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Shadow organising: Emerging stakeholder collaboration in higher education to enhance quality

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Abstract: Much research is currently addressing how to establish, maintain and govern stakeholder collaboration in higher education. In this article, the concept of shadow organising, i.e. stakeholder imitation of formal educational provision, is introduced to illustrate bottom-up, proactive ways to connect multiple autonomous organisations and stakeholder groups within and outside universities (such as professional bodies, employers and student unions). The article exemplifies the concept of shadow organising by analysing emerging stakeholder collaboration in legal education. The case illustrates the collaborative but informal efforts of a range of supporting actors. The results show that the actors are connected to each other through concrete and practical actions, instead of agreements, regulations or partnerships, which have stabilised into a widespread latticework of interlinked activities: training law students, hiring law graduates, supervising learning processes and instituting quality control. Simultaneously, however, actors maintain their distinctive roles, identities and mandates without initiating official collaboration or a common discussion of objectives and rationales.

Keywords: stakeholders; cross-boundary coordination; inter-organisational collaborations; legal education

Introduction

Higher education institutions are currently challenged to improve their links and collaborations with stakeholders outside the sector as a way to secure and develop their relevance to society (Jongbloed et al. 2008; Välimaa 2009). It is often assumed that such collaboration needs to be based on well-crafted institutional strategies, needs to be formal, and needs to demonstrate considerable leadership involvement (Amaral and Magalhães 2002). Hence, the responsibility for establishing such collaboration is often put on higher education institutions (Abbott 2014), and much attention has been allocated to identifying models that may allow for such collaboration to flourish, including ‘networked governance’ (Jongbloed et al. 2008), the ‘regionally engaged multi-modal and multi-scalar university’

(Arbo and Benneworth 2006), or 'bundles of networks' which advocate the need for 'joined up governance models' (Hodges 2012).

A common denominator for discussions about stakeholder management models is that they are typically seen from the university's perspective, and their collaborations are envisioned as 'pull' rather than a 'push' phenomenon. This article aims to contribute to studies of university–society collaboration by shifting the perspective to stakeholders and how they may provide and 'orchestrate' such collaborative efforts through imitation processes rather than formal arrangements. Thus, the two research questions informing this article are: (1) What characterises the initiation processes involved in stakeholder collaboration with higher education institutions? (2) Which factors may explain the functioning and sustainability of such collaboration?

The empirical basis of the article is a case-study of legal education in Norway. The article shows how collaboration is built upon what we label as shadow organising – the mimicking of formal educational provision by stakeholders – and how this creates a coherent system of educational offerings that runs parallel to the official law study programme; the article also addresses how this system supplements existing arrangements with a range of educational activities. On the one hand, these activities distinctly address several tasks which universities find difficult to handle; on the other, they are efficiently coordinated by a latticework of informal arrangements. This means that they are free from the formal structures we associate with strategic collaboration yet they are extremely efficient.

The article is structured as follows. The next section discusses the analytical framework, elaborating the concept of shadow organising; the third section outlines the methodology; the subsequent section systematically analyses the gathered data; and finally, the discussion highlights the conceptual and empirical insights of the article.

Shadow organising

In the educational literature, the concept of shadow education (Nordhaug 1990; Bray 2011) is well known. Shadow education addresses the parallel world of informal teaching and learning. In shadow education, an invention-and-imitation dynamic occurs whereby actors outside formal higher education observe, monitor, mimic and learn from each other and generate solutions, compensating for what formal organisations are not able or willing to do.

Shadow education refers both to the close mimicking of the modes of delivery of formal education and to their existence in the shadow of legitimacy and legality (Bray 2011; Bray and Lykins 2012). The metaphor of the shadow is appropriate to such arrangements because it reveals distinctive modes of coordination and describes how orders are not disrupted and tensions are thus avoided (Gherardi et al. 2017). Shadow education exists due to the possibility of mimicking mainstream education; as formal education changes, so changes shadow education. Thus, if a new syllabus is introduced into the school system for, say, mathematics, this syllabus will soon be reflected in the work of tutors in the shadow (Bray 2011). Indeed, Bray's sundial metaphor elegantly reveals how shadow organising provides a synchronisation of actions allowing coordination: 'Just as a shadow cast by a sundial can tell the observer about the passage of time, so the shadow of an educational system can tell the observers about changes in society' (Bray 1999, 17).

