

Review of the MS « Client influence... Corporate lawyers in China »

I started reading this paper with great expectations, yet finished it with a certain amount of disappointment. Probably because I expected to find some information on some of the key issues raised by the emergence of corporate lawyering in China. Such as : how this new group of professionals deals with the managers of State owned enterprises who are used to rely much more on their *guanxi* than on specifically legal instruments? ; or a complementary one – How do they contribute to construct the legitimacy of the law, or more precisely the belief in (or the need for) the legitimacy provided by legal forms ? And I expected that the participant observation done by the author would have provided him or her with detailed concrete examples. Precisely, because as he/she remarks, very few researchers have had the opportunity to observe directly the lawyer/client interaction which remains largely a black box .

Unfortunately this potentially rich ethnographic material has been filtered through theoretical lenses which, to my mind, are inappropriate or inadequate to the specific context of the study. This problematic of professionalism is a western construction as well as the product of long historical processes which have shaped it differently in the various national settings. Exporting concepts and theoretical agendas raises issues that are worth more being dismissed in a couple of lines, as it is the case in this paper. Otherwise this intellectually hegemonic enterprise is doomed to the same kind of partial failures and ambiguities as legal transplants... One should adjust the problematic to the data, not the reverse.

I find also not completely convincing the conceptual distinction between form and content which is at the core of the analysis. It seems to me a misreading of Abbott's work, where the permanent re-construction (or re-claiming of

professional autonomy is a never ending process, fought between professional groups competing for the same turf by claiming a specific knowledge...From Abbott's perspective, the relation between form and content should be seen as problematic : diagnosis are marketing tools used in this continuing turf battle. This dynamic perspective is almost at the opposite of the one suggested by the author, particularly when he/she illustrates this distinction between forms and contents with the analogy of various chemical substances flowing through preconstructed tubes...

Indeed, the quotes provided in the second part of the paper show the ambiguity of this distinction. The senior partners are very candid in admitting their double game : they pretend to behave in the same way towards different type of clients because they provide each of them with the specific type of diagnostic & treatments, that takes into account the specificity of their ressources & demands. Of course, as the author observes, the picture looks different when seen from the young associates perspective. Probably because they are confronted more directly - as well as less skilled to deal - with the contradictions of these conflicting demands between the double role of the professional as hired gun and officer of the law . And as he/she remarks, this exposure is more blatant in the emerging chinese market, than it is in more mature professional terrains like the US where young associates tend to remain in the back room. Again, this last point seems to me a good illustration of the need to construct a specific problematic better suited to the specificity of the research terrain, rather than just exporting US made concepts and categories.

For all these reasons, my advice would be to rewrite substantially the paper before publication, in order to bring out more of the wealth of data which has been collected through these months of participant observation on a crucial terrain where very few observers have had direct access. This seems to me a unique opportunity to do some first class research and I think that it should be

exploited to the full rather than oversimplifying by forcing it into an essentially american intellectual debate, constructed by and for a specifically US professional agenda.