

SOCIAL ORGANIZATION AT THE DISTRICT COURTS

Colleague Relationships Among Indian Lawyers

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IN ADDITION TO CONTAINING RELIGIOUS centers of pilgrimage, regional and local markets, and educational establishments, a district headquarters town in India is, virtually by definition, the seat of a whole complex of law courts. The personnel whose activities contribute to the patterning of social life in such towns includes as an essential feature a small brotherhood of local legal practitioners. The present paper describes one such brotherhood: the advocates who practice in a district headquarters town in Haryana.¹ The main problem with which I shall be concerned is that of isolating and describing the system of social relations, the interconnected set of behavioral patterns, that occurs in the daily interactions among a hundred or more professionals in the district courts. It follows that the paper looks to lawyers rather than law.

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1. I prefer not to identify the location more specifically. Practitioners there are of an opinion, however, that their bar is fairly typical and representative of others in this region.

INTRODUCTION

The social organization of civilizational centers, whether of "traditional" systems such as temples or "nontraditional" systems such as modern law courts, can be considered as having two aspects: first, relations between specialists and those they serve (in which the function of the center largely defines the content of the relationships); and second, relations among specialists (in which the content of the relationship may be tangential to the main function of the center). These two aspects overlap, of course, and there are many variations: an isolated specialist may have little interaction with others of his kind; or services usually reserved for nonspecialist clientele may be provided for fellow specialists; or specialists may have significant relations with allied specialists.

For the litigants of an Indian district, the courts are an important occasional social arena. For even the busiest of chronic litigants, however, they are only an *occasional* arena. The professional and administrative personnel of the legal system are necessarily somewhat marginal figures in the litigant's world, of not as much concern to him as the allies and opposite parties of his numerous lawsuits. For a vast majority of district legal practitioners in India, on the other hand, the courts are the arena, the physical and social setting, for a lifetime's work.

Discussing lawyers in America, Carlin observes that the social organization of a profession is reflected in the variety and ordered distribution of the particular settings or situations within which action takes place.² And Schwartz has pointed out that Indian legal practice consists almost entirely of litigation— ". . . when court is in session it is presumed that all lawyers will be there."³ In looking at the courts as the work context of the Indian district lawyer one can ask about some of the problems that occur in the description of any social system: How are relations distributed in space, what roles can be distinguished, what is the range of variation in role enactment, how does the purpose for which the system exists affect the formation of groups, how is authority distributed and so forth. Not all these problems are dealt with in this paper; and many important facets of lawyers' lives, activities that take place away from the courts, are left largely out of account.⁴

2. J. E. CARLIN, *LAWYERS' ETHICS* 171 (1966).

3. R. D. SCHWARTZ, *Reflections on the Role of the Indian Lawyer*, in *IMPACT OF LAND LEGISLATION IN MYSORE* (C. K. Jaimsimha Rao, 1965).

4. Given the focus set out above, this paper ignores professional relations linking district lawyers with practitioners at the subdistrict (*tahsil*) and High Court levels.

(footnote continued on next page)

First, I comment on caste and the composition of the bar. Then I examine the setting in which the lawyers' interactions with their colleagues occur. Next I discuss three kinds of informal grouping that differentiate the bar and give shape to its internal political structure. Finally, I examine the way in which these structural features were involved in a recent bar association election.

THE CASTE COMPOSITION OF THE BAR

Table 1 shows the caste identity of the local lawyers discussed in this paper. All-India figures are not available, but knowledgeable metropolitan lawyers believe that Brahmins dominate the profession as a whole. The table reflects the marked lack of importance Brahmins have as a community in the public life of Punjab and Haryana. The castes that dominate the bar here (Aggarwal and Khatri) are those that also dominate the trading and business life of the town. The numerically dominant agricultural caste of the region is Jat, whose members comprise between 40-50% of the regional population.

