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Lawyering in Transition. Post-Socialist Transformations in Autobiographical Narratives of Polish and Russian Lawyers

Abstract This paper presents preliminary findings on memories from the period of post-socialist transformation and on related narrative constructs of agency in autobiographical interviews with practicing lawyers from Poland and Russia. The study is based on 25 interviews with individuals born in the late-1930s, 1940s and 1950s. Six different types of narrative accounts about the period of post-socialist transformations are identified and described: (i) trailblazer narratives; (ii) follower narratives; (iii) narratives of volatility; (iv) narratives of continuity; (v) latecomer narratives and (vi) narratives of social decay.

Keywords Post-Socialist Transformation, Legal Professions, Biographic Research, Poland, Russia

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Post-socialist transformation was a complex process of partly spontaneous and partly designed changes of operational principles and institutions that occurred mainly in the domains of politics and economics of Central-Eastern European and post-Soviet countries during the 1990s (Materski and Żelichowski 2010). It also had a significant impact on collectively shared values of society members. By now it is already a phenomenon of recent past. It still does influence the present, but in a more indirect way.

One of the factors providing for the indirect influence of the very recent historic past on the present

are biographic experiences and related “frames of social orientation” (Bohnsack 2010) of those members of a society who lived during the state-socialist era and then became active participants of the transformation. Narrated first-hand experiences from the period of the system change might be a crucial or at least an important component, and hence a particularly effective indicator, of present-day “frames of social orientation” found in individuals who consciously lived through the post-socialist transformation. Their previously developed “frames” often became obsolete at the time of fundamental, multi-dimensional and rapid social changes. As a consequence, new “frames” have emerged (Miller, Humprey, and Zdravomyslova 2003).

Law and the administration of justice were in the very center of post-socialist transformations. “Law-based state”¹ was one of the major declared goals (Feldbrugge 1992). Beyond that, changes of fundamental legal norms regulating property rights, economic, political and civic activities were the key instruments of post-socialist reforms (Podgorecki 1996; Solomon and Foglesong 2000). While law in socialism was subordinated, although not entirely, to the power of the party-state and its ruling elite (“dual state” [Sharlet 1977] or “rule by law” [Ginsburg and Moustafa 2008]), it was envisioned as the supreme form of normative regulation for post-socialist societies. As a consequence, there was an expectation that the importance of legal professionals would significantly increase in the course of the post-socialist transformation (Fogelklou 1992).

¹ This is Harold Berman’s (1992) translation for the Russian term “pravovoe gosudarstvo” and for its Polish equivalent “państwo prawa”.

The core of lawyering is normative interpretation of the social reality in general and of situations of (potential) social conflict in particular. “Frames of social orientation” of lawyers are of particular interest for social scientists because members of this internally diversified occupational group are key actors in processes of normative regulation. Their understandings of how their society works influence their judgements and actions which in turn have consequences for other members of the society who rely on their adjudication, representation, advice or assistance (Weyrauch 1964; Morison and Leith 1992; Trubek and Nelson 1992). Hence, a study of how legal professionals experienced the period of post-socialist transformation and how they integrate their biographic experiences into their “frames of social orientation” promises insights into their habitualized agency patterns that are relevant for their present-day practice.

In this paper, I summarize preliminary findings on narrated first-hand experiences from the period of post-socialist transformation and on related narrative constructs of agency found in autobiographical interviews with practicing lawyers from Poland and Russia. These two countries are the most contrastive cases of post-socialist transformation. Russia, the core of the Soviet Union, was the cradle of the state socialist order which was accepted by a significant part of the population for most of the time. The Polish version of state socialism came into being as a consequence of Soviet occupation at the end of WW2 and it met the most constant opposition from significant parts of the country’s population in the four decades of its duration. However, a far-reaching change of the Polish society had taken place under

the banner of “building communism”—even if the outcomes of this change were very different from the proclaimed goals. During the state-socialist period, Poland had been transformed from a predominantly rural country into an industrial and urban society with a significant middle stratum. An analogous socio-structural change had also taken place in the USSR. But, in Poland, many members of these newly emerged social macro-groups—industrial workers and “socialist intelligentsia”—had become key supporters of the large-scale protest movement “Solidarność” that facilitated, within a decade, the systemic change of 1989 (Kwaśniewicz 2003).

Polish and Soviet legal systems differed from each other despite the model character that the latter was supposed to have for other countries of the Soviet bloc (Westen 1988; Lityński 2005; 2010). Last but not least, Polish and Russian legal professions developed in very different directions during the post-socialist period as regards their institutionalization. In Poland, strong regimes of professional self-regulation (*samorząd zawodowy*) emerged and became the model for the institutional professionalization of other occupational groups (Antkowiak 2012). The organizations of the Soviet Bar (*advokatura*) de facto lost their self-regulatory power in the early 1990s and the reign of “free market” had begun (Mrowczynski 2012; 2014; in press).

Data and Method

To answer the research question outlined in the introduction, I used narrative autobiographical interviews conducted between June 2010 and June 2015 in three different regions of Poland and in three dif-

ferent parts of the Russian Federation for a still-on-going research project “Societal Transformation, Changing Legal Systems and Professional Habitus of Polish and Russian Lawyers.”²

The sampling strategy followed the principle of maximal structural variation (Kleining 1982), but elements of “theoretical sampling” (Glaser and Strauss 1967; Charmaz 2006) were included at a later stage of data gathering. The structural sampling criteria beside country and region were gender, age cohort, forms of professional practice and content-related specialization. This sampling outline was operationalized as a procedure of multiple-snowballing, that is, search for interviewees through several institutional access points and interpersonal networks in different segments of the respective juridical field.

