings with clients, and their demand for institutionalized support from their law firms. Redressing their sources vulnerability thus serves 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. Resolving the sources of their plight could turn Chinese lawyers' political values around. In this regard, lawyers could potentially develop in a trajectory similar to that of politically conservative business entrepreneurs (Dickson 2008; Tsai 2007) and other politically conservative middle-class citizens (Guo 2009; Pei 2006; Unger 2006) who align their interests with the state and the CCP.

Second, if vulnerability breeds political radicalism in the Chinese bar, and if vulnerability causes lawyers to abandon legal practice, then politically liberal lawyers are at elevated risk of exiting the bar, taking their political values with them, and politically conservative lawyers are relatively more likely to survive, helping to color the political values of the bar as a whole. Michelson (2009) 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 9 years between 1996 and 2004, 35%—or more than 1 in 3 lawyers—dropped out. These estimates are less extreme than the following impression of one lawyer in our 2009 survey: "90% of new lawyers disappear through competitive elimination (*taotai*)" (respondent #209249, Guizhou). As another lawyer 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). By implication, their hostile institutional environment selects out politically liberal lawyers and selects in politically conservative lawyers.

Third, in historical and comparative perspective, lawyers have mobilized in support of universal political rights, not narrow professional rights. Their political mobilization has been in response to the plight of ordinary people, not in response to their own professional plight. Moreover, 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 complex (Halliday 2009;

Halliday and Karpik 1997, 2001; Halliday, Karpik, and Feeley 2007). Insofar as Chinese lawyers are relegated to “a marginal status of outside interloper” in the court system (Michelson 2007:358), insofar as their vulnerability is aggravated more than ameliorated by their relations with judges and other actors in the legal complex, and insofar as their political values are shaped by their narrow professional interests, Chinese lawyers are not obvious vanguards of political change.

To be sure, countervailing forces may be at work. When vulnerable lawyers with politically liberal values are spit out of the legal profession, their political values do not disappear, but rather are displaced into the general population. Moreover, even if politically conservative lawyers (including CCP and CYL members) are those with the greatest staying power in the bar, their voices are nonetheless drowned out by the far more numerous politically liberal lawyers. Because of the legal profession’s high attrition rate, inexperienced and vulnerable lawyers at risk of developing politically liberal values continually replenish the bar’s population, reproducing the politically liberal tendency of the bar as a whole (even if the short-term effect is to introduce politically conservative values, insofar as the youngest lawyers are the most politically conservative and lawyers in their 40s are the most politically liberal). Thus, the revolving-door character of the Chinese bar not only produces politically liberal values, but also causes them to spill over into the general population.

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. For this reason, official efforts to blunt lawyers’ political aspirations by redressing their institutional vulnerability could paradoxically serve to blunt the authority of the CCP and compromise its political monopoly. From the CCP’s standpoint, therefore, co-opting lawyers is far more politically risky than co-opting entrepreneurs (Dickson 2008) and other members of the middle class (Pei 2006; Unger 2006). 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 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 should expect lawyers’ vulnerabilities and the politically liberal values they spawn to persist—with little political consequence—for the foreseeable future. Our research suggests that an end to the judiciary’s current path of muddling through, inextricably beholden to the political needs of the CCP, and the beginning of some measure of judicial autonomy from state interference and control are necessary conditions for quelling the complaints of Chinese lawyers. Such a development, however, if and when it happens, will likely not be a direct consequence of Chinese lawyers’ political hopes and efforts.

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