However, while the concept of shadow education identifies a parallel world of educational provision, the existing literature is less clear about the mechanisms at play when such provisions are established and what makes them sustainable over time. We argue that imitation is a key concept for improving our understanding of both the establishment of shadow education and its sustainability as it adds to and further develops our understanding of how ideas and practices are spread and taken up in society. Imitation is an established concept in the sociology of organisations which is used to describe how organisational fields are transformed into more coherent and homogeneous arenas, consequently reducing diversity and innovation (DiMaggio and Powell 1991). Thus, a perception is that mimicry and imitation are identical processes. Our approach is that we need to distinguish between these two concepts. Both mimicry and imitation can be interpreted as mechanisms for continuous adaptation, acting as drivers in the continuous monitoring and assessment of activities central to stakeholders (Löfgren and Czarniawska 2012), but they point to different ways in which adaptation take place. While mimicry is a mechanism that drive *standardisation* without the presence of any formal structures or legal frameworks (Brint 1991), imitation is a more selective adaptation mechanism where monitoring and assessment of others may be combined with the ideas and existing practices of the observers - sometimes leading to *innovations* and/or *complementary* arrangements (Czarniawska 2004, with reference to Tarde's laws of imitation, Tarde 1962). Thus, imitation may have very different implications than mimicry, i.e the diffusion of exact copies suggested by DiMaggio and Powell (1991). As such, we see shadow organizing as a quite dynamic process opening up for and allowing focal identity and alterity to prosper.

These imitation features may be realised through what Czarniawska (1997) labelled as action nets. An action net involve a great variety of organisations or organised groups of a loose or temporary nature (Lindberg and Czarniawska 2006; Czarniawska 2015). The idea of action nets suggests that actions shape actors by connecting them. Hence, an action net is here understood as an assemblage of collective actions that become institutionalised over time, allowing actors to collectively work towards a solution for their concerns. At the same time, the action net constitutes an analytical device that focuses on the connections emerging from actions and is hence able to address the emergent dynamics and their impact on knowledge exchanges and innovation (Clegg et al. 2016). However, the sustainability of action nets is central. Under which conditions and according to which processes do action nets stabilise? As formal regulations and regulatory arrangements are absent in action nets, we suggest that legitimacy is a key factor creating stability within these entities, and that the need for legitimacy creates (status) hierarchies which `organise` any given organisational field. Such legitimacy may be built on cognitive, moral or pragmatic ground (Suchman 1995) but facilitate stability over time (Lindberg and Czarniawska 2006). By combining elements from different strands of literature, we suggest that the concept of shadow organising is a way to understand how university–society collaboration may be established and sustained, benefitting both the university and the surrounding stakeholders.

Empirical Context and research design

To identify the characteristics of shadow organising, we employed in-depth interviews with key actors in legal education. This had a particular focus on the emergence and spread of traineeship arrangements, which run parallel to the study program offered by the university. Our case study is illustrative because it is the result of a successful organizing process

where stakeholders have been able to establish an enduring network of connections that contributed to the spread of this parallel system. In the eyes of our informants, the system has served to enhance the capacity of universities to deal with accelerating expectations in the legal field within a diminished time-frame. It is important to note that the trainee arrangement in question is not an official placement which takes place in a restricted period of time but one that runs parallel to the study programme. It consists of 6-8 weeks of paid work which law students can apply for. The positions are separate from the formal education structures and are not referred to in university programme documents. The Master of Laws (LL.M) ,which is the only degree qualifying for legal work in Norway, is a 5-year full time study program. It attracts the title "Master i Rettsvitenskap", (literally, "master of jurisprudence"), which is a protected title under Norwegian law. Although there have always been some law students undertaking ad hoc work experience, what exists today is a widespread informal educational system that consists of traineeships, lectures, coaching, discussion groups and workshops, writing desks, prep courses for exams, advising, mentoring, and opportunities to socialize with (future) colleagues designed to support and further student learning . We became aware of the scope and spread of this informal system while conducting a study on the enrolment of students in legal education.