Two structural sampling criteria are of particular relevance for the topic of this paper: age cohort and form of practice. I interviewed lawyers from two broad age groups: (i) those born in the 1940s

² The extensive interviewing was made possible by a generous five-year stipend from the German Academic Exchange Service (PKZ 10/01216). During this time, the author of the paper was affiliated as Assistant Professor at the Department of Sociology of the National Research University Higher School of Economics in Moscow, Russia. The Russian part of the study was funded by the “Academic Fund Program” of the Higher School of Economics in 2012-2014 (research grant No. 12-01-0142). The field research in Poland was made possible by a four-month visiting fellowship at the Institute of Sociology of the University of Warsaw, Poland in 2013. I am also much obliged to Kaja Kaźmierska, Katarzyna Waniek and their research team at the University of Łódź, Poland for repeated opportunities to discuss with them my primary data from the Polish sub-sample. Similar opportunities of joint Russian-transcript analysis were offered to me by Elena Rozhdestvenskaia and Viktoriia Semenova at the Institute of Sociology of the Russian Academy of Sciences in Moscow, as well as by Elena Bogdanova, Kseniia Brailovskaia and Aleksandr Kondakov at the Center for Independent Social Research in St. Petersburg, Russia. Last but not least, two anonymous reviewers for the journal *Przegląd Socjologii Jakościowej* deserve the credit for sharing with me their invaluable comments.

and 1950s (including a few “outliers” born in the 1930s) and (ii) those born in 1970s and early 1980s. As regards the type of legal practice, I exclusively focused on lawyers who represent and consult clients (either individuals or organizations). I did not interview active judges and prosecutors, although several research participants worked as judge or prosecutor (or even as both) in the past. This focus on “representing lawyers” is motivated by four considerations: (i) these lawyers constitute the most numerous segment of the profession in both countries; (ii) their activities were subjected to particularly far-reaching changes during the post-socialist transformation; (iii) one of the groups among these lawyers, the advocates, were an organized and partly self-regulated “proto-profession” with a significant degree of collective autonomy already at the time of state socialism in both countries; (iv) Russian judges and prosecutors constitute closed, even secretive occupational groups which are difficult to access for a foreign researcher.

The interviewing technique followed the modified recommendations by Schütze (1977; 1983) and Rosenthal (2005). I focused my initial narrative stimulus on occupational biographies. Nevertheless, many interviewees expanded their storytelling to other, mainly private, aspects of their lives. My follow-up questions aimed at obtaining additional extensive and more detailed narratives.

A total of 95 interviews (41 in Poland and 54 in Russia) were conducted. 47 of these interviews have been already transcribed by native speakers of the respective language. I coded these transcripts using a combination of “sensitizing concepts” (Glaser and

Strauss 1967; Blumer 1998) operationalized as initial codes and the open-coding procedure (Strauss and Corbin 2008). Two main sets of sensitizing concepts are represented in the code list: biographic codes which refer to different life-history periods or events like “higher education,” “post-graduate professional training,” “biographic changes” and inter alia “impact of the post-socialist transformation.” The other set of sensitizing concept is inspired by the literature on sociology of (legal) professions and sociology of law. The second set of codes is of no immediate relevance for the topic of this paper. The additional group of codes is based on Schütze’s (1983; 2007) typology of modes of speaking: narrating, reporting and argumentation. Here, I also accounted for the distinction between argumentation and evaluation proposed by Nohl (2009).

In the process of analysis done for this paper, I compared segments of transcripts focused on the impact of the post-socialist transformation on interviewees’ own professional activities. My main interest was the narrative representation of interviewees’ agency (or of the lack thereof) as indicated by the dominance of particular “biographic process structures” (Schütze 1981; 2007) in the thematically relevant pieces of storytelling.

It turned out that not all of the coded transcripts include explicit references to the post-socialist transformation as a process that influenced the interviewee’s own life. In particular, many interviews with persons from the younger cohort include no such data segments at all. Other research participants who were born in the 1970s or in the early 1980s mention the time of post-socialist transformations only briefly,

usually when talking about their reasoning behind the selection of the major for their tertiary education (in both countries, economics and law were the most popular specializations among high-school graduates during the 1990s [Łojko 1999; Turturica 2006]). All extensive narratives about the impact of post-socialist transformation on their lives were told by older interviewees who had already practiced law before the system change. The following findings are based on this subsample of 25 interview transcripts: 15 Polish and 10 Russian cases.

The six types of narratives presented below were constructed step-by-step in a series of case comparisons based on the criteria outlined above and on the relevant transcript segments, that is those referring to the interviewee's professional life at the time of post-socialist transformation. An important intermediate step was an extensive memo³ that summarized each case (i.e., each individual set of narrated first-hand experiences from the period of system change) in content-related and in narrative-structural terms. The latter means the way in which an autobiographical story is told, especially what are constellations of narrator's agency vis-à-vis structural conditions of his or her actions. Narratives characterized by similar structural features of storytelling were then used to construct each of the six types.

Findings: Narratives of Transformation

Polish and Russian legal practitioners narrate their experiences of post-socialist transformations in six

³ For memo-writing as a pivotal analytical technique in "Grounded Theory" see: Glazer and Strauss (1967) and Strauss and Corbin (2008).

different ways. In the following subsections, I will describe each of these six types. Every type description includes exemplary case summaries that illustrate the respective type characteristics. I will more extensively present the first type ("trailblazer narratives"), because it gives the overview of (perceivable) possibilities which opened during the time of post-socialist transformations. Descriptions of other types build in part on this overview.

Trailblazer Narratives

Some research participants present themselves in their autobiographical stories as trailblazers of post-socialist transformation in the domain of their professional practice. The period of system change appears in these narratives as the time of great opportunities to start something new. They tell extensive stories about their early ventures into new fields of legal practice, about new clients (mainly businesspeople and private companies) for whom they started working in the early days of the nascent market economy and, last but not least, about their pioneering activities that transformed the organizational forms of the professional practice.

