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# **Identities, Discipline and Routines**

## **Organisation Studies (2011)**

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### **Abstract**

This paper analyzes how people's subjectively construed identities are disciplined by, and appropriated from, their talk about organizational routines. Based on a study of a UK regional law firm, our research counter-balances understandings of professional lawyers as autonomous knowledge-workers, and emphasizes instead the extent of their subjection to disciplinary processes. It shows that power is intrinsic to discursive constructions of routine processes of organizing. We examine lawyers' accounts of their time-keeping and billing routine, and how these both fabricated their identities, and how individuals said that they confronted, shifted and perverted organizationally sanctioned systems of meaning. The research contribution of this paper is to examine empirically and to theorize how discourse about routines both disciplines and is a resource for identity work.

### **Key Words**

Disciplinary Power, Discourse, Identity, Law Firm, Lawyer, Professional, Routine

## **Introduction**

How are identities constructed through talk about organizationally-based routines? We address this question using lawyers' accounts of their time-keeping and billing routine which disciplined their normative subjectively construed identities even as they claimed to appropriate, adapt and subvert these work practices. The study, in part a response to Alvesson and Willmott's (2002: 638) suggestion to locate 'processes of identity (re)formation at the centre of social and organizational theory', draws on and contributes to the literatures on work-identities (e.g., Thornborrow and Brown 2009; Knights and McCabe 2003), routines (e.g., Feldman and Pentland 2003; Pentland and Reuter 1994), and socio-legal studies (e.g., Empson 2007; Nelson 1988). It analyzes the disciplinary effects of lawyers' descriptions of scrupulously logging work time in six-minute units and the agency inherent in modifying invoices in response to practical, impression management and professional identity considerations. This permits us to explore how routines both discipline, and are a flexible resource for, identity work.

Our study of a large regional UK-based law firm adds to research on work identities in professional service organizations, discipline and routines (e.g., Alvesson 2000; Alvesson and Empson 2008; Anderson-Gough et. al. 2001; Covalleski et. al. 1998; Feldman and Pentland 2003; Karreman and Alvesson 2004; Pentland and Reuter 1994). We address three inter-related gaps in the management and organizational literatures. First, the legal profession, the structure of law firms and the nature of legal work have long attracted scholarly interest (e.g., Bourdieu 1987; Greenwood 2007; Nelson 1988; Pinnington and Morris, 2003; Leblebici 2007; Sandberg and Pinnington 2009; Smigel 1969), yet consideration of how law firms, legal work and professional lawyer identities are disciplined discursively remains underdeveloped. Second, prior work has focused on the disciplinary role of management programmes and practices such as mentoring, management by objectives and training regimens (e.g., Covalleski et a. 1998; Townley 1993), but the importance of organizational routines

in enforcing discipline has received limited attention. Third, routines have long figured in analyses of processes of organizing (e.g., Cyert and March 1963; Giddens 1984; Levinthal and Rerup 2006; Stene 1940) but few scholars have explored how routines may be resources for identity work and used to construct versions of participants' selves as individually and collectively productive<sup>1</sup>.

The key argument we elaborate is that lawyers' identities were disciplined by and appropriated from talk about their time reckoning and client billing routine. This is noteworthy in part because considerably less attention has been given to organizational design and the power embedded in overall authoritative structure than to deviations from this order (Hardy and Clegg 1996). By analyzing lawyers' descriptions of routine patterns of work we seek to understand how they constituted, expressed and affirmed conceptions of their selves as productive lawyers. This interpretation is embedded in the socio-legal literature which recognizes that legal professionals' 'sense of identity' is in flux (Empson 2007) and that 'law firms are struggling to understand and resolve new stresses and tensions' (Greenwood 2007: 188). Our interest is in how lawyers articulated understandings of their selves – in interviews - and not observations of their actual enactment. That is, we attend to use of language 'as a representational technology that actively organizes, constructs and sustains social reality' to analyze how a particular community's discursive practices came 'to form the instinctively shared calibration points for defining local reality' (Chia and King 2001: 312).

## **Identities, Discipline and Routines**

### **Identity**

Subjectively construed identities are available to individuals as reflexively organized narratives 'derived from participation in competing discourses and various experiences' and which are 'productive of a degree of existential continuity and security' (Alvesson and Willmott 2002: 625-6;

McAdams 1996). These identities, individual and collective, are constituted within discursive regimes which offer epistemological opportunities ('spaces') for individuals to evolve creatively conceptions of their selves (Read and Bartkowski 2000: 398). Our focus is on identity work, i.e. the work that people undertake in 'forming, repairing, maintaining, strengthening or revising the constructions that are productive of a sense of coherence and distinctiveness' (Sveningsson and Alvesson 2003: 1165). Identities, then, are not just recursively and reflexively authored but always dynamic and 'in-progress', the appearance of stability being but a momentary fiction (e.g., Bruner 1990; MacIntyre 1981; Ricoeur 1983). In common with previous discursive studies, we focus on talk (in our case about lawyers' routine patterns of behaviour), as an ongoing narrativization of work selves (e.g., Beech 2008; Coupland 2001).

