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OVERLAPPING ECOLOGIES:

PROFESSIONS AND DEVELOPMENT IN THE RISE OF LEGAL SERVICES IN CHINA

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ABSTRACT

The sociology of professions has derived most of its theories from the cases of professions in the Global North. Despite the growing number of empirical studies on professionals in developing countries, the intersection between professions and development has rarely been theorized. This paper uses the case of legal service professionals in China to outline an ecological theory of professions and development. It argues that, in the Global South, professions and development are *overlapping ecologies* that share some common actors and transform by similar social processes. Professionals serve as agents of development in at least four ways: (1) as *facilitators* of global institutional diffusion; (2) as *delegates* of the nation-state; (3) as *brokers* between global and national market interests; and (4) as *activists* of local social resistance. In the process of development, the four roles are constantly in conflict and the ecology of professions differentiates through social interactions among professionals performing these conflicting roles in issue areas such as economic growth, access to justice, and human rights.

Key words: profession, development, ecology, lawyer, China

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Introduction

The sociology of professions, once a thriving field, has been stagnant and under attack in recent years. As Gorman and Sandefur (2011) comment in their review essay of the field, sociological research on the professions experienced a “golden age” in the 1960-1980s and then went “underground” as the study of knowledge-based work in several subfields of sociology, such as medical sociology, sociology of law, and sociology of science. A recent article in the *American Journal of Sociology* even makes the provocative claim to “replace the sociology of professions with the more comprehensive and timely sociology of expertise” (Eyal 2013: 863). Indeed, even the basic concept of “profession” is difficult to define and often dismissed as a folk concept (Becker [1962] 1970; Bourdieu and Wacquant 1992: 241-247) or an “Anglo-American disease” (Freidson 1983: 26) that has limited applicability to other social and cultural contexts.

Is the moribund sociology of professions merely waiting for its death pronouncement? From the vantage point of intellectual history, Abbott’s (1988a) encyclopedic book *The System of Professions* seems to have absorbed most theoretical insights of this specialty area of sociology. However, despite its frequent citations and the popularity of its core concept “jurisdiction” (Abbott 1988a: 20), *The System of Professions* has generated only a limited number of empirical studies on the professions explicitly following its ecological and interactionist approach after nearly three decades of its publication (Dezalay 1991; Bechky 2003; Liu 2015). In this sense, while Abbott’s book shifted the theoretical paradigm for studying the professions, it also accelerated the decline of the field since the 1990s.

But sociological inquiries on the professions are not dead. As Macdonald wrote in his influential textbook, “The announcement of death of the sociology of the professions now appears every bit as exaggerated as the report of his own death seemed to Mark Twain, when he

read of it in the newspapers” (Macdonald 1995: xi). Although the sociology of professions has studied extensively the nature of professionalism (Becker [1962] 1970; Johnson 1972; Freidson 1970, 1986, 2001), the process of professionalization (Wilensky 1964; Larson 1977), jurisdictional conflicts between professions (Abbott 1988a), and the relationship between professions and the state (Johnson 1982; Rueschemeyer 1986; Halliday 1987; Halliday and Karpik 1997), most studies draw empirical cases from developed nations in Western Europe and North America. Despite the fast-growing number of doctors, lawyers, engineers, economists, and many other types of professionals in developing countries, no theoretical effort has been made to conceptualize the relationship between professions and development in the Global South.

This paper proposes an ecological theory of professions and development following the Chicago School of sociology (Park and Burgess [1921] 1969; Faris 1967; Abbott 1999). I argue that, for developing countries, the social spaces of professions and development are *overlapping ecologies* that share some common actors and transform by similar social processes. Using the case of legal service professionals in China, the paper demonstrates that, in the Global South, the professions occupy important intermediary positions between global neoliberal forces and local sociopolitical institutions in the ecology of development. Such positions enable professionals to serve as agents of development in at least four ways: (1) as *facilitators* of global institutional diffusion; (2) as *delegates* of the nation-state; (3) as *brokers* between global and national market interests; and (4) as *activists* of local social resistance. In the process of development, the four roles are constantly in conflict and the ecology of professions differentiates through social interactions among professionals performing these conflicting roles.

In the following pages, I first provide a brief review of the sociological literature on the professions and then present my theoretical framework for conceptualizing professions and

development as overlapping ecologies. The rest of the paper uses the rise of legal services in China as an empirical case to elaborate on this framework. Unlike the U.S. market, in which lawyers monopolize in most areas of legal services, the Chinese legal services market is characterized by the coexistence of multiple professional groups, including lawyers (*lüshi*), basic-level legal workers (*jiceng falü gongzuozhe*), enterprise legal advisors (*qiye falü guwen*), patent agents, trademark agents, foreign lawyers, and a large number of unauthorized practitioners. To explain the rise of this kaleidoscopic variety of law practitioners in post-Mao China, I examine the ecological interactions between legal professions and other sociopolitical actors in three issue areas of development: (1) economic growth; (2) access to justice; and, (3) human rights.

From Professionalization to the Ecology of Professions

The rise of the sociology of professions in the mid-20th century was closely related to the dominance of Parsonian functionalism in sociology. Both Durkheim (1957) and Parsons (1939, 1968) perceive the professions as the moral basis of modern society beyond the logic of the capitalist market. Also at the heart of this functional approach is the claim that the professions are “to bring knowledge to the service of power” (Carr-Saunders and Wilson 1933: 485-486; Halliday 1987: 19). Nevertheless, functional theorists were not able to provide a tenable definition of “profession” or to move beyond overgeneralized traits such as altruism or universalism (Parsons 1939). With the decline of functionalism since the 1970s, two new theoretical paradigms emerged in the professions literature, namely, market control (Larson 1977; Berlant 1975; Parry and Parry 1976) and jurisdictional conflict (Hughes 1971, 1994;

Abbott 1988a). While the former emphasizes the structural changes of professionalization, the latter focuses on professional work and interprofessional competition.