To further explore the various aspects of the trainee system, we adopted a qualitative approach in order to gather data and derive insights from it. Interviews were triangulated with policy papers, university documents and public data on the legal sector in Norway. This approach was aimed at providing a background to our case and allowing us to further interpret an emergent phenomenon that has yet to be formalised and identified as such. Eventually, our research design helped us to retrospectively construct the ongoing shadow organising through the perceptions of the key players and the available data on their (coordinated) activities. All interviews were conducted face to face in either English or Norwegian depending on the respondent's choice; further, the interviews were distinctively open-ended and lasted between 60 and 120 minutes. This method allowed us to gather as much information as possible, until analytical saturation was achieved, by allowing the respondents to follow their own line of thinking in presenting their ideas and perceptions of the shadow organising taking place in legal education. Thus, the interviews proceeded as conversations wherein the researchers asked general questions about the prospects for the field, its challenges, and the role of the university and legal firms in training students. The coding of the several dozen pages generated was guided by the following: the topic of stakeholder connections (How do actors understand their links to other actors? What is each actor's role in preparing legal professionals?); normative views of the field (How does and what will the legal sector look like in Norway and internationally?) and the requirements of labour markets (What is a good law graduate?). We also focused in particular on perceptions of the role of the university in providing legal education and in shadow organising. Because of its exploratory nature, the analysis of the interview texts allowed great flexibility in the identification of new themes. Two main topics were recurrent. First, the fact that participation in shadow organising was not open to everyone, thereby denoting a highly normative and shared understanding of who can be considered a higher education provider, i.e., a legal firm able to provide legal training and highly performing students. Second, it became clear through interviews and triangulation with documents that all key actors played more than one role (e.g., university professor and law firm associate). These new topics (worldviews and interorganisational boundaries) have been factored into our analysis and have become significant aspects in the shadow organising model we describe in this article.

In practice, our study was conducted in two steps. To learn more about how shadow organising emerged and functioned, we first ‘zoomed in’ (Nicolini 2009) on participating firms – those providing legal training – and students enrolled at the faculty of law and who had participated in the parallel arrangements that comprised our target case (Jensen 2018). To identify informants, we employed a snowball strategy. The typical snowball process begins by interviewing an initial set of participants who serve as informants about the research topic as well as sources for other potential participants. This method for gathering information has proven particularly useful in other studies of emergent phenomena, where upfront information is fragmented (Atkinson and Flint 2001). To counteract the potential bias entailed by chain-referral methods (e.g., the sample may include an overrepresentation of individuals with numerous social connections who share similar characteristics; Magnani et al. 2005), we attempted to achieve a sampling balance by explicitly asking informants to suggest new informants from offices in both the private and public sectors. Following this strategy, we came into contact with eight different trainee arrangements and providers (four in the private and four in the public sector), all of which agreed to participate. Within these entities, we interviewed eight trainee managers as well as 11 participating students (distributed among these sites) using an open-ended interview schedule with few predefined categories. The themes included access to traineeship, types of activities and experiences, and the participants’ perceptions of the value and role of trainee arrangements in educating legal professionals. The interviews were recorded and later transcribed verbatim. Interviewing these two respondent groups provided insights into trainee arrangements from both the students’ perspective and that of those responsible for training in the firms.

To further detail the aspects of the trainee system, we ‘zoomed out’ (Nicolini 2009) to wider environments of stakeholder concerns and institutional dynamics, with a focus on the roles different actors play as enablers. As a distinctive data collection method, interviews require respondents’ narratives, argumentation and rationalisation of actions and events and are hence particularly useful in providing insights into the emergence, functioning and boundary conditions of shadow organising. We conducted interviews with 11 respondents from the law faculty as well as with university leadership, employer organisations, professional and student bodies, and the Ministry of Education. We also analysed materials generated by all participating actors: the university (evaluation reports, websites, policy documents), the national employer and professional organisations (media material, policy documents), the firms and legal offices (advertisements and webpages), the students (social media, including chat rooms) and student organisations, the Ministry of Education and the quality agency (policy documents). We focused on the University of Oslo, since it is the main higher education institution in Norway for training lawyers and, as the capital, is the preferred city for establishing firms’¹ and legal offices’ headquarters. Together, our explorations documented stakeholder concerns and what different stakeholders did to address their concerns.

