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The Legal Profession as a Social Process: A Theory on Lawyers and Globalization

Sida Liu

This article proposes a processual theory of the legal profession. In contrast to the structural, interactional, and collective action approaches, this processual theory conceptualizes the legal profession as a social process that changes over space and time. The social process of the legal profession includes four components: (1) diagnostic struggles over professional expertise; (2) boundary work over professional jurisdictions; (3) migration across geographical areas and status hierarchies; and (4) exchange between professions and the state. Building on the processual theory and using China as a primary example, the author proposes a research agenda for studying lawyers and globalization that seeks to shift the focus of research from the legal elite to ordinary law practitioners, from global law firms to local law firms, and from advanced economies to emerging economies.

INTRODUCTION

In the early twenty-first century, the scale and intensity of lawyers' mobility and connectivity across the globe have reached an unprecedented level. Large corporate law firms have expanded from Western Europe and the United States to globalizing cities in Asia, Latin America, and other parts of the world, contesting and renegotiating the boundaries between global and local law practice (Galanter 1983; Abel 1994; Trubek et al. 1994; Flood 1996, 2007; Dezalay and Garth 2002b; Silver 2007; Liu 2008). Meanwhile, a large number of international law students, many of whom are already lawyers in their own countries, enter US and UK law schools every year to receive "global" legal training (Silver 2002, 2006, 2011). The meaning of law practice and the social structure of the bar are now defined not only by legal professionals, but also by nation-states, multinational corporations, and international organizations (Dezalay and Garth 1996, 2002a; Halliday and Osinsky 2006). All these developments in the age of globalization call for a new theoretical paradigm for studying the legal profession.

This article proposes a processual theory of the legal profession, a theory that examines how the diagnostic struggle, boundary work, migration, and exchange of individual law practitioners and other social actors shape the structure and change of the profession. In contrast to previous sociolegal theories that focus on the social

Sida Liu is Assistant Professor of Sociology and Law at the University of Wisconsin–Madison, Research Fellow at Shanghai Jiao Tong University KoGuan Law School, and Faculty Fellow at the American Bar Foundation. An earlier version of the article was presented at the Fiftieth Anniversary Conference of the Center for the Study of Law and Society, University of California–Berkeley on November 4, 2011. The author thanks Lauren B. Edelman, Christine Parker, Jonathan Simon, David M. Trubek, David B. Wilkins, and anonymous reviewers for their comments on earlier drafts. Please direct all correspondence to Sida Liu, Sociology Department, University of Wisconsin–Madison, 8128 William H. Sewell Social Sciences Building, 1180 Observatory Drive, Madison, WI, 53706; E-mail: sidaliu@ssc.wisc.edu.

structure of the bar (Heinz and Laumann 1982; Heinz et al. 2005), the profession's market monopoly (Auerbach 1976; Abel 1988, 1989), lawyers' workplace interaction (Sarat and Felstiner 1995; Mather, McEwen, and Maiman 2001), or lawyers and politics (Halliday 1987; Halliday and Karpik 1997; Dezalay and Garth 2002b, 2010), this processual theory conceptualizes the legal profession not as a social structure, a market monopoly, or a political entity, but as a social process that changes over space and time. The social process of the legal profession includes four components: (1) diagnostic struggles over professional expertise; (2) boundary work over professional jurisdictions; (3) migration across geographical areas and status hierarchies; and (4) exchange between professions and the state. The history and social structure of the profession are produced in these various social processes, and globalization has accelerated their speed and increased their magnitude.

In the following pages, I begin by offering a critical review of the three existing theoretical approaches for studying the legal profession, namely, the structural, interactional, and collective action approaches. Then I proceed to outline the four main components of the processual theory and to demonstrate their explanatory power by reinterpreting the comparative history of the legal profession (Rueschemeyer 1973, 1989; Abel and Lewis 1989; Halliday and Karpik 1997; Dezalay and Garth 2002b, 2010; Burrage 2006; Halliday, Karpik, and Feeley 2007). Finally, I operationalize the processual theory as a research agenda for studying lawyers and globalization, using China as the primary example and calling for more future research on ordinary law practitioners, local law firms, and developing countries.

THE NATURE OF THE LEGAL PROFESSION: EXISTING APPROACHES

What is the nature of the legal profession? Since Tocqueville's ([1835, 1840] 2000) classic account of lawyers as America's aristocracy, our understanding of the relationship between lawyers and society has been dominated by three theoretical approaches: the structural approach, the interactional approach, and the collective action approach. Each approach has two or three major variations in the law and society literature, but these variations share a similar social science perspective.

The first approach studies the legal profession by examining its social structure and functions within the social system. Among classical social theorists, both Durkheim ([1893] 1984, 1992) and Parsons (1954, 1968) discuss the "reflective function" or "occupational roles" of the legal profession in modern society. Following this structural-functional perspective, Heinz and Laumann (1982), in their seminal analysis of the social structure of the Chicago bar in 1975, argue that the structural differentiation of the legal profession closely corresponds to the differentiation of lawyers' client types. Lawyers serving corporations occupy distinct structural positions within the profession from those serving individual clients, in terms of social origins, values, and prestige. Consequently, the bar is divided into two hemispheres (i.e., corporate and personal) with little mobility between them.

Another structural theory of the legal profession, often labeled market control theory, stems from neo-Marxist and neo-Weberian theories of market monopoly and

social closure (Berlant 1975; Parry and Parry 1976; Larson 1977; Parkin 1979). Abel's (1988, 1989) historical studies of the English and US legal professions best illustrate this approach. He examines lawyers' "professional project" (Abel 1989, 158) in those two countries and argues that this project is directed toward market control and collective mobility in social status. According to this theory, legal education, licensing, professional associations, and codes of ethics are all structural measures helping the legal profession to achieve monopoly control of the market for legal services and create new demand for its practitioners.

Despite their strong explanatory power regarding the social structure of the bar, structural theories share a common weakness, namely, their lack of attention to lawyers' professional work. The interactional approach, in contrast, builds its theories by focusing on social interaction in lawyers' workplaces. The first interactional theory, originating from critical legal studies (Trubek 1984; Trubek and Esser 1989) and exemplified by two ethnographic studies on divorce lawyers (Sarat and Felstiner 1995; Mather, McEwen, and Maiman 2001), examines the interaction between lawyers and clients or among lawyers in the professional community. By focusing on the roles of language and professional norms, these ethnographic studies effectively illustrate the micro-level interaction involved in lawyers' work but do not seek to link it to the macro-level social structure of the profession.