With a delicate combination of the neo-Marxian theory of commodities and the neo-Weberian theory of social closure, market control theory argues that professions seek market monopoly and social closure in order to increase their collective income and status in society. It contradicts the assumption of altruism in professional ethics prevalent in functional theories (e.g., Flexner [1915] 2001; Parsons 1939). To become a profession, an occupation must go through a complex process of professionalization, or what Larson (1977) terms the “professional project.” This project first constructs a marketable professional commodity and then seeks collective status mobility through social closure. It is essentially “an attempt to translate one order of scarce resources – special knowledge and skills – into another – social and economic rewards” (Larson 1977: xvii).

While earlier studies seek to construct a fixed structural sequence of professionalization (Wilensky 1964), market control theorists divide professionalization into two parallel tasks: (1) controlling the production *of* producers; and, (2) controlling the production *by* producers (Larson 1977; Abel 1989). The producers of professional services are produced by apprenticeship, licensing and professional education. Once these qualified professionals have been produced, the services that they provide are regulated by organized professional associations with a code of ethics. When a profession has established firm control over both the production of producers and the production by producers, it can secure a sheltered place in the labor market as well as higher status in the social stratification system.

Market control theory provides a powerful analytical framework for explaining the rise of the modern professions, such as the increasing monopoly of American medicine and law in the

20th century (Starr 1982; Abel 1989), but it has a number of flawed “hidden assumptions” (Abbott 1988a: 17-19). Professionalization, as Abbott argues, assumes that the evolution of a profession is unidirectional and independent from other professions. It also assumes that professions are homogenous units, and their social structure and cultural claims are more important than professional work. Most importantly, the process of professionalization does not seem to change with time and lacks a history of its own. The jurisdictional conflict theory that Abbott (1988a) proposes directly challenges those assumptions.

The starting point of jurisdictional conflict theory is the assumption that every profession controls some areas of specialized work in the division of labor and it develops through social interactions with other professions. The link between a profession and its work is termed “jurisdiction” and the interaction between professions is called “jurisdictional conflict” (Abbott 1988a: 20, 69). The prioritization of work over social structure is what distinguishes Abbott’s theory from theories of professionalization and it marks a long tradition of the Chicago School of sociology on work and occupations since Everett C. Hughes. Hughes (1971, 1994) argues that occupations emerge from bundles of work activities and are parts within larger systems of work. Each profession seeks a monopoly, and “it does so in part by limiting its activities and the area of its responsibilities and tasks, while delegating purposely or by default many related tasks and responsibilities to other occupations” (Hughes 1994: 71). The similarity with Abbott’s system of professions is striking here, though Hughes’s view of interprofessional relations is notably less competitive than Abbott’s – a theoretical point that I will return to later in the paper.

Abbott advances the Chicago School interactionist approach to work and occupations in at least three aspects. First, he proposes a “cultural machinery” of professional work, constituted by three professional acts: diagnosis, inference, and treatment (Abbott 1988a: 35-58). Despite the

medical origin of these concepts, they constitute a generalizable explanatory framework for understanding how professionals conduct their work. Second, with the concept of jurisdiction and the focus on interprofessional competition, Abbott links the cultural content of professional work with the macro structure of the system of professions – an important theoretical move beyond the microsociological orientation of symbolic interactionism (Blumer 1969). Third, like his Chicago School predecessors (Park and Burgess [1921] 1969; McKenzie 1924, 1968), Abbott sees social structures as “fluctuating and geographic” (1988a: xv) and presents a spatial topology of jurisdictional settlements, dominance, connectivity, and other system properties for the professional ecology.

Jurisdictional conflict theory is essentially a competitive model that “believes the equilibrating forces prevail, assuming that no profession delivering bad services can stand indefinitely against competent outsiders, however powerful it may be” (Abbott 1988a: 135). This theoretical orientation leads to a few critiques. First, the theory pays little attention to power and inequality in professional life. Although Abbott uses concepts such as “subordination” or “oligarchy” to characterize patterns of domination between professions, his ecological theory downplays the dynamics of power struggles and labor exploitations in the workplace, which is in sharp contrast to the Marxian tradition on work and labor (Burawoy 1979, 1985). Second, Abbott’s “obsession with competition as the overriding dynamic” (Johnson 1989: 413) ignores other social processes that shape interprofessional relations, such as cooperation, accommodation, or exchange. In this sense, Abbott’s ecological model is a reduction of human ecology of the original Chicago School (Park and Burgess [1921] 1969; Hughes 1971, 1994), which emphasizes competition but also fully recognizes the great diversity of ecological interactions. Furthermore, Abbott criticizes the professionalization literature for being

ahistorical, but his own theory has only a limited set of analytical tools for explaining the dynamics of temporal change.

Professions and Development: Overlapping Ecologies

Like most ecological theories following the Chicago School tradition (Park, Burgess, and McKenzie 1967; Hawley 1986; Hannan and Freeman 1989), Abbott's ecological system of professions is a highly endogenous system and all the external actors, such as clients and the state, are treated as passive environmental conditions with limited agency to influence interactions within the ecology (Liu and Emirbayer 2016). To remedy this notable weakness, Abbott (2005, 2016) develops a "linked ecologies" framework, which connects multiple ecologies (e.g., professions and the state) with mechanisms such as hinges or avatars.