Results

In the next section, after presenting the empirical setting, we lay out the findings related to our research questions: How does shadow organising emerge? How does it work and become sustainable? In each section, excerpts from the interviews are included to illustrate our analysis.

Core Concerns

It immediately became clear through our interviews that legal education is being increasingly marked by acceleration in knowledge demands and knowledge specialisation. A first trend relates to the differentiation of knowledge. Law, our informants explained, is marked by accelerating differentiation. Specialisation dynamics have been substantially intensifying, particularly in international fields such as European law, commercial law and competition law. At the same time, the need for legal professionals to be involved in business and services across all sectors generates pressure to maintain traditional specialisations in both work and

education. The challenges related to accommodating these diverse needs and interests have become more pressing in light of the reduction in available time to teach. Until recently, a law degree in Norway took six years of full-time study; in 2003, the government decided to cut law school programmes to five years. This was done partly to fit into the recommended Bologna model. However, as one of our informants explained, '*The time available to teach is much less now that everything needs to be crammed into five years*' (Professor in law).

Hence, despite broad agreement on the need to develop legal education to be responsive to the knowledge domain, it is also acknowledged that whatever revisions are made might not be sufficient within these diminished time frames. Another characteristic of the field relates to the need to ensure the competitiveness of Norwegian graduates in an increasingly globalised world. The examination of students is very important in Norway's legal educational system, and marks have traditionally been important in searching for jobs and in one's chances of getting good positions. However, the Faculty of Law has recently had to implement the European Credit Transfer System (ECTS) and the ECTS Grading Scale, hence relinquishing the detailed grading system that had been its hallmark of legal education.² Thus, it has become increasingly important to add traineeships and other activities to position oneself in the labour market.

A last trend with which legal education in Norway struggles to cope relates to supplying more student-centred didactics. Legal education in Norway has 'traditionally' been based on a relatively small staff of teachers compared to large numbers of students. Hence, independent reading and lectures for large audiences have been a norm for many years. Although educators want to reform study programmes in line with modern didactics, they find it difficult, owing to a low teacher ratio. Because of the acceleration of these overload trends, all participants in legal education and work are affected, even though the challenges and opportunities are ill-defined, and the connections between actors are unclear.

Law is one of the most dynamic subjects of the world. Dynamism is the lifeblood of law. So to keep pace with the changing situation of the world, we must also change, by addition, subtraction or cancellation of the existing curriculum of the legal education. (Law professor)

However, we observed how a shared vision of the future of the legal field and a common understanding of professional standards are instrumental in drawing the boundaries of the shadow system. Our data show that it is first and foremost the firms which are legitimised to operate in coordination with the other participants, because they are perceived as effective means for maintaining high standards of quality.

We have done a lot to meet these new demands, but the time and space constraints are hard to ignore. To meet the new demands, law firms represent another space or, shall we say, an extended space for preparing students to meet the demands of excellence we share. (Law faculty leadership)

The students undergo a process of knowledge accumulation through this system: they improve their performance at the university (grades) and in practice (trainee). (Law professor)

1 Legal education is offered in three of the four universities in Norway: Oslo, Bergen and Tromsø.

2 The aggregate results for students prior to the implementation of the ECTS Grading Scale were expressed on a 23-point scale, where the first 15 marks were *laudabilis* and the last eight *Haud illaudabilis*.

However, the professor continued, '*This is not an "open door" to any educational provider group*'. This sets a frame which suggests that while some actors are considered legitimate for dealing with concerns related to overload, others are not. One of the main sources for this classification appears to be the university itself. For example, regional and private colleges are not recognised as legitimate actors in dealing with the overload trends in legal education.

Indeed, much has been done to block their participation. The heated debate about including so-called 'privatisers' into university legal education is an example:

The law faculty doesn't accept all external providers and all forms of education. Legal education has been vulnerable to private providers and colleges wanting to offer legal education too. (...) the Law faculty is not a forerunner of open doors. (...) Students have to stay with us all five years. (Law professor)

Ultimately, distinctions are made based on who is seen as a legitimate actor and who is not.