The socio-legal studies literature (e.g., Abbott 1988; Bourdieu 1987; Empson 2007; Leblebici 2007; Pinnington and Winroth 2007; Sandberg and Pinnington 2009) has devoted considerable attention to what lawyers do, including first meetings (Sherr 1986), client interviews (Travers 1997), appearances in court (Atkinson and Drew 1979) and case filing (Scheffer 2007). The picture of lawyers that emerges from this research is of a group that subscribes to a view of their selves as 'guardians' of societal ethics and 'trustees' of professional expertise, but also experts offering specialist knowledge to competitive client markets (Brint 1994; Greenwood 2007). Flood (1987), for example, has argued that transactional lawyers have become indistinguishable from businesspeople. As individual agents operating in a collegial environment lawyers are 'niche-seeking entrepreneurs carving out a place for themselves in the larger group by selecting relationships and by getting involved in various forms of status competition' (Lazega 2001: 10). At the organizational level, law firms are becoming more 'business-like' (Brock, et. al. 1999), and increasingly concerned with issues of profitability and entrepreneurialism (Cooper et. al. 1996), yet still underpinned by collegial

values because partners remain the producers, decision-makers and owners (Pinnington and Morris 2003).

Lawyers' subjectively conceived identities have, though only infrequently, been the primary targets of research. This work suggests that 'lawyers' are a highly differentiated social category. For example, basic distinctions tend to be drawn between 'finders' or 'rainmakers' who bring work into a firm, 'minders' who perform administrative tasks, 'grinders' who do the client work, and 'binders' who foster firm cohesion (cf. Flood 1987; Nelson 1988; Lazega 2001). Studies of different specialist lawyers, such as divorce lawyers (Sarat and Felstinger 1986), white collar defense attorneys (Mann 1985) and personal injury lawyers (Rosenthal 1974), are testament to the existence of highly nuanced identity options<sup>2</sup>. Another fundamental division is that between 'external' lawyers who work in law firms, and 'in-house' lawyers working in other organizations (Pinnington et. al. 2009). Focussing specifically on 'in-house' or 'inside counsel' in large corporations, Nelson and Nielsen (2000: 488) identify three ideal types of lawyer – cops, counsel and entrepreneurs – who 'overwhelmingly cling to a self-image as lawyers' yet define their roles differently (see also, Gunz and Gunz 2007). None of this work, however, has considered how lawyers' identities are effects of power, or the role of routines in disciplining versions of their selves (cf. Sandberg and Pinnington 2009).

### **Disciplinary Power**

Predicated on an understanding that 'power seeps into the very grain of individuals' (Foucault 1979: 28), we analyze routine activities as techniques which aim to transform notionally autonomous professionals into corporate duplicates of the organization (cf. Starkey and McKinlay 1998; Townley 1993). There exist a number of kindred studies of the role of disciplinary practices in other professional organizations, notably accountancy firms (e.g., Anderson-Gough et al. 2001; Covaleski

1998; Grey 1994; Hoskin and Macve 1986; Miller and O’Leary 1987), and also management consultancies (e.g., Bergstrom et. al. 2009). Disciplinary power operates through processes in which individuals are measured and compared, using certain norms or standards, to produce hierarchies of differentiation and impose a value on them. Those who are deemed to fail to meet minimum, average or optimum standards are identified and targeted with remedial programmes designed to adjust and correct behaviour, resulting in increased homogeneity. Such power is ‘discrete, regular, generalized and uninterrupted’ (Burrell 1998: 21); it is not merely repressive but productive, and it constitutes organizations as calculable arenas in which individuals are fabricated as subjects.

The discipline which is enforced through, for example, normalization and surveillance leads a person to assume ‘responsibility for the constraints of power’ and become ‘the principle of his own subjection’ (Foucault 1979: 202-3). Disciplinary technologies are thus intertwined with technologies of the self (Foucault 1988: 18), processes of self-examination and objectivization of the self by the self such that an individual becomes tied to the intentions and actions s/he avows. Research which suggests that lawyers are preoccupied with accounting for time (Flood 1991; Leblebici 2007) identified them to us for the study of how talk about the time/billing routine exercises a disciplinary function. Through avowal individuals scrutinize and transform themselves, which in organizational settings often means acting in response to institutional injunctions to be more prototypically conforming: ‘power is everywhere not because it embraces everything but because it comes from everywhere’ (Foucault 1980: 93). In short, people evolve not just as reflexively self-regarding agents, but also as part-colonized subjects who provide accounts of their selves in vocabularies made available by disciplinary practices. Lawyers, noted for the ‘responsible autonomy’<sup>3</sup> they enjoy at work, are thus an ideal target for Foucauldian analysis focused on the ‘interweaving of subjectivity and power’ and how worker cooperation is accomplished through internalized self-discipline (Noble and Lupton 1998: 805).