Nevertheless, even in this modified framework, the two linked ecologies remain largely endogenous. Hinges are issues that provide "dual rewards" for actors in two different ecologies (e.g., medical licensing for both doctors in the professional ecology and civil servants in the political ecology, Abbott 2005: 255), while avatar is "an institutionalized hinge" that an actor creates in another ecology as its representative (e.g., academic specialists in computer science, Abbott 2005: 265-266). Both concepts emphasize the influence of external actors on an ecology, but neither attempts to integrate the two ecologies by allowing social interaction between actors across them. As a result, when applying the linked ecologies framework to ecologies that share common actors, such as lawyers and economists in the ecology of professions and the ecology of development (Trubek et al. 1994; Dezalay and Garth 2002; Fourcade 2006), concepts like hinges or avatars appear too rigid to fully capture the dynamics of interaction between ecologies.

In this paper, I use a new concept – “overlapping ecologies” – to characterize the relationship between professions and development. Overlapping ecologies refer to two adjacent ecologies that *overlap* and *interpenetrate* each other. They overlap because some common actors occupy ecological positions in both of them, and they interpenetrate because the interactions within one ecology, as well as those across the two ecologies, simultaneously shape the social structures of both ecologies. Compared to Abbott’s linked ecologies framework, in which the two ecologies remain separate and largely maintain their endogeneity, the concept of overlapping ecologies blurs the boundary between the two ecologies and moves one step further towards their structural integration.

Development is often seen as a process of modernization or a structure of dependency (Tamanaha 1995), but it can also be conceptualized as a social space with actors, positions, and processes of interaction. Professions and development are two overlapping ecologies for the following reasons. First, doctors, lawyers, engineers, accountants, economists, and other professionals play prominent roles in the ecology of development. International development agencies are staffed by these professionals and the objectives of their projects often include the capacity building of professionals and their institutions in the Global South (Trubek and Galanter 1974). The interactions between different professions and between practitioners in the same profession constitute key dynamics of the global-local interactions in the ecology of development.

Second, the nation-state, a dominant institution in the ecology of development (Evans, Rueschemeyer, and Skocpol 1985; Migdal, Kohli, and Shue 1994; Evans 1995), is supported by a large number and variety of professionals. Lawyers arguably play an active role in politics in many countries across the world (Halliday and Karpik 1997; Halliday, Karpik, and Feeley 2007),

but other professionals such as engineers, economists or doctors can also become influential politicians and bureaucrats, especially in specialized ministries such as health, commerce, and labor (Halliday 1985; Meiksins and Smith 1993; Dezalay and Garth 2002; Harris 2015). When the state makes its developmental policies, it inevitably draws upon the expertise of professionals in its ministries. It is through the “palace wars” (Dezalay and Garth 2002) between professionals, both domestically and internationally, that the nation-state is located into its (often dominant) position in the ecology of development.

Third, the dynamics of interaction in the ecology of development create actors and shape their interactions in the ecology of professions. The interactions between global and local actors in development are not only environmental conditions for the ecology of professions, but directly give birth to many professions and adjust the jurisdictions between them. This is particularly true for developing countries in which most Western-style professions (e.g., accountants, engineers, journalists, or even sociologists) were created in the last century or so. In comparison to the largely laissez-faire history of the Anglo-American professions, few professions in the Global South were developed without the constant intervention by actors and institutions in the ecology of development, such as nation-states, civil society groups, and international organizations. The ecology of professions in most developing countries has never been an endogenous ecology as Abbott (1988a) conceptualizes in *The System of Professions*. Instead, its emergence and transformation are intertwined with the structural changes in the ecology of development.

To further theorize the overlapping ecologies of professions and development, it is necessary to define them more precisely. An ecology has three main components: actors, positions, and the relations between them (Abbott 2005; Liu and Emirbayer 2016). For the ecology of professions, actors are the professions coexisting in it, positions are the tasks that

professions seek to control, and the relations between actors and positions are what Abbott (1988a: 20) terms “jurisdiction,” defined as a profession’s control over its work. In Abbott’s original framework, this is a simple, homogenous ecological model with only one type of actor (i.e., profession) and one type of interaction (i.e., jurisdictional conflict).

To conceptualize the social world of development as an ecology, however, requires some significant modifications of this model. First of all, the ecology of development has a large number of heterogeneous actors, such as nation-states (in both the Global North and South), international governance organizations (e.g., United Nations, European Union, ASEAN, etc.), international financial institutions (e.g., World Bank, IMF, Asian Development Bank, etc.), political parties, civil society groups, and individuals (Halliday and Osinsky 2006). Second, these domestic and international actors are located in a far more complex and fluid topology of positions in the ecology of development than the spatial topology in the ecology of professions. The relations between actors and positions, accordingly, are not only a matter of (relatively stable) jurisdictional control, but a temporal and fluctuating “system of adjacencies and relationships that is the momentary social structure, providing the locales, facilities, and constraints that shape the possible actions of the moment” (Abbott 2016: 34). The “structure-in-the-moment” nature of development makes it a good case for further developing ecological theory in sociology.

While it is beyond the task of this paper to provide a full-fledged analytical framework for the ecology of development, by examining its overlapping parts with the ecology of professions I seek to make at least a few initial steps towards developing such a framework. The first step in theorizing the ecology of development is to map the topology of this social space. The ecology of development is an ecology organized around issues, or what Block-Lieb and

Halliday (2017) call an “issue ecology.” Just like the ecology of professions can be divided into a number of task areas such as health, law, education, information, etc. (Abbott 1988a), the ecology of development can be divided into a number of issue areas, such as economic growth, public health, access to justice, human rights, environment, etc. In each issue area, various clusters of actors participate in ecological interactions over positions. Some actors, such as the United Nations or some hegemonic nation-states (e.g., the United States), may be present across many issue areas, whereas other actors, such as labor rights groups or health organizations, are only active in one or two issues areas.