We fully trust the law firms but not all colleges and private providers. (...) Some in the law firms can be as good as academics. They are equal. There is nothing wrong if they take up these tasks, because they offer high quality. I am respectful of professionals. (Law professor)

As one of our interviewees from the firms put it:

We are a forward-looking firm committed to training students to be leaders both in practice and in the community. The goal of the trainee system is to identify, attract and retain the best, assuring their continuing competence. (Law firm representative)

Policy makers are also concerned about relationships between university and working life, seeing these as keys to high-quality higher education. As a representative of the Ministry of Education expressed, many attempts have been made to improve such relations, but it has been hard to find models which work. This way of framing brings two major aspects of legal education to the fore. First, these aspects are framed as challenges to be dealt with by

concerned groups; second, they create the need for collective endeavour. However, not all actors can be included, since the required professional standards are high.

The emergence of shadow organising

Our data also show how shared concerns trigger the need to act. The firms create the shadow system, but an array of supporting actors make significant contributions. However, actions undertaken by different actors in the action net are contingent on the role each actor plays and are influenced by their respective mandates as well as their distinct interests. They are connected in a loose but stable way, which can be described as an action net (Czarniawska 2004).

The actions

The firms and legal offices employ students for short periods of around six weeks during semesters. Students are offered ranges of activities, from thesis writing to case-based practice. Such placements constitute a well-recognised advantage with respect to post-graduation, as firm hiring practices attribute special importance to them when recruiting future partners. Our interviewees told us that although formal credits are not allocated, having endorsement from a participating firm/legal office provides 'a passport to employment'. The firms and legal offices do not feel they are involved in anything underhanded; on the contrary, they feel they are more or less licensed to operate this shadow education arrangement to help alleviate the university's overload pressures.

Individual students are aware of the career advantages provided by early practical experiences within firms and legal offices, and they have indeed contributed to a demand for such provisions through their participation. They circulate information amongst themselves, thus prompting further demand, innovations and better quality – in other words, investment by the firms is increasing. The university remains at the centre stage of shadow organising, as it regularly allows students and lawyers to cross boundaries in and out, in the case of students, when they get placements in a firm or legal office; and, in the case of lawyers, when they hold lectures and workshops within the study programme or switch from professional to academic careers or vice versa. Professional associations in the legal field allow firms and legal offices to advertise in their membership journals and have established increasingly standardised processes for placing students. Professional bodies have also contributed actively in the shaping and spreading of shadow legal education by encouraging firms and legal offices to provide such opportunities in a wide range of specialist legal fields. Student organisations are equally active in advocating their members' interests, and they arrange annual career fairs on university premises. On such occasions, law firms and legal offices market trainee arrangements and provide relevant information to students who register for placement consideration. National employers' organisations and unions are aware of the shadow system, which they support in their agendas aimed at improving university and work–life relationships. They promote shadow organising through a political mode of action, which is less directly related to student learning and more directly linked to lobbying at the national political level.

It is critical to note that the national quality agency (NOKUT) can also be seen as an important contributor to shadow legal education since it ignores the very presence of the shadow education system in its accreditation processes and, by and large, permits the activities of firms and legal offices to remain unchecked. Hence, an assemblage of collective

actions have become interconnected such that actors can collectively work towards a solution to their concerns. This net of connections contributes to the construction of a widespread informal educational system consisting of traineeships, lectures, coaching, discussion groups and workshops, writing desks, prep courses for exams, advising, mentoring and opportunities to socialise with (future) colleagues. The system, we were told, has grown gradually in both size and scope, with up to 30% of students today participating in traineeships, and even more engaging in broader shadow education (see also Gangnes 2009). Hence, concerns related to overload are contained and controlled, and shadow organising is turned into something eminently normal in the sense that it has become part of the doxa of legal education for many students.

Instrumental gains

Probing further into the rationale behind different actors' contributions, we can see how their actions coincide with their own mandates and interests. Hence, shadow organising may relate to how actors might benefit from engagement and how their distinct interests might (partially or entirely) match the interests and gains of other actors. The law faculty sees, on their side, instrumental advantages of shadow education as a delegation to reliable providers with large resources: *'It's a whole industry. (...) It is complementary, and it doesn't damage anyone'* (Law professor).