The second interactional theory follows the ecological tradition of the Chicago School of sociology (Park, Burgess, and McKenzie 1967; Hughes 1994) and emphasizes social interaction between professions, or what Abbott (1986, 1988) refers to as jurisdictional conflict. The jurisdictional conflict theory elevates the unit of analysis from individual law practitioners to competing professional groups. It argues that professions coexist in an ecological system and develop through interprofessional competition, that is, turf battles over controlling professional work. This ecological theory differs from the structural approach in that it derives the social structure of the legal profession not from client types or the pursuit of market monopoly, but from its interaction with other professions in different areas of legal work. However, like the structural approach, it remains a macrosociological theory and pays little attention to the action of individual lawyers in changing the profession as a whole.

In recent decades, a third approach to the legal profession, focusing on lawyers' collective action, has emerged in the law and society literature. The basic orientation of this approach is to examine lawyers' influence in other spheres of social life, most notably politics. The collective action approach has three variations: cause lawyering, political lawyering, and elite reproduction. The cause lawyering scholarship (Scheingold [1974] 2004; Sarat and Scheingold 1998, 2001, 2005; Scheingold and Sarat 2004) claims to breach the boundary between the political and the professional by destabilizing the conventional understanding of lawyering. Cause lawyers challenge the prevailing distribution of values and resources in society, and they do so "not as a matter of technical competence, but as a matter of personal engagement" (Sarat and Scheingold 2001, 13). The definition of politics used in this theory is fluid, elastic, and almost equivalent to any form of "moral activism" (Sarat and Scheingold 1998, 3).

The political lawyering theory, in contrast, relies on a narrower definition of politics. It connects lawyers' political mobilization strictly to the constitution of political liberalism, defined as the moderate state, civil society, and citizenship

(Halliday and Karpik 1997; Halliday, Karpik, and Feeley 2007; Liu and Halliday 2011). According to this theory, lawyers are not only *homo economicus*, but also *homo politicus* (Karpik 1988, 1999). Based on a more general theory of professional influence (Halliday 1985) and a large number of comparative historical studies, the political lawyering theory maintains that there is an affinity between lawyers' normative epistemology and their struggles for political liberalism, such as protecting citizens' political rights, fighting for judicial independence, and pursuing procedural justice.

The third variation within the collective action approach is elite reproduction theory (Dezalay and Garth 1996, 2002b, 2010), which differs from both cause lawyering and political lawyering in that it focuses on the reproduction of legal elites and the utilization of legal capital in economic and political fields. Following Bourdieu's (1987) theory of capital, Dezalay and Garth argue that lawyers do not necessarily seek market monopoly or take political action based on their professional ideology, but form various types of relations with market and political actors based on their social and legal capital; for instance, they could serve as clerks, mediators, or spokespersons in different political contexts (Dezalay and Garth 2010). It is important to note, however, that Dezalay and Garth make only a partial application of Bourdieu's theory. Their exclusive attention to the legal elite restricts their analysis to the reproduction and mobilization of a small sector of the legal profession, without taking into account the structured and structuring effects of habitus and the juridical field (Bourdieu 1987). Despite its reliance on the work of a structural theorist, this interpretive perspective puts much emphasis on lawyers' agency, and therefore it is more appropriate to classify it as a version of the collective action approach.

Taken together, the structural, interactional, and collective action approaches have provided abundant social science tools for understanding the nature of the legal profession. Nevertheless, none of them fully integrates micro-level social action of individual practitioners with the macro-level social structure of the profession. While the structural approach interprets individual lawyers in terms of their client types or as products of the professional project, the interactional approach either focuses solely on micro-level interaction or uses the whole profession as the unit of analysis. The collective action approach does link lawyers' individual action with macro-structural change, but the action and its influence are directed toward external social structures, not the profession itself. To challenge these approaches, in the next section I outline a new processual theory of the legal profession, a theory that examines how the diagnostic struggle, boundary work, migration, and exchange of individual lawyers shape the social structure of the bar and its change over time.

THE LEGAL PROFESSION AS A SOCIAL PROCESS

To theorize the legal profession as a social process requires a reconfiguration of the relationship among four main components of professional life: expertise, jurisdiction, mobility, and politics. In the sociology of professions, all four components have been extensively discussed, but there is rarely an effort to put them together in a single theoretical framework. The processual theory that I propose here seeks to establish a coherent logic pertinent to the production of professional expertise, the conflict over

TABLE 1.
The Processual Theory of the Legal Profession: Components and Processes

Components	Processes
Expertise Institutionalization of professional knowledge	*Diagnostic Struggle* Struggles over competing diagnoses in the production of expertise
Jurisdiction Legitimate and exclusive control over professional work	*Boundary Work* Process by which professional actors define their jurisdictional boundaries
Mobility Mobility of professionals across geographical locations and institutions	*Migration* International or internal movements of individual practitioners from place to place
Regulation State intervention in professional life and professional mobilization in politics	*Exchange* Flow of power and resources between professions and the state

professional jurisdictions, the mobility of practitioners across space and hierarchy, and the political struggle over state regulation.

This logic has its roots in Simmelian sociological theory (Simmel 1971), which maintains that the shape of social structures, large or small, is constituted by interaction between social actors. While sharing a similar theoretical foundation with the interactional approach, the processual theory of the legal profession does not limit the scope of analysis to the microlevel (e.g., lawyer-client interaction) or to one specific type of interaction (e.g., jurisdictional conflict); instead, it seeks to establish a conceptual link between interaction and structure using multiple social processes, including diagnostic struggle, boundary work, migration, and exchange. Each of these four concepts involves a dialectic between individual action and social structure; taken together, they establish a processual logic for explaining the structure of and change in the legal profession. This analytical framework is summarized in Table 1 and elaborated in the next four subsections.

Diagnostic Struggle: The Production of Professional Expertise

No profession can exist without a distinct set of knowledge and expertise (Freidson 1986). As one of the oldest professions in history, lawyers have developed complex systems of legal education and sophisticated service skills ever since their specialty's medieval origin in Europe (Brundage 2008). However, the social process by which legal expertise is constituted has, surprisingly, not been well theorized in the law and society literature, except for a few studies on the language of law (Sarat and Felstiner 1995; Conley and O'Barr 1997; Mertz 2007). The only major effort to theorize the process of professional work remains the "diagnosis-inference-treatment" framework that Abbott (1988, 35–58) has proposed for the sociology of professions. Diagnosis is the first and most crucial aspect in this cultural machinery of professional work, as it colligates

the client's problem and then classifies it into the professional knowledge system. Nevertheless, Abbott's concept of diagnosis is mechanical in nature and describes only the work of individual professionals, without taking into account the interactional process by which expertise is contested in the profession as a whole.