The second step, therefore, is to develop a classification system of actors in each issue area. Take human rights as an example. There are at least two dimensions by which actors in this issue area, as in many other issue areas, can be classified: (1) global vs. local; (2) public vs. private. The two dimensions not only classify the various actors participating in human rights projects or disputes, but also locate them into different positions in the ecology. The Inter-American Court of Human Rights, for instance, is a global and public actor (Huneus 2011), whereas a domestic NGO fighting against torture is a local and private actor. Both of them are concerned with human rights and legal proceduralism, yet they occupy vastly different positions in this issue area.

Once a classification system of actors is developed, the next step is to closely examine the processes of interaction in the ecology (Abbott 2016; Liu and Wu 2016). Whereas competition appears to be the dominant form of interaction in Abbott’s ecology of professions, in the ecology of development interactions take a variety of forms, including competition, cooperation, conflict, accommodation, boundary work, exchange, etc. (Park and Burgess [1921] 1969; Gieryn 1983, 2006; Abbott 1999; Liu 2015). In development projects, the cooperation

between global and local actors and the exchange of resources and expertise between them are at least equally important as their competition and conflict. The boundary work (Gieryn 1983) between nation-states or between international organizations can also take the forms of boundary making or boundary blurring (Liu 2015), depending on the issues involved and the interests of the actors on these issues.

In sum, the ecology of development can be analyzed by examining the topology of its issue areas, the classification system of actors in each issue area, and the processes of interaction between these actors. This analytical framework will be illustrated with the empirical case of legal services in China in later sections of the paper. Now I turn to the key theoretical question for this paper, that is, how to theorize the *overlaps* and *interpenetration* of the two ecologies of professions and development?

Table 1. Four roles of professionals in the ecology of development.

	Global	Local
Public	Facilitators	Delegates
Private	Brokers	Activists

By definition, the two overlapping ecologies share a number of actors. These are usually professions and professionals who participate in various processes of interaction in the ecology of development. As Table 1 shows, professionals can serve as agents of development in four ways according to the two dimensions identified above: (1) global vs. local; and, (2) public vs. private. First, they can be *facilitators* of global institutional diffusion – doctors working in the World Health Organization or economists working in the World Bank are good cases in point.

Second, they can be *delegates* of the nation-state, such as the large number of professionals working as bureaucrats in the ministries, lawmakers in congress, or judges and law enforcement officials in the judicial system. Third, they can be *brokers* between global and national market interests, assuming intermediary positions in the local offices of multinational corporations or professional service firms. Finally, they can be *activists* of local social resistance to neo-liberalism and state repression, such as activist lawyers in political reforms, journalist opinion-leaders in the public sphere, or union leaders in labor movements.

In the ecology of development, the four roles are often in conflict and interactions among professionals performing these conflicting roles have important structuring effects on the topology of every issue area of development. Meanwhile, the ecology of professions also differentiates through interactions among professionals participating, directly or through proxy, in the ecology of development. These interactions occur both within a single profession (e.g., lawyer politicians as delegates of the state vs. human rights lawyers as activists of social resistance) and between different professions (e.g., economists as global facilitators vs. lawyers as market brokers). They interpenetrate the overlapping ecologies of professions and development. As a result, the two ecologies not only share some common actors, but also show a tendency towards structural isomorphism in corresponding issue/task areas.

It is important to note, however, that the ecology of professions is not a subset of the ecology of development, or *vice versa*. On the one hand, there are many jurisdictional conflicts between professions that have nothing to do with development or the political economy, but are about division of labor in the workplace or driven by technological or organizational change (Abbott 1988a). As a task ecology (as opposed to an issue ecology), the ecology of professions is not organized around issues of development, but around different types of work that professions

seek to control. On the other hand, not all actors in the ecology of development are professionals. From farmers in the countryside to factory workers in cities, from state-owned enterprises to multinational corporations, from local politicians to national and international leaders, none of those actors can be properly classified as professions or professionals, but all of them play active or even dominant roles in the ecology of development. This non-reducible nature of the two ecologies is another reason why professions and development are better to be theorized as overlapping ecologies rather than nested ecologies (see Childress 2015 for an example of “nested field”).

Legal Services as Development: Mapping the Overlapping Ecologies in China

Law and development is a long-standing research area in the sociology of law (Trubek and Galanter 1974; Tamanaha 1995; Garth 2003), but there has rarely been any scholarly effort to conceptualize the relationship between a country’s economic development and the growth of its legal services in spatial or ecological terms. Many studies, particularly those influenced by modernization theory or neo-institutionalism in economics (North 1982, 1990), assume a more or less linear correlation between the rule of law and economic growth, i.e., the rise of legal services and the capacity-building of the judicial system would facilitate a country’s economic development (and democratization, as it is often hoped). To apply the ecological theory to study the rise of the legal services market, we need to transcend this “general linear reality” (Abbott 1988b) and re-conceptualize the relationship between law and development as historically contingent processes of interaction in overlapping ecologies. These social processes do not constitute any teleological path, but they shape the social structures of a country’s legal system and political economy.

