

Chapter 7

The role of shadow organizing in dealing with overflows of knowledge and ambition in higher education

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Introduction

Over recent decades we have witnessed a considerable debate which questions the capacity of higher education institutions to address the challenges posed by complex developments. These include the increasing pace of knowledge production; real or imagined pressures with respect to global competition; and the ambition to combine world-class excellence with the need to provide a diverse labour market with knowledge and skills. In this context, the need to rethink the structures and practices of universities and colleges is high on policy and research agendas. However, what has received less attention is how ‘concerned groups’ (defined below) take a forward-looking responsibility for knowledge and learning and develop parallel arrangements that take on some critical functions. These may be understood as shadow arrangements that typically emerge alongside formal institutions’ arrangements and have properties other than those of higher education institutions’. Using examples from a study of legal education in Norway, we show how an entire shadow education system initiated by employers in both the private and public sectors has evolved. Moreover, we see how, owing to its greater flexibility, shadow organizing represents an efficient way of handling tensions and demands in the field related to professional socialization, recruitment practices, and the reproduction of elites.

In this chapter, we suggest that a useful starting point for understanding the challenges posed by higher education and the emergence of concerned groups are the concepts of overflowing and framing introduced by Callon (1998, 2003).¹ Callon (2003) uses the

¹ The term ‘framing’ is borrowed from Goffman (1971). Frames establish boundaries within which interactions take place more or less independently of their surrounding context. While the word ‘overflow’ has several meanings (see Löfgren and Czarniawska 2012), Callon (1998) uses it in the sense of spillover and excess. He draws attention to the inextricable relationship between framing and overflowing and argues that it is only when

metaphor of science and technology ‘overflowing’ the boundaries of existing regulatory institutional frames as a point of departure to describe new responsibility conditions in society. His view is that institutions cannot absorb all the complexities of the world and that, as a consequence, some overflowing or spillover has always existed. However, as the complexities of knowledge and social arrangements grow, overflows have become the rule rather than the exception. Even though institutional actors may try to frame these complexities, frames will increasingly leak or ‘overflow’. Callon et al. (2008) also explain that under certain conditions ‘concerned groups’ may emerge and take responsibility for containing and dealing with overflow (Callon 2003; Callon and Rabeharisoa 2008). A group is qualified as being ‘concerned’ when its formation is strongly contingent on the existence of issues shared by its members (Callon and Rabeharisoa 2008). There are two types of concerned groups: ‘orphan groups’ and ‘affected groups’. ‘Orphan groups’ form in situations of internal controversy where actors excluded from participation combine to explore alternative worlds. ‘Affected groups’ form as a result of external change drivers or what Callon (2003) terms externalities (i.e., external forces that affect wider stakeholder groups). In economic parlance, externalities refer to negative or positive outcomes which affect a party that did not choose to incur that cost or benefit.²

Callon (2003) argue further that framing has significant implications for the choice of possible solutions to cope with overflow because it demarcates who is involved and can take action and who is not legitimized to join in. However, diversity with respect to who can frame the overflow and hence contribute to its solution is on the rise. To capture this, he makes a distinction between ‘cold’ and ‘hot’ situations. Situations where there is a consensus on whose opinion counts and what rationalities are legitimate he terms as ‘cold situations’. However, he maintains that these are being superseded by situations with no such consensus (‘hot situations’). Nevertheless, Callon (2003) argues that in ‘hot situations’ groups may align in efforts to exert their influence, typically by developing new organizational forms that run parallel to formal institutions. Thus ‘hot situations’ energize people by arousing their engagement. Hence, by combining a sociological perspective with an epistemological one,

a frame exists that an overflow can be defined, as it is over a frame that something can flow. He also emphasizes that framing has implications for the choice of possible solutions to cope with overflow. Thus framing is a way of both creating and managing overflow.

² Callon (2003) also uses terms such as ‘hurt groups’ and ‘sufferers’ to signal the genesis of these groups and to distinguish them from orphan groups.

these concepts portray the formation of a social group as a problem-driven process focusing on a common concern. Further, they suggest that these groups are important in making and breaking institutionalized arrangements.