For the firms, having the opportunity to test candidates and identify their talents at an early stage is considered strategic. Traineeship managers in both the private and public sectors explained that recruitment is a prime reason for offering trainee places. One manager explained, *'Seven out of ten of those we hire have been trainees in our system. (...) We look for the very best...'* (Law firm representative).

Students, as reflexive and aware actors building their educational and professional trajectories, are central drivers of the shadow system. Students are aware that participation in traineeships enhances their career opportunities and mobility, so they seek them out. This leads to more general implications for the division of labour among different organisations in the legal sector. Our informant in the professional organisation stated that the knowledge economy implies the redefinition of the boundaries between education and working life:

Young people are developing their 'human capital' in new ways. Students are not plugging into the formal learning structure of traditional higher education – but go their own ways. They are turning to a new set of providers which offer education in a range of different formats (...). By going to school, finding internships and fellowships, working part time, the students are increasingly navigating this new global learning economy. (Professional organisation representative)

The same trend is noted at the Faculty of Law, where the students are seen as competitive, determined and ambitious as well as being careful planners of their future: *'Then of course our students are very determined, and they start thinking about their career very early, and when applying for your first job after the master, it's clearly a great advantage to have one or rather several traineeships behind you'* (Law faculty leadership).

Professional organisations are committed to serving all their members within a differentiated membership. By broadening the participation of firms and legal offices in shadow organising, professional organisations exert influence to ensure a wider participation which coincides

with their membership base. Hence, contributing to the shadow system lies firmly within all actors' mandates and interests.

Imitation as a coordinating and coupling mechanism

Shadow organising imitates formal education with respect to its modes of delivery, and imitation operates on the top-down principle, i.e., from the superior to the inferior, respecting the hierarchy and division of labour already existing in the legal sector. As concerned groups, the firms/legal offices monitor and mirror the university's modes of delivery and have designed their activities to fill gaps in university provision with a view to enhancing student learning quality. As the concerns related to overload have increased, their offers have expanded:

Well, we started with classical traineeships. But over time, we have developed a full range of services. (...) We provide revision classes which follow the university schedule prior to exams, summer courses and even lectures on the current syllabus of the university. (Law firm representative)

Similar information was provided by our student interviewees. Students are capable of and committed to orchestrating all these activities. They explained how they got time off work in the firms to attend lectures and how, by participating in what seems to be a form of parallel living, they can weave together knowledge provided by the university and the shadow system and enhance their learning cycle.

At the same time, we observed that not everything was in focus. Firms provide offers according to a rationale of complementarity with respect to formal higher education. For instance, they do not provide methods courses or generalist legal education. This is considered well accounted for by the university and is not perceived as a concern. Against the backdrop of coordination by imitating modes of delivery, the shadow system closely follows the time frequencies of the university, i.e., with periods of lectures, exams and time off. It shrinks and expands following the university's necessities, as displayed through the academic year's schedule. It runs parallel to and challenges students' time management, but it does not necessarily overlap when it comes to learning activities.

Elaborating further on what is offered, one interviewee gave us information about what other firms and legal offices also provide:

We don't, but many businesses in both the private and public sector offer desk space for students, which gives them the opportunity to sit in an established academic environment with lawyers/attorneys and access to expert advice. (Law firm representative)

Viewed as a whole, we can see how the repertoire of legal training operating in the shadow of the university law school both mirrors and complements the formal organisations and their activities. As the law school curriculum remains quite general, the trainee system provides entry to a wider range of knowledge fields and practice.

The law school curriculum is quite general. You get the basics, but there are numerous legal areas you don't come across. Actually, a lot of the work done in the firms is not — or is hardly — addressed at all in law school. So one of the great advantages with the trainee system is that it provides students with insight into a wider range of knowledge fields and practices than they acquire through formal training. Yes, I believe that in this way, the trainee

arrangements complement the efficiency of the educational system in important ways. (Law professor)

On their part, students are capable of and committed to orchestrating all these activities in relation to each other and weaving their knowledge together. The selection of students is conducted so that shadow organising can run smoothly: First, students are selected by the university for enrolment in the law faculty; second, students receive grades for their university exams. Finally, students are selected for traineeships based mainly on such grades. Again, we can see the central role the university plays in the coordination of shadow legal education and in the maintenance of quality standards. There are no contracts, but there are many parties in a loosely coupled network, whereby each acts within the frame of their own mandates, according to their own interests and understandings, with little or no formal coordination. There is no need for joint meetings to coordinate; actors might meet bilaterally (student traineeship) or formally cooperate for other purposes, as listed above (invited lectures, workshops, etc.). Hence, some actors may know each other personally, but according to several respondents, shadow organising is never explicitly addressed.