Foucauldian-inspired research on the regulation of identities has sometimes been criticized for failing to address the ways people ‘agentially play with discursive resources’ (Newton 1998: 430) in their constitution as subjects of power/knowledge (e.g., Doolin 2002; Halford and Leonard 2005; Reed 2000). The point is that agency is inherent in the regulation of self-meaning (Clegg 1975, 1998), and that individuals’ manoeuvre in relation to discourses, accepting, blending and subverting them. Indeed, for Foucault ‘at the very heart of the power relationship, and constantly provoking it, are the recalcitrance of the will and the intransigence of freedom. Rather than speaking of an essential freedom, it would be better to speak of an “agonism” - of a relationship which is at the same time reciprocal incitation and struggle’ (Foucault 1983: 221-222). Subjects, then, are able to deform and divert the disciplinary practices and relations of power in which they are caught for purposes of their own (Foucault 1986: 101; Covalleski et al 1998). More than this, as Foucault suggests in his later work, it is through frameworks of discipline and self-knowledge that individuals create their selves as aesthetic projects: discipline is thus the necessary price that we pay for realizing desire (Foucault 1986: 5; McKinlay and Starkey 1998: 231).

## **Routines**

Introduced as a concept by Stene in 1940, routines are central features of human organizing and a primary means of goal accomplishment (e.g., Cyert and March 1963; March and Simon 1958; Nelson and Winter 1982; Thompson 1967). Routines are ‘repetitive, recognizable patterns of interdependent actions, carried out by multiple actors’ (Feldman and Pentland 2003: 95; cf. Cohen and Bacdayan 1994). In this paper, we highlight important elements of mindfulness underlying routinized behaviour (Levinthal and Rerup 2006), and how routines are ‘effortful accomplishments’ continually ‘worked at’ by those who sustain them in their day-to-day conduct (Giddens 1984: 86; Pentland and Rueter 1994). We draw on suggestions that routines are appropriately analyzable in terms of underlying capabilities (sometimes referred to as ‘genotype’, ‘potentiality’ or ‘stored



behavioural capacities’) and their behavioural manifestations (often styled as ‘phenotype’, ‘actuality’ or ‘patterns of action’) (cf. Hodgson 2008; Nelson and Winter 1982; Pentland, Haerem and Hillison 2010). We use in particular Feldman and Pentland’s (2003) theorization of routines which suggests they are ‘grammars of action’ with both ‘ostensive’ and ‘performative’ features that are reconciled in practice to deal flexibly with an unpredictable present (Feldman and Rafaeli 2002). The ostensive aspect is the ideal, schematic, abstract or generalized idea of the routine; it is the routine ‘in principle’. The performative aspect of a routine is the specific set of actions, people, places and times which constitute its performance; it is the routine ‘in practice’.

The ways that routines are implicated in relations of power has only prompted limited interest. Nevertheless, there is an established literature which analyzes how routines may be sources of accountability and political protection (Weber 1947; Crozier 1964). Braverman (1974) and Burawoy (1979) have theorized routines as means by which managerial controls may be exerted over a labour force and conflict suppressed. Other theorists suggest that routines promote perceptions of legitimacy for organizations by encouraging behaviours that conform to social norms (Feldman and March 1981; Meyer and Rowan 1977). Feldman and Pentland (2003: 110) have drawn valuable attention ‘to the inevitable importance of power’ in individuals’ reflexive participation in organizational routines. Nelson and Winter (1982) offer an understanding of routines as ‘truces’ which allow work to be accomplished while avoiding procedural warfare, thus hinting at the ways routines are systemically embedded in relations of power (cf. Clegg 1998). While routines are often regarded as reinforcing and reproducing existing hierarchies and power relations (Giddens 1984), yet change is also possible as a result of selective retention of variation in the performance of them (Campbell 1965, 1994; Feldman and Pentland 2003).

Few studies have explored specifically the relations between organizational routines and participants' subjectively construed identities. Research on accountants identities has examined the role of routinized aspects of work organizations in general (Grey, 1994) and some scholars have focused on specific (arguably routine) programmes and policies such as management by objectives and mentoring (Covaleski et. al., 1998) and systems of time management (Anderson-Gough et al 2001). Thornborrow and Brown (2009) have shown how routine processes of training in a military organization 'manufacture' certain kinds of soldier identities. Other studies relevant to our project have examined the role of 'time' in routine activities, and how 'units of time are often fixed by the rhythm of collective life' (Sorokin and Merton 1937: 615) to co-ordinate, synchronize and sequence productive behaviours (Coffey 1994; Hassard 2001; Moore 1963). Our interest is in actors' conceptions of time, practices of time-reckoning and symbolic management of time; all of which have been theorized as relevant in the structuration of organizations and the establishment of individual and organizational identities (Adam 1990; Anderson-Gough et al. 2001; Giddens 1984; Hassard 1991).

To summarize, we analyze how disciplinary power is exercised through talk about routines, and show how the subjectively construed identities of individuals and organizations are caught in on-going discursive struggles for 'closure' (Clegg 1989). We emphasize specifically the importance of routine time reckoning and billing as a discursive resource for individuals' narration of their work identities. The principal research contribution this paper makes is to analyze how lawyers' identities are disciplined by (and appropriated from) discourses centred on organizationally-based routines.

