

THE PRC BAR AND PROFESSIONALISM:
A PRACTICAL AND THEORETICAL ANALYSIS

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ABSTRACT

This paper makes a practical and theoretical analysis of the evolution of professionalism in the PRC legal community since the 1950s. The Chinese Bar, once suppressed and marginalized with diminished autonomy, if any, is increasingly independent from the state and playing increasingly important roles in the Chinese society. Applying the criteria in classical Western theory on professionalism and using the approach of “arena analysis of professionalism,” I examine the Chinese legal community as it has evolved in the historical, political and social contexts. I discuss the evolution in such aspects as the definition of lawyers, law firms, lawyers’ associations, lawyers’ activities and roles and ideologies, and analyze the relationships between the Chinese Bar and the state authorities as well as the inherent and structural weakness of the Bar.

It is argued that the PRC legal community has achieved a significant measure of autonomy from the state, and such autonomy may differ according to the nature of the arenas. Viewed in terms of the elements in the Western concept of professionalism, however, the ideals of a qualified independent profession are not yet integrated into either the collective identity of the Chinese Bar or the official rhetoric and public perception of the role of lawyers. Further professionalism in the PRC legal community is constrained by obstacles resulting from the ongoing complex relationships between the Chinese Bar and the state authorities, the influence of the market forces, and the uncertainties of the roles and responsibilities of lawyers to their clients-including the underprivileged-and the society. It remains to be seen whether the Chinese legal community will come forward and play an active role as an important social force in challenging the status quo.

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