The rise of legal services in China since the late 1970s provide a good case for observing how the overlapping ecologies of professions and development shape the social structures of law, market, and the state in a large developing country. The case of legal services in China is a rare *de novo* case for both professions and development. The Cultural Revolution in 1966-1976 devastated China's legal system and all the legal professions were created or revived from the late 1970s. The profession of lawyers disappeared even earlier – in 1957, when the Anti-Rightist Campaign purged them as “rightists” and abolished the profession altogether. For the next two decades, there had been no formal education, training, or practice for legal professionals. Development was not a policy priority of the Mao era either. Until Deng Xiaoping came to power in 1978, political campaigns and power struggles had dominated the policymaking of the Chinese state. This unique historical context enables us to examine the simultaneous emergence of the ecologies of professions and development in China in the 1980s and their overlapping transformation in the next three decades.

For this empirical case, the two overlapping ecologies share a variety of professional, political, and social actors. First, many professional groups coexist and compete with one another in the Chinese legal services market, including lawyers, basic-level legal workers, enterprise legal advisors, patent agents, trademark agents, foreign lawyers, a large number of unauthorized law practitioners, as well as judges and procurators in the state judicial system. Second, the competing Chinese legal professions are regulated by multiple state agencies with distinct interests and power, including not only different offices in the Ministry of Justice (MOJ), but also the State Administration of Industry and Commerce (SAIC), the State-Owned Asset Supervision and Administration Commission (SASAC), the State Intellectual Property Office (SIPO), etc. (Liu 2012, 2015). Furthermore, global actors such as multinational corporations and

foreign donors (including both governments and private foundations) have also played an active role in shaping the corporate and public interest sectors of the Chinese legal profession. In recent years, domestic social groups, such as human rights activists, feminist and LGBT groups, and labor NGOs, have also begun to interact with law practitioners in various ways, despite the increasingly harsh state repression on these efforts to strengthen civil society in China.

All these professional, political, and social actors can also be found in the ecology of development. While corporate lawyers and enterprise legal advisors in major cities serve business corporations and facilitate China's economic growth, lawyers in ordinary litigation, basic-level legal workers, and "barefoot lawyers" (*chijiao liushi*) provide legal services to millions of ordinary Chinese citizens across the country and empower them in courts. Patent and trademark agents protect the intellectual property rights of both foreign and Chinese companies, a key aspect of China's changing development model from labor-intensive import substitution to service-based innovation. Besides law practitioners, all the government ministries and offices that regulate the legal professions also play important roles in China's development, including regulating state-owned enterprises (SOEs), strengthening the rule of law, protecting property rights, and improving access to justice. The law-related global and local social groups mentioned above are frequent participants of law and development projects too.

How to locate the complex varieties of actors into their respective positions in the overlapping ecologies of professions and development? As discussed in the previous section, positions in the ecology of professions are professional tasks, while positions in the ecology of development are developmental issues. Only when these tasks and issues correspond to one another and are taken on by the same group of actors can the two ecologies overlap and interpenetrate each other. In the case of legal services in China, three issues of development are

particularly salient: (1) economic growth; (2) access to justice; (3) human rights. Around each issue, a cluster of legal professionals and other sociopolitical actors come together to perform its various tasks. It is in the processes of their mutual interactions that the social structures of the overlapping ecologies are produced. The next three sections discuss those three issue areas of development and examine the interactions among professional and other sociopolitical actors in each of them. As the primary purpose of this paper is to develop theory and most empirical data have been analyzed in detail in my earlier work (Liu 2008, 2011, 2012, 2015), I will limit the data presentation to general narratives that help illustrate the overlapping ecologies framework.

Economic Growth: Lawyers as Global Facilitators and Market Brokers

Legal professionals contribute to economic growth primarily by providing services to business corporations and individuals engaging in commercial transactions, both locally and internationally. Lawyers advise corporate clients on a variety of corporate legal work such as foreign direct investments (FDI), mergers & acquisitions (M&A), banking and finance, and real estate transactions, but they also assume central roles in dispute resolution, including corporate litigation and commercial arbitration (Dezalay and Garth 1996; Liu 2006, 2008; Flood 2013). In-house counsel, or enterprise legal advisors in the Chinese context, are both “cops” and “counsel” (Nelson and Nielsen 2000) for enterprises in their legal compliance and strategic development. Patent and trademark agents, separately licensed from lawyers in China, protect intellectual property rights for companies and individuals in technological innovation and business development. When performing tasks related to economic growth, the role of legal professionals is often the facilitators of global institutional diffusion or brokers between global and national market interests, but they can also serve as delegates of the state.

When China's economic reform began in the late 1970s, Chinese leaders such as Deng Xiaoping and Peng Zhen, who suffered personally during the largely lawless Cultural Revolution (1966-1976), considered the legal system a necessary institution for facilitating economic growth and maintaining social stability – an instrumental view of law that echoes the modernization theory of law and development (Trubek and Galanter 1974; Tamanaha 1995). Accordingly, the profession of lawyers was revived in 1980 under the regulation of the MOJ. In the meantime, following the Soviet distinction between enterprise and social legal services, a parallel profession of enterprise legal advisors was also created by the State Economic Commission (a predecessor of the SASAC) to provide legal services to SOEs (Liu 2012). This distinction between lawyers in firms and legal advisors in enterprises persisted until the State Council abolished the licensing of enterprise legal advisors in 2015.