## **Research Design**

This interpretive study, or 'inquiry from the inside' (Evered and Louis 1981; Geertz 1973), was conceived in order to explore how understandings of work routines and identity were constituted in

discourse by lawyers. The rationale for this choice of research site was twofold. First, a law firm is a setting with features similar to established professions like accounting and medicine and knowledge-based occupations such as IT specialists and designers (Sandberg and Pinnington 2009). This means that findings from our research should have relevance for a broad community of scholars interested in knowledge-based professional firms. It also meant that from conception we could be fairly confident that a Foucauldian approach, which has been deployed in the study of other professionals, would be apposite and generative. Second, law firms are discursive economic entities in the sense that lawyers provide professional services to clients in the form, and through the medium, of language - both talking (e.g., defending/prosecuting in court) and writing (e.g., contracts, wills). Flood (1991: 48), for instance, found that corporate lawyers spent approximately fifty five percent of their chargeable time talking, and concluded that it was ‘through recurring talk that they [lawyers] constitute their worlds, organizations, and create their identities’. Lawyers then are a particularly interesting group for a discursive analysis of identity issues.

*Case Context.* LF had been formed in 1988 from the merger of two ‘traditional’ high street legal practices in the south of England, and subsequently oriented to focus on the provision of legal services to businesses. It was one of the very small number (less than 2% of the total) of law firms in the UK that have more than 25 partners, but which capture approximately 40% of total fee income (Morris and Pinnington 1998)<sup>4</sup>. Until 2000 LF had been run ‘*rather like a club*’ (Managing Partner), with a somewhat informal structure, no clear strategic priorities and little emphasis on managerial skills. Over the next five years, LF had been restructured into six ‘fee earning’ units headed by ‘team leaders’, a significant number of young, highly able lawyers were recruited, substantial organic growth had been complemented by acquisitions, and separate HRM, marketing and IT teams had been established. There was no clear separation of managerial and producing roles, and while there was some degree of specialization many partners engaged in business development, client

service and execution on a client-by-client basis i.e. it was essentially a traditional partnership onto which some corporate aspects had been grafted (Empson 2007; cf. Cooper et. al. 1996; Karreman, Sveningsson and Alvesson 2002; Pinnington and Morris 1996).

The firm was managed by a board, headed by a Managing Partner and a Chairman, which had broad strategic and operational responsibilities. It employed 350 people on five separate sites, and had a turnover of approximately £17 million. LF's internal organization was fairly standard, featuring equity partners, salaried partners, junior lawyers who were working toward partnership, and unqualified trainees undergoing on-the-job training, together with support staff, paralegals, administrators, and secretaries<sup>5</sup>. Alongside the official structure there was a hierarchy based on the ability to deliver fees – a structure of differential professional prestige and power, occasionally acknowledged by members, which ran contrary to their espoused concern for professional collegiality (cf. Bourdieu 1987; Lazega 2001)<sup>6</sup>. LF used the classic 'lock-step' principle which is a seniority-based system whereby newly appointed lawyers followed a rigid series of steps ultimately to achieve a maximum percentage share of the total profits. In keeping with much that has been written about the legal profession as a 'masculine cultural project' (Bolton and Muzio 2007: 653) in which female lawyers are sidelined by the patriarchal nature of the legal profession (Van Wormer and Bartollas 2000; Sommerlad 2008) most senior positions were occupied by men. While LF had, in common with other similar firms, evidently sought to become more 'business-like', yet participants also took pride in describing their company as centred by a concern for 'quality of life and a 'balanced' lifestyle (Kuhn 2006).

*Data Collection.* Access to the organization was granted by the Managing Partner in return for the promise of formal oral feedback of our observations at a 'partners' meeting'. The data for this research were collected mostly over a seven month period through 40 semi-structured interviews

which were audio recorded and then professionally transcribed. No individual refused to be interviewed, all the interviews were conducted in a friendly and open manner, and no one declined to answer any question that we asked. We initially identified 6 senior personnel to interview, and asked them to nominate others, also asked for their recommendations, and so on using a snowball method of sampling. All grades and types of staff were interviewed, from the Chairman and Managing Partner through Team Leaders, long-serving salaried and equity partners, and recently appointed junior lawyers, to support staff in HRM and Marketing and secretaries.

Conducted in employees' offices and in the firm's designated meeting rooms the interviews varied in length from 30 to 90 minutes, the average duration of each interview was approximately 55 minutes, and the total transcribed dataset was 280,000 words. We asked a broad range of questions focused on working practices, productivity and identity. For example: 'How is the productivity of individuals measured?' 'Are issues of productivity affected by people's concerns regarding their autonomy?' These data were supplemented by a large number of informal conversations with staff, e-mail exchanges, casual observations of employees at work, attendance at two off-site partners meetings, and a range of documentation including Internet pages, newspaper reports and marketing brochures. Early on in the process of data collection we came to focus specifically on processes of time reckoning and client billing, and modified our list of questions to reflect this, asking for example: 'how do you record the time you spend on work projects?' 'What issues do you face in billing clients?' and 'Why do people discount?' This decision reflected the significance that lawyers themselves seemed to attribute to these activities.