These stories are dominated by "biographical action schemes," the narrative representation of proactive agency. The respective interviewee always seems to be the epicenter of all events. He or she is embedded in structural conditions, but not strictly determined by them. He or she identifies new opportunities that emerge as the structural conditions start to change. The key characteristic of trailblazer narratives is that actions undertaken by the respective storyteller have the power to change structures (at least a little

bit), that is to create new institutional settings and to introduce novel practices. Narrators of this type present themselves as those who create new trails as they move into uncharted territories.

Most of these narratives focus on three major aspects of the post-socialist transformation: (1) changing organizational forms of practice; (2) changing contents of practice in combination with winning new categories of clients; (3) expanding one's activities into new domains beyond the jurisdictional boundaries of lawyering.

The practice of law was confined to two major organizational forms during the state-socialist period in both countries. Most in-house lawyers were salaried employees of state organizations (production factories, governmental offices, etc.). Very few of them worked for private companies that operated in Poland under strict state regulations. Advocates, one of the very few free professions that existed within the state-socialist order, were obligated to practice in legal consultation offices (LCOs; *zespoły adwokackie, iuridicheskie konsul'tatsii*) that existed under the umbrella of regional Bar organizations (*Okregowe Izby Adwokackie, Kollegii Advokatov*). LCOs were officially considered to be "collectivist" settings compatible with "socialist principles", but in fact most of them operated as conglomerates of solo practitioners who shared office space. The degree of centralized coordination within LCOs was higher in the USSR than in Poland.

As the state-socialist system began to disintegrate and first reforms were introduced, research participants who tell "trailblazer stories" saw a window

of opportunity opening. Some Polish advocates decided to leave their LCOs at this early time and started either solo practice or established partnership law firms with their colleagues. It was possible in Poland even during the late-socialist period to practice as a sole advocate without an LCO affiliation, but this option required special permission from the minister of justice. Such permissions were issued very rarely before the end of the 1980s.

Interviewee01, a male advocate who practiced in an LCO in one of the big Polish cities, used his personal ties to a high-ranking ministerial official in the first reformist government (they used to ski together) and obtained permission for his solo practitioner's office (*kancelaria indywidualna*). Interviewee04, another male advocate who practiced in the same city, but in a different LCO, lacked interpersonal networks within the new political elite. He transformed the organizational form of his practice step-by-step. First he established a partnership (*spółka*) with a colleague from his LCO without officially leaving his previous setting. He severed his ties to the LCO only, when it had become clear for him that market and democratic reforms were really taking roots in Poland. Interviewee04 used the potential of the new legislation on private business activities and on corporate legal entities. Interviewee01 based the transition of his organizational form of practice on an exceptional regulation that existed in the 1982 Statute on the Bar (*Ustawa Prawo o Adwokaturze*), and on his social capital.

Soviet/Russian advocates had no option to launch solo practice at the beginning of the transformation without losing their Bar membership. But, Interview-

ee07, a male advocate who practices in one of the biggest Russian cities, successfully transformed the LCO that he headed by the end of the 1980s into the reportedly first “advocates’ bureau” (*advokatskoe biuro*) in the entire country. It was a peculiar Russian form of partnership law firm. First he used his extensive interpersonal networks within the federal government to convince a deputy minister of justice to grant him permission for such an “experiment.” Then he convinced the head of the local “College of the Bar” (*kollegiia advokatorov*) to provide him with the maximum of financial autonomy. Finally, he averted an attempt by the Tax Inspection to subject his new organization to corporate taxation. His vast social capital is presented as the crucial factor for his success:

So I was defending these prosecutors in a civil trial. And the brother of the {high-ranking} prosecutor {...} was {executive position in} the legal department at the ministry of treasury. And I said to him: call them {i.e., tax inspectors} and tell them so they quit going after me. What does it mean that I run a firm? I do run a firm, but we have no profits! (4) These guys at the ministry of treasury were thinking really hard what to do in this situation. {...} I said: Listen, do all these problems occur only due to the word firm? So how would it be if it was not named a firm {firma} but just an office {kontora} of some kind? Would you still require me to pay {corporate} taxes? So you are running an office? Yes. Well, we would claim no taxes from you in this case. Fine. Let’s postpone our conversation for a week. {...} We quickly changed the paperwork and re-registered {the law firm}. {...} We were not called ‘{name} advocates’ firm’ {advokatskaia firma} anymore. We were called ‘{name} advocates’ bureau’ {advokatskoe biuro}. {...} And after one week I came again {to the

ministry of treasury} (1) And again, I met the top execs there. I said to the deputy minister, listen {...} we are not a firm. We are a bureau. {...} Oh really!? Why do we waste our time then? It is so great to interact with such a pleasant and smart guy! That’s how our paths have parted. And thereafter everybody knew in {city}: if you want to be independent, you should establish a bureau and not a firm. That’s how advocates’ bureaus came into being. [07:3859-3894]

The most remarkable thing in this strongest of all trailblazer narratives is the fact that Interviewee07 never presents himself as a petitioner who asks those in power for a favor. Instead, he appears as the great mastermind who always finds a way to exert pressure on other players and comes up with innovative ideas.

This story also exemplifies a key feature of the post-socialist transformation: its *imitative creativity*. Interviewee07’s declared goal was to establish a partnership law firm emulating the model of US law firms. But, confronted with the reality of early post-socialist society dominated by excessive regulation, bureaucratic red tape and informal networks, he had to create an organizational setting that is distinct from the envisioned model. For example, all advocates in an “advocates’ bureau” are officially “partners.” There are no salaried associates. Otherwise the legislation that bars advocates from employment relations would be violated and the organization itself would be subject to corporate taxation.

