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Shadow organizing: an example from the parallel universe of legal education¹

Sub-Theme 64: Is Something new growing in the shadow of formal organizations?

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Background

This paper discusses the growing role shadow organizing plays in dealing with knowledge overflow. Contemporary society is characterized by continuous and omnipresent overflow of knowledge, defined as “excess and abundance”, its synonyms being surplus, overspill (Löfgren and Czarniawska 2012, 1). Shadow organizing is a new mode of coordination characterized by flexible arrangements and mechanisms of imitation and innovation that emerge in the “interstitial spaces between formal organizations” (Gherardi, Jensen and Nerland forthcoming 2016).

We contend that education is a particularly relevant case of emergence of shadow organizing. In the realm of education informal arrangements live side by side with formal institutions and give rise to new forms of organizing. Over the past several decades, observers of international trends in education have noted a massive growth in out-of-school educational activities meant to supplement formal schooling (see Aurini et al. 2013 for an overview of key literature). From one-on-one tutoring to sophisticated cram-school industries and large-scale distance learning, numerous educational providers supplement formal learning and have grown in popularity worldwide. It needs to be noticed that shadow education traditionally refers to informal education offered by private providers to wealthy pupils in developing countries where public education is generally poor. The empirical focus of this paper is different, as we investigate the expanding shadow system of legal education in a Northern European country, which targets students enrolled in Law at the main national flagship university. As such, this shadow education system is not for profit but initiated by concerned groups (Callon 2003; Callon and Rabearisoa 2008), and does not offer its services at extra costs or fees for the students. On the contrary this shadow higher education runs in parallel during the 5-year Law study program, and supplements with distinctive educational activities the already excellent offer by the public higher education. These activities are on the one hand distinctively addressing the knowledge overflow that cannot be handled by the university, on the other hand they are coordinated efficiently by a latticework of informal arrangements aimed to enhance student transition to working life. We maintain that this in-depth case can illustrate the emergence and the workings of shadow organizing, as well as examine the boundary conditions sustaining its existence.

As such, shadow organizing might be considered a forerunner of a new form of organizing which aims to deal with the knowledge and information overflow owing to its flexibility and adaptation (see also Jensen forthcoming). In the paper we illustrate conceptually and empirically how these developments in the field of education represent a telling example of rising shadow organizing. What is particularly interesting is how shadow organizing, by twisting away from formal arrangements and structures,

¹ The title has slightly changed to reflect better the content of the paper

becomes a highly efficient and appropriate coordination mode to tackle knowledge overflow.

Shadow organizing is fluid, emergent and provides a mode of coordination which is not based on formal contracts and hierarchies but rather adaptive processes of invention and imitation are hallmarks. We argue that what can be understood as shadow organizing is becoming more prevalent not only in education but also in other fields (Knorr-Cetina and Bruegger 2002 on financial markets, Knorr-Cetina 2005 on Al Qaida terrorist groups, Jarzabkowski et al. 2015 on the reinsurance industry).

The paper asks three sets of questions. The first group of questions relates to the emergence of shadow organizing. Drawing on Callon's theory of overflow, we postulate the emergence of shadow organizing as the identification of a problem by concerned groups and its framing so that the overflow can be further understood, addressed and managed. The second set of questions relates to the distinctive workings of shadow organizing, and focuses on the coordination mechanism between actions and actors in different time and space. The third set of questions addresses the issue of the sustainability of shadow organizing, which, we contend, is mainly based upon the available material and symbolic resources.

Hence the paper asks:

1. How does shadow organizing emerge?
 - a. How is the knowledge overflow framed?
 - b. What is the configuration of actors in place?
 - c. What role do actors play?
2. How does shadow organizing function?
 - a. What is the coordination mechanism at play?
 - b. How does this mechanism between actors and actions play out?
 - c. How does the coordination mechanism between formal organizing and shadow organizing work?
3. Which conditions sustain shadow organizing over time?
 - a. What material resources are mobilized?
 - b. What symbolic resources are mobilized?
 - c. How is the regulatory framework?