In the day-to-day relations among members of the bar, caste is relatively unimportant as a determinant of social behavior.⁵ It is, of course, a factor in recruitment to the profession. An urban Aggarwal boy stands a better chance than does a rural Chamar boy of coming from a family in which literacy is high and other members are in government service or professions and where opportunities for law study are possible. But once both Chamar and Aggarwal become lawyers,

Between district and subdistrict there is much professional mobility but little referral of work. District headquarters lawyers often appear for their clients at the *tahsil* and vice versa. There is virtually no status differentiation between *tahsil* lawyers and the majority of district headquarters lawyers.

When a case goes on appeal to the High Court from the district level, the litigants usually take the files themselves and seek High Court advocates through their own networks of contacts or become prey to touts. Sometimes a district lawyer recommends a high court advocate whom he knows personally—usually either a lawyer who has migrated from that particular district headquarters to the High Court or one who was a school or college acquaintance of the referring lawyer. More frequently district lawyers say they give their clients the names of a few leading High Court lawyers.

Very few district court lawyers take their clients' cases to the High Court. Most district lawyers say that they cannot afford the time away from their headquarters or that the system of fixing dates for hearings at the High Court works against them. Some district lawyers say they would be out of their depths professionally or are not sufficiently familiar with High Court procedure.

5. A. Beteille, *Elites, Status Groups, and Caste in Modern India*, in *INDIA AND CEYLON: UNITY AND DIVERSITY* 223-43 (P. Mason ed. 1967).

TABLE 1
CASTE COMPOSITION OF THE BAR*

Number	Caste	Traditional Occupation	Number of Lawyers
1.	Aggarwal	Trade	22
2.	Khatri	Trade	21
3.	Arora	Trade	12
4.	Jat	Agriculture	12
5.	Brahmin	Priest	11
6.	Jain	Trade	7
7.	Ahluwalia	Distilling	4
8.	Rajput	Agriculture	2
9.	Chamar	Leather work	1
10.	Gadariya	Shepherd	1
11.	Kamboh	Agriculture	1
12.	Kayasth	Clerk	1
13.	Saini	Market gardening	1
TOTAL			96

* Assigning traditional occupations to castes is hazardous. Most of the castes listed here have, for generations, had members of several different occupations. On the other hand, Ahluwalias, for instance, have long since abandoned distilling and in this town, at any rate, appear to have mainly entered the professions and government service.

District figures for caste distribution are no longer available. After 1941, caste was not recorded in the Census of India; and in 1947, large numbers of refugees belonging to the first six castes listed in table 1 moved into the area from West Pakistan.

their common professional identity tends to cancel the differences of caste identity. Of course, in the lives of lawyers outside the courts, caste is significant. For example, it is often a factor in regional political activity and in the management of various urban associations such as sectarian schools. In general, however, caste does not have the role-summation significance for city professionals that it has in village life.

THE COURTS AS AN OCCUPATIONAL SETTING

The lawyers' localization in the courts gives them a position there akin to that of merchants in a marketplace, and in fact both lawyers and clients sometimes refer to the court compound as a bazaar. I now turn to a description of physical environment and the ordering of social relations in the courts.

The district courts on which this paper is based are likely to give the casual visitor the impression of an improbable cross between a bustling, alfresco stock exchange at the peak of trading, a mainline platform before the express arrives, and a rural trade fair. Ramshackle kiosks, chairs, benches, tables and lean-tos are scattered seemingly at random in the dusty and apparently undifferentiated compound that stretches forlornly between verandaed office buildings of various PWD vintages. Through the compound wanders a curious mixture of urban and rural types. It is difficult to distinguish the permanent population from the outsiders. An occasional figure arrives on horseback; others come in jeeps, cars, *tongas*, and the ubiquitous gaudy rickshaws. Listless crowds fill the verandas—are they litigants, witnesses, or just onlookers? Some doze among the chairs and benches of the compound or take part in innumerable discussions, consultations and arguments. Many just sit and stare. Others work furiously at antique typewriters or with the tattered files, battered dispatch boxes and the cloth bundles of Indian office life. From the rows of dilapidated tea stalls that fringe the compound, boys bring the inevitable refreshments. In season, a dust storm further enlivens the scene.