Some in-house lawyers also created trails that led them to new organizational forms of their profes-

sional practice. Polish legal counsellors (*radcowie prawni*) referred to the new legislation on private business activities and to the 1934 Commercial Code (*Kodeks Handlowy*) which had been partially left in force throughout the state-socialist period. Interviewee71 and interviewee72, both female legal counsellors in one of the big Polish cities, established a partnership law firm after they realized that there were many potential new clients around—mainly people in the process of starting their businesses. Initially these interviewees serviced such clients as subcontractors of an advocate. At this time each of them was still employed in a total of 1.5 full-time positions (*na półtora etatu*) in two different state organizations. Legal counsellors were allowed, under the socialist legislation, to work for several organizations simultaneously as long as the total of their job positions did not exceed 1.5 full-time positions. Interviewee71 and Interviewee72 discontinued their full-time employment, as they established their law firm, but they still remained in their 0.5 positions. Hence their transition from salaried to fee-for-service practice was gradual. Another important detail in their narratives (obtained in separate interviews) was the transformation of their previous employment contracts into long-term servicing contracts with fixed monthly fees. I denote this new form of practice as “external in-house lawyering.” It has become quite popular not only with Polish legal counsellors but also with Polish and Russian advocates, because it offers a combination of relative financial stability with more autonomy vis-à-vis clients.

Trailblazer narratives also can be built around narrator’s pioneering practice for new categories of clients in emerging fields of law. In both countries,

the most important trend at the time of the early transformation was the rise of entrepreneurship. Hence, the rapidly increasing demand for legal expertise came mainly from business clients. Several Polish interviewees report that the 1934 Commercial Code—for decades a marginal piece of legislation which was barely mentioned in law schools at the time when they studied—moved into the very center of their practice after the bill on private business activities had been passed by the end of 1988. A vivid example here is a story told by the Interviewee04:

I remember setting up the first joint-stock company {spółka akcyjna}. {...} The commercial division {of the court} was in {street} /uhm/ {...}. I appeared there with an application to set up {...} a joint-stock company. <<laughing>> They looked goggle-eyed at me: But sir, nobody has ever established a company in here. <<laughing>> And how do we know what to do? {...} This section of the code prevailed {...} of the commercial code from the time before WW2. /mhm/ And we well... we made use of it and I went to buy... {...} And I bought Allerhand’s legal commentary on the commercial code somewhere. I don’t know where. I made a photocopy of it and I brought it with me to the court to have the company registered and for them to read it through /mhm/ <<laughing> to learn from the commentary whether they can register or not.> And so they would register. And afterwards to be honest afterwards registrations were rather serial. [04:1108-1143]

In this data segment, the interviewee explicitly presents himself as the person who was able to find a way to do something that judges in charge of company registrations had never done before. His

activities appear as pioneering. Later this kind of practice became routine. This is the key feature of a “trailblazer narrative.”

Tax law was another marginal field of legal practice in the socialist period when most of the economic organizations were state-owned. Interviewee74, at the time of the interview, the main owner of a thriving “boutique law firm” (dispute settlements) in one of Poland’s biggest cities, learned this legislation already in the second half of the 1980s, when he worked as in-house lawyer for private companies with “Polish émigré capital” (*firmy polonijne*). At this time this field of law was quite underdeveloped and allowed for a lot of “creative lawyering.” As a consequence, he entered the period of post-socialist transformation with specialist legal expertise that was highly demanded in the nascent market economy.

In Russia, the legislation regulating private business activity was entirely new. The bill on “cooperatives” re-introduced private enterprise to the Soviet society for the first time since the NEP period of the 1920s. The interest in this new law and the practice for clients who started to operate under it are among the core themes of Russian trailblazer narratives.

The third major theme of trailblazer narratives is the expansion of interviewees’ activities into other fields than practicing of law. This process is presented as a free choice of the narrator and as an enrichment of his or her biography. In other words, it appears as something intended and not as a result of external social forces interfering with research participant’s biography as it is the case in “narratives of volatility” (see below). Interviewee68, a female legal coun-

sellor who practiced in a city in Western Poland, was appointed as a member of several supervisory boards of sole-shareholder companies of the State Treasury (*jednoosobowe spółki skarbu państwa*) and she even headed one of them. She became eligible for such positions after she graduated from a special training program at the very beginning of the 1990s. Her participation was funded by her then-employer organization which was due for privatization soon.

Follower Narratives

Follower narratives have a lot in common with trailblazer narratives. Those who tell them also present the post-socialist transformation as a period of new, attractive opportunities. The same changes of the legislation, of the client base and as regards organizational forms of their practice are mentioned in this context. The crucial difference is that “followers” started to pursue these opportunities later than “trailblazers.” They moved along already existing paths presented by “trailblazers” as their creations.

“Biographic action schemes” are still the dominant “biographic process structure” of these narratives, but the content is less dramatic and less spectacular as compared to trailblazer stories. The themes of fighting for one’s envisioned goals, risk-taking and uncertainty are absent. Narrator’s embeddedness in social networks strikes out as the dominant factor that made the post-socialist transition of his or her practice possible and rather smooth.

The story told by Interviewee10, a female advocate who practices for corporate entities in one of the biggest Russian cities, has some commonality with

trailblazer narratives as regards the major shift in her professional interests. In the late 1980s, she gained her first experiences in new domains of lawyering when she consulted a German-Israeli joint-venture firm and several domestic “cooperatives.” But, she did this work still as a member of her LCO. She remained in the Soviet-style practice setting well into the first half of the 1990s. In 1993, she joined an “advocates’ bureau” established by a friend of hers who was one of the most prominent members of the profession at this time. They knew each other since Interviewee10’s apprenticeship (*stazhirovka*) at the very beginning of the 1980s. She kept working at this law firm until 2001 when its founder decided to discontinue his active Bar membership and became a public servant. Soon thereafter, Interviewee10 established her own small law firm together with her twin daughters who earned law degrees and apprenticed at the law firm where their mother was one of the partners. This is how she presents the change in her professional life during the post-socialist transformation:

[I]n the LCO, everybody practiced on his or her own. But, then the time had come in Russia, in the USSR when...well, let’s say it is very difficult for a single person to work on a big project, for example, the foundation of a new joint-venture company (...) It means, it had become clear that a cooperation with other advocates would create opportunities to provide legal assistance of a better quality, to do it faster and at a higher level of professionalism. And this makes you more competitive. And I received an invitation from a very famous advocate... he already had his {advocates’} bureau... an invitation to join him as a partner. [10:659-676]

The narrator presents herself as someone who identified and used the opportunities opened by the post-socialist transformation, but she does not advance the claim that she was among the first lawyers who moved in this direction. She left her LCO at a time when the trend towards new forms of practice was clearly discernable and the corresponding organizational structures had been already established by others. Interviewee10’s friend is by the way another Russian lawyer who claims to be the creator of the very first “advocates’ bureau” in the country. “Trailblazers” tend to compete with each other by presenting themselves as the real spearhead of change. “Followers” do not get involved in this kind of symbolic competition.

Narratives of Volatility

Narratives of this type are built around changes not intended by the research participant as his or her long-term strategy. The volatility results from the interaction between events resulting from post-socialist changes and interviewees’ attempts to adapt to them. The “trajectory” frequently occurs, but it is not the only “biographic process structure” present in these stories. “Biographic action schemes” also appear in them as representations of narrator’s reactive agency.

The reported volatility of occupational careers can either take place within the juridical field or it can result in a (temporary) transition into jobs only indirectly related or entirely unrelated to the practice of law. Since all research participants were selected on the basis of the fact that they worked as some kind of lawyers at the time of the interview,

all departures from law-related occupations had to be temporary in their cases. Individuals who were lawyers in the past, changed into a different occupational field and never returned to the practice of law, were not interviewed, because they did not meet the most fundamental sampling criterion.

Interviewee24, a male advocate who practices in a big Russian city, was a judge in the second half of the 1980s. Before that he worked as a prosecutorial investigator (*sledovatel' prokuratury*) and this earlier job is described by him as his most favorite one. He decided to become a judge, because he assumed that it would be easier to get a one-family apartment as a member of the judiciary. Improving the housing conditions of his family was his top objective at this time. But, he realized quite soon that his hopes were unfounded and then an additional conflict with his principals emerged.

I resigned from the bench, but at this time, it was also very difficult to be admitted to the BAR. /mhm/ There were some SPECIFIC DIFFICULTIES here. And I became (2) a FREELANCER. {...} In eighty-eight, the bill on cooperatives had been passed. It allowed the establishment of cooperatives. I contacted the {name} cooperative, but these guys were not interested in new members. I contacted a second one. {...} I visited them and said: Look, I used to work as a judge and so on. I would like to get involved in this kind of business. Yes, yes, yes, you are welcome. We have a shortage of personnel right now. You can start today, right now. I stayed, clients contacted me and I advised them. I got the money. It was instantly half the monthly salary of a judge. /uhm/ This was one thing. Another thing that surprised me, was the fact

that this cooperative {name}... Well, it turned out that one founder of the cooperative {...} was a trade-union official. He had no education in law. And the second guy was a physician. And they were running this cooperative {name} and I was the only judge there. To cut a long story short (2) I consulted a few clients and I decided to set up, together with a friend, my own cooperative. Someone offered us office space, but the premises required renovation. Eventually we ditched the idea. Simultaneously, some other problems occurred. And (0.5) an acquaintance of mine called me and said: Forget about this hare-brained idea. They need a lawyer at {a municipal company} in {name's} office. I can recommend you if you want. I answered: Fine, let's do it. I left everything behind me and I went to {name} for an in-house job in the legal department. [24:2815-2854]

“Juridical cooperatives” were quasi-law firms established by individuals who were not advocates (Bar members). Some of these people had experience in practicing law as prosecutors, in-house lawyers or police officers who are considered to be legal professionals in Russia if they hold a higher-education degree (e.g., from a police academy usually attended in the night-school mode [*vechernee obuchenie*]). Others ran their “juridical cooperatives” without having any professional credentials as it was the case here. Interviewee24 earned there more than at the judiciary, but he must have been dissatisfied with this form of practice because he first went for an in-house job and soon thereafter he accepted another offer coming from one of his friends who started a timber business. As a consequence, he quit practicing law at all for about two years. However, he found out quite soon that he “is not made for busi-

ness,” because he worried more about salaries for his lumberjacks than about profits of his company. His income was very unstable and his wife who was a poorly paid teacher at this time convinced him to apply for the Bar membership. Interviewee24 passed the Bar exam in 1993 and since then he has practiced as an advocate. Initially he was a member in a Soviet-style LCO. After the 2002 Statute on the Bar (*Zakon ob advokature i advokatskoi deiatel'nosti*) had come into force, he established a solo-practitioner's office (*advokatskii kabinet*). He is not very enthusiastic about the type of work that he has done as advocate for two decades. He characterizes it as a “boring routine” and regrets that he quit his job as prosecutorial investigator in the mid-1980s.

The character of the story told by interviewee24 is different from “trailblazer” and “follower narratives” despite some similarities. On the one hand, it is also a narrative about a far-reaching biographic transition; its author presents himself as someone who actively searched for new options. But, on the other hand, his story lacks a clear focus on a new career goal. There is neither a vision of doing something entirely new nor an idea of following a clearly defined path in it. Instead, it is an open-ended process of searching by trial and error for a new professional role in an uncertain social environment. This volatile process is determined by both, structural conditions (e.g., the “social closure” of the Bar), as well as the narrator's preference-driven agency.

Narratives of Continuity

Narratives of continuity often do not appear to be narratives about the period of post-socialist trans-

formation at all. Sometimes these life stories are even told in a way that makes it difficult to identify any chronology; they are collections of case narratives which can hardly be located within a historic frame. The explicit statement about the continuity between the socialist and the post-socialist period of the narrator's life is usually elicited by the interviewer's targeted questions.