Officially, the faculty is not involved at all. There is a certain cooperation (with the firms) but not concerning these issues. (Law faculty leadership)

Indeed, as expressed by the professional body for lawyers: *To formalise would be to kill the system. We should not do that, but find other means.* (Professional organisation representative)

It is hard to envision how they might collaborate in an official way. We front our interests as a unit, and we do it in a straightforward and clear way. (Law firm representative)

When asked how they felt about the lack of contracts and formalised arrangements, our interviewees confirmed that the shadow system is efficient, profiting all participating actors and allowing for trial-and-error processes.

Sustaining shadow organising

Shadow organising may be stable despite its informality because, on the one hand, it allows actions to be connected by adapting flexibly to temporal frames provided by the university. On the other hand, it enhances commitment to a shared concern without depriving participating actors of any of their prerogatives – formal roles and positions, resources or identity.

The sense of commitment by the participating actors to the elective purpose and programme of joint action of the broader shadow education system is reflected in the interviews. All respondents expressed several types of commitment based on different rationales. Altogether, these commitments were based on a general shared vision of the maintenance and further development of quality in the field of law. However, such commitments are contingent on the role each actor plays and are influenced by these actors' respective mandates. For example, one large firm explained in its advertisements how it appreciated the fundamental role of the university in training lawyers, and that it felt the need to '*contribute back*' to the public domain by offering training placement to students to complement their legal education.

The professional body is committed to encouraging a better spread among firms and legal offices of shadow arrangements, on the assumption that all legitimate providers (firms and legal offices) develop their capacity without many differences in quality. The national employer organisation and the professional bodies interact with the shadow education system in the political mode, supporting the idea that quality in higher education depends upon enhanced collaborations with working life.

Students are aware that participation in the traineeships enhances their career opportunities and mobility and are thus eager to participate. The law faculty is committed to providing a broad knowledge base. There is a clear ideal of what makes a good law student. There is a knowledge hierarchy in place, and the shadow education reflects it; larger firms and legal offices are considered equipped to represent the highest quality standards alongside the university. This is a shared idea and also explains why the university is comfortable with the specific shadow education we have analysed.

As seen above, professional organisations are committed to serving all their members within a differentiated membership. This is not only an instrumental attitude but also a normative approach. They act in a policy mode to expand education relationships through detailing new incentive models for higher education institutions, and they lobby for new forums for collaboration.

Participating in the action net – that is, taking part in the knotting of connections among actions – is within the organisational capacity of firms and legal offices. Indeed, they are very experienced with teaching and learning arrangements as they need their staff to be continuously updated about legal developments. This means that the available level of material and symbolic resources is a necessary condition for such connections to emerge; the parallel offer of legal education comes into being because actors are capable of offering it. Although our respondents recognised that the emerging and growing shadow system entails costs on their part, they expressed surprise when we confronted them with an overview of the considerable amount of economic, time-related and personnel resources devoted to shadow education. One striking example is how a large firm has organised a huge conference on human rights and has funded travel expenses for students to attend a human rights conference in the US.

The legal field in Norway is permeated by a high level of trust, which stems from the proximity of all actors, their national identities and their traditions. Nonetheless, it has gone through major restructuring in recent years. The traditional firm was the family firm; but in recent decades, a process of democratisation and modernisation has occurred. On the one hand, several actors (particularly law firms) have entered the sector and become central players at the national and global levels. Equally, increasing firm sizes have affected their organisational structures and processes. On the other hand, vast parts of the legal field have consolidated through mergers and acquisitions. This has happened more in the various subfields of international and commercial law than in family law and other more nationally orientated areas. A particularity of our Norwegian case is a much clearer division between professional life and academic life than in other European countries, such as Germany or France, where it is common to go back and forth between university and firms, holding dual positions at the same time.