On entering one of the courtrooms, the visitor is likely to find the confusion only slightly abated. On a typical day, he will probably have difficulty even seeing the magistrate or judge, for the latter is usually obscured by a crush of advocates, witnesses and others crowded round the bench. A succession of unhushed conferences are likely to be in progress between various secondary officials and lawyers and it is not unusual for parts of two cases to appear to be in progress simultaneously. The occasional efforts of police and *chowkidars* to impose order only add to the hubbub.

In such a setting, the Indian district lawyer spends between a half and two-thirds of his working time. In the course of a day at the district courts described here, an advocate passes back and forth between several segments of this setting. For each of these segments there are appropriate modes of behavior and characteristic relationships. We will examine some of these distinctions in more detail.

First, however, a comment on the matter of confusion in juridical situations is relevant here. Anthropologists writing about law in the non-Western world have often noted the apparent disorder and informality of court proceedings. For instance, Epstein observes that the seeming casualness of African tribal courts is in marked contrast to the august atmosphere of their English counterparts but adds that such in-

formality does not mean that the actual situation under inquiry is chaotic; rather it reflects how closely the work of the courts is bound up in the daily lives of the people.⁶ One of the admittedly minor differences between a “traditional” or tribal legal system and a “modern” (*i.e.*, Westernized) law court such as described here is that the latter is intended to cope, if not simultaneously, at least in relatively rapid and continuous succession with very many totally unconnected cases. Some of the seeming confusion in the district courts arises from the nature of the system. The rules of procedure in such a legal system necessitate the fragmentation of even the simplest case into perhaps as many as five or six different hearings. This in turn multiplies the frequency of interactions, if not the actual number of relationships, in which lawyers and litigants are involved with court officials and the judiciary. All this is relevant here not only because the fixing of dates for future hearings consumes much of a lawyer’s time, but also because one of the skills of a successful lawyer is an ability to manipulate the court calendar to his own advantage. We might usefully make a distinction between “complexity” (the multistranded nature of the system) and “confusion” (the possibility of ambiguous situations and the sheer difficulty of stage management that results from the translation of this multiplicity into actual social relations).

In the town described here, the district lawyer’s professional use of urban space has two clear divisions: home-office and courts. The latter has three subdivisions which will be discussed later. The home-office is easily accommodated by the domestic architectural conventions of north India. All homes in the economic class to which lawyers belong possess a multipurpose public room usually provided with direct access to the street and known here as a *baithak*. Depending on the size and stage of his career, a lawyer’s *baithak*-office may be more or less exclusively reserved for law work. The ordering of behavior associated with the *baithak* in the minds of visitors and occupants provides, at least in this relatively prosperous area, an interesting continuity between the urban and the rural. The lawyer’s office, the doctor’s dispensary, and the politician’s reception room are all recognizable urban variants of the rural “men’s house” or guest quarters of this region. The *baithaks* of many substantial villagers here are structurally and functionally identical with their urban variants. The storage of simple agricultural equipment,

6. A. L. Epstein, *The Case Method in the Field of Law*, in *THE CRAFT OF SOCIAL ANTHROPOLOGY* 229 (A. L. Epstein ed. 1967).

lawyer's files, compounder's medicines and the accommodation of guests, clients, patients, or political supporters are all well within the range of uses for such places.

In this town, a routine weekday sight is the piecemeal morning procession of advocates on the road to the district courts. They can be readily distinguished by the uniform black coat and white trousers of their profession. Most lawyers walk to court. Sometimes an important client accompanies his lawyer from *baithak*-office to the courts. More often, a lawyer is joined by one or two colleagues, hence the impression of an informal procession.

In the court precincts, three distinct segments of social space can be recognized: the courts proper, the compound, and the bar association library. Each has a characteristic patterning of relationships. We are chiefly concerned with the last two. Activity in the courts proper is, as noted above, intense and bustling; but the behavior is also highly repetitive and focused. For almost everything that goes on in the courtroom, there exists somewhere a set of written rules—government manuals on court upkeep and organization, textbooks on advocacy, codes and case law. Colleague interactions here are highly legalistic in content and for the purposes of this paper of rather marginal relevance. Here my concern is with that area of the lawyer's identity that lies between this central, role-defining activity of court appearance and the broader field where professional identity merges with social class. In any case, it is *at* the courts rather than *in* court that the majority of district practitioners are to be found most of the time.