However, as pointed out by Callon (1998), a huge amount of work remains to be done in order to uncover how these arrangements are organized and operate, and how different groups are involved. This chapter contributes to this by considering the field of legal education and is structured as follows. First, we show how global systemic changes and major structural developments (externalities) have affected the legal profession. Next, we describe the empirical study in legal education on which our analysis draws. The arrangement in question is not the official one under the auspices of the university law school but one that runs parallel and is free from formal education structures. The third section examines shadow arrangements through five dimensions specified in a framework developed by Felt (2009) to study more fluid organizational forms. This chapter will inform higher education research and policy making about a rapidly changing and growing form of education around the world.

Concerned groups, ‘hot’ situations and shadow organizing in legal education

The history of legal education is full of ‘hot situations’ and ‘orphan groups’ that have been excluded. For example, reviews of its historical development in a range of countries illustrate an ongoing ‘tug of war’ over the kind of legal education that future lawyers should receive (for an overview of the key literature, see Spencer 2012). Both professional and academic groups have always been concerned that their interests would be insufficiently considered in the development of legal education programmes. On the one hand, there were office-based apprenticeship models and on the other university-based scholastic models. The weaknesses of both approaches were recognized and various attempts to weave the two into one unit were made. However, over time, the university connections led to what historians describe as a ‘triumph for the academy’ and thus some groups were orphaned.

Globalization and changes in knowledge and ambition are externalities which have brought to the fore a range of new concerns in the legal profession that require negotiation

(Boon et al. 2005; Evetts 2015; Faulconbridge and Muzio 2009; Papendorf 2010). Indeed, there is a growing literature which reveals that legal education struggles to deal with the burgeoning growth of knowledge and expectations in modern society. In relation to knowledge, the field of law is marked by an over-abundance of both information and sources. Transnational legislation plays an increasingly powerful role and serves to expand the knowledge domain as well as demarcate new areas of expertise. Another change driver relates to the growing focus on the competitiveness of global firms/legal offices. At the same time, the need for legal professionals to be involved in an increasing range of business and services generates pressure to prepare students more effectively for a broad variety of work. This in turn requires higher education institutions around the world to disentangle these developments and reframe education. However, there is also a need for actors in the legal field to find ways of dealing with the inevitable overflows. In this context, education again becomes a contested space and harbours a range of ‘hot’ situations, which makes it interesting from the perspective of ‘concerned groups’ and new organizational forms. As Callon (1998, p. 262) points out, in ‘hot situations’ “the local and the global are in constant interaction” and therefore to understand the framing process we need to examine how global trends filter through and interact with national values and traditions.

In the Norwegian Horizon project (2012–2016), which studied four professions, we saw how transnational developments were filtered through the Nordic model for education and work. Here issues related to framing, for example, equality, trust-based relationships, and flat, non-hierarchical structures in both public and private organizations were enhancing rather than diminishing the tensions described above. Hence, with respect to higher education, the frames seemed to be flooded by spillovers. However, while collecting data on legal education, we discovered that some students were involved in expanded trainee arrangements outside their educational programme that seemed to deal with some of these tensions and spillovers. Consequently, we decided to develop a separate study to explore this phenomenon further. As described earlier, the arrangements in question run parallel to the university study programme and are free from the formal educational structures. Although such informal arrangements have existed for some time, they have expanded in time and scope. What started as a practice of ‘taking a cousin to work’ has turned into 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. The system has grown gradually in both size and scope: up to 30% of students participate in traineeships and even more engage in the broader shadow education (Gangnes 2009).

Educational arrangements that form a parallel world which both mirrors and adjusts to formal programmes have been addressed in other studies and contexts.³ Indeed, the term ‘shadow education’ emerged in the early 1990s to describe the functions of private tutoring but has since been used as an umbrella term to describe what researchers have called ‘a monster of an industry’ that takes a variety of forms (Aurini and Davies 2004). While researchers have focused primarily on the ways in which this growing phenomenon may compete with formal educational arrangements and on the potential hollowing out of public tasks in favour of the private sector, this chapter focuses on how shadow organizing can complement and enhance the efficiency of the educational system in important ways (for an overview of key literature, see Aurini et al. 2013). Two key ideas are condensed here. First, that shadow organizing addresses major challenges with respect to overflows in knowledge and ambition in higher education, owing to its greater flexibility and the informal arrangements between the actors and practices involved. Second, that in an era when overflows are becoming more commonplace, visible, and pervasive (Löfgren and Czarniawska 2012), shadow organizing might become a new *modus operandi* for higher education in general.