The paper is based on a case from Norwegian Law education, where data was gathered through national public statistics, text analysis, and qualitative interviews. All in all our focus on concerns, actors, actions, connections and resources allows to observe how shadow organizing relieves formal organizations from knowledge overflow and the implications thereof.

The paper is structured as follows: the next section discusses the analytical framework elaborating on the theory of overflow and the theory of organizing and provides a model of shadow organizing; the third section outlines the methodology; the following section analyzes systematically the different data gathered, finally a discussion highlights conceptual and empirical insights of the paper.

Managing overflow

Callon argues that overflow can be managed either by hierarchies or contracts, so that inefficiencies in market coordination are addressed and (temporarily) solved. He recognizes however that the constant emergence of overflow is impossible to contain completely, due to high costs and required expertise to design formal organizations and arrangements (Callon 1998). Löfgren and Czarniawska provide a more nuanced view and argue that overflow can be controlled, coped with, acknowledged, or simply got by (Löfgren and Czarniawska 2012, 6). What is more important, the conceptualization of framing of and dealing with overflow is a learning process whereby competencies, routines, practices are generated (Löfgren and Czarniawska 2012, 7).

The process of framing is central in that it establishes the necessary boundaries around a set of interdependent interactions among actors and separates them from the surrounding context. It contributes to activate individual and collective actors in the specific setting related to overflow (Löfgren and Czarniawska 2012, 253). In concrete terms, framing allows for deciding on the type and size of “investment” needed to handle the overflow. Hence framing has significant implications for the choice of possible solutions to cope with overflow, because it demarcates who is involved and can take action, who is not legitimized to join in. Naturally the boundaries established by framing are not fixed in time, but we contend that their shifting back and forth is a consequence of re-framing as boundary conditions change.

The collective construction of definitions of overflow and the solutions provided to prevent, frame and cope with it have been investigated by several scholars. Such solutions are not only technical or economic – e.g. investments, incentives - but are also related to the social settings where overflow is framed and (attempted to be) contained. First, they are related to the objectives, intentions, and interests of actors. Second, they are the result of values, norms and institutions. Finally they are affected by the relations among actors that are constantly enacted (Callon 1998, 252-253).

In order to examine shadow organizing, we combine the theory of overflow with the theory of action net by Czarniawska (2004, 2015). An action net is a social space where actors not only connect to each other, but also collectively “act” towards a solution of their concerns. We contend that shadow organizing is a specific type of action net, whose connections have not been institutionalized, even more, they need to be maintained off the record. Against this backdrop, coordination takes place through invention-and-imitation dynamics: actors in shadow organizing observe, monitor, mimic, and learn from each other, as well as generate solutions filling in what formal organizations are not able or willing to do. Finally we draw on the insights from the literature on shadow education (Nordhaug 1990, Bray 2011) which uncovers the parallel world of informal teaching and learning. Bray’s sun dial metaphor is telling: just as a shadow cast by a sun dial can tell the observer about the passage of time, so the shadow of an educational system can tell the observers about changes in society.

Action nets and shadow organizing

The term action net was proposed by Czarniawska to advance actor network theory. Action nets reverse the assumption that actors come first, instead, they suggest that actions shape actors by connecting them together. An action net may involve a great variety of organizations or organized groups of a loose or temporary nature (Lindberg and Czarniawska 2006; Czarniawska, 2015).

Hence, an action net is different from an organizational field, where actors are defined by their sharing a common identity, that is, being part of a policy or industry sector (Powell and DiMaggio 1983, Scott 2008) and where strategic agency characterizes their behavior (Fligstein and McAdam 2012). Action nets also distinguish themselves from organizational networks, in which contacts among the actors (nodes) are the foundational elements (Burt 2005, Owen-Smith and Powell 2008). Instead, an action net analytically focuses on the connections emerging from actions, and, in doing so, is able to address the emergent dynamics and their impact on knowledge exchanges and innovation (Clegg et al. 2016). Studying action nets thus means answering a dual question: what is being done, and how does this connect to other things that are being done in the same context?