In the 1980s, all Chinese lawyers were state employees working in “legal advisory divisions” (*falü guwenchu*) or state-owned law firms. In economic transactions, they acted primarily as delegates of the state, even when serving foreign clients. However, with the opening up of the Chinese economy, especially after Deng's 1992 Southern Tour legitimized the “socialist market economy,” the role of lawyers in China began to change dramatically. By the turn of the 21st century, the majority of Chinese law firms had been “unhooked” from the state and reorganized into private partnerships (Michelson 2007; Liu 2011), and a number of corporate law firms specializing in complex transactional work such as FDI and M&A had emerged in Beijing, Shanghai, and other major business centers (Liu 2006). Meanwhile, foreign law firms from Britain, the United States, Japan, and other advanced economies began to set up representative offices in mainland China since 1992. By 2000, there were already 105 foreign law offices in China, mostly located in Beijing and Shanghai (Stern and Li 2016: 187).

The entrance of foreign law offices not only brought valuable expertise to the Chinese legal profession, but also greatly facilitated the globalization of the Chinese economy, especially since China's WTO accession in 2001. Lawyers in these offices mainly perform the role of global facilitators in their work, assisting multinational corporations to make investments in China's rapidly growing market sectors and, more recently, serving Chinese SOEs and private companies in their outbound investment projects in Africa, Southeast Asia, the Americas, and other regions of the world (Liu, Trubek, and Wilkins 2016). Although the MOJ has not permitted foreign law offices to practice Chinese law or employ licensed PRC lawyers, global market forces have significantly blurred the social boundary between foreign and Chinese lawyers, producing an increasingly large number of hybrid "lawyer compradors" (Dezalay and Garth 2002) who possess both global "know-how" and local "know-who" in complex corporate transactions (Liu 2008). By 2012, there were 174 foreign law offices in mainland China, though most of them remain a small "outpost office with a median size of eleven lawyers responsible for less than 5 percent of global revenue" (Stern and Li 2016: 185).

By contrast, domestic corporate law firms have grown substantially bigger in the early 21st century. While no Chinese law firm had more than two hundred lawyers in 2002, by 2015 several firms had grown into mega-firms with thousands of lawyers and a large number of domestic and overseas offices. Two Chinese firms even formed two of the largest law firms in the world, King & Wood Mallesons and Dacheng-Dentons, by merging with foreign law firms outside China. The stunning growth of Chinese corporate law firms was driven not only by competition, accommodation, assimilation, symbiosis and other processes of interaction in the ecology of professions (see Liu and Wu 2016 for details), but also by the equally rapid growth of the Chinese economy in this period, which generated abundant transactional work for corporate

law firms. Lawyers working in these firms include not only global facilitators who bring foreign expertise on corporate legal transactions into China, but also a large number of market brokers who are able to bridge the gap between the bureaucratic state and the global market economy using their localized expertise – “an experience-based and culturally sensitive expertise” (Liu 2008: 775) that combines knowledge of global market rules and local political contexts.

Such brokers between market and state can also be found in the in-house legal departments of SOEs. Since enterprise legal advisors were created as a separate profession from lawyers in the 1980s, they have assumed the role of brokers in SOEs. On the one hand, enterprise legal advisors hold bureaucratic ranks like other state officials; on the other hand, most of them also have legal education and are well connected with the legal services market. In comparison with lawyers in private firms, the ecological position of enterprise legal advisors is even closer to the state and thus they sometimes also perform the role of state delegates. Nevertheless, as Chinese SOEs begin to actively make investments abroad in recent years, enterprise legal advisors have moved closer to the global market than in earlier periods. As a regulatory response to this shifting role, the State Council abolished the licensing of enterprise legal advisors in 2015 and the MOJ has developed a new system of “corporation lawyers” (*gongsi lüshi*), which is intended to blur the jurisdictional boundary between lawyers in enterprises and in law firms by granting the lawyer license to enterprise legal advisors who have passed the national judicial exam (Liu 2012). Although the full assimilation of enterprise legal advisors into the profession of lawyers will still take time, it is evident that China’s rising economic power in the ecology of development has generated profound consequences to the boundary work in the ecology of professions.

Access to Justice: Grassroots Legal Professionals as State Delegates

Since the rise of the welfare state in the 20th century, access to justice has been a major concern for both the legal profession and national policymakers in the Global North (Cappelletti and Garth 1977; Rhode 2004). In China, it has also become a pressing concern for the MOJ in the reform era. The creation of basic-level legal workers in the 1980s was a state-led effort to improve access to justice given the shortage of lawyers at the time (Alford 1995; Liu 2011). This secondary legal profession originally emerged in a few major cities and then it was formalized by the MOJ in 1987 with name “township legal workers” (*xiangzhen falü gongzuozhe*). Except for criminal defense, in which lawyers had monopoly, township legal workers were permitted to provide services in all other legal cases. Thanks to their lower educational and licensing requirements, township legal workers as a profession grew rapidly in the 1980s – by 1988, there were 81,520 of them across China, more than twice the number of lawyers (31,410) in that year (Liu 2016: 183). It was not until 2000 that the number of Chinese lawyers caught up with the number of township legal workers, around 120,000 of each (Liu 2011: 283).

The rapid growth of two parallel legal professions in the 1990s greatly improved the availability of legal services to ordinary Chinese citizens in both urban and rural areas. These grassroots legal professionals, including township legal workers and lawyers in ordinary litigation, mainly performed the role of state delegates in the ecology of development. In spite of their lower qualifications, township legal workers were often more competitive than lawyers in serving ordinary people in litigation, especially in basic-level courts (Liu 2011). This is not only because their services were more affordable, but also owing to the fact that township legal service firms were closely associated with local justice bureaus, sometimes even sharing offices and personnel with grassroots justice agencies. By contrast, the profession of lawyers went

through a process of privatization in the 1990s and many of their ties with local justice bureaus were weakened as a result of the restructuring of their law firms from state-owned firms to partnerships (Michelson 2007). In other words, while lawyers' role in ordinary litigation was changing from state delegates towards market brokers, township legal workers consolidated their position as the primary delegates of justice bureaus in legal services for ordinary citizens, especially the lower-income population.