Interviewees who present this type of story usually specialize in criminal defense or in civil-law practice for individuals, they do divorces and wills. Or they are still generalists. The latter implies that they focus on cases brought by individual clients. It is hardly surprising because these fields of legal practice have changed less significantly at the time of the transformation than the domain of corporate and business law.

Interviewee73, a male advocate practicing in one of the big Polish cities, has spent almost his entire professional life since the late 1950s in the same office. For more than three decades he was a member of the LCO located there. When the LCO was officially dissolved by its members in 1992, he became a solo practitioner from the legal point of view (*kancelaria indywidualna*), but he remained with several colleagues—also newborn solo practitioners and former LCO members—in the same premises. He mentions his initial plans to transform the LCO team into a “strong law firm” (“*mocna kancelaria*”), but he admits that they never materialized, because his colleagues were very eager to practice on their own. He characterizes the true nature of his LCO during the socialist period as a “cluster of solo practitioner's offices” (*zespół kancelarii indywidualnych*) and he uses

exactly the same expression when speaking about his practice setting at the time of the interview. The profile of his practice did not change either.

I have been a generalist all the time and I am a generalist today. I mean it as regards to the categories of cases. I handle very different types of cases. /uhm/ I don't hesitate to accept any kind of cases. /uhm/ Well, maybe (1) working for business companies is something that implies too much specialization /uhm/ (0.5) I would have to cooperate with an accountant. Can't do it. [73:5960-5968]

The impression of continuity that bridges the socio-economic rift of 1989 is emphasized in this data segment by the interviewee's backpedaling from his initial self-characterization as generalist practitioner. He admits that, in fact, there is a category of clients and cases which are outside the domain of his professional practice. These are exactly those clients and cases which came into being during the post-socialist transformation. They represent the changed social world around his unchanged way of practicing law.

There is also a peculiar subtype of narratives of continuity presented by interviewees who transformed their professional practice long before the beginning of the system change. For this reason, they do not perceive transitions in their professional lives at the beginning of the 1990s as real changes. When asked explicit questions about it, they deny that the post-socialist transformation had had any impact on their biographies.

Interviewee37 practiced at the time of the interview as advocate in a city in the Urals. In the 1970s, he

worked as in-house lawyer for the social-security department of the Regional Executive Committee (*oblispolkom*). Then at the beginning of the 1980s he was "invited," as he puts it, to join the regional Bar by the then-head of the Regional College of the Bar. It is a remarkable detail, because the access to the Soviet Bar was very difficult and most applicants had to wait for years before they were admitted (Jordan 2005). After becoming an advocate, he was immediately appointed as the head of a newly established quasi-LCO whose members specialized in pension-related litigation on behalf of social-security departments of District Executive Committees (*raiiispolkomy*). These municipal units reported to the social-security department at the regional level where Interviewee37 had worked for several years. In other words, he had made the transition to an "external in-house lawyer" long before the post-socialist transformation started. There is some evidence in the transcript that he actively sought the "invitation" to the Bar. He mentions two talks that he gave at annual conventions of the regional Bar on the topic of pension-related litigation when he was still working in-house.

The legal foundations for the litigation that he had been doing during the 1980s abruptly disappeared when the Civil Code (*Grazhdanskiy kodeks*) was amended in the early 1990s. But, for him it was not a problem because he instantly found a new long-term client. It was the newly established Pension Fund of the Russian Federation that took over a part of the responsibilities from the dismantled executive committees. The regional office of the Pension Fund had no in-house lawyers at all in its initial years and Interviewee37 did this job. In this capac-

ity, he was involved in some pioneering litigation. He also trained and mentored an entire cohort of Fund's in-house lawyers before he withdrew from this field of practice in the mid-2000s.

Despite discernable changes in his professional life around 1991, Interviewee37 answered to my explicit question that the post-socialist transformation had no impact on his professional biography. In a sense, he was right, because he had been working on pension-related cases for three decades that span like a bridge over the historic watershed of 1991.

Interviewee37's biography could have been told as a trailblazer narrative. Elements of this type of storytelling are discernable in those data segments where the narrator speaks about his specialized LCO, that is about a period even before Gorbachev's "perestroika." This case demonstrates that there is a discrepancy between the "objective" life-course events and their evaluation in an autobiographical narrative.

Latecomer Narratives

The major theme in latecomer narratives is the alleged fact that the interviewee arrived with a crucial delay in a position which could have become a launch pad for a successful post-socialist career if he or she reached it earlier. The dominant "biographic process structure" is clearly the "downward trajectory" that is the emphasis of structural factors which made it impossible for the narrating individual to benefit from the opportunities offered by the post-socialist transitions. Narrator's agency is documented (in Mannheim's [1952] sense) as passive.

Interviewee66, a female advocate who practices in a small Polish town, started her professional career as prosecutor in the same location in the mid-1970s. She quit this job about a decade later. She names two reasons for this decision: (i) the persecution of her brother, a military pilot, whose friend, also an aviator, escaped to a Western country taking the airplane with him; (ii) a lost criminal trial which made her subject to severe criticism by her principals.

After leaving the Prosecutor's Office, Interviewee66 made an attempt to become an advocate, but she had been unable to find a free spot in an LCO for four to five years. She started to practice as advocate at the beginning of the 1990s.

I: But finally you were able, well, how to say, you were able to start practicing law {as an advocate}?

N: It was a bit too late.

I: Yes, yes. But how were you able to achieve this? What were you doing beyond the fact that your application form was in the pipeline {at the regional Bar Chamber}?