With respect to the case in question, here it is developed by providers outside of the university (firms and legal offices) and is an instance of shadow organizing. First, it is an illustration of ‘similarity’ or ‘semblance’ as it follows formal education with respect to its modes of delivery and content. Furthermore, like other instances of similarity, it is characterized by imitation and invention dynamics. Second, our investigations show that it is informal and off the record. As pointed out by Bray (2011) 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 parallel arrangements, because it reveals distinctive modes of coordination. Shadow education exists only because mainstream education exists. It mimics the mainstream: as the size and shape of the mainstream changes, so do the size and shape of the shadow. Thus, if a new syllabus is introduced in the school system for, say, mathematics, then that new syllabus will soon be reflected in the work of tutors in the shadow (Bray 2011, 2012).

The case of Law presents a number of distinctive characteristics. Knowledge dynamics in the legal field are particularly challenging, for example the specialization dynamics have been substantially intensifying, in particular in International Law fields such as European Law, Commercial Law, and Competition Law. The legal education in question is not the official one, but one that runs in parallel – that is *at the same time* - and intertwines with formal legal education. While it started as a small-scale arrangement where partners in law firms “took their cousins to work in the summer”, it has expanded enormously during the last decade both in terms of the number and the type of workplaces involved. Indeed it concerns a high number of students – between 20 and 25% of enrolled students. Finally, while originally offered within large private firms, shadow legal education has spread to the public sector and it now involves smaller firms as well.

In the following we present a model of shadow organizing, which reflects our research questions, builds on the theories discussed above and provides an analytical framework for the empirical analysis.

A model of shadow organizing

A. Framing, actions, and actors

The process of framing the knowledge overflow is central in establishing the type and size of the shadow system. How is the issue characterized and by whom? The answer to this question demarcates who is included in the concerned group and can consequently take legitimate action in coordination with the other participants. We will see in the case of Law that a shared vision of the future of the legal field and a common understanding of professional standards is instrumental to drawing the boundaries of the shadow system.

B. Core elements: the connections

- 1) *Cognitive connections*: These frame the overflow, fostering a common understanding of the importance of student learning and of the knowledge challenges. They do not require physical presence among actors and are built around shared concerns (e.g. student learning) triggering the need to act.
- 2) *Normative connections*: These are framed as challenges to be dealt with by concerned groups and create the need for collective endeavour. Participating actors commit themselves (also) for the sake of broader societal interests that are not directly linked to their individual and/or immediate gains, or identities.
- 3) *Instrumental connections*: These are established when actors identify their distinctive interests and gains and how these can match – partially or entirely – the interests and gains of other actors. It might relate for instance to strategically pooling resources together.

C. Coordination mechanism: shadowing

In this model ideas, projects and practices travel through mimetic behavior, whereby actors observe each other through sharing knowledge, discussing, observing, copying, interpreting, transforming and implementing further in their distinctive contexts.

Imitation takes place according to a hierarchy reflecting what is considered to be superior in the legal field, this hierarchy infuses the shadow system assigning positions and roles to the participating actors. Against this backdrop, we can understand how actions are carried out and how they are connected when we appreciate the distribution of material and symbolic resources.

Finally, imitation and innovation take place across boundaries, which implies a key role of boundary spanners and boundary objects (e.g. university-firms joint projects). Porous boundaries between universities and the parallel higher education system are hence necessary for shadow organizing.

D. Boundary conditions

- a. *Knowledge dynamics* refer to the characteristics of disciplines, for instance specialization-generalization, unity-fragmentation, and speed of development.
- b. *Organizational capacity* denotes material and symbolic resources available to participating actors.
- c. *Professional sector structure* illustrates the level of integration, competitiveness and international orientation of the field.
- d. *Regulatory frameworks* show the degree of state control and organizational autonomy, as well as the national policy with respect to formalization of professional knowledge and competencies.

This framework provides an understanding for how shadow organizing emerges through a distinctive framing and articulates it through different types of connections: in the case of Law all actors share a common understanding of the knowledge challenges in the student learning, feel they want to commit

and contribute to the broader field, and recognise each other`s distinctive interests in such a cooperation (the career ambitions of students, the recruitment of talents by the firms). Finally, it highlights the boundary conditions for shadow organizing, pointing for instance to factors such as the structure of the Law sector, its integration, competitiveness, and resources.