*Data Analysis.* Our analysis of the data was informed by an assumption that discourse, 'the structured collections of texts embodied in the practices of talking and writing' (Grant, et. al. 2004: 3), is 'perhaps the primary medium of social control and power' (Fairclough 1989: 3). While our

procedures were relatively systematic, we recognize that the authorial choices we have made reflect our (doubtless idiosyncratic) preferences, and that this article is a ‘textual collusion’ (Fuller and Lee, 1997) in which we, our reviewers, editors and other readers are implicated in relations of power (Rhodes, 2001). This said, the process of analysis involved several closely related steps. In order to ‘identify the salient grounded categories of meaning held by participants in the setting’ (Marshall and Rossman 1995: 114), we read our data searching for common themes (Glaser and Strauss 1967). A large number of extremely diverse coded categories were generated, such as ‘professionalism’, ‘efficiency’, ‘discounting’ and ‘temporality’ and inserted relevant data extracts into separate files.

We then sought to link these themes together into more coherent chunks of text, adding new and deleting marginal codes as we gained a clearer picture of what was important in our data set. Over time we came to focus on lawyers’ detailed accounts of their routine recording of their time and preparation of bills for clients. This led us to consider how lawyers’ understandings of their work selves were disciplined and appropriated from talk about these activities. We next spent several months iteratively circling back and forth between our transcripts, coded data files and relevant literatures, seeking to deepen our understanding of the discursive constitution of normative lawyer identities and the role of routine time keeping and billing in actors’ understandings of what it meant to be a productive professional. In writing up and theorizing our data we used Feldman and Pentland’s (2003) distinction between the ‘ostensive’ (in principle) and ‘performative’ (in practice) aspects of routines, the former of which sheds light on disciplinary processes, and the latter on practices of appropriation. Consonant with Foucault (1980: 96-102) our focus was on power in its local forms, how power was exercised in relation to its immediate targets, how it ‘circulated’ such that subjects were constituted through the exercise of power and struggle in a localized system of observation and control.

## **Identities, Discipline and Routine**

### **Talk about the routine ‘in principle’**

Descriptions of the time/billing routine involved broad sets of inter-linked activity: conducting work; recording the time taken in six-minute intervals on an electronic clock; writing a descriptive narrative for each job; day-end posting of this information onto a database; on completing a task, retrieving the total time spent on it from the database; drawing up and sending a bill based on time taken and standard fee rates; then, if a bill was disputed, (a not infrequent occurrence), liaising with the client until agreement was reached (or in rare instances, legal action taken)<sup>7</sup>. The routine was structured by a piece of software called *Lawsoft*, and the system was set up so that all fee earners had to log seven hours of work each day in seventy six-minute units. Each fee earner was supposed to achieve 1300 billable (chargeable) hours per annum<sup>8</sup>. The software allowed them to open, record their work and then close a series of clock folders as they began and finished different jobs. In outline, the routine was characterized thus: ‘...*you do the job, you put it on the clock, you bill it*’ (Partner #1, City 1).

The lawyers gave very detailed accounts of how their daily lives were routinized, tending to focus on the need to record meticulously every work-related activity in units of six minutes:

*‘I record my time on the time clock which is clicking up by the second. And I will keep my clock open, not necessarily running, all day on a matter. I click off the clock when I’ve finished that matter and I click it on when I have something on that matter. So I will record the time for the day, I will do my attendance note for the day, and I will paste extracts from my attendance note into the narrative in the accounts system’* (Partner #1, Corporate Team).

*‘If you phoned me in my office, I would receive your call by immediately opening up a time clock and that clock will start running as soon as we start speaking or as soon as I get it running. And then, after our conversation and I’d completed whatever instruction you’ve given me, then the clock would stop and I’d post it, complete that clock and move onto the next job. And at the end of the day it’s all added up’* (Associate Solicitor #1).

Lawyers generally insisted that they, and most other personnel in LF, were assiduous in their recording of time, and that this, together with its ‘recovery’ in the form of fees, was a (or even ‘the’) key aspect of their work identities:

*‘I’m diligent about recording, very diligent. I record every single note - chargeable time, non chargeable time’* (Partner #4, Corporate Team).

*‘...the principal purpose for me today, sat here in this seat contributing to this firm, is to make bloody certain I record that time and recover it’* (Partner #2, Corporate Team).

*Discipline and Identity.* Talk about the ostensive form of the routine clearly exercised a disciplinary function, enforced through external and self-surveillance. For example, all the lawyers said that it was LF’s policy that everyone should record how they used their time (with no exceptions) so ‘...if you go to the toilet and think about something you should write it down’ (Partner, Real Estate). The importance of conscientiously keeping accurate time records was consistently emphasized by partners:

*‘...I’ve banged on about for a long time - if it takes you 5 hours to write a one paragraph letter, record the 5 hours....’* (Head, Tax, Trusts and Wills).

*‘We’re told. It’s very clear. All the protocols and mandates are: record every minute’* (Partner #3, Corporate Team).