Halliday and Carruthers (2007) adapt this concept of diagnostic struggle in their recursivity theory of legal change, using it to characterize the interaction between conflicting diagnoses held by different legal actors in both lawmaking and implementation. In my processual theory, diagnostic struggle is used as a more general means of conceptualizing the social process that produces lawyers' expertise. It is defined as the struggle of competing diagnoses over a professional issue during which knowledge is institutionalized and classified into professional categories. An enduring theme in the institutionalization of legal knowledge is the struggle between different schools of legal thought and their infusion into the teaching and research of law schools (Mertz 2007). Similarly, in the workplaces of lawyers and judges, different diagnoses of clients' or litigants' problems are contested in the discourses of legal service or adjudication before the final legal solution or judicial decision is delivered (Merry 1990; Sarat and Felstiner 1995).

Although diagnostic struggle is a general social process that can be found in the production of expertise for many professions, within the legal profession this process is particularly salient because much of legal expertise concerns labeling and interpretation. Lawyers are symbolic traders (Cain 1994) who take raw materials from the real world and transform them into legal order, often without creating new empirical facts (Macaulay, Friedman, and Mertz 2007, 2). This pattern differs from that in the natural sciences or even some social sciences (e.g., economics), in which research is directed toward the discovery of positive truth. Consequently, legal diagnoses are inherently contested in courts, law schools, law offices, and other legal institutions by multiple legal actors with different interests and resources.

When law schools and lawyers first emerged from the church courts in Europe in the twelfth century, diagnostic struggles over the meaning of legal expertise were evident in the conflicting interpretations of canon law, in the different approaches of law teaching in Bologna and Paris, and in the development of canon and civil procedures (Brundage 2008). In the contemporary world, the distinction between civil law and common law remains the fundamental source of diagnostic struggles over legal change, particularly in developing countries that seek to model their legal systems after foreign experiences (Santos 1992; Ajani 1995; Halliday and Carruthers 2007; Liu and Halliday 2009). As later sections of this article will demonstrate, this process is intensified by the diffusion and adaptation of global norms across the world (Halliday and Osinsky 2006).

Diagnostic struggles arise not only from inside the legal system, but also from larger political or social cleavages. The historic *Brown v. Board of Education* case in 1954, for example, was the result of a series of diagnostic struggles initiated by African-American lawyers over the "separate but equal" theory of Jim Crow laws, which had its roots in the racial conflicts in the United States since the nineteenth century (Elwood 1989). Similarly, cause lawyers or political lawyers often pursue their goals due to their commitment to a new diagnosis that challenges the dominant legal ideology regarding a specific issue, such as freedom of speech, poverty, animal rights, or environmental issues

(Scheingold and Sarat 2004; Halliday, Karpik, and Feeley 2007). Diagnostic struggles are the knowledge and ideological foundation of their activism.

Boundary Work: The Settlement of Professional Jurisdictions

Once a profession has developed its core expertise, it typically seeks to claim its jurisdiction over a specific area of work (Abbott 1988). English solicitors, for example, consolidated their professional power following the establishment of the Law Society in 1823 and gradually distinguished their jurisdiction from the work of scriveners, bankers, patent agents, and accountants by the late nineteenth century (Abel-Smith and Stevens 1967). The rise of corporate legal work during the twentieth century further strengthened solicitors' professional power and status (Podmore 1980). In the age of globalization, the jurisdictional conflicts between lawyers and accountants or between global and local law firms are even more salient (Hanlon 1994, 1999; Dezalay and Garth 2002b; Liu 2008). Even within litigation work, which is traditionally considered to be the exclusive territory of the legal profession, the rise of alternative dispute resolution (ADR) in recent decades has raised jurisdictional questions for lawyers and judges in many countries (Galanter 1974, 1986).

How can we understand theoretically the social process by which professional jurisdictions are settled? Abbott (1988) discusses different types of jurisdictional settlements but does not provide an analytical framework for examining the social construction of those settlements. In this article, I use the concept of boundary work, drawn from the sociology of science (Gieryn 1983, 1999), to characterize the basic social process in the formation of jurisdictional boundaries. I define boundary work as the process by which a social actor defines the boundary of its spatial location vis-à-vis the locations of other social actors. In the context of the legal profession, boundary work can arise between professional groups (e.g., barristers and solicitors, or prosecutors and defense attorneys) or between sectors of the same profession (e.g., corporate lawyers and litigators, or urban and rural lawyers). It generates turf battles over jurisdictions and produces various types of jurisdictional settlements.

Boundary work can take multiple forms. Most existing sociological literature interprets it as a process of distinction, in which one social actor seeks to be distinguished from other social actors (for a review, see Lamont and Molnár 2002). I refer to this process with the more specific term of *boundary making*. It is frequently observed when a legal profession seeks to establish its exclusive jurisdiction over a certain type of legal work, such as conveyance or advocacy. However, boundary work can also move in the opposite direction, that is, blurring existing boundaries and making the distinction between professional jurisdictions ambiguous (Bauböck and Rundell 1998; Liu 2008; Wimmer 2008). I call this process *boundary blurring*. It is often observed when a subordinate profession seeks to emulate an established or more prestigious profession, or to break into a new area of work. The merger of French legal professions in 1972 and 1990 (Karpik 1999; Leubsdorf 2001), the development of basic-level legal service as a parallel profession to lawyers in contemporary China (Liu 2011), and the global expansion of corporate law firms (Dezalay and Garth 2002b; Liu 2008) are all good examples of boundary blurring.

Boundary work in the constitution of professional jurisdictions is not exclusively conducted by the legal professions, but is mediated by other social actors, such as lawyers' clients and the state (Johnson 1972). For example, the state can directly define and adjust the jurisdictional boundary between two legal professions by its regulatory statutes and judicial decisions, and it can also indirectly shape professional boundaries by providing various resources and personnel support to one or more legal professions. Similarly, clients can also influence jurisdictional boundaries by prioritizing the service of one profession over another or making demands regarding the division of labor between them. These external influences on professional jurisdictions constitute the third type of boundary work: *boundary maintenance*, or the behavior of an external actor in adjusting a jurisdictional boundary or maintaining a balance between the boundary-related activities of conflicting actors.