Methods

In order to learn more about how shadow organizing emerged and functions in legal education, we ‘zoomed in’ (Nicolini 2009) on the participating firms and legal offices. To identify informants, we approached two law firms that we knew offered traineeships and requested interviews with the trainee leaders. Next, we decided to employ a ‘snowball’ strategy (Berg 1988). 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 proved to be particularly useful in other studies of emergent phenomena and where information up front is scant. Following this strategy, we came into contact with eight different trainee arrangements and providers

³ The focus of this chapter is different as we examine the expanding shadow system of legal education in Norway which targets law students at the main national university.

(four in the private sector and four in the public sector), all of which agreed to participate. What characterized these was that, in addition to the trainee arrangements, to a varying degree they all had other student-directed initiatives. Since the trainee arrangements seemed to be the starting point and main form of the legal offices' engagement with student learning, it seemed appropriate to interview trainee managers. We interviewed eight trainee managers from the respective legal offices.⁴ These managers were chosen as they were in a position to report the firms'/legal offices' concerns and their experiences with the trainee arrangements. The principles of open-endedness, dialogue, explicitness, reciprocity, and self-reflexivity guided us in this study thus we used an open-ended interview schedule with few pre-defined categories.

The themes that emerged from our interviews with the trainee managers included access to participation and the overall issues that the arrangements were designed to address, types of activities and experiences, matters of concern to the participants, and their perceptions of the value and role of trainee arrangements in particular. The interviews were recorded and later transcribed verbatim. To supplement the interviews, we analyzed materials from the law firms and legal offices (advertisements and webpages). We also considered publicly available materials published by the firms/legal offices and other relevant groups: the university⁵ (evaluation reports, policy documents), the national employer organizations, and professional bodies (advertising, policies, and professional membership journals).

To further detail the various aspects of the trainee system, we employed a five-dimensional approach to epistemic living spaces developed by Felt (2009). The main advantage of this approach is that it offers a basis for interpreting and understanding different facets of the shadow system. First, how the overflow is framed as knowledge-related concerns in need of collective endeavour. Second, the characteristics of the organizational setting of law firms/legal offices and ways in which the shadow system can help with the concerns expressed. Third, how the university and its shadow (the trainee system) co-evolve in ways that avoid overlaps and interferences. Fourth, why the expanded trainee system has remained in the shadow. In the final dimension, a focus is put on how the arrangements have

⁴ We also interviewed students about their learning experiences (see Jensen and Nerland 2015).

⁵ We focused on the University of Oslo, as it is the main higher education institution in Norway that trains lawyers, and the capital is the favoured selected city to establish firms' and legal offices' headquarters.

altered the symbolic order within legal education. These facets are captured in Felt's (2009) five dimensions: epistemic, spatial, temporal, social, and symbolic. More specifically, the aim is to illustrate how overflows in one area may create an underflow in another (on the concept of 'underflow', see Czarniawska and Löfgren 2012).

What is growing in the shadow of legal education?

The epistemic dimension—expressed concerns

In this first section, the knowledge-related concerns of our informants are examined. Generally, the interviews gravitated around a tight articulation of three commonly shared concerns about the future of the law profession: (1) for international competitiveness, especially the promotion of excellence; (2) urgency in realizing and promoting new knowledge; and (3) maintaining the overall high standards of the profession in the context of its influence on societal developments. Together, these collective and shared matters of concern present a context or rationale for the shadow system. Indeed, we will see that overflows can be regarded as the rule rather than accidents in need of rectification.

The concern about competition is articulated through multiple variations of an image of the global race in which Norwegian-based enterprises have to keep their place. Indeed, our informants repeatedly expressed the fear that their firms/legal offices might be 'lagging behind'. This issue of competing in a rapidly changing world clearly impacted on the firms'/legal offices' approach to student learning and, in particular, the goals and development of their trainee systems. As one of our interviewees 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 elite". Norway does not have Ivy League law schools and the importance of having control over the quality of entrants came to the fore when we asked trainee leaders about the extent and nature of their involvement in the university's elective system. We were told that a characteristic of this system is that acceptance on the placement module is based on a lottery and hence is more inclusive and equitable. The faculty arranges 'a drawing of lots'; the students receive a number and can choose from available sites when it is their turn. However, one of the trainee leaders expressed a concern about how the current framing of legal education based on

Nordic values impacted on his company: “We are interested in the two percent with the best grades. And then it does not work with that kind of open arrangements for all [...]”.