To facilitate the work of township legal workers, local justice bureaus across China permitted them to engage in a series of boundary blurring strategies to imitate lawyers, such as printing the title "lawyer" on their business cards. Or using the title "legal firm" (*faliu shiwusuo*), which only differs from "law firm" (*lushi shiwusuo*) by one Chinese character (Liu 2011: 283-284). Many township legal service firms employed former judges, procurators, or justice bureau officials who did not have the lawyer license and benefited greatly from the political embeddedness of these "amphibians" between market and state (Michelson 2007; Liu 2011). For lawyers, township legal workers constituted a serious market competitor who enjoyed unfair advantages as delegates of grassroots justice agencies, but for ordinary citizens seeking legal help, the jurisdictional boundary between the two professions was insignificant. In fact, many clients were not even aware of the difference when approaching a law firm or a "legal firm." What they cared about were more affordable prices and closer connections with the local courts and other state authorities, which often made township legal workers an appealing option. In this sense, despite their jurisdictional conflict with lawyers, the proliferation of township legal service in the 1990s greatly expanded the access to justice in grassroots Chinese society.

In 2000, the MOJ changed the official name of township legal workers to "basic-level legal service workers" and, facing strong pressures from the lawyer community, began to restrict

the practice of this secondary legal profession, especially its boundary blurring strategies. The title of “legal firm” was forbidden and all legal service firms were required to practice only within the scope of the streets or townships in which they were located. Consequently, the total number of basic-level legal workers decreased from 121,904 in 1999 to 77,408 in 2006, a sharp reduction of 36.5% in seven years. Meanwhile, the MOJ’s regulations on basic-level legal service were nullified by the promulgation of the 2003 Administrative License Law. Until the 2012 revision of the Civil Procedure Law, the existence of basic-level legal workers had lost its formal legal basis for nearly a decade.

What impact did the shrinkage of basic-level legal service have on access to justice in China? Although the number of lawyers continued to increase in the early 21st century, they also started to concentrate towards major cities in the east coast, such as Beijing, Shanghai, and Shenzhen (Liu, Liang, and Michelson 2014). At the lower end of the legal services market, many ordinary citizens across China still have difficulties in finding lawyers or bearing the prices of their services. The idea of public interest lawyering has been diffused to China through the legal academy, but only a small number of activist lawyers (see the section below) would devote a substantial amount of their time in the legal assistance to the poor, sometimes even discouraged by their law firms or the local bar associations due to political concerns.

This growing gap in access of justice in the ecology of development is partially filled by the proliferation of legal aid centers and legal clinics. Some of these legal aid institutions are funded and directly administered by the justice bureaus, while others are supported by foreign donors such as the Ford Foundation (Phan 2005; Erie 2009). In comparison to developed countries (Moorhead, Sherr and Paterson 2003; Sandefur 2007), however, the Chinese government’s legal aid budget and personnel remain limited, especially given the large size of

China's population. The entrance of foreign donors since the 1990s has provided a limited but viable alternative for lower-income population to get legal help, yet these donors have been under increasingly close surveillance from the state in recent years as the Chinese government becomes more cautious of foreign influence on its civil society. Caught between the deficiency in legal aid and the high price of lawyers, it is likely that basic-level legal service will continue to play the role of state delegates in improving access to justice in Chinese society, particularly its rural areas and less developed regions. As in the issue area of economic growth, the dynamics of interaction between professions in grassroots legal services are also driven by the political and social demands in the ecology of development.

Human Rights: Lawyers as Activists of Social Resistance

Development is not only economic and social, but also political. Lawyers serve corporate and personal clients, but some of them also fight for the improvement of human rights and basic legal freedoms, which often involve challenging arbitrary state power and resisting neoliberal global forces (Halliday and Karpik 1997; Sarat and Felstiner 1998, 2001; Halliday, Karpik, and Feeley 2007; Marshall and Hale 2014). Despite the persistent state repression on civil society activism, a small but cohesive group of Chinese activist lawyers defending for human rights in politically sensitive cases has emerged in China (Fu and Cullen 2008, 2011; Pils 2015; Liu and Halliday 2011, 2016). These lawyers perform the role of activists of local social resistance by fighting for the procedural rights of criminal suspects in the criminal justice system, helping victims of rural land-takings and urban evictions to get compensation, protecting women from domestic violence and forced sterilization under one-child policy, representing factory workers in labor disputes, and so on. They are often marginalized in the Chinese legal profession but acclaimed by the

international media and human rights organizations. The continuous struggles between state repression and international support around these activist lawyers characterize a key dynamic of interactions between state and society in China and between the Chinese state and the international human rights community.

The rise of lawyer activism in China began around the turn of the 21st century. On the one hand, the privatization of law firms provided Chinese lawyers some distance and autonomy from the state; on the other hand, rapid economic and social changes brought many conflicts and disputes to the attention of lawyers. As a result, a small number of activist lawyers started to shift away from the conventional roles of global facilitators, state delegates, or market brokers by taking on cases involving human rights and other political causes.