Empirical examples of boundary maintenance are abundant in the comparative history of the legal profession. As noted above, the French Ministry of Justice, through reforms in 1972 and 1990, merged several coexisting legal professions into the single profession of *avocat* (Karpik 1988, 1999; Leubsdorf 2001). The global expansion of large US corporations in the late twentieth century caused US corporate law firms to accompany them to various parts of the world, resulting in a renegotiation of the global-local boundary of law practice (Galanter 1983; Abel 1994; Trubek et al. 1994). Boundary maintenance can also be a passive process. For example, the Chinese Ministry of Justice maintained a blurred jurisdictional boundary between global and local law firms by opening up a gray area of law practice and refraining from issuing sanctions against aggressive behavior in the market (Liu 2008).

The typology of boundary making, boundary blurring, and boundary maintenance is not necessarily exhaustive, but it provides a set of analytical tools for interpreting the social process of jurisdictional disputes between legal professions. The fundamental difference between this typology and Abbott's (1988) typology of jurisdictional settlements is a difference between process and outcome. This shift from static settlement to dynamic process implies not only a change of concepts, but also a shift of ontological assumptions about the nature of professional jurisdiction. In my typology, jurisdiction is not merely the static link between a profession and its work, but the outcome of social construction by legal professionals, clients, and the state.

Migration: The Movement of Professionals from Place to Place

In addition to diagnostic struggles over professional expertise and boundary work over professional jurisdictions, a third important social process in the development of the legal profession is the migration of law practitioners from place to place. Since the rise of the modern legal profession in England and continental Europe, lawyers have become increasingly mobile professionals. The scope of their practice has expanded across provincial, national, and regional boundaries, culminating in the internationalization of business law firms (Abel 1988, 1989, 1994; Hanlon 1999; Dezalay and Garth 2002b; Liu 2008) and the formation of global legal institutions (Dezalay and Garth 1996; Braithwaite and Drahos 2000; Halliday and Osinsky 2006; Halliday and Carruthers 2007). The spatial mobility of lawyers and the demographic dynamics of the legal

profession, though frequently observed in everyday law practice, have rarely been theorized by sociolegal researchers (but see Halliday 1986; Dinovitzer 2006).

For both domestic and international migration, the starting point is the movement of individual lawyers from one place to another. In the early twentieth century, immigrant lawyers from Europe flocked into New York, Chicago, and other major US cities and occupied much of the lower-end market for legal services (Auerbach 1976). A century later, at the higher end of the market, British and US lawyers migrated to Europe, Asia, and Latin America as expatriates working in the overseas offices of global law firms (Trubek et al. 1994; Dezalay and Garth 2002b; Silver 2007; Liu 2008). In the meantime, increasing numbers of international law students have entered British and US law schools to receive "global" legal education (Silver 2002, 2006, 2011). Furthermore, within a given country there are also notable trends of concentration in which lawyers gravitate toward major cities, such as London, Tokyo, São Paulo, or Beijing and Shanghai. These domestic movements of lawyers, though less conspicuous than international migration, substantially shape the social structure of the local bar.

How should we conceptualize the spatial mobility of lawyers? I argue that, like the general scholarship on migration (Massey et al. 1998; Portes and Rumbaut 2006; Castels and Miller 2009), we need an analytical framework that can explain the patterns, causes, and structural consequences of lawyer migration. The sending and receiving places of lawyer migration should be identified, and the scale and intensity of movements should be measured. It is then possible to investigate what types of lawyers are more likely to migrate than others, that is, the demographics of the migrant lawyer population. The resulting description may include social and professional characteristics such as gender, race, age, years of practice, or areas of practice.

To a large extent, the driving forces behind lawyer migration are similar to those involved in migration by other professionals. Income differentials are often a major factor, especially in large developing countries or in movements between developing and developed countries. Even in advanced economies such as the United States, income differentials between lawyers in large urban centers (e.g., New York or Chicago) and those in the rest of the country can be significant (Heinz et al. 2005). However, income alone cannot explain all patterns of lawyer migration. Lawyers may move because of political reasons, such as concentrating around the national capital to fight against a regime or being pushed out of it by state persecution (Halliday, Karpik, and Feeley 2007). Or lawyers may migrate for family or personal reasons.

Besides the economic, political, and family factors that can be found in most types of migration, a more distinctive cause of lawyer migration is regulatory opportunity, that is, the loosening of national and regional barriers affecting law practice, including educational requirements and licensing rules (Abel 1988, 1989). Whereas the expertise of doctors or engineers is easily transferable from one place to another, law is a highly localized practice, and much of lawyers' expertise consists of insider knowledge of the local legal system and social connections with law enforcement officials (Sarat and Felstiner 1995; Mather, McEwen, and Maiman 2001; Michelson 2007; Liu 2011). Accordingly, lawyers frequently experience greater local regulatory barriers than do members of other highly skilled professions. How lawyers creatively eliminate or penetrate these educational and licensing barriers is a key process for explaining their spatial mobility.

Meanwhile, it is also important to note that migration is not necessarily beneficial to individual lawyers. Precisely because of the localized nature of legal expertise, moving to another place entails the loss of the social capital that a lawyer has accumulated in a particular locality over time. It is therefore not surprising that in the initial years of their migration, migrant and immigrant lawyers often find themselves downgraded to lower sectors of the professional status hierarchy, often the personal hemisphere of the bar (Heinz and Laumann 1982). Some will move up the hierarchy eventually, but many will stay in the lower end or exit the bar after an unsuccessful struggle for survival.

Therefore, the movement of law practitioners toward major cities and advanced economies, as a result of lawyer migration, can increase the structural differentiation of the bars in those places and lead to a stratified or even segmented labor market (Piore 1979), in which migrant lawyers are disadvantaged in terms of income and prestige relative to local lawyers. In the meantime, it can also generate a shortage of legal talents in the sending places, which are generally economically disadvantaged areas or developing countries, as well as the proliferation of alternative legal service providers to replace the loss of lawyers. In other words, migration is both a structured and a structuring social process (Giddens 1984; Bourdieu and Wacquant 1992): while it is generated by structural inequalities in the geographical or social space of the legal profession, it can also potentially produce or reinforce the profession's social stratification system.

Exchange: The Mutual Constitution of Professions and the State

The fourth and last component of the processual theory of the legal profession is about politics. I argue that the exchange between professions and the state is the social process that defines the nature of the state's professional regulatory regime as well as lawyers' political mobilization. In the sociology of professions, the profession-state relationship is often understood in terms of either state intervention (Rueschemeyer 1973, 1986; Burrage 2006) or professional mobilization (Halliday 1987; Karpik 1988; Halliday and Karpik 1997). The common wisdom is that in Anglo-American countries, professions enjoy high autonomy and the state plays a passive role in professional life, whereas in continental European countries (and the rest of the world) the state is powerful and interventionist in the development of professions (Jones 1991; Krause 1996). However, by viewing the profession-state relationship as a zero-sum game, this perspective overlooks the mutually constitutive process between professions and the state that is frequently observed in the history of professions (Johnson 1982; Shamir 1995; Abbott 2005; Liu 2011).