Methodology

Our study was conducted in two steps. In order to learn more about how shadow organizing emerged and functioned, we first “zoomed in” (Nicolini 2009) on the participating firms and students. To identify informants we employed a snow ball strategy. The typical process for a snowball strategy is to begin by interviewing an initial set of participants who serve as informants about the research topic, as well as other potential participants. This way of gathering information has been proven to be particularly useful in other studies of emergent phenomena and where information up-front is. Following this strategy, we came into contact with eight different trainee arrangements and providers (four in the private sector and four in the public sector), all of which agreed to participate. Within these entities, we interviewed eight trainee managers, as well as eleven participating students (evenly distributed among sites) using an open-ended interview schedule with few pre-defined categories. The themes included access to participation, types of activities and experiences, and the participants’ perceptions of the value and role of trainee arrangements in the education of legal professionals. Interviewing these two groups of respondents provided insights into trainee arrangements both from the students’ perspective as well as from the perspective of those responsible for the training in the firms.

In the second step we ‘zoom out’ (Nicolini 2009) to the wider environments of stakeholder concerns and institutional dynamics, with a particular focus on the role the different actors play as enablers. Also in this study we primarily use interviews. As a distinctive data collection method interviews require respondents’ narrative, argumentation, rationalization of actions and events and are hence particularly useful when it comes to providing insight into the emergence, functioning, and the boundary conditions of shadow organizing. We conducted interviews with eleven respondents from the Law faculty and the university leadership, employer organizations, professional and student bodies, the ministry of education. We also analyzed materials emanating from all participating actors: the university (evaluation reports, websites, policy documents), the national employer and professional organizations (media material, policy documents), the firms and legal offices (advertisements and webpages), the students (various social media including chat rooms) and student organizations, the Ministry of Education; the quality agency (policy documents). We focused on University of Oslo, since it is the main higher education institution in Norway that trains lawyers, while the capital is the favored selected city to establish firms and legal offices’ headquarters.

Analysis

Studying shadow organizing means answering a threefold question: how does shadow organizing emerge? How does it work? How can it be sustainable?

The mobilization of concerned groups and the framing of the knowledge overflow

In shadow organizing actors act towards the solution of shared concerns, that is managing knowledge

overflow efficiently and informally. Their actions are not bound by formal structures or contracts setting up coordinating frameworks, instead, they connect to each other contributing to the development of the shadow system in different ways.

The firms and legal offices employ the students for short periods of around six weeks within the semesters. In these arrangements, students can do several types of traineeships from thesis writing to case-based practice. Such placements constitute a well-recognized advantage after graduation as firm hiring practices attribute a special importance to them when recruiting future partners. Indeed, our interviewees tell us that, although formal credits are not allocated, having the endorsement of one of the participating firms/legal offices provides “a passport to employment”. The firms and legal offices do not feel that they are involved in anything underhand – on the contrary they feel that they are more or less licensed to operate this shadow education system, in the attempt to alleviate the university from the pressures of the accelerating evolution of the law knowledge base.

The individual students are perceived as the main drivers in the emergence of the shadow legal education. Significantly ambitious and aware of the career advantages provided by their early practical experiences within the firms and legal offices, they have triggered an increasing demand for such provisions. Equally they study and work abroad during their five-year curriculum, contributing in the circulation of information about similar modes of delivery in other countries.

The university remains at the center stage of shadow organizing as it allows students and lawyers to cross its boundaries in and out on a regular basis. In the case of students when they get a placement in a firm or legal office, in the case of lawyers when they hold lectures and workshops within the study program, or they switch from a professional to an academic career and vice versa.

The professional associations in the legal field allow firms and legal offices to advertise their offers in their membership journals and have established increasingly standardized processes for placing students. Professional bodies have also contributed actively in the shaping and spreading of the shadow legal education by encouraging firms and legal offices to provide such opportunities in a wide range of specialist legal fields.

The student organizations are equally very active in advocating their members’ interests and arranging annual career fairs in the university premises. In such occasions law firms and legal offices market their trainee arrangements and provide the relevant information to the students who can sign up to be considered for placements.