The second of the three segments is the compound; the third is the library. In both compound and library, lawyers interact with one another informally. The compound is, in addition, the chief area of lawyer-client interaction outside the courtroom. The compound also provides a place where potential clients can shop for lawyers, by observing their actions without entering into direct relations with them.

The special unit of identity in the compound is the *takht*, the platform table-bench that serves as an office and has some of the functions of a merchant's stall in a bazaar. *Takhts* themselves are not usually identified by name plates, although there is no actual rule against this. Many are ramshackle and there is no correspondence between the size or construction of a *takht* and the affluence or professional skill of its occupant. There is a seasonal rearrangement of *takhts* into more sunny or shadier parts of the compound, but this usually involves moves of only a few feet. *Takhts* are not equipped with partitions and con-

sequently almost everything that occurs at one can be seen and often overheard from several others.

Not every lawyer practicing at the district courts has a *takht*. Some lawyers use the library veranda and others share *takhts* with colleagues. Stamp-vendors, stenographers, petition writers and oath commissioners also occupy similar *takhts* in the court compound.

The bar association library at the courts described here is a collection of five or six rooms forming one of the buildings of the compound. The library also functions as a social club, general office, communications center, mess hall, and consulting room. The place has the usual *baithak*-office atmosphere, achieved in part by portrait photographs of late distinguished members. Sometimes clients come here but they are not encouraged to do so. In Goffman's terms, the library is a backstage area as far as lawyer-client relations are concerned.⁷ Clients are likely to become suspicious if they see their own counsel joking with the opposite party's advocate in the library building. Typically, client visitors stay only long enough to locate their lawyer, usually to let him know their case has been called. When a new magistrate or judge is appointed, he is expected to pay a semiformal visit to the bar association premises. On his departure he may be invited by the bar to a tea party there. At all other times it is assumed that the judiciary will stay out of the compound and library areas and they appear to adhere quite strictly to this norm.

FRIENDSHIP SETS AND ETHNIC SECTIONS IN THE BAR

As already emphasized, members of the legal brotherhood spend much of their time in one another's company. Hours are consumed in informal conversation with colleagues while lawyers overtly wait for cases to be called or covertly wait for clients to materialize. In these sessions, as in the shorter courtroom confrontations, quick wit and verbal facility are valued. The peculiar ethos of this gossipy, single-purpose association is a somewhat paradoxical blend of egalitarianism, status consciousness, camaraderie and mistrust.

In structural terms, three kinds of grouping can be discerned in the social relations of the lawyers described here. First, there are small, very informal, rather fluid, interconnected clusters or cliques of

7. E. GOFFMAN, *THE PRESENTATION OF SELF IN EVERYDAY LIFE* (1959).

colleagues. Secondly, there is a more general grouping into two large sections on the basis of the ethnic distinction between "refugees" and "locals." The refugees are men who moved (or whose families moved) to this district at Partition in 1947. Thirdly, there is a rather transient form of grouping which crosscuts the broader, dual division of refugees and locals. I will refer to these three kinds of grouping as sets or cliques, sections, and alliances. Sets are the small day-to-day colleague groups; sections are the broad, permanent, ethnic divisions; and alliances are the occasional transient ties of political expediency and interpersonal rivalry. Informal social control and socialization are achieved through sets for the most part; formal, internal political structure is chiefly expressed with reference to sections or alliances.

Although the section division of the bar here is explicitly recognized, it is felt to be "wrong" and factionalistic. Not surprisingly in such a legalistic atmosphere, some informants contend that there is no jural basis for such a division. Others simply argue that the distinctions of twenty years ago should now be forgotten. It is often said that the division into sections has no real significance. But despite such pious disapproval, the division continues and is clearly marked in space. Local advocates have their *takhts* clustered at one end of the court compound, just outside the bar association library, near home as it were; refugees are clustered at the other side of the compound near the main entrance. A few isolated *takhts* dot the intervening space.