To theorize the profession-state relationship as bilateral and mutually constitutive requires a concept that not only connects the two social entities, but also characterizes the patterns of their interaction. This concept is exchange. Exchange is a complementary process to boundary work because it does not demarcate social boundaries, but facilitates the flow of power, capital, and other resources between two or more social actors across boundaries (Homans 1958; Blau [1964] 1986; Emerson 1976). It is inherently "a two-sided, mutually contingent, and mutually rewarding process" (Emerson 1976, 336). Exchange is also associated with power and inequality. The more powerful

actor is able to exert more coercion over the exchange process and gain advantages in the flow of resources (Molm 1997).

For the legal profession, exchange can occur at the institutional level between a profession (or a firm) and a state agency, or at the individual level between a lawyer and a state official. On one hand, state agencies and officials use their regulatory power to help legal professions establish jurisdictions and monopolize the market for legal services (Berlant 1975; Larson 1977; Abel 1989); on the other hand, law practitioners, their firms, and bar associations provide regulatory agencies and officials with money, resources, and personnel to strengthen the positions of these political actors in the state apparatus (Halliday 1987; Halliday and Karpik 1997; Dezalay and Garth 2002b).

This symbiotic relationship between the legal profession and the state has been observed by Dezalay and Garth (2002b, 2010), but they conceptualize it narrowly as the reproduction of the legal elite between market and state. In fact, the scope and impact of profession-state exchange extends far beyond the elite sector of the legal profession. In the case of China, for example, symbiotic exchange between professions and the state is the social process that shapes the structural differentiation of the whole legal services market, from the globalization of the corporate sector to the interprofessional competition in ordinary litigation (Liu 2008, 2011). Even in the Anglo-American countries, the exchange of power and resources between professional and political actors remains central in the process of professional mobilization (Shamir 1995; Sarat and Scheingold 1998, 2001, 2005; Felstiner and Sarat 2004).

Compared with some previous concepts used to theorize the profession-state relationship, such as mediation (Johnson 1972), intervention (Rueschemeyer 1973, 1986), mobilization (Halliday 1987), or discipline (Fournier 1999), the concept of exchange is not only bilateral, but also more dynamic in characterizing the micro-level interaction between professional and political actors. This is a general feature of the processual theory of the legal profession; namely, it starts from micro-level social interactions between legal actors (or with nonlegal actors) and then seeks to derive the macro-level social structure of the profession from analysis of the micro-level interactions. The exchange between law practitioners and state officials defines both how lawyers participate in local and national politics and how the state regulates the legal profession.

LAWYERS AND GLOBALIZATION: A PROCESSUAL RESEARCH AGENDA

Since the 1990s, globalization has become a major theme in scholarly work on the legal profession. Sociolegal researchers are fascinated by the global expansion of large corporate law firms (Galanter 1983; Abel 1994; Flood 1996, 2007; Dezalay and Garth 2002b; Liu 2008) as well as with the rise of an international legal field (Trubek et al. 1994; Dezalay and Garth 1996, 2002a; Halliday and Osinsky 2006). Empirical studies have been conducted in various countries, yet a rigorous theoretical agenda on the changes that globalization brings to the legal profession is still a work in progress. The existing scholarship on lawyers and globalization, in my view, suffers from three related biases: (1) bias against ordinary law practitioners, (2) bias against local law firms, and (3) bias against developing countries.

First, existing studies on the globalization of the legal profession devote most of their efforts to elite lawyers at the high end of the bar. Dezalay and Garth's (2002b, 2010) studies on Latin America and Asia best illustrate this perspective. The two authors traveled extensively around the globe to conduct interviews with lawyers in different countries, but the scope of their analysis is restricted to elite lawyers and politicians in each country. Arguably, for any Western sociolegal researcher, it would be extremely difficult to go beyond the legal and political elite in major urban centers and examine how globalization shapes the works and lives of ordinary practitioners in various countries. Nevertheless, by focusing exclusively on the elite, Dezalay and Garth, like many others, implicitly assume that the globalization of the legal profession is occurring mostly at the top tier of the professional hierarchy. This assumption leads to a conceptual bias against ordinary law practitioners, whose practices are also influenced by the process of globalization, though often in different ways.

Second, existing studies tend to pay more attention to the so-called global law firms that have branch offices across the world than to local or regional firms that operate primarily in a particular country or region. There is no doubt that large international law firms, particularly Anglo-American ones, have played the leading role in the construction of the global legal services market. They often exemplify the most sophisticated techniques of cross-border transactions and law firm management, as well as controlling the largest and most prestigious corporate clients (Trubek et al. 1994; Flood 2007). However, it is erroneous to assume that local and regional law firms are merely followers of global law firms and passive recipients of global legal expertise. On the contrary, local law firms are often the primary sites for the production of a hybrid type of legal expertise at the boundary of global-local interaction (Liu 2006, 2008). They are the true brokers between the global market and the nation-state.

Third, although the literature on lawyers and globalization spans the globe, its theoretical foundation is built predominantly on the advanced economies of Europe and North America. Diffusion of legal expertise and penetration of national barriers of law practice are the dominant discourses in the discussion (Dezalay and Garth 2002a; Halliday and Osinsky 2006), whereas the developing countries are considered either obstacles or recipients in the global diffusion of legal professionals and their expertise. The autonomy of nation-states in mediating the process of globalization, though widely discussed in the general scholarship on globalization (e.g., Stiglitz 2002), is largely missing in sociolegal studies on the legal profession. For both global and local law firms, however, the state is often the most powerful player in maintaining jurisdictions, channeling resources, and giving sanctions, particularly in emerging economies such as the BRIC countries (i.e., Brazil, Russia, India, and China).

In the remainder of this article, I propose a research agenda for studying lawyers and globalization that builds on the processual theory of the legal profession as outlined in the previous section. This agenda seeks to overcome the three biases mentioned above by shifting the focus of research from the legal elite to ordinary law practitioners, from global law firms to local law firms, and from advanced economies to emerging economies. Because existing research on the globalization of lawyers in developing countries is scarce, I use China, where the legal profession is rapidly changing as a consequence of globalization and where some empirical research on this topic is available (Liu 2006, 2008, 2011, 2012; Michelson 2007; Li and Liu 2012), as my primary

example to illustrate this research agenda. I hope that the fruitfulness of this example may encourage others to undertake future studies applying this theoretical framework to additional social contexts.