With respect to the issue of expanded knowledge demands, our informants told us that this relates to the diversity of knowledge and the challenge of absorbing the many legal specializations that evolve over time. Law schools face the task of keeping abreast of the explosion in substantive knowledge areas. Typically, legal education has a high absorptive capacity but the diversity of knowledge areas and specialisms expands rapidly and challenges their generalist nature. As one of our interviewees pointed out: “Every law degree course must cover all the basic core subjects as well as the newer ones”. Indeed, as a result of follow-up questions it emerged that there was simply too much knowledge and learning for one institution to deal with. The trainee leaders reported that, although in recent years law schools have sought to ‘re-engineer’ their programmes in order to inject a higher degree of specialization via pathways, students typically only get a taste of each subject owing to pressure on resources and time. Thus, our informants underline the omnipresence of overflows and the impossibility of total framing by the university.

A third issue running through the interviews is the overall concern for standards. Just how important standards are was highlighted when we asked trainee leaders about jobs in sectors other than those of competitive firms/legal offices. Our interviewees told us how important it was that the standard of entrants should remain at the current level of excellence for all student groups. They emphasized that legal education also has a societal mission so the costs of compromise in standards would be socially significant: “To a client, poor lawyering is a disaster. To a judge, the difference between attorneys is clarity and confusion”. According to our informants, it is to society that the compromise in standards will matter most. As one interviewee put it: “For better or worse, the legal profession will have a great deal to say about the shape of our future society”. However, in relation to future concerns, it is important to note that the trainee leaders did not take deficiencies in formal law schooling as a point of departure but rather the externality of the changes brought about through the dynamic of knowledge in a fast-changing world: “Law schools do a great job”. What is at stake from their perspective is to unite efforts and complement each other.

The spatial/material dimension—the organizational setting of legal enterprises

The spatial/material dimension is used to look at the characteristics of the organizational setting of law firms/legal offices in general and ways in which the shadow system can help with the concerns expressed above. We will see that there are many mechanisms in place, old as well as new, that run in parallel and help to manage overflow relatively smoothly. Our interviewees described the trainee environment as a space where a bundle of qualities manifest themselves. First, being based in firms/legal offices that offer legal advice and expertise creates the opportunity to build quality by exposing trainees to high levels of specialized knowledge. We are told that law firms/legal offices tend to focus on specialist areas or clusters of work. This results from their capacity to devote more time to specific substantive areas of law and to various approaches to examining legal problems. The following quotation from one interviewee provides a useful illustration:

Law education in Norway is characterized by being generalist in nature. Hence law schools have to cover the basics in everything. As a law firm, we can specialize more. For example, business law is our specialty—so it goes without saying that this is what we emphasize.

Indeed, we found examples of specialist firms/legal offices that had such concentrated expertise that they could almost be regarded as small centres of excellence.

Another feature related to the concerns expressed earlier is how new knowledge is quickly brought into the trainee system which ensures that actual and potential overflows are dealt with. In the field of law, innovations tend to come from practice as well as research so it is important that law firms/legal offices have flexible systems with the capacity to adapt and respond quickly to changing demands. Law firms/legal offices find it relatively easy to keep pace and are not bound by the multi-layering that exists in some organizations. Hence, their logic of change differs from that which prevails in higher education and other organizational types that we associate with formal authority, complex hierarchies, rationalized procedures, or deep institutional structures. We were told that this lightness is imperative for the firms/legal offices to ensure the efficient absorption and application of new knowledge. Firms/legal offices are situated in concentrated knowledge systems and typically support the formation of networks of relationships which favour the diffusion of knowledge and enhance innovation opportunities. As one interviewee put it: “There’s a slowness to the law school process ... their system is more encumbered by formal rules”. Another of our informants told us how practitioners are ‘case driven’ and acquire knowledge on a need-to-know basis:

“There is no red tape at all; hence I think we, to a greater extent and more rapidly than law schools, can bring in new areas of specialization”.