The basis on which sets or cliques are formed reflects the variety of associational ties available to educated urbanites. A common explanation for the origin of a bar friendship is the school tie. Involved here is a class or year identity rather than a differentiation based on competing institutions. Most lawyers received their legal training at the main state law college. Beginners who join the bar at about the same time often become friends, even if they were not college mates.

Caste is on the whole unimportant in the organization of the bar but it does sometimes provide the basis for a set. There is a Rajput set, for instance. Here the caste tie has been strengthened by a co-operative speculation in urban real estate. Common political interests (*e.g.*, support of a local party candidate in a constituency election) provide another kind of tie in the organization of some sets. Frequently members of sets say they came together originally because they shared a common approach to life. It is difficult to specify what this means and there are sets whose members seem to have contrasting personalities.

Kinship links are sometimes a factor in set formation; a number of lawyers are distantly related to one another. Links of this sort should be distinguished from the ties that unite fathers and sons, between whom the norms of deference and respect preclude the possibility of informal clique formation. In the district courts, every lawyer belongs to some set but the degree of importance that such clique activity assumes in day-to-day life differs among individuals.

Some cliques of young advocates span the division between refugees and locals. Some sets of older lawyers, on the other hand, are explicitly based on shared refugee status. In the socially heterogeneous milieu of the courts, the refugee-local distinction does not have the same significance that it possesses in the larger society of this region where it is possible to distinguish broad, general, and contrasting stereotypic refugee-local patterns of outlook and life style. In an anthropological account of commercial life in a small town of this area, the refugee businessman is depicted as an aggressive, extrovert, modernistic entrepreneur with a flair for manipulating the administration.⁸ The local *bania*, in contrast, is depicted as conservative, miserly, tradition-ridden, and fearful or indifferent of the administration. The common activities and training of the legal profession, however, prevent or blur the development of distinctions of this order. The characteristics are recognizable among the lawyers, but they crosscut the section division. Thus, some who come close to the refugee stereotype sketched above are in fact locals; and there are some notoriously cautious and conservative refugee advocates.

There is said to be a tendency for refugee lawyers to specialize in criminal work and for locals to specialize in civil, but this is hard to document since most practices are in fact a mixture. The distinction is further weakened by the fact that the most outstanding civil and criminal practitioners are all locals. There is, undoubtedly, some truth in the assertion, however. Many of the Muslim lawyers who left for Pakistan were criminal specialists, and refugees in the bar here may have, in the early days, simply filled a vacuum and thus established a tradition. The possibility that there is a connection between the refugee ethic and the kind of ability demanded by criminal practice cannot be ruled out but I have not been able to test it. Another explanation of this order, that there is more crime among refugees and that refugee criminals prefer refugee lawyers is also difficult to document. The

8. L. W. HAZLEHURST, *ENTREPRENEURSHIP AND THE MERCHANT CASTES OF A PUNJABI CITY* (1966).

transient nature of criminal work, and the fact that toutism is said to be more prevalent in it, at least suggests that this specialty is somewhat easier for an outsider to take up than is civil work. The latter is often a matter of interminable suits and complex local customary law.

There is little specialization in Indian district practice but this by itself does not seem a sufficient explanation for the poor development of partnerships. Sets or small cliques sometimes solidify into formal law partnerships but such firms are very rare at the district level where the joint family provides the basis for what little cooperative enterprise there is, inside and outside the courts.⁹ District lawyers often express the opinion that nonrelatives are not likely to trust one another sufficiently to permit the widespread development of a partnership system. It is significant that where nonkin based partnerships *do* exist at the district courts, income is usually divided between partners on a daily basis; where kinsmen are in partnership, professional fees usually go into a joint family purse.