Production of a Hybrid Legal Expertise

What is the nature of legal expertise in the process of globalization? Most existing studies focus on the making and diffusion of global norms (Braithwaite and Drahos 2000; Dezalay and Garth 2002a; Halliday and Osinsky 2006; Halliday 2009). These norms are global either because they are created at the transnational level in international organizations (e.g., the United Nations or the International Monetary Fund) or because they reflect the legal norms of the dominant countries in world politics or the global economy (e.g., the United States or the European Union). For the legal profession, global norms usually refer to (1) experiences in cross-border commercial transactions, (2) management models of corporate law firms, and (3) principles of human rights and public interest law. The first two types of norms are exported by global law firms, while the third type is exported by nongovernment organizations (NGOs) specializing in law-related causes (e.g., the Ford Foundation or the American Bar Association's Rule of Law Initiative).

A central mechanism in the creation and diffusion of global norms is isomorphism, a concept often used by organizational sociologists. The basic idea of isomorphism is that the organizational field exerts homogenizing forces on all organizations in the field by coercive, mimetic, or normative means and that, as a result, the formal structures of organizations should become similar and serve as legitimating symbols (Meyer and Rowan 1977; DiMaggio and Powell 1983). For the globalization of the legal profession, isomorphism implies that the structural outlooks of law firms and courts should gradually converge as global norms are adopted in various countries around the world. This is indeed the case for many corporate law firms in developing countries as they seek to emulate the management models of global law firms and learn their expertise in corporate transactions such as foreign direct investments (FDIs), mergers and acquisitions (M&As), or initial public offerings (IPOs).

Another mechanism often emphasized by theorists and practitioners of globalization is creative destruction (Schumpeter [1942] 1994). In spite of its Marxian origin, this concept has become popular in describing how economic, technological, and structural innovations penetrate local barriers to law practice. Creative destruction contains elements of both progress and destruction, and it implies an evolutionary process in which local institutions are transformed or even replaced by global norms (Fourcade 2006). For instance, the UN Covenant on Citizen and Political Rights has generated reforms of constitutional and procedural laws in many countries across the globe, thereby transforming not only the governance structure of political regimes but also the everyday work of lawyers and judges, particularly those who focus on criminal procedure or public interest issues.

Both isomorphism and creative destruction are important and are frequently observed in the globalization of the legal profession and they share a key assumption regarding the production of professional expertise, namely, that global legal expertise is

produced in developed countries or at the transnational level by a small group of dominant legal elite (Dezalay and Garth 1996, 2002a). Using the processual theory to analyze lawyers and globalization would inevitably alter this assumption. Diagnostic struggles in the production of legal expertise exist not only in the core countries of the world system or the leading organizations of the global economy, but also at global-local boundaries or within emerging economies, which are often perceived by existing theories as merely recipients of the expertise.

In fact, local law firms and national governments are active participants in or even primary producers of a hybrid legal expertise at the global-local boundary. On one hand, they generally welcome global norms as a way to develop their firm business or the national economy. On the other hand, they often resist the neoliberal ideology or economic domination frequently attached to those norms as prescribed by the advanced economies in Western Europe and North America. In other words, their diagnoses concerning the objectives and means of globalization are sometimes different from those of the dominant players in the global economy and world politics. This clash leads to many diagnostic struggles between global and local actors in the constitution of lawyers' hybrid professional expertise.

These global-local diagnostic struggles present a different mechanism of globalization from the dominant discourse of diffusion, isomorphism, and creative destruction. Following the postcolonial globalist tradition (Santos 2002; Silbey and Ewick 2003; Halliday and Osinsky 2006; Merry 2006), I call this alternative mechanism hybridization. The hybridization of legal expertise does not occur at the headquarters of international organizations or the political centers of developed countries, but at the "common places" of globalization, to borrow a term from Ewick and Silbey's (1998) work on legal consciousness. These common places include the legislatures and administrative offices of developing countries, local offices of corporate law firms, and domestic courts. They are not only sites for the localization of global norms, but places where legal innovations occur.

Yet it is not enough for the application of a processual research agenda to change the locations where the production of professional expertise is observed. It is equally important to examine the social process by which expertise is constructed through diagnostic struggles between various actors (Liu 2006, 2008). These actors can be global or local, legal or nonlegal, institutional or individual. The main criteria for their classification are the differences in their diagnoses and the interaction between these conflicting diagnoses (Halliday and Carruthers 2007; Liu and Halliday 2009). In the case of China, for example, due to government restrictions on foreign law offices, corporate lawyers in global and local law firms often collaborate in the same project (Liu 2008). For an FDI project, a lawyer in a local firm may have a different diagnosis as to how to obtain government approval from that of her counterpart in a foreign law office, and the two would need to negotiate a solution that fits their clients' needs. However, for an overseas IPO project, the two lawyers may work for the same client and share the same diagnosis on how to reorganize the company before listing it abroad.

By the same token, in the lawmaking process, a national legislature and an international organization (e.g., the World Bank) often have different interests and priorities on the same issue, which lead to competing diagnoses and hybrid solutions, or what Halliday and Carruthers (2007) call indeterminacy in legal statutes. To study the

production of professional expertise in both lawmaking and law practice, therefore, we must identify the actors and locations of these diagnostic struggles and then examine how the ideologies, interests, and resources of global and local actors hybridize at various sites within the legal system. This becomes an inquiry not only in the sociology of law, but also in the sociology of knowledge.

Boundary Work in the Global Legal Services Market

The hybridization of legal expertise is accompanied by boundary work between local and global legal actors, which is most evident in the corporate law market. Boundary blurring is the most salient form of boundary work in this area, as both local and global law firms seek convergence in terms of structure and expertise (Liu 2008; Li and Liu 2012). On one hand, local corporate law firms emulate the organizational structures and management models of global law firms in order to attract international clients and gain legitimacy in the global market; on the other hand, the overseas offices of global law firms seek to strengthen their expertise within the country of interest by employing local lawyers and government specialists who possess not only global know-how but also local "know-who" (Dezalay and Garth 2002b). As a result, the jurisdictional boundary between global and local law firms in emerging economies often becomes ambiguous and flexible (Liu 2008).