N: Well, the application form was in the pipeline. I was already paying my membership fees and I was waiting. I was patiently waiting (1) until a free spot was found and then I came here. But, it was too late, I think so. /mhm/ Somehow... Well, I was younger, I had more motivation to do this work and the situation was somehow different. There were companies, there were more requests from clients. It was a different time. If I started earlier, my professional life would have developed differently. But, it was too late, I think. TOO LATE! [66:1408-1424]

An extreme passivity is documented in this part of her narrative. Stories told by other interviewees

including her colleague in the same LCO (Interviewee56) about their processes of Bar admission are different. These lawyers frequently visited the leadership of their future Chamber of the Bar and informally talked to members of LCOs. They often use the Polish word “wychodziłem” in this context. It means roughly: “I got it done by coming again and again.” Interviewee56 even mentions an attempt by Chamber and LCO members to extort bribes from him. In these stories, other options than “waiting patiently” are mentioned, even if not all of them were, strictly speaking, legal.

Interviewee66 claims that her late admission to the Bar severely limited the opportunities she had during the period of post-socialist transformation. This claim is not convincing, because she became an LCO member in 1990 or 1991. It was still an early stage of the transformation especially in a small town. If there was a structural factor that impeded her professional advancement, it was rather the provincial location with limited opportunities for business activities. However, as the Polish market economy developed, Interviewee66's town became an important logistic hub. But, shipping companies are not among her clients. She caters to private individuals. The general impression emerging from the transcript is that Interviewee66 has been as passive in her fee-for-service practice as she was in the process of her admission to the Bar.

Narratives of Social Decay

In narratives of this type, the impact of the post-socialist transformation on interviewee's professional life is embedded in the bigger picture: the

general situation in the country. The end of state socialism is presented as a great catastrophe that undermined the super-power status of the USSR⁴, destroyed the socialist economy and propelled the vast majority of the population into poverty. The practice of law has been fundamentally transformed by these massive social changes too. It became devoid of its true ends related to the ideal of justice and either it degenerated into a mere instrument used by powerful groups for ruthless pursuit of their particularistic goals or it turned into a desperate survival strategy of professionals balancing on the edge of poverty. It is hardly surprising that interviewees who present this type of narrative explicitly characterize themselves as supporters or even “big fans” of the Soviet order. At the same time, they do not buy Putin's recent attempts to revive some elements of the Soviet tradition.

Interviewee36, a female pensioner at the time of the interview, spent most of her professional life working as in-house lawyer (*iuriskonsul't*) in a big Russian city. However, she started her work biography as a manual worker in a textile factory and earned a degree in law from a night-school program (*vechernee obuchenie*) by the end of the 1980s. Then she worked at a state-owned dairy plant in an in-house position until the beginning of the 1990s, when she lost this job due to the crisis-induced layoffs. Before leaving her employer organization, she was allocated a one-family apartment. She negotiated this deal as a severity payment in kind. Her professional career became volatile at the time of

⁴ I was able to identify this type of narrative only in autobiographical accounts of Russian lawyers.

the Soviet Union's collapse, but not for very long. After about two years in a poorly paid in-house job at a municipal housing administration, she was able to find a position in the legal department of a regional bank. She had been working there as litigator for about seventeen years until 2010. Her last job before retirement was an in-house position in a construction company which she characterized as “the hotbed of capitalism.”

As I said, I ended up in the hotbed of capitalism. It is so horrible! /mhm/ My working life ended in the HOTBED OF CAPITALISM! /mhm/ It would have been so much better if I left my post under SOCIALISM. [36:3205-3208]

Interviewee36's professional career does not look as volatile as many others. But, she presents the post-socialist period as a time of total chaos and decay due to her strong (possibly ex-post) identification with the Soviet order. The key components of her general frame of social orientation are a glorification of industrial manufacturing and a deep skepticism as regards to non-industrial business activities like financial services. She emphasizes several times that she had tried to “hold onto the factory's smokestack” (“*derzhat'sia zavodskoi truby*”) as long as possible. This idea was incepted in her mind by a supervisor at the time when she was still working in a manual job at the textile factory. According to her words, an in-house lawyer in a “productive” socialist organization played a positive role by supporting contractual cooperative ties with other manufacturers and retailers. The task of an in-house lawyer in a capitalist organization like a bank was a very different one: he or she was

supposed to assist his or her employer in cheating other people. But, she does not specify how this “cheating” entered her own professional practice.

A segment of the transcript suggests that Interviewee36's “narrative of social decay” is an ex-post construct, at least in part. This is how she recollects the period of “perestroika”:

All of us were ENTHUSIASTIC! The perestroika has started in our country. It is impossible to buy a copy of the *Ogonyok* weekly magazine {one of the most reformist-minded periodicals at this time; RM}. Our Supreme Soviet utters thoughtful words. We will leap forward. We will... ALL of us were inebriated by all of this. It's eighty-five /mhm/ Gorbachev is talking directly to simple folks on the street (3) and then... What did we really know as the Soviet Union was falling apart? Only now we are told that THREE DRUNK DUDES (.) El'tsin (.) and Belorussia and Ukraine convened and DECIDED everything. But, who knew about it at that time? Who knew that the destruction of the Soviet UNION will produce these outcomes? [36:2048-2059]

The narrative recollection of the interviewee's past enthusiasm sparked by Gorbachev's promise of political and social reforms is superseded by the negative evaluation rooted in her present-day perception of these events. The crucial act of post-socialist transformation, the dissolution of the USSR, is presented as a decision made by three allegedly intoxicated heads of the core Soviet republics.⁵

⁵ It is, by the way, remarkable that she is able to recollect only the name of Boris El'tsin of Russia, but not the names of Stanislav Shushkevich of Belorussia and Leonid Kravchuk of Ukraine.

Interviewee36's understanding of the post-socialist transformation has two key aspects and they are documented in this data segment: (i) it was a process driven by personal decisions of the insane political elite; (ii) this process was hidden from the gaze of the Soviet population including the interviewee. Hence, neither she nor any other rank-and-file Soviet citizen bears any responsibility for what happened afterwards. She presents herself as a naïve and helpless victim of "three drunk dudes" who wiped the Soviet Union off with three strokes of their pens. But, the recollection of her initial support for Gorbachev's reform program suggests that she was less enthusiastic about the late-Soviet social order at the time when she still lived in it. Otherwise she would not have been positive about the idea of "reconstructing" the Soviet system.