A third issue is how learning should also be tailored to individuals’ diverse and evolving needs and interests. Our interviews informed us that law firms are organized as knowledge-based hierarchies and are characterized by a strong learning culture. In some firms, all lawyers are at the same level as partners. Others distinguished between partners, associates, and juniors. Partners are generally the most knowledgeable and highly skilled of the lawyers working within a particular firm and engage directly with students. Associates are generally less experienced than partners and tend to be assigned tasks that do not require as highly specialized knowledge as partners. Juniors are individuals who are starting their careers as lawyers and generally face an up-or-out promotion decision at the end of 5–10 years. The hierarchical organization plays a key role in organizing employee learning of all types. Typically, partners and senior lawyers have the responsibility to teach and evaluate the quality of the work done by the junior staff. As one informant expressed it: “All law firm cultures are different”. Nevertheless, this interviewee went on to explain that it is a common trait for a culture of learning to permeate these workplaces. All individuals, ranging from newcomers to experienced staff, learn new things at work.

Seen as a whole, the settings in which the trainee arrangements are being carried out offered a rich learning environment in the cases we examined.⁶ These specific features of the law firms/legal offices enhance and intensify student learning by allowing them to engage in parallel living. By going to and from law school and their placements, the trainee system both complements and enriches student learning trajectories.

The temporal dimension—expanding repertoires to deal with overflow

An analysis along the temporal dimension allows us to see that we are not referring to stable features but emergent arrangements. Furthermore, it brings into focus how the temporal frames of the university serve as a coordinating and synchronizing mechanism that avoids tensions and overlap between the university and its shadow. This section also shows how shadow organizing over time may cause new overflows.

⁶ It should be noted that, by its nature, a ‘snowball’ strategy can result in the emergence of a biased population.

Our data show that the law firms/legal offices continually revise their original trainee schemes to improve their efficiency in a globalized world. As one trainee leader put it: “What we have seen in the last three decades, and especially since 1990, has been a massive extension of the trainee system and internal re-structuring to make them more targeted and efficient”. Other interviewees recounted how, in general, issues related to time and speed are important to enhance recruitment in the intensified global market. As one expressed it: “We have re-designed our courses in ways which increase the impact per time ratio and secure a better turnover”. Although there is little prescription about how students organize their learning trajectories, we were told that there is an increased tendency for students to undertake more than one traineeship and sometimes up to five.

A second issue is how what the firms and legal offices offer has widened as overflows have increased. As concerned groups, the firms/legal offices monitor and mirror the university’s modes of delivery and have expanded their activities over time to fill the 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:

Well, we started with classical traineeships. But over time we have developed a full range of services to accommodate the students’ 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.

At the same time we see that not everything is in focus. Hence, the firms/legal offices are moving beyond the traditional role of traineeships and are taking on tasks historically associated with the university legal education. However, elaborating further on what is offered, our interviewees also gave us information about what is not offered. For instance, we were told they do not provide methods courses or generalist legal education. This is considered to be well taken care of by the university and hence is not perceived as part of the overflow, or, as one of our informants puts it: “We focus on complementary activities”. Hence, these activities run parallel but do not really overlap in terms of what is offered.

This expansion of repertoires also led to an extension in the membership of groups since virtually all of these arrangements were advertised broadly and open to students who did not participate in traineeships. We were informed that people were reached via email and Facebook, by subscription to newsletters, via flyers and posters placed all over the law school

as well as by word of mouth. Significantly, these extended arrangements are not offered to trainees only but to anyone interested. The following quotation illustrates how the trainee leaders provide the opportunity to participate in professionally relevant meetings: “We have lots of arrangements where we invite students more broadly”. Indeed, the following advertisement used by a law firm reveals that first-year students who are not part of the trainee system are specifically targeted:

Learn from the best. By attending (our) courses and mentoring you will get professional insights on curriculum-related issues through lectures and guidance from some of the leading lawyers in the field. Wednesday 18 November: (our named) partner, mentor in torts in our office at ... The course is suitable for first-year students. Tapas and drinks will be served after the session.

The trainee leaders told us that students get desperate before exams and take any help they can get. Indeed, it was suggested that the university-provided revision classes were a bit random in the subjects they targeted so the students were attracted to the high quality syllabus-related lectures offered by the bigger firms/legal offices. Thus an analysis along this dimension illustrates how an initial product has grown in space, scale, and variety and how these are shaped in a constant interaction with external forces and the framing processes within the university. It further illustrates that while shadow organizing can be used to cope with knowledge overflows it can also create (or even multiply) additional overflow, for example, super-ambitious students generating new demands for legal education.