This boundary-blurring process becomes particularly salient when the type of corporate legal work carried out changes from unilateral inbound investments to bilateral ones, that is, when it encompasses both inbound and outbound cross-border transactions. A few decades ago, most developing countries were merely recipients of foreign capital, and global law firms, mostly from Britain and the United States, monopolized the legal services associated with these projects (Galanter 1983; Trubek et al. 1994). In contrast, today's emerging economies, especially the BRIC countries, have started to invest abroad on a large scale. Accordingly, the demands for corporate legal services no longer come from Western corporations alone, but also from large domestic companies in Asia, Latin America, the Middle East, and other parts of the developing world. This shifting client base makes the jurisdictional boundary between global and local law firms an increasingly contested issue.

Most outbound investment projects are currently handled by Anglo-American law firms with service networks across the world and experience in various types of cross-border transactions; however, large law firms in emerging economies, particularly China, have also been expanding overseas in recent years and becoming powerful regional players. The recent merger between King & Wood, one of the largest Chinese law firms, and Mallesons Stephen Jacques, a large Australian law firm, is a harbinger of this phenomenon (Tan 2012). With this merger, it is expected that the new King & Wood Mallesons firm, with approximately 1,800 lawyers, will become a strong competitor with British and US law firms seeking business in Chinese companies' investment projects in Australia and the Asia-Pacific region. In the meantime, other large Chinese law firms have set up overseas offices in major world centers such as New York, London, Tokyo, Istanbul, and Mexico City. It is foreseeable that these new offices will play a more substantive role in assisting international expansion by Chinese companies.

Yet boundary work in the global legal services market is not only about expansion, but also about integration. In the Asia-Pacific region, due to the growth of regional economic ties, further collaboration and integration among law firms in Australia, China, Korea, Japan, Singapore, and other jurisdictions is likely to occur in the near future. Similar processes might also be expected in Latin America, and they have already happened in Europe with the rise of the European Union. Such developments would make the boundary work between global and local law firms more complex, involving not only boundary blurring but also boundary making and boundary maintenance.

First, as the relationship between global and local law firms gradually evolves from collaboration to competition, both types of firms would engage in more boundary making because their major concern would be to distinguish themselves from their market competitors. For the large Anglo-American firms, their global networks and mature experiences in cross-border transactions are their major advantages, and they can use these advantages to present themselves as the best option for clients. In contrast, local law firms can be expected to tout their insider knowledge of the local legal system and their close connections with local governments and clients as unique assets. Unlike the hybridizing effect of boundary blurring (Liu 2008), the consequence of boundary making is increased structural differentiation between various types of law firms in the market.

Second, national and local governments also play important roles in setting the global-local boundary in the legal services market. The state does not simply watch the firms fighting for market turf, but sometimes actively directs foreign capital to certain areas and law firms. On one hand, national and local governments often provide local law firms with various forms of protection from foreign competition, such as monopolies in litigation and even some nonlitigation work. On the other hand, many governments also realize that incoming foreign capital would decline if their restrictions on global law firms became too rigorous. Accordingly, they may also provide tax deductions and other benefits to foreign law firms, or they may decline to enforce their formal restrictions on transnational legal practice. In China, for example, although the statute forbids foreign law offices to employ licensed Chinese lawyers, in practice a foreign law firm could simply ask the lawyer it seeks to hire to drop her local bar registration so that she would no longer be considered a Chinese lawyer (Liu 2008). In developing countries with a strong state, the government's boundary maintenance directly determines the outcome of the boundary work between global and local law firms in the market.

Mobility of Lawyers Between Countries and Firms

A complete study of the globalization of the legal profession entails examining not only the organization and work of legal services, but also the population of lawyers who move between developed and developing countries and between global and local law firms. They are the actual builders of the global legal services market, or what Silver (2009) calls "agents of globalization in law." Lawyers migrate across national and regional boundaries for two primary reasons: education and employment. On one hand, law schools in the United States and Britain attract a large number of lawyers and law

students from all over the world, particularly through their LLM programs (Silver 2006, 2009, 2011); on the other hand, lawyers who have received the US or UK law degree and some expatriates from Anglo-American law firms often move in the opposite direction, seeking employment in their home countries and other emerging economies.

The dominance of US legal education in training legal talent for the global economy is one of the most notable developments in recent decades. An LLM program, though sometimes lasting just nine months, leads not only to a law degree but also to a significant improvement in English-language skills; most importantly, it also provides a path to a US practice license, particularly the New York State Bar (Silver 2006). In countries such as China where lawyers must give up their local practice license when joining a foreign law firm, the demand for the New York license is especially high. Even law students from second-tier law schools and lawyers specializing in ordinary litigation are actively seeking opportunities to pursue a LLM or JD degree. Such demands for global legal education and licensing have generated large-scale temporary movements of lawyers from emerging economies to the United States. In comparison, Britain has lost some of its earlier attractiveness to foreign lawyers because of the lack of a licensing measure equivalent to the New York Bar, but it remains a popular destination for legal education, particularly among lawyers from former British colonies such as India, South Africa, and Hong Kong.

After completing their LLM degrees in the United States, some foreign law students continue on to pursue a JD, but the vast majority seek employment either in the United States or in their home countries (Silver 2006, 2011). However, with the weak job market for law graduates after the 2008 global financial crisis (Segel 2011), it has become extremely difficult for foreign law students to find entry-level positions in the domestic offices of US law firms. Consequently, most of them have been returning to their home countries to work either in local law firms or in the international offices of large global law firms (Li and Liu 2012). Among these lawyers, those who had prior work experience in their home market for legal services often have advantages over law students graduating without work experience because the former possess the hybrid legal expertise requisite for work at the global-local boundary, whereas the latter do not (Liu 2008).

For international law offices in developing countries such as China, homegrown lawyers with US or British training (either LLM or JD) are desirable as associates; however, at the partner level, expatriates or local nationals with extensive work experience in the firms' home countries (e.g., Britain or the United States) far outnumber homegrown lawyers (Silver 2007; Liu 2008). This pattern is in sharp contrast to the firms' offices in Europe or other developed countries, in which the vast majority of partners are local lawyers. There are two main reasons for this difference. First, global law firms often look condescendingly upon the professional expertise of local lawyers in developing countries and do not appreciate the value of their hybrid expertise (Silver 2002, 2007; Liu 2008). Second, national governments, such as China (Liu 2008), sometimes forbid international law offices to practice local law or employ local lawyers as a way to protect the local bar from losing its elite members.