Conclusion

Our article has analysed shadow organising as a mode of coordination dealing with the challenges of university–society collaboration. While much research has been undertaken on how universities may stimulate such collaboration, the current article has focused on how stakeholders may initiate and develop stable collaboration with higher education institutions in the form of shadow organising – a concept combining the notion of action nets (Czarniawska 1997) with the literature on shadow education (Nordhaug 1991). In the article, we asked how shadow organising is initiated, how it functions and is sustained over time. Our empirical case of shadow organising consisted of a diversified set of actors engaging in the law field and their performing (inter-)actions which collectively build the action net.

If we return to our first research question about how shadow organising emerges, our data clearly indicates that key drivers among the actors involved — law firms, students, universities, state agencies — is a joint *concern* for the future of the law profession and an *acceptance of the existing roles, routines and practices* where the actors' identities and rationales are not up for debate. For instance, the university does not speculate about motives or reasons for the firms' engagement in these activities but seems to instead focus more on tasks at hand and on overall system efficiency. As such, the actors share a pragmatic orientation towards and are engaged with the purpose of improving the competences of future law graduates. Yet at the same time, they maintain their distinct roles, identities and mandates without initiating close official collaboration or questioning taken-for-granted objectives and roles of actors within the field of law. The existing legitimacy and defined positions of the various actors are respected – regardless of whether such legitimacy has cognitive, moral or a pragmatic origin (Suchman 1995). Our findings point particularly to the fact that while all actors have concerns, they display different and quite selective judgements as to what is worth imitating – judgements that goes beyond pure mimicry. These judgements are based on what is considered as superior. Superior here has two meanings. It relates to considerations with respect to the quality of services offered but also to attempts of an optimal balancing of opportunities and limitations i.e., elements that run the risk of affecting the interests of other actors involved. Hence, shadow organizing involves novel combinations of imitative patterns rendering it a mode of organizing that is both innovative and complementary (Czarniawska 1997).

Turning to our second research question about how shadow organising functions and is sustained over time, our data point to some distinct characteristics of shadow organising very much aligned with our theoretical expectations. First, actors observe and monitor each other through existing interactions (hiring, social events, quality control etc.), allowing for continuing opportunities for acquiring knowledge about other actors within the field. However, these interactions follow a hierarchy based on what is perceived as having higher status and quality in the existing social order. Second, the continuous observations taking place provides synchronisation – and thus connection opportunities – of actions through time frequencies among organisations. By monitoring and following university activities and timetables, law firms and legal offices can coordinate and avoid overlaps and interferences.

Is shadow organizing entirely a good thing for the actors involved? What are the benefits and potential problems associated with this particular form of organizing? A key problem associated with shadow organizing may relate to its potential for `locking in` actors in pre-existing hierarchies and power structures in a way that may prevent radical innovation to occur. As hierarchy is so strong within the action net, and where legitimacy is a key explanatory factor for the functioning and sustainability of the network, there is a danger that

existing power structures rather than the power of creative ideas will prevail. However, shadow organising may also offer several benefits for the actors involved. Shadow organising provides (1) increased efficiency and added flexibility for participants, because it does not require formal organisation to build stable, profitable relationships around student learning; (2) improved quality of student learning in relation to students' entry into work life; (3) reduced costs, as coordination does not need new organisational structures or legal frameworks. A limitation of our study is that the empirical data were only derived from legal education, a field which possesses several distinct characteristics making generalisation difficult. Still, as demands for more collaboration between higher education and the surrounding environment will most likely increase in the years to come (Jongbloed et al. 2008; Välimaa 2009; Abbott 2014), shadow organising may become an interesting alternative for other disciplinary fields and thus create a new *modus operandi* in the field of education. Clearly, more research is needed to determine whether shadow education indeed is a forerunner of a new way of organising higher education – society collaboration. However, for higher education institutions, the concept of shadow organising may represent a different approach to external collaboration. Instead of focusing on developing formal strategies and signing formal agreements, external collaboration is established as a consequence of exposing gaps, by stimulating (existing) informal networks, and by taking advantage of students as mediators and translators between the university and external stakeholders.

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