Discussion and Conclusions

Trailblazer and follower narratives can be interpreted as representations of a proactive agency. Also the perceived continuity, as the case of Interviewee37 suggests, can result from narrator's strategic actions which predated the transformation, but turned out to be in line with the direction of the future systemic changes. All these interviewees emphasize that they acquired and even co-created new resources—in particular new legal expertise ("creative lawyering" and "pioneering litigation"). At the same time their autobiographical stories demonstrate that new opportunities were pursued using resources accumulated under the state-socialist regime and that the embeddedness in older institutional settings like LCOs or salaried jobs provided safety nets for narrators' risk-taking activities.

Another interesting phenomenon present in "trailblazer narratives" is something I referred to as "imitative creativity." Actors who spearheaded the post-socialist transformation often framed their actions as imitations of patterns of "normal life" which they perceived as the time-tested operational principles in Western European and Northern American societies. Only because of this fertile ground were so many Western transition consultants able to successfully offer their advice across the post-socialist region. But, these imitative activities went far beyond a mere replication and became creative as they confronted socio-structural conditions of late-socialist countries. The analysis of "trailblazer narratives"—not only from the domain of the practice of law—can enrich the qualitative social research on post-socialist transformations by offering empirically grounded insights into the socio-constructivist aspects of "imitative creativity."

The type of agency documented in narratives of volatility, but also in narratives of social decay is reactive in its character. Narrator's actions are presented as adaptive responses to or as coping with structural changes. Resources accumulated during the socialist period are crucial for these practices, but they become partially depleted (e.g., due to interruptions of the practice of law). As regards those who tell latecomer stories, one is inclined to suppose that the extreme passivity is overstated to a certain degree. It is difficult to imagine that someone as passive as Interviewee66 (according to her self-presentation) would be able to survive in a fee-for-service practice for more than two decades. But, the attitude documented in this type

of autobiographical storytelling seems to explain, at least in part, why these narrators' post-socialist practices are far from thriving.

It is an interesting finding that narratives of continuity are told only by advocates, that is those legal professionals who worked in fee-for-service practice already during the state-socialist period. As far as some advocates continued to do what they did before the transformation (criminal defense, divorces, child custody, etc.), they were able to avoid radical changes without losing their stable professional positions. Salaried practice of in-house lawyers was subjected in any case to significant changes: either it was given up for the sake of fee-for-service practice, or it was modified by finding more lucrative employment options (in most cases in private business organizations) or it became volatile as state-owned employer organizations entered the turbulent period of economic reforms.

There is one major difference between the Polish and the Russian subsample. Narratives of social decay were found only among Russian autobiographical accounts, while Polish stories of failure and trouble at the time of post-socialist transformation are presented as latecomer narratives. The common feature of these two types of narratives is the overwhelming power of structural changes, but the normative-evaluative framing of the post-socialist transformation is different. In narratives of social decay, the system change appears as an evil force which destroys the interviewee's secure life as a happy Soviet citizen. This seems to be a narrative ex-post representation of the relative acceptance of the state-socialist order in the

USSR. In latecomer narratives, the process of transformation is not depicted as something bad per se. The origins of interviewee's adaptive problems are identified in less general structural conditions: in the case of Interviewee66 it was the "social closure" (Larson 1977; Parkin 2008) of the Polish Bar. This difference can be explained in part by very different framing of post-socialist transformations in the respective public discourse. An additional factor is probably the difference in depth and duration of the transformation crisis in both countries.

Strong representations of interviewees' agency—either in its proactive or in its reactive form—is what most of the analyzed narratives about the period of post-socialist transformation have in common. This is not very surprising for two reasons: (i) Lawyers act on behalf of others: they participate in formalized procedures of solving conflicts between social actors (Wernet 1997). Hence, a strong reliance on one's own agency is a key aspect of their professional habitus. (ii) Advocates were a fee-for-service profession in both countries at the time of state socialism, although they operated under strict ministerial regulations. They constituted one of the very few occupational groups that differed from the dominant model of "state-dependent workers" (Zaslavsky 1995). This peculiar occupational status implied a more proactive attitude. And many in-house lawyers, especially in Poland, started to emulate the advocates' form of practice as the transformation started (Mrowczynski 2014).

The nascent field of social-scientific studies on biographic experiences from the period of post-socialist transformation has been mostly focused on

industrial workers so far (Mrozowicki 2011) although businesspeople and managers were also investigated (Domecka and Mrozowicki 2008). Some findings presented in this paper suggest that future research on this topic can benefit from including members of highly skilled (professional or proto-professional) groups in broader studies.

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Działalność prawnicza w okresie przemian: transformacje postsocjalistyczne w narracjach autobiograficznych polskich i rosyjskich prawników

Abstrakt: Niniejszy tekst przedstawia pierwsze wyniki badań na temat doświadczeń z okresu transformacji postsocjalistycznej i narratywnego konstruowania podmiotowości w wywiadach autobiograficznych z polskimi i rosyjskimi prawnikami. Praca oparta jest na 25 wywiadach z osobami urodzonymi w późnych latach 30., 40. i 50. Opisuje ona sześć różnych typów narracji: (i) narracje przecierających szlaki (*trailblazer narratives*); (ii) narracje podążających nowymi drogami (*follower narratives*); (iii) narracje rozchwiane (*narratives of volatility*); (iv) narracje ciągłości (*narratives of continuity*); (v) narracje spóźnionych (*latecomer narratives*); (vi) narracje rozkładu społecznego (*narratives of social decay*).

Słowa kluczowe: transformacje postsocjalistyczne, zawody prawnicze, badania biograficzne, Polska, Rosja