National employers’ organizations and unions are aware of the existing shadow system, which they support in their political agendas aimed at improving university and work-life relationships. They promote shadow organizing through a political mode of action, which is less directly related to student learning and more linked to lobbying at the national political level.

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

Hence there is a whole array of supporting actors who knowingly or unknowingly collaborate in producing these shadow arrangements. These actors all have the purpose of improving the competences of future law graduates and share a concern for the future of the profession.

However it is important to note that not any actor is allowed to join the shadow education. As one respondent told us, “this is not an “open door” to any educational provider group”. This points to the framing taking the form of a classification that establishes a hierarchy, through which some actors are delineated as legitimate to deal with the overflow and others not. One of the main sources for this classification appears to be the university itself. One example is how the regional and private colleges are not recognized as legitimate actors to deal with the knowledge overflow in legal education. Indeed, much has been done to block out their participation. The heated debate about including so-called “privatister” into university legal education is an example. Hence, as one of our informant expressed it:

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 the five years.

--- Law professor

Ultimately the distinctions made are based on who is seen as a legitimate actor and who is not allowed to deal with the overflow.

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

Cognitive connections: the concerns

It became immediately clear from our interviews that, where knowledge is concerned, the field of law is marked by accelerating differentiation. Transnational legislation plays an increasingly powerful role and serves to expand the knowledge domain as well as demarcate new areas of expertise. At the same time, the need for legal professionals to be involved in business and services across all sectors generates pressure for specialization in both work and education. While there is broad agreement on the need to develop legal education so that it is responsive to the knowledge domain, it is also acknowledged that whatever revisions are made, this might not be sufficient. As a consequence of the acceleration of overflow trends, all participants in the global 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 life blood of law. So, to keep pace with the changing situation of the world we have also to change, by addition, subtraction, or cancellation, of the existing curriculum of the legal.

--- Law professor

A common characteristic of all actors in the shadow education is that they share the same vision and concerns with respect to student learning. Core concerns expressed by the firms relate to student learning, quality of learning outcomes, the balance between theory and practice, expertise in legal writing, balance between general and horizontal knowledge and specializations, more specifically

students are expected to be globally orientated (e.g. mastering legal jargon in the main international languages). This need for global lawyers – and for the educational institutions to form them - has grown steadily over time. Hence shadow education is a way to provide experiences and learning that mirror legal education, but allow the students to go one step further accumulating practical specialized expertise. Trainees get more in-depth experiences, more cases to practice on and in some cases the shadow education allow students to gain experience in working in a foreign language.

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

Also the policy makers are concerned about the relationships between university and working life, seeing this as a key to high quality of higher education. As a representative of the ministry of education expressed it, many attempts have been made to improve such relations, but it has been hard to find models that work.

Generally, the interviews with all actors gravitated around a tight articulation of three commonly shared concerns about the future of the law profession: (1) international competitiveness, especially the promotion of excellence; (2) urgency in realizing and promoting new knowledge; (3) maintaining the overall high standards of the profession in the context of their influence on societal developments. Together these collective and shared matters of concern present a context or rationale for the shadow system.

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

---- Law Professor

The Law faculty is committed to providing a broad knowledge base. There is a clear idea of what makes a good law student. The legal profession does not want “*legal education to prepare pension advisors*”, there is a knowledge hierarchy in place and the shadow education reflects it: larger firms and legal offices are considered equipped to represent excellence. This is a shared understanding and also explains why the university is comfortable with the specific shadow education we have analyzed.

As one of our interviewees from the firms put it:

The goals of the trainee system are to identify, attract and retain the best, assuring their continuing competence. One goal is to encourage and harness the abilities of the high achieving elites.

---- Firm representative

Normative connections: the commitment

These connections capture the sense of commitment of the participating actors towards the elective purpose and program of joint action of the broader shadow education system. All of them have expressed several types of commitments based on different rationales. All together these commitments are based on a general shared vision of the maintenance and further development of excellence in the field of Law.

The commitments are however contingent on the role each actor plays and are influenced by their respective mandates. For example one large firm explains in its advertisements how it appreciates the fundamental role of the university in training lawyers, and that it feels the need to “*contribute back*” to the public domain by offering training placement to students and complement their legal education.