The constant struggles of lawyers to prevent conflicting hearings from getting on their appointment books suggest that there is scope for some division of labor even if not amounting to formal specialization in fields of law. But for partnership as a business style to develop, client acceptance of the pattern would be necessary and interviews with litigants suggest that many of them would be unwilling to trust multiple counsel. Paradoxically, mistrust of the lawyer's ability to "be there on the day" leads a number of litigants to retain a second string counsel, thus indirectly achieving one of the benefits that a partnership system might provide.

LEADING LAWYERS

Despite its egalitarian ethic, the bar is, of course, stratified. A tiny handful of advocates are recognized as "leading lawyers." This title is conferred on only five or six of the lawyers described in this paper. Below the level of the leading lawyer, three other ranks are sometimes explicitly recognized. One advocate labeled these: below top, average,

9. In a survey of law students that I conducted at law colleges in Chandigarh and Lucknow in 1968, respondents were asked whether they felt a partnership was likely to be beneficial or harmful in a lawyer's career. Of the 274 who replied to this question, 162 felt partnerships were not likely to be beneficial. Mistrust among partners was a frequently cited explanation. Among practicing lawyers, the percentage who feel partnerships are unbeneficial is undoubtedly far higher than among students.

and below average. At the bottom are briefless lawyers, *e.g.*, struggling beginners or old, semiretired practitioners. In the third rank are established lawyers who have had more than ten years of practice. The second rank is a category of men with many years of practice and often with some more or less important position in the community at large outside the bar but who lack the district-wide professional reputation of the top practitioners.

Leading lawyers are relatively isolated or setless, in my limited use of that term. They are rarely seen chatting about nonlegal matters in small groups of advocates on the compound or in the library. In fact, one of the markers of the leading advocate status is infrequency of appearance in these locations. Unlike the majority of his colleagues, the leading advocate is found *in court* rather than *at the courts*. When he is not appearing before judges or magistrates he is usually to be found in his *baithak*-office dealing with a throng of clients. The difference between the size of a leading district lawyer's practice and that of the remainder of the bar is extreme and a day or two spent at the home of a leading lawyer leaves the visitor with the impression that half the litigants of the district must be in his hands.

Leading lawyers neither need nor can afford the time for minor informal interaction with colleagues. In the course of his career, a leading lawyer attracts a large number of juniors but these relationships tend to be perfunctory and not the basis of what I have called sets. Two of the leading lawyers of the bar were members of partnerships in the past but in both cases the other partner has died and not been replaced. Three of them have sons who are in practice with them. Although leading lawyers are relatively uninvolved in the formation of cliques, they are involved in the third kind of group I mentioned, the alliance. I conclude this paper with a brief study of a situation which illustrates the formation of alliances, the bar association annual election.

THE BAR ELECTION: A CASE STUDY

Each year the members of the bar elect a president, vice president, secretary and members of a small committee. The president's duties include giving a tea party to the bar and, more formally, representing it in discussion with the judiciary and the High Court in matters affecting professional conduct. The post is not onerous but it is felt by lawyers and litigants to be a distinctly prestigious one. There is

a belief among rural clients (not without some foundation) that office holders in the bar association have more and better extra-judicial access to the judiciary than do other lawyers. As lawyers tell it, the bar association, through its officers, has been able to discipline the judiciary. This has usually involved getting discourteous magistrates transferred. Indifference to the bar's self-esteem rather than judicial incompetence seems to have been the issue that led to these transfers in the cases I know about.

In the chatting and gossiping of the bar that I have said is an important part of its ethos, the personalities and idiosyncracies of fellow members are often brought under review or made the subject of biting comment. The personalities of leading lawyers tend to be the main issues at the time of bar elections. It is appropriate here, therefore, to say something about the personalities involved in this election.

The retiring president was a leading lawyer of the refugee section—an elderly, conservative, orthodox Sikh whose practice is an equal mixture of civil and criminal work. His numerous distant relatives include two or three other lawyers in practice at the courts. One of these was the outgoing secretary, a young non-Sikh refugee criminal lawyer whose aggressiveness was said to have been helpful in getting his elder kinsman elected the year before. Another kinsman of the outgoing secretary stood unopposed as member of the governing body in the election described here.

