

Jurisdictional Volatility, Changing Regulatory Logics and Comeback of ‘Guilds’

Legal Professions in Post-Socialist Contexts

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Thirty years after the collapse of state socialism in Central and Eastern Europe, the period of transformation in the narrow sense lies behind us. The results are very diverse. Some countries have approximated the institutional order of Western Europe and even became members of the EU. Some still seem to be headed in this direction although they move much slower and with significant setbacks. Other states—mainly those that emerged from the ruins of the USSR—developed economic, political and societal systems clearly distinct from institutional patterns that characterize EU member states. Recent political developments in Hungary and Poland—especially controversial judicial reforms—also demonstrate that no post-socialist institutional order is set in stone once and forever. Since law in functionally differentiated societies, incl. those on the eastern side of the “iron curtain,” has been mainly run by specialized professional groups, there was an expectation that legal professions will significantly gain in importance as a result of post-socialist transformations. Hence, the question emerges, how legal professions in post-socialist countries have developed in the quarter of a century since 1989.

In my theoretical-comparative paper, I will systematically discuss findings about legal professions in several post-socialist countries (Bosnia & Hercegovina, China, Czech Republic, Germany/former GDR, Hungary, Poland, Romania, Russia, Serbia, Slovakia and Vietnam). I will combine the comparative discussion of selected national reports for the forthcoming volume 1 of *Lawyers in 21st-Century Societies* (edited by Richard L Abel, Ole Hammerslev, Ulrike Schultz & Hilary Sommerlad; Oxford: Hart) with my own findings from extensive studies on historic as well as contemporary developments of Polish and Russian legal professions and embed this analysis in the general context of sociological research on professionalism (referring in particular to ideas advanced by Abbott and Freidson), state-socialist and post-socialist societies. The proposed paper is based on the draft chapter for the volume 2 of *Lawyers in 21st-Century Societies: Theories & Comparisons*.