The social dimension—stakeholder groups and boundary conditions

This dimension helps us scrutinize the relational complexities that produce shadow arrangements and their forms of cooperation. It shows that not only the issues but also the connection between separate groups make the situation inevitably ‘hot’.

Although they are not officially accepted as a site for formal learning, our data suggest that the arrangements that comprise the shadow system are increasingly being acknowledged and supported by other actors in the legal field. The following examples emerged from the interviews. One is how the universities in Norway allow career fairs (where law firms/legal offices market their trainee arrangements) to be held on their premises. At these events information is provided and students can sign up to be considered for placements.

Another example is how the professional associations allow firms/legal offices to advertise in their membership journals and have established processes for placing students. Professional bodies have also contributed more actively in the shaping and adjusting of the traineeships by encouraging firms/legal offices to provide such opportunities in a wide range of specialist legal fields. A third set of actors are the organizations that employ the students and who give preference in their hiring practices to those who have been engaged in the trainee process.⁷ 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/legal offices do not feel that they are involved in anything underhand—indeed they feel that they are more or less licensed to operate this trainee system. It is critical to note here that the accrediting institution, NOKUT, can also be seen as an important contributor by ignoring the very presence of the trainee system in their accreditation processes and, by and large, allowing the firms’/legal offices’ activities to remain unchecked. Hence, there is an array of supporting actors who knowingly or unknowingly collaborate in producing these shadow arrangements.

However, the interviewees suggest that there are strict boundary conditions that guide the respective collaborating parties’ contributions. One of these seems to be that there are no formal contracts and that the parties involved do not have to go beyond their original interests and mandate. This boundary condition became clear in an interview when we asked if it would be helpful to develop more formal arrangements: “It is hard to envision how they might collaborate in an official way. We (the firm) front our interests as a unit, and we do it in a straightforward and clear way”.

Another example of how important it is to respect different actors’ mandates and commitments emerged from a discussion with a different interviewee. She emphasized that various organizations and units need to “maintain their independence” and went on to explain that it is essential to realize that what she termed the ‘ecologies’ are very different. What she meant here becomes easier to understand if one takes a look at the different categories of actors and agencies involved. There are four main categories of actors in the formal law system: 1) the regulatory bodies, such as the state and its agencies that legitimize and

⁷ One firm stated explicitly that “internally, we consider our trainee programme as the most important channel for recruiting associates”.

standardize competencies and professional knowledge; 2) universities as the institutions and organizations that generate and disseminate knowledge, providing scientific legitimation for professional knowledge; 3) the professional associations that control the professional jurisdiction and represent their members; and 4) the organizations—public, private, and not-for-profit—that employ, coordinate, and control the professionals’ work. These actors all have the purpose of improving the competencies of future law graduates and share a concern for the future of the profession. Thus, as Callon (1998, p. 260) puts it, an “ever-growing, ever-more-varied cast of characters” is sufficiently affected by what is at stake to collectively experiment with new social forms. At the same time, we see how collaboration between these social forms is politically difficult in the framework of the institutional apparatus that we have today.

The symbolic dimension—a new *modus operandi*

The symbolic dimension allows us to investigate how the emergence and growth of shadow arrangements may go against the grain of the symbolic orders and meanings we associate with higher education. It touches on the values and modes of ordering, traditionally regarded as crucial in governing the development of expertise and on how the progressive emergence of the ‘shadow’ can be expected to shift the way in which higher education is both conducted and governed. Indeed, we need to ask whether the trainee system disturbs longstanding traditions in higher education and if the case of legal education in Norway is an exception or a clear example of an emerging phenomenon. One aspect of this is how the emerging shadow arrangements run against traditional widespread notions of education–work relationships whereby only one organization is mandated to produce ready-made candidates for the evolving needs of the other. Moreover, as we have seen, these arrangements are not amenable to traditional approaches to regulation, but rather are handled silently through subtle balancing acts between multiple agents. Indeed, they bypass official university standards, state authority, and quality control by the national agency. Although these aspects may be said to go against the grain of the established order, our analysis suggests that (so far at least) they have not created a ‘hot situation’ but have been allowed to expand without intervention or even contestation.