As a result, the mobility of lawyers between global and local law firms in emerging economies often displays a stratified pattern. At the associate level, movement is frequent and bilateral: usually junior associates move from local firms to global firms,

while senior associates who cannot achieve the partner level in global firms move in the other direction. At the partner level, in contrast, the flow of personnel is infrequent and difficult. Only a small number of partners in local firms, typically those who are fluent in English and had previous overseas work experience, are able to move to global firms. Until recently, few partners in global firms would consider taking a position with a local firm, though the downsizing of law firms since the 2008 global financial crisis has resulted in increased movement in this direction (Li and Liu 2012).

Profession-State Exchange in Global Market Regulation

State regulation of the global legal services market is both a process of boundary maintenance by government agencies and a process of profession-state exchange. As Dezalay and Garth (2002b, 2010) have observed in both Latin America and Asia, elite lawyers not only are active in the market, but also become politicians and bureaucrats who control the macro-level dynamics of national and local economies. These lawyer-statesmen are brokers between market and state, and their unique structural positions make the relationship between the global market and the local state not a zero-sum game of competition or power struggle, but a symbiotic relationship of exchange and coordination (Liu 2011). Both local and global law firms seek to employ former state officials or establish connections with state agencies in order to facilitate this exchange between the legal profession and the state, which Michelson (2007) has termed "political embeddedness." This revolving door between the legal and political elite can be observed in many social contexts.

Yet profession-state exchange in the process of globalization does not involve only the legal elite in national capitals and business centers. At the grassroots level of society, the relationship between state officials and ordinary law practitioners is also crucial for the smooth operation of legal projects and the dissemination of global norms. For instance, in FDI projects, when a foreign company goes to a local city to make an investment, its lawyers must negotiate not only with the lawyers of the local company, but also with the local government that often holds the ultimate power to approve or reject the deal. How to communicate with local state agencies and their officials, accordingly, becomes an important part of lawyers' work. Similarly, in public interest law projects, law program officers of NGOs such as the Ford Foundation or the ABA Rule of Law Initiative frequently deal with local state officials, directly or through local delegates, in order to implement their programs in local courts or the local bar. These are examples of instances in which ordinary law practitioners outside national capitals and business centers can become vital players in the process of globalization.

All the profession-state interactions mentioned above involve the exchange of money, power, resources, and interpersonal trust. The processual theory requires that both the general patterns of exchange and the causal mechanisms behind them be closely examined. First, a classification of legal actors based on their proximity to market and state must be developed to differentiate market actors, political actors, and brokers between them (Liu 2011). Second, based on this classification, the flow of capital and resources between those actors becomes the key for studying the process of exchange. The nature of exchange between market and political actors can be either a one-shot

negotiation or a long-term reciprocal process (Molm 2003) that would influence the structural outcomes of the profession-state relationship and, consequently, the success and failure of global legal projects.

Studying the process of profession-state exchange must also encompass analysis of the inequality of power between different actors. State actors, such as judges or justice officials, often assume more powerful positions than market actors in the exchange due to their privileged positions in the professional regulatory regime (Liu 2011). However, market actors, such as corporate lawyers or general counsels of business corporations, can often mobilize economic, social, and symbolic capital to make the power relationship with state actors more balanced (Shamir 1995). For instance, a global law firm assisting a client with an FDI project can persuade the local government to concede to its terms and conditions because of the company's prestige or the economic opportunities that the project provides. Sometimes, law firms can even take advantage of the corruption of local officials to achieve their goals. Meanwhile, in some cases, the state can exercise coercive power in a profession-state exchange to approve or stop a legal project, leaving market actors with no choice but to comply.

As Dezalay and Garth (2010) correctly point out, brokers between market and state play a central role in the globalization of the legal profession, as they are able to use both market resources and political power to make deals and satisfy market and state actors. However, these brokers exist at both the elite and grassroots levels. The more influential role the state plays in national and local economies, the greater is the value of brokers in implementing specific legal projects. By the same token, in countries where the economy and the legal profession are more autonomous from the state, such brokers could turn into agents of political mobilization on behalf of global forces that seek to penetrate local politics.

The processual theory's conceptualization of the profession-state relationship in terms of exchange does not imply that there is no conflict or struggle between them. As Halliday, Karpik, and Feeley's (2007) comparative studies on political liberalism demonstrate, lawyers, judges and other legal actors around the world have mobilized to challenge state power and pursue liberal ideologies such as proceduralism, judicial independence, and the basic rights of citizens. Nevertheless, my processual theory prioritizes exchange and coordination over conflict and struggle because, since the end of the Cold War, the market-state relationship in the age of globalization has become increasingly connected and interdependent. Political fights and trade wars will continue in various locations, but exchange characterizes the central dynamics of the profession-state relationship.

CONCLUSION

Like many other social entities, the legal profession is a changing social process that evolves across space and over time. In this article I have outlined a processual theory of the legal profession that analyzes its structure and change by examining four social processes: diagnostic struggle, boundary work, migration, and exchange. Diagnostic struggle produces lawyers' professional expertise, boundary work defines their jurisdictional boundaries, migration generates the mobility of legal talent, and exchange

shapes the relationship between lawyers and the state. In a given space at a given time, the juxtaposition of these four processes shapes the social structure of the legal profession in that specific social context.

In comparison with existing theories such as the structural, interactional, and collective action approaches, this new theoretical perspective is distinctive because it links micro-level individual action with macro-level structural change by a set of dynamic processes rather than static conditions, functions, or outcomes. It is essentially a theory that seeks to characterize spatial and temporal change, not to explain structural equilibrium or functional stability. The main advantage of the processual theory over the three prior approaches is that it enables researchers to fully integrate various aspects of professional life under the same theoretical perspective and, therefore, bridges the conceptual gaps between structure, work, and collective action in the professions literature. Meanwhile, it also has the potential of overcoming the existing literature's Anglo-American bias by generating its analytical framework from the experiences of China and other developing countries. Nonetheless, this characteristic does not necessarily make the theory less applicable to the legal professions of developed countries in Western Europe or North America.

For the study of lawyers and globalization, the processual theory provides a new research agenda that shifts the focus from the legal elite to ordinary practitioners, from global firms to local firms, and from advanced economies to emerging economies. Its research agenda emphasizes the hybridization of global norms and local expertise, the boundary blurring between global and local law firms, the movement of lawyers and law students across national and firm boundaries, and the exchange of power and capital between the legal profession and its state regulatory regime. As globalization makes the legal profession an increasingly dynamic social entity, the processual theory that I propose in this article is an effort to capture the social metabolism of its structure and change. Its usefulness in empirical research awaits future studies across the globe.

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