The professional body commits to encourage a better spread among firms and legal offices of shadow arrangements, in the preoccupation that all legitimate providers (firms and legal offices) develop their capacity without much difference in quality among each other. The national employer organization and the professional bodies interact with the shadow education system in the political mode, supporting the idea that quality in higher education is contingent on enhanced collaborations with working life.

This collaborative responsibility is illustrated by a trainee leader in a description of the role of her own legal office:

We are part of what one may call ‘the legal superstructure.’ There are some old bastions that are all marinated in the same culture and we are one of these. Typically, it would include the university, the Court of Justice, the law department, and the Supreme Court. But it has changed a bit, too. These are not as dominant as before. A new world has evolved that is more commercial, perhaps. This culture has expanded to include some of the largest law firms and legal offices as well.

---- Firm representative

Instrumental connections: interests and gains

Instrumental connections are established when actors identify and accommodate their distinctive interests and gains. These can match – partially or entirely – the interests and gains of other participants. In this respect, the university leadership describes two forces driving the shadow system: firms and legal offices, and the students.

Firms want to recruit and make their knowledge and excellence visible in national and global markets. Traineeship managers in both the private and public sectors explain that recruitment is a prime reason for them offering trainee places. One traineeship manager explained that

Seven out of ten of those we hire have been trainees in our system. (...) We look for the very best....

---- Firm representative

Particularly the students are seen as central drivers of the shadow system, as rational and calculative actors building their educational and professional trajectories. Students are aware that participation in the traineeships enhances their career opportunities and mobility, they will go for it.

Our informant at the professional organization states 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 that 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 organization

The same trend is denoted at the Faculty of Law, where the students are seen as competitive, determined and ambitious, as well as 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

For the firms, having the opportunity to test candidates and identify their talents at an early stage is considered strategic. The universities on their side see the instrumental advantages of the 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

As we have seen above, professional organizations are committed to serve all their members within a differentiated membership. This is not only a normative attitude, but also an instrumental approach: by broadening the participation of firms and legal offices in the shadow organizing, professional organizations exert their influence to ensure a wider participation that coincides with their membership. Hence contributing to the shadow system lies firmly within their mandate and interests.

Shadow as a coordination mechanism

Shadow organizing 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. As concerned groups, the firms/legal offices monitor and mirror the university's modes of delivery and have designed their activities to fill in gaps in university provision with a view to enhancing the quality of student learning. As the overflow increases what they offer has expanded. As one of our informants expressed it

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.

---- Firm representative

Elaborating further on what is offered, the interviewee gave us information about what other firms do

“Some firms offer supervision and writing desks to students which gives them the opportunity to sit in an established academic environment with lawyers and attorneys and access to expert advice.

---- Firm representative

Similar information was also provided by our student interviewees. Students are able and committed to orchestrating all of these activities. They explain how they get time off from their work in the firms to go to lectures and how by participating in what seems to be a form for parallel living they are able to weave together knowledge provided by the university and the shadow arrangement and enhance their cycle of learning.

At the same time we see that not everything is 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 to be well taken care of by the university and is not perceived as part of the overflow.

Against the backdrop of the coordination by imitation of the modes of delivery, the shadow system follows closely the time frequencies of the university, with periods of lectures, exams, and time off. It shrinks and expands following the knowledge overflow. It runs parallel and is definitely challenging for students' time management, but it does not really overlap when it comes to the learning activities.

The shadow system also portrays inter-organizational cooperation. Legal training programs consisting of stays in several firms are also offered. For instance, trainees spend six weeks in a law firm, then six weeks at a large oil company, finally six weeks in the legal department of the country largest bank. This shows how firms and legal offices, even if providing higher education in the shadow, coordinate themselves internally – linking and integrating law education to their core activities -, and externally – through joint partnerships.

As concerned groups, the firms and legal offices monitor and mirror the university's modes of delivery and have designed their activities to fill in gaps in university provision with a view to enhancing the quality of student learning beyond the frames of the trainee arrangements themselves. As one of our informants expressed it

Besides traineeships we have developed a full range of services to accommodate the student's needs. We provide revision classes which follow the university schedule prior to exams, summer courses and even lectures on the current syllabus of the university.