Hence, it becomes important to understand the conditions for agencing; that is, the conditions under which these emergent groups become legitimate stakeholders and endowed

with the capacity to act in a given societal and national context (see Cochoy 2014 on ‘agencing’). Our informants described how their engagement was based on the cultural–historical grounding of the development of legal education in Norway as well as on other factors, for example, trust relations and the tradition of collaborative responsibility characteristic of this country. This collaborative responsibility is illustrated by a trainee leader in a description of the role of her own institution:

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/legal offices as well.

Another aspect is that lawyers in Norway are experienced in frequent horizontal movements between working in practice and being at the university. These create informal linkages within the ‘legal superstructure’. In short, we see how shadow organizing has been produced in the course of a social process which imprints and prefigures potential future relationships. Undoubtedly, concerned groups, both orphan and affected, are actors that contribute towards the constitution of shadow education of a new kind, in terms of arrangements that are more flexible and distributed. When they are successful (i.e., mandates are respected, etc.), these arrangements produce networks of alliances that generally result in a reorganization of responsibilities without destabilizing or upsetting existing institutional orders, creating a ‘hot situation’. However, the balance is uneasy and it remains to be seen what would happen if, for example, the students demand credit points for their efforts or if the evermore powerful accrediting bodies take measures to bring the firms and other legal offices involved ‘out of the shadow’.

However, as Callon (1998) points out, not all overflow trends can be handled by contracts—some overflow will always exist. In any case, we can see that shadow organizing is a fragile and complex activity and that we do not live in a unified world but in one which is culturally formed and reformed as well as deeply value laden. Hence, in other countries, different histories and contingencies may contribute to other ways of agencing and hence dealing with overflow. In the case of legal education in Norway, however, the growing importance of activities outside of formal schooling and the way law firms/legal offices

increasingly use selective recruitment and the trainee system to mould the practice of lawyers suggest that the university is often only one of the many sites where professional development and identity formation occur. Although these arrangements today serve a fairly small group (law students), their effects may be wider in that they contribute to new symbolic maps related to how systems may collaborate. Despite the fact that they are not officially accepted as a site for formal learning, our data suggest that the expanded traineeships are being seen as a forerunner of a new organizational form from which other educational fields can learn. Arguably, their existence in the shadow—so far at least—provides a mechanism for dealing with overflows without creating a ‘hot situation’.

Conclusion

Using Callon’s (1998) twin notions of framing and overflowing, we have noted how externalities have widely affected the legal profession. In particular, we have seen how the proliferation of affected groups in the Norwegian legal education system has resulted in a struggle to contain overflows in competitiveness, specialization, and ambition. Additionally, analyses along the dimensions offered by Felt (2009) have allowed us to see how the formal educational system and the shadow arrangements complement each other and how they work side by side to maintain standards of excellence. There is a joint effort to cope with societal needs. As a light, agile, and flexible structure with the capacity to ensure efficient absorption and adaptation to new knowledge, the trainee system allows students to take part in new and specialized practices. Hence, contrary to what earlier literature has pointed out, the analysis underlines how the shadow structure does not undermine the formal educational system but intensifies and enriches what is offered there. Indeed, the shadow system helps higher education cope with many of the challenges it faces; for example, the tensions between equity and excellence, between collective models and individual applications, and between knowledge-driven developments and political regulation. In general, our analysis allows us to see how the shadow arrangements act as mediators and buffers, soothing potential conflicts in a landscape in which formal education faces multiple demands (overflows) in relation to knowledge and ambition.

Furthermore, an examination of the social and symbolic dimensions allows us to see not only that a host of actors knowingly or unknowingly collaborate in producing these

arrangements but also how particular interests perhaps were better accommodated in a silent and more efficient mode of organizing. Indeed, a striking finding of our research was how the shadow arrangements represent forms and rhythms of exchange that move away from the dominant models of formal cooperation, but are nevertheless highly efficient. In this study, we have focused on the case of legal education which presents a number of distinctive characteristics. However, as overflows are becoming more commonplace in other educational and professional fields, we may see shadow organizing spreading to other fields and thus creating a new *modus operandi*. Clearly, more research is needed to determine whether law is a forerunner of a new education regime. Additionally, international comparative studies would be useful for determining the extent to which national frameworks amplify or curb the trends we have identified.

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