One prominent area of human rights activism is criminal defense, in which Chinese lawyers have faced great difficulties and risks (Michelson 2007; Liu and Halliday 2016). Lawyers across China complain vigorously about everyday problems in meeting suspects, collecting evidence, and accessing case files in criminal work. More seriously, hundreds of lawyers have been detained, prosecuted, or even sentenced to prison for the “crime of lawyer’s perjury” (*lüshi weizheng zui*), a crime established by Article 306 of the 1997 Criminal Law and often abused by the procurators as a revenge on uncooperative defense lawyers. Facing such precarious working conditions, many lawyers have chosen to avoid criminal work, yet those who persist have been actively fighting against the power abuse of the judicial and law enforcement agencies in their everyday work. In a few *causes célèbres* such as the Li Zhuang case in 2009-2011, a large number of lawyers across China mobilize through the Internet and social media to rescue their colleagues and call for the improvement of the protection of lawyers’ procedural rights (Liu, Liang, and Halliday 2014). To some extent, the political activism of Chinese lawyers

is generated by the plight of their practice and survival in the criminal justice system, which is shaped by their daily interactions with judges, procurators, police officers, all of whom are delegates of the authoritarian state.

Among criminal defense lawyers, a critical mass who specialize in human rights cases have emerged in Beijing in recent years. These lawyers are political activists who do not practice law for client service or economic gain, but to pursue systemic reforms in China's legal and political systems (Fu and Cullen 2008, 2011; Pils 2015). Although they are often harshly repressed by the Chinese state, some notable activists have also received generous funding support from foreign donors and development agencies seeking to promote criminal justice and political reforms in China, such as the ABA Rule of Law Initiative, China Aid, Ford Foundation, International Bridge to Justice, etc. Most notable activist lawyers are based in Beijing, where they enjoy a close-knit group and great exposure to international support, but they handle cases across the country, including the most political sensitive cases involving Falun Gong practitioners, Tibetans, Christian churches, or victims of torture (Pils 2015; Liu and Halliday 2016). By making alliance with foreign development agencies, these notable activists occupy a key brokering position between the overlapping ecologies of profession and development: on the one hand, they use resources from the global development actors to challenge local state repression, help the disadvantaged population, and push for legal reforms; on the other hand, by actively pursuing human rights causes in the ecology of development, they are marginalized in the ecology of professions as outlaws among Chinese lawyers who are constantly harassed by their law firms and bar associations, sometimes even detained or tortured by the police and security agencies. The "July 9 crackdown" on human rights lawyers in 2015, in which more than 200 lawyers across China were taken in for questioning, detained, or prosecuted, was a recent

reminder of their important but precarious positions in the overlapping ecologies (Liu and Halliday 2016).

Yet notable activists in Beijing are not the only lawyers who pursue rights-oriented practices. There are also emerging networks of public interest lawyers who take on labor rights or housing eviction cases, environmental lawyers who seek to sue polluted factories, feminist lawyers who fight against domestic violence, and, most recently, LGBT lawyers who strive for the equal protection of gays, lesbians and other sexual minorities in China. Some of these networks are supported by foreign donors in similar ways as the human rights lawyers are, whereas others are bottom-up grassroots movements generated by grievances in Chinese society. Labor protests, for example, are often results of direct or indirect exploitation by foreign investors who own factories in China, and the law practitioners who take on these labor cases include not only lawyers, but also basic-legal workers, legal aid workers, or unauthorized practitioners who are more affordable to migrant workers (Halegua 2016). Some of them have gradually turned activists by “climbing the *weiquan* (rights-protection) ladder” (Fu and Cullen 2011), a radicalizing process based on their work experiences with injustice and rights violations.

In the issue area of human rights, therefore, the ecology of development influences the ecology of professions in two different ways. First, the large number of foreign donors, development agencies, and human rights organizations working in China provide activist lawyers funding, personnel, and other intangible support in their rights-oriented work. For Chinese lawyers fighting for basic legal rights, international support is crucial not only in the material sense, but also in the psychological sense, as some lawyers have suffered a great deal from state repression on their individual or collective action. Second, the dominance of foreign capital and investment in China has also generated strong local resistance from factory workers, land-taking

victims, religious or ethnic groups, etc. The activist lawyers who represent them in litigation may or may not have the support of global actors, but the targets of their activism are not only the Chinese state, but also the multinational corporations and other foreign investors who collude with the state in their exploitation of China's labor, environment, and culture in the name of development. In both scenarios, lawyers play the role of activists and spokespersons for Chinese citizens and social groups in the courtroom, on the street, and in cyberspace.

Conclusion

Professionals play prominent roles in development, and professions are often the direct products of development, especially in the Global South. In this paper, I have outlined an ecological theory of professions and development, in which they are conceptualized as overlapping ecologies that share some common actors and transform by similar social processes. Using the case of legal services in China, I have demonstrated that legal professionals serve four different roles in the ecology of development, namely, global facilitators, state delegates, market brokers, and activists of social resistance. The interactions among different legal professions occurred in three issue areas of development (i.e., economic growth, access to justice, and human rights) in China's reform era since the late 1970s, which produced a highly fragmented market for legal services with a kaleidoscopic array of legal professions.

For the sociology of professions, this paper is a theoretical effort to move beyond Abbott's (1988a) competitive and endogenous model of interprofessional competition by situating the ecology of professions in adjacent social spaces such as the ecology of development. With the overlapping ecologies framework, I have demonstrated how professions are socially constructed not only by their mutual interactions, but also by their interactions with

other socio-political actors in other ecologies. Furthermore, professionals are also actors in social interactions beyond the system of professions and they play a variety of roles in shaping the social structure of other ecologies. The life of the professions, therefore, does not rest upon their market monopoly (Larson 1977) or jurisdictional conflicts (Abbott 1988a). Instead, it is through their complex and changing patterns of interaction in overlapping social spaces that professionals (and sociologists of professions) find the meanings of their work and livelihood.

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