---- Firm representative

Elaborating further on what is offered, the interviewee gave us information about what other firms and

legal offices provide as well. She goes on to say

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.

---- Firm representative

Similar information was also provided by the other interviewees. Thus we see here how the repertoire of legal training running in the shadow of the university law school both mirrors and complements the formal organizations and its activities.

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 this firm is not — or hardly addressed at all — in law school. So, one of the great advantages with the trainee system is that it provides you with insight into a wider range of knowledge fields and practices than you 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

The porous boundaries between the university and work-life are clearly illustrated by the following advertisement by one large firm

Lawyers from (firm name) are cooperating with our friends at universities on a number of projects. These include preparing books, submitting essays to legal journals, developing training and educational courses, and taking on professional or administrative positions connected with academic projects, among other things. A number of our lawyers regularly take part in teaching, coaching, grading exams or examining theses. (...) We also believe that some problems are best solved by close cooperation between academics and practitioners. Therefore, we are always keen to participate in training sessions at the universities, and allocate resources to those research projects where we can make meaningful contributions.

---- Law firm, 2016

From the list of joint activities between the firm and the university, we can see that both formal and informal arrangements are established. That is, on the one hand lawyers cooperate within curricula with positions in the Faculty; on the other hand the firms offer shadow education.

On their part, students are able and committed to orchestrating all these activities in and out and weave their knowledge together. The selection of students is organized so that the shadow organizing can run smoothly: first, students are selected by the university to be enrolled into the Law faculty, second, get grades for their exams at the university, finally they are selected for the traineeship based mainly on such grades. We can see here once more the central role the university plays in the coordination of

shadow legal education.

There are no contracts but there are many parties in a loosely coupled network, where each one acts within the frame of their own mandates, according to their own interests and understandings, and with little if no formal coordination. There is no need for joint meetings in order to coordinate, but social connections are facilitated and activated through boundary objects (signatures in students' resumes, A-grades) and boundary spanners (lawyers, professors, students). In other words, there is no need for joint meetings aimed to coordinate the shadow system: 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, the shadow organizing is never addressed explicitly.

Officially, the faculty is not involved at all. There is a certain cooperation but not concerning these issues.

---- Law Faculty Leadership

Indeed as expressed by the professional body for lawyers

To formalize would be to kill the system. We should not do that, but find other means.

---- Professional organization

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.

---- Firm representative

All in all, when asked how they feel about the lack of contracts and formalized arrangements our interviewees confirm that the shadow system is efficient, profiting all participating actors and allowing for trial and error processes.

Sustaining conditions

Organizational capacity

It is evident that participation in the shadow education is linked to the organizational capacity of firms and legal offices. The level of material and symbolic resources available is correlated with the extent to which they can offer parallel legal education.

The larger firms might have up to five trainee placement at once, the public sector has followed this later on. Because of the increasing concerns of training globally competitive lawyers, some respondents are not so much surprised that a shadow education system has emerged. However, they express surprise when we confronted them with an overview of the considerable amount of economic, time-related and personnel resources that are devoted to shadow education. One striking example is how a large firm has organized a huge conference on human rights and has funded traveling expenses for students. It might

thus be assumed that the level of global competition for lawyers is a central concern for firms and legal offices, which are accordingly ready to address consistently, linking their “investments” to their strategic human resource management.

Finally, the limited resources of the Law faculty are well known to all participating actors. Legal education is the cheapest disciplinary field within University of Oslo, which affects the teacher/student ratio, one of the highest in the national higher education. This trend is further accentuated by the growing number of applicants, who cannot be all accommodated in the same university.

Professional sector structure

The legal field in Norway is permeated by a high level of trust, which stems from the proximity of all actors, the national identities and traditions. Nonetheless, it has gone through major restructuring. The traditional firm in Law was the family firm, but in the last decades there has been a process of democratization and modernization. On the one hand several actors (law firms in particular) have entered the sector and become central players at national and global level. Equally, the increasing size of the firms has affected their organizational 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 sub-fields of international and commercial law, rather 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 the university and the firms holding dual positions at the same time.