The key figures in this election (*A*, *B*, and *C*) were three leading local advocates. In the election of the previous year, *B* had been an unsuccessful candidate for president. At first glance, the present contests appeared to be a struggle between the topmost leading civil practitioner (*A*) and one of the two leading criminal lawyers of the district (*C*). Neither *A* nor *C* accepts any cases outside his respective specialty, so the question of professional competition did not on the surface appear to be a relevant issue in the contests.

The "real" struggle, however, was an indirect one involving *A* and *B*. Both *A* and *B* have risen to positions of undoubted regional fame from similarly humble village backgrounds. The families of both men were small moneylenders in the days before cooperative banks, block development and land reform put an end to that class. In terms of the local-refugee stereotypes discussed above, both fall well within the local *bania* mold. It is difficult to find anything markedly modern or unorthodox about their establishments, which are housed in unpretentious and rather cramped *mohallas* in the center of the town.

Their styles of life contrast sharply with that of the other candidate, *C*, one of the two leading criminal lawyers of the district. He is a Kashmiri Brahmin and not a member of any sizable local community. His family's large and rather ostentatious house on the outskirts of town is the location of memorable dinners and parties that are modern and rather unorthodox. It is rumored that even with his huge and prosperous practice, he lives beyond his means. His clients include several of the region's biggest businessmen and high government officers enmeshed in corruption proceedings and these people are often guests at his parties. The average practitioner does not play host to his clients in this way, but his is not an average clientele. It is said that *C* freely dispenses useful advice on legal problems to juniors and his hospitality, generosity, and friendliness to fellow lawyers are widely felt among bar members to be genuine and disinterested.

In the preliminaries to the election itself—the announcing of candidates, the canvassing for support and the withdrawal (in the contests for lesser posts) of some candidates—there were no discussions of issues. As I have noted, the leaders themselves tended to be the issues. *A*'s rival, *B*, persuaded *C* to stand and then worked on securing support for him among the cliques of the local section.

During the years of rivalry between *A* and *B*, the former has cultivated ties with the refugee section. Occasional assistance to a junior, advice on some legal point, the loan of a lawbook, or accommodation with regard to dates for hearings are among the little acts on which a political alliance can be built among bar members. These favors are more readily dispensed to those who do not constitute a professional threat to the donor, *i.e.*, are not in a position to entice away clients. To cement such alliances it is not necessary or even desirable for two lawyers to spend much time openly chatting together in an informal clique. (And in *A*'s case, his interpretation or enactment of the lawyer identity is so intense that the term "informal" seems inappropriate when applied to him.)

As *A*'s prestige has increased he has, inevitably, drawn clients away from other civil practitioners. As I have noted, there is a tendency for civil practice to be concentrated in the hands of local practitioners. It is not surprising, then, to find this preeminent local civil lawyer turning toward the refugee section for political support nor to find his rival, *B* (another local civil lawyer), working behind the scenes to seek out and support a prestigious criminal practitioner, *C*. Such an opposition would be least likely to appear based on professional jealousy. The

concentration of leading lawyers on the local side of the compound rather limited *B*'s choice of "pawns."

Among the alliances that appeared to have been formed for the purposes of this election were those between *B* and *C*; between *A* and an unimportant new member of the bar (discussed below); between *A* and the outgoing president; and between *C* (or *B*) and the outgoing secretary. No doubt there were several others. In none of these alliances was there anything like a set or clique relationship. For example, *B* and *C* are both local, but beyond this have little in common and in the maintenance of their leading lawyer status remain normally somewhat aloof from one another.

On the day of the election, after the customary tea party, polling went quite smoothly until almost the end. Then there occurred an incident which set the bar into an uproar. Several lawyers, perhaps a large part of the bar, had guessed that something of this order would occur.

A young probationer lawyer's application for full membership of the bar had (either by chance or contrivance) come up for approval by the governing body on the morning of the polling day. This young advocate was an ally of *A* (his membership fee had been paid by a lawyer who was contesting for the post of vice president and who was also one of *A*'s allies, being associated with him as junior counsel in a number of cases).

