
WHERE HAVE ALL THE LAWYERS GONE?

A lawyer's co-existence with society is often an uneasy one. Needed yet often maligned, members of the profession were banned outright from Thomas More's Utopia where they were deemed overly inclined to disguise matters from less discerning or inquiring minds. Even a consummate attorney, US President Abraham Lincoln, reckoned that if lawyers could not rise to an unimpeachable level of honesty, they should consider a path that would lead them along the road to an entirely different calling.

"Honest Abe," as he was widely known, never specified just which road that personal journey might take. But he might have been surprised to find that the number of professionals who have followed his own choice of a career now appears to be diminishing. Shrinkage has occurred in corporations with lengthy histories of illustrious legal departments, a devolution that has been linked to a similar decline in financial institutions. In the US, state legislatures, from California to Alabama, recently witnessed a drop in lawyers entering public service positions. The European Commission similarly notes a tendency for its initial crop of lawyers, who painstakingly worked through the establishment of the pan-European organization, to be steadily replaced by those with advanced economic expertise and academic credentials. (1) The global picture is more diffuse, and ranges from the prominence of legal activists in today's Pakistan to the precarious fate of Chinese lawyers intent on clarifying issues of human rights.

Lawyers, in fact, were part and parcel of a diverse, expatriate contingent that left an admittedly embellished record of the Chinese mainland, especially of its creative port city of Shanghai, as it appeared early in the 20th century.(2) It was an energetic, multi-national, urban arena, full of businessmen concerned with convincing outsiders of China's vast market potential, and of police officials, merchants, and traders, who frequently departed from professional goals to spend what appears to have been ample leisure time in the theaters, clubs, and colorful dancehalls of a city approaching critical structural change.

Those interested in that earlier era might turn to a more geographically encompassing and less cosmopolitan update, a recent contribution of a Chinese-born author, now resident in London, who interviewed 50 adults who lived through, and well beyond, the years of cultural and structural change, and who supplied her, the present, and the future, with a series of reminiscences about an equally shifting landscape.(3)

Shifting is a predominant concept here, not only with respect to group and individualized perceptions, but ultimately in light of demography as well. In contrast to advertisers, merchants, and businessmen, we encounter those who point eagerly to their very ordinary character -- former homemakers, small business owners, retired tea hall singers, herbalists--and those who were once children or adolescents and who are now in their late 70's or older. Some were wrenched from their parents and lived with distant relatives until their 20's. However, it is those recollections that surround the process of city-building that offer the present the most compelling of personal histories following the turbulence of 1949.

Imagine a vast, previously sparsely settled terrain, divided quirkily into regions with seasonal climactic variations and desert-like conditions. Common criminals, political prisoners, poor, homeless families with children, and revolutionary enthusiasts, all were moved episodically into the growing border area until its population stretched outward to the one-half million mark. To craft both city and associated countryside was one object of the migration, witnesses remember. To transform society and social relations in a sustainable fashion was another centrally -directed impulse.

Workplaces ranged from cotton factories to newly established farms, and personal possessions were scant in number. The rare radio could be subject to confiscation. A small amount of pipe tobacco and two quilts for nightly warmth were remembered as prized commodities. Some were housed in roofed habitats. Others slept in the bleak winter fields where steamed buns, made of less than 20% of flour and rice, along with coarse grains, served as daily fare. After one year of general labor within a construction corps, a degree of occupational specialization and upward mobility occurred, often into teaching and administrative positions, a significant break from prior hardships that had ironically fostered a focus on individual survival strategies rather than on collectivist efforts. One's own health speedily became paramount. How many actually lasted was among many of the remembrances about which those who were interviewed "couldn't say for sure."

What is certain is that members of the legal profession were not part of that older generation whose voices have here been made audible. They belong firmly within a new and unfamiliar generation of college and university graduates replete with radios, television sets, Korean haircuts, and Japanese computers. Those who survived an earlier era find little understanding within this younger group. Nor do they everywhere receive a well-earned congratulation for the efforts that led to the development of their country's bustling, modernizing, and increasingly urban lifeways.

This presentation of interview materials does not contain any real suggestion as to how the elderly participants in what seems a widening generation gap might regard contemporary advocates whose attention is turned to the rights of those who hold opinions that are significant departures from the political culture and expanding economy they helped forge. Rather, a major value of this collective portrait lies in its ability to add a resounding note of human complexity to otherwise broad debates about a clash of civilizations between East and West, or theories oriented towards the dynamics of geopolitics.

The portrait that emerges is of an aging, once silent majority that has lived through dramatic transformations. It is a majority that still cannot "say for sure" about its past. And it is a settled population that remains understandably wary of critical change. It might welcome close, detailed, legalistic participation in the evolution of institutions that underlie cross-border ties abroad, and that can help guide a future based less on historic antagonisms than on dialogue and partnership.

- (1) Stone, Kim. "Where Have All The Lawyers Gone?" California Civil Justice Blog.(2/3/2009); Cary, T.W. "Where Have All The Lawyers Gone? The Problem of the Vanishing Lawyer-Legislator." Alabama Lawyer. (Vol..67, 2006); Georgakakis, Didier, et.al;."Structure And Transformation of the Officials' Legal Training." European Commission (2005) (2) Restall, Hugo."From 'Hunting Opium and Other Scents' to 400 Million Customers." Wall Street Journal (3/5/2009). (3) Xinran. China Witness: Voices From A Silent Generation. New York, Penguin Books (2008).

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