These messages were accompanied by surveillance of juniors’ performance through monthly monitoring and reports on partner performance (on an individual and team basis) produced by the Finance Director. Associates, who had not yet reached partner status, were also sometimes given access to their whole team’s performance information. Partners, empowered to judge, were thus also objectified as they were subjected to the same regime of calculability that they themselves enforced. In those instances where a pattern of under-achievement was discerned, remedial action would be taken:

*‘I can look at any timesheet the way my system’s been set up ... And if you see a pattern develop over say 3 days you think to yourself “well we’ve got a problem here let’s go and talk to them”’* (Chairman).



*‘...on a intermittent basis I have discussions with my boss. He’ll want to go through my timesheet, and say well “why so much management admin, why have you put that down, are you just not recording it properly or....?”’ (Solicitor #2).*

Some lawyers, in particular the Managing Partner, Chairman and other senior equity partners and directors, recognized that there were limits to the effectiveness of external monitoring and control, and spoke of the need for individuals to internalize the requirement to maintain adequate records of their time. In addition to monthly reports on billable hours and fees they raised, individuals were encouraged to monitor continuously their own performance (which they could do via their computers). ‘Discipline’ was a frequently used term to describe how ‘good’ lawyers behaved:

*‘...making time productive requires self discipline’ (Chairman).*

*‘...It [recording time] enables you to assess the value of the work as it’s being done. It’s a useful discipline. You must record that telephone call or you don’t achieve your chargeable hours target’ (Head, Tax, Trusts and Wills).*

*‘If people don’t have that kind of discipline of recording their time what would happen is they wouldn’t do it and they’d get to the end of the week and think “what have I done this week?”’ (Director of HR).*

People recognized that being seen not to record time effectively *‘will impact on your promotional prospects’* (Associate Solicitor #1). At LF, routine accounting for time and its negotiation were talking points through which lawyers verbalized thoughts, feelings and intentions about their selves so as to better know and change their selves and others (generally, they said, in order to be more productive, more efficient in their use of time):

*‘It [time recording] also makes you more conscious if you are wasting time and, if you’ve got 5 things on your desk and you flit in between each of them, and you’re not recording anything, it makes you focus more. You tend to stick to .... “don’t pick anything else up until I’ve done this, record it and move on to the next one”’ (Solicitor #2).*

The time/billing routine was thus a normalizing technique that subjugated lawyers by rendering them subject to processes of comparison and correction, and as such was equivalent to other recognized disciplinary techniques such as dress codes, and timetables. It was a means of measuring labour and binding them to a system with which they came to define their organizational reality and their own identities (cf. Covalski et al 1998: 302; Grey 1994): to be a productive lawyer (and law

firm) meant engaging effectively in the time/billing routine. Concomitantly, this activity made them recordable, visible, and calculable and allowed comparisons of an individual's documented achievements against organizational norms. Time-related routines led to processes of normalization which produced hierarchies of differentiation through quantitative measurements by which the firm hoped to change people's behaviours. Billable hour and fee recovery targets (hourly, daily, weekly, monthly) were kinds of quasi-contracts, to be 'enforced' if an individual departed from established norms. This was a continuous process of fabrication through which individuals were disciplined, and selves objectified and transformed into manageable and self-managing subjects.

The system of time/billing may also be theorized as a technology of the self, a form of action by which people were urged to talk about themselves, by which subjects came to be tied to their identity. For junior staff, knowing that promotion was in part dependent on particular kinds of routine action rendered continuously salient the apparent need to conform. It served to infuse individuals with the norms and values of their organization, and led them to exert self-discipline within coordinates imposed by the firm. To the extent that lawyers talked about their selves in terms specified by the firm's protocols it constituted a system of avowal in which they were discursively constructed, their failings highlighted, improvements specified and forces for normalization enjoined. As such, their routines combined with specified goals were remedies for the tendency of lawyers to make their 'craft or function an end in itself' (Drucker 1993: 432):

*'[L]awyers have to adapt to that change because they traditionally went to law school to learn law and they want to come into the market place and just practice law rather than look at it from a business point of view'* (Partner).

Their routines were a disciplinary technique that encoded organizational goals within individuals so that in generating individually favourable outcomes lawyers also worked towards organizational goals: individual and organizational objectives were made consonant, and each individual's contribution to the whole was rendered explicit (Townley 1994: 125).

### **Talk about the routine ‘in practice’**

Accounts of the ‘performative’ aspect of the time/billing routine were rich and diverse, reflecting observations that practice is inherently improvisational (Bourdieu 1977, 1990) and that people are reflexively self-aware (Giddens 1984): most lawyers used electronic time clocks conscientiously, but some spoke of their reliance on secretaries to input this data, and others simply made hand-written or mental notes. They admitted to making mistakes and making things up, and to continuously making judgement calls about what reasonably counted as six minutes worth of work. In billing clients they said that they creatively took into account a range of contextual factors, such as the firm’s fee rates, initial estimates, professional intuitions regarding what a job was worth, how peers and superiors would regard the bill, and guesses about what the client would pay. Thus were descriptions of the performances of these routines anything but standard, automatic or mindless. Rather, they were deliberative enactments, involving evaluations, judgements, reflection, talk and actions. As such, they were performances of the self, calculated avowals of their professional identities as lawyers.