The outgoing president and secretary, who were ex-officio members of the governing body, had developed strained relationships during their year in office. Possibly because of this, the secretary had become a warm supporter of *C* (to whom he felt indebted for help received at the beginning of his career) while the outgoing president had become an ally of *A*. The written minute of the handling of the probationer's application by the governing body was ambiguous. The secretary had wanted his membership approval to be postponed until after the election. The president had favored giving him full membership before the election and thus the right to vote. When the probationer attempted to collect a ballot paper, he was challenged and the most undignified and seemingly unprofessional row involving a large part of the bar broke out. There was a great deal of vituperation and some threats of assault. There followed, on the spot, an ad hoc council meeting of the brotherhood in which the key figures seemed to be parodying their workaday selves. Just as villagers in their *panchayat* meetings can produce a rather distorted variation on the urban courtroom scene, so,

apparently, can lawyers. Eventually the president ruled in favor of the probationer. The polling was completed. A beat C by only two votes.

Some indication of the centrality of B's role in all this was a minor incident at the end of the council meeting. After explaining that he wished for legal guidance on the interpretation of the association's rules, the outgoing president said he would ask the candidates for their opinions. He then turned to B and invited him to speak. B, of course, was not a formal candidate at all.

In the newly formed executive of the bar association the three key posts—president, vice president, and secretary—are now in the hands of local civil lawyers whose *takhts* are adjacent to one another in the local section of the compound. The vice president (an old Aggarwal) and the secretary (a young Aggarwal) are also members of a clique. The president's position, however, and his pattern of alliance with the refugee section prevents us from describing the outcome of the election as a purely caste and ethnic situation. The demands of professional activity (aloofness and alliance) enter the picture and significantly modify it.

CONCLUSION

Undoubtedly the bar association election could be dismissed as what it certainly was—a storm in a tea cup. I have, however, endeavored to see it as something more than this by using it to focus the foregoing discussion of the social relations that obtain among lawyers.

It is useful to compare what I have called "alliances" with what Mayer calls "action sets" in his analysis of a municipal election in Dewas.¹⁰ Like the action set, the alliance is a purposive creation of an ego for the sole purpose of securing political support. In this respect, the alliance differs from the bar clique or set which need not be political and is often formed with no special end other than companionship in view. The section, of course, is not ego-centered and is an ascribed status group.

Unlike the linkages of an action set, the alliance does not have a variety of possible bases. All the ties that are used in alliances are

10. A. C. Mayer, *The Significance of Quasi-Groups in the Study of Complex Societies*, in *THE ANTHROPOLOGY OF COMPLEX SOCIETIES* (M. Banton ed. 1966) and A. C. Mayer, *Caste and Local Politics in India*, in *INDIA AND CEYLON: UNITY AND DIVERSITY* (P. Mason ed. 1967).

those created by mutual involvement in the day to day working of the courts. This difference between action set and alliance is, I think, mainly one of complexity and context. Alliances are single relationships in a highly limited context. Action sets are complexes of linkage welded in the course of interaction in a large variety of contexts.

The bar election discussed above was followed a few weeks later by election to the State Legislative Assembly. Several district lawyers contested in various constituencies. When they did so, they enlisted the help of fellow lawyers to such an extent that a participant observed, "Everyone in the bar is working for someone." These helpers used their influence to secure votes for their favored candidates and in doing so formed part of each candidate's action set. In contrast, in the bar association election there was little of this intermediary work: the context is already too small and too highly interactive for many intermediaries to be necessary. Once an ally is made, of course, he is likely to bring his set with him in voting.

Lawyers, legal systems, and the legal profession can be usefully examined at a variety of levels and in several contexts. At the high level of grand theory there are such problems as why societies need lawyers (not all legal systems have them). In this paper I have looked at the other end of the continuum. I have attempted to see what can be said about the social relations that develop among lawyers in a particular legal system, given both the system and the lawyers.