Regulatory framework

A corporative model has been a hallmark of the Nordic countries with respect to education and working life and supported fully by employer organizations and workers unions. But also national policy makers have worked to support it. On the contrary, the quality agency for higher education has traditionally had stricter rules in relation with the division of education and working life. “*They are very rigid*” as one Law Professor pointed out. For instance, they require 50% maximum of external jurists in university teaching activities.

While we discussed about the porous boundaries between higher education and work life in the legal field, it should be noted that the regulatory framework establishes more formalized boundaries.

What they (policy makers) don't understand is that our external people (i.e. lecturers from Law firms) are the brightest. It is not that we are flying in anybody. They look like they are external only on paper.

---- Law Professor

It is then clear that when it comes to formal legal frameworks and regulations, these constrain significantly the room to maneuver of the actors in the legal field.

Discussion

Our paper has analyzed shadow organizing as a mode of coordination coping with knowledge overflow in contemporary society. To do this we have combined Callon's theory of overflow, Czarniawska theory of action nets, and the literature on shadow education, we have then investigated how actors frame the overflow, how shadow organizing works, which are its boundary conditions.

The actors involved – law firms, students, universities, state agencies - are concerned by the needs of law education. These needs are primarily defined by the overflow, that is to the inability of universities to deal with the galloping specializations of the legal field. Actors are connected among each other through the actions that constitute the shadow system: training, hiring, learning, quality control, even if not all actors carry out all tasks. These actors share a pragmatic orientation towards the trainee system, and take action with the purpose of improving the competences of future Law graduates. In other words they share a concern for the future of the profession of Law (Callon and Rabeharisoa 2008). At the same time though, they maintain their distinctive role, identity, and mandate, without initiating a close and official collaboration or a common discussion on objectives and rationales. Our findings point in particular to the fact that, while all actors declare themselves relevant stakeholders in the Law trainee system, they actually possess quite different levels of knowledge and overview of what is going on. Additionally, these actor put forward sets of tensions and concerns (their descriptions of challenges were as Callon expresses it, “not mutually incompatible “(Callon 1998: 260).

All in all, the shadow system consists of a diversified set of actors in the Law field: private national and international law firms, ministries, public service. It appears that such diversity can be best accommodated, in the perception of these concerned groups, in shadow organizing, where identities and rationales are not up for debate among the participants. The latter do not indulge in speculation about motives or reasons for the firms to engage in these activities but seem to focus more on the tasks at hand and on overall efficiency.

In this paper we use the shadow metaphor elaborated in the education literature as a sensitizing device to illustrate imitation as a mechanism of coordination. Indeed, the metaphor of the shadow reveals elegantly how coordination takes place through imitation. While this has been useful to explore our research topic, our findings point to three distinct characteristics of shadow organizing. First, shadow organizing takes place through imitation, with actors observing and monitoring each other. Second, imitation processes follow a hierarchy based on what is perceived as superior. Third, imitation can give way to either insertion or replacement. Hence, it explains how the knowledge overflow of the university may become an underflow for the firms (Löfgren and Czarniawska 2012, 2).

The metaphor of the sun dial also tells us that time is a central dimension of coordination. Shadow organizing provides synchronization of actions and time frequencies among organizations. By monitoring and following the university activities and time tables, law firms and legal offices can coordinate, avoid overlaps and interferences.

Furthermore we suggest that shadow organizing serves the following purposes: 1) increased efficiency for participants, because it requires little organisation to build stable and profitable relationships around student learning; 2) improved quality of student learning in relation to their entry into work life; 3) reduced costs as the coordination does not need new organizational structures or legal frameworks.

Shadow organizing as illustrated by our case shows how the in-between land of formal and informal accommodates everybody's interests, proposes a more fine-grained conceptual and empirical analysis of

how connections exist without being formal or official: cognitive, normative and instrumental. Through such connections coordination is enhanced regardless of time and space.

We have focused on the case of legal education which presents a number of distinctive characteristics. However, as overflows are becoming more commonplace in society at large (Czarniawska and Löfgren 2012), we may see shadow organizing spreading to other fields and thus creating a new *modus operandi*. Clearly, more research is needed to determine whether shadow education is a forerunner of a new coordination mode.

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