That is, although pervasive, disciplinary practices were not omnipotent, but were instead appropriated by lawyers to suit them. Power relations depend on multiple points of resistance which like power, is ‘capillary’ in that it takes a variety of local forms and is ‘distributed irregularly in points and knots of varying intensities and densities at different times and in different places’ (Foucault 1986: 96). This was symptomized by the views of the Managing Partner and the Chairman, neither of whom was satisfied that staff were recording time, or monitoring others’ recording of time, with the necessary zeal. That the firm’s procedures were not wholly effective, they said, was evident in the ‘fact’ that across LF the target 1300 billable hours had not been met in the two years prior to this research: in 2004 the average number of hours billed per lawyer had been 960 and in 2005 it had been 990:

*‘Some partners do not understand how to use the management information systems, while others are more focused on their own performance, not their staff’ (Chairman).*

Appropriation of aspects of the routine among lawyers took many forms. For example, a small number of generally older and more senior individuals refused to use the computerized clocks, insisting that they filled-in hand-written time sheets, and then transferred this information on to the electronic system. There was also some evident variation between individuals in terms of how they interpreted the need to record activities against time, and this seemed to reflect attempts to adapt the routine to suit personal preferences rather than follow to the letter the firm’s strictures<sup>9</sup>:

*‘Well you spend 2 minutes with a client on the phone you put down 6 minutes I think there’s room for some latitude there, anyway, some discretion’ (Team Leader, Family).*

Yet relatively few lawyers suggested that they or their colleagues deliberately subverted organizational routines, and accounted for their recalcitrance in other ways:

*‘I think some people are a bit concerned that they’re wasting time actually in-putting on there, and they’ll try and get secretaries to do it for them’ (Solicitor #2).*

They said that their re-interpretation of routine activities for their own purposes was done for three principal sets of reasons: in order to deal with the practicalities of their work, in particular the need for client management, to which the firm’s systems were insensitive; for impression management purposes; and in the exercise of their judgement as legal professionals.

*Practicalities.* Staff accepted ‘...you’ll never bill for 100% because life ‘aint like that’ (Partner, Real Estate) and that ‘...all firms do write-offs’ (Head, Corporate, Commercial and Employment). Nevertheless, the extent of fee income ‘write off’ at LF was generally said to be problematic, with estimates of the recovery rate across the business varying from 75% to 80%. The practice of engaging in multiple rounds of ‘discounting’ was recognized as endemic but explanations varied. One group explained that it occurred on those occasions when fee earners failed to evaluate correctly the amount of work involved with an assignment and set the client’s fee expectations too low, and when the lawyers were especially busy:

*‘...If it happens to take longer [than anticipated] then I’ll write off, and I’ll learn from that’* (Partner#1, Corporate Team).

*‘I think the problem with time recording basis of assessment is that at your busiest, you’ve got less time to actually sit there and input the time’* (Partner #2, Corporate Team).

A second set of explanations for discounting centred on client management issues which, they said, often over-rode demands of the system. Many said that when they came to examine how the hours of work they had recorded were translated into actual invoices to be sent to clients ‘...*you think gosh I’ve spent £5K worth of time on that job, what can I bill the client?*’ (Partner, Real Estate). The Managing Partner described how his staff, having already discounted their hours, would then ‘...*pull down their time sheet and look at it and think gosh that comes out at £1000, can’t possibly charge £1000, we’ll charge £800. And quite a lot of that goes on*’. One part of their rationale for not fully translating time recorded into bills, they said, was that they ‘knew’ clients would not always pay them, and that it was better to pre-empt client-management problems by adjusting invoices:

*‘I might think “I’ve got all the time down it’s £4000 but wincing he’s never going to pay £4000 and I’ve never even discussed it with you so I’m only going to bill you for £2000”. So on that one you’d get a recovery rate of 50%’* (Partner #3, Corporate Team).

Such comments resonate with the findings of studies of other knowledge workers such as accountants and auditors, for whom it is commonly prudent ‘not to record all the hours worked on a specific client audit’ (Anderson-Gough, et. al. 2001: 115). They also echo the many accounts in the socio-legal studies literature of the key importance, and difficulties lawyers’ face, in retaining their clients (e.g., Flood 1999).

*Impression Management.* Engagement with the firm’s time/billing routine was informed by concerns regarding their peers and superiors perceptions and evaluations of them. Discourses centred on routine procedures shaped lawyer subjectivity towards timing and billing, but their precise effects were uncertain and contingent. At one extreme, staff in the City 1 office said with pride that they

were able to recover more than 100% of their time worked (against LF fee rates), and liked to compare their figures with those of other offices:

*‘Yes, if you look at City 2’s figures they’re round about the ....75% of the time that they recorded they bill, if you look at our figures it’s about 150%; we bill more time than we record’ (Partner #1, City 1).*

Other (especially more junior) lawyers, however, were preoccupied with representing themselves as competent professionals (avoiding criticism) while taking longer than they ‘ought’ to complete tasks, by under-recording time:

*‘A lot of the more junior fee earners think “I shouldn’t have spent that long so I’m only going to put down half of what I’ve actually spent”’ (Solicitor #1, Corporate Team).*

*‘There is this fear where people think they’ve got to deal with the time and they’ll be criticised if they put down too much time’ (Partner, Real Estate).*

More established lawyers sometimes preferred to be seen to meet their targets for billable hours, at the cost of a low recovery rate. Indeed, there were some complaints that the performance measurement system encouraged this kind of game playing:

*If you measure people’s performance by hours and you give them an IT system that won’t shut down everyday until they’ve got a set requisite number of hours on the clock, whether it’s chargeable or not, means that people will load un-sellable time onto the system, which is what people do. And the individual fee earners will do that in order to avoid the spotlight falling on them at the end of every day, every week, every year’ (Partner #1, City 1).*

In playing the ‘*politics of time*’ (Anderson-Gough et al., 2001) lawyers both endured and contested temporal disciplinary routines. Mostly, rather than total support or overt resistance, lawyers appropriated systems and technologies in ways which met partially the objectives of the firm but which made sense to them and their individually specific subject position within the firm (cf. Doolin 2002). For example, juniors said they were more intensely surveilled than partners and expressed more concerns about their need to effectively impression manage; senior equity partners were more able, they said, to co-opt or by-pass the electronic systems to suit their selves.

*Professional identities.* In their talk about flexing and adapting routine systems, and their concern to cultivate others' positive perceptions of them, lawyers were evidently preoccupied with their professional identities. One aspect of this was concern that as their primary function was to 'sell time at a price' (Partner #1, Milton Keynes), so they were (or were becoming) service-providing trade's people:

*'All we do is provide a service like a plumber, or anyone else, there's no difference'* (Partner #2, Corporate Team).

*'We're becoming more of a commodity'* (Head, Property Team).

Perhaps in order to counter understandings of the self as commoditized, routine-following automata, lawyers emphasized the discretion they had to log time as they saw fit:

*'If an e-mail comes in that says "yes", some people will bill that as a 6-minute unit, and do an e-mail out saying "OK", some people will bill that as a 6-minute unit.'* (Partner #1, Milton Keynes).

*'I might have 3 calls in 6 minutes and the clock will be running and they will be charged at 1 unit for 3 calls, not 18 units'* (Partner #1, Corporate Team).

In explaining why they did not always fully record the time they had taken to complete a job, they said that they tended to use their professional judgement, or tacit knowledge gained from experience of what a job was 'worth' and was 'fair':

*'I know if I've got to produce a share purchase agreement, it's worth three or four hours' worth of time. Now there might be reasons why...it's taken me 8 hours to produce it – I won't put 8 hours on my timesheet, I'll put 5....'* (Partner #2, Corporate Team).

*'...you think, "I can't genuinely charge for just leaving a message on an answer machine or whatever" ... I think you can legitimately say "well I don't think it is fair to charge that client for one unit of my time £19 or £20 now"'* (Team Leader, Family).

Lawyers also talked about recording additional chargeable hours because of the perceived value of the work accomplished:

*'Sometimes I change it [the bill] up because I think "bloody hell I've just produced a 50 page agreement in half an hour there's no way we're only charging £75 for that"'* (Solicitor #1, Corporate Team).

There were also intriguing discussions of perceived discomfort when dealing with invoicing:

*‘...traditionally lawyers do not like billing clients they don’t like talking about money’*  
(Director of HRM).

*‘...they’re uncomfortable with having a discussion as to things which they might think don’t fit with that client care model. I think historically there’s always been a bit “it’s not very nice to talk about costs”’* (Partner #2, Corporate Team).

The picture that emerges is of lawyers seeking to establish and protect professional identities as institutionally productive but self-reflexive and quasi-autonomous individuals. This appropriation of discourses centred on timing/billing was a form of identity work used to secure a stable sense of self (Knights and McCabe 2000; Willmott 1994). Lawyers’ engagement with the organizational routine was also simultaneously an interrogation; often mindful and rarely unproblematic, in which the objectives of the firm were just one factor that impinged on their achievement of them. Individuals’ discursive participation in the time/billing routine always involved processes of negotiation in which the requirements of the system were articulated in the context of individually-specific considerations. In making their decisions whether and how to use IT, what hours to record and how to translate time into invoices, lawyers deformed, diverted and subverted the firm’s systems. Simultaneously, they construed their identities as professionals with discretionary power and preserved privileged individualized relations with clients. Talk about this revealed a variety of distinct professional identities based on hierarchical position, concern to retain clients, approach to time reckoning and charging and so forth. There was a largely non-confrontational co-optation of organizational routines, a strategic engagement and continued reconstitution of systems of meaning that informed processes of organizing at LF.

In declining to occlude agency our analysis suggests that, in the main, what lawyers were talking about was not a ‘conventional’ form of worker resistance that operated either covertly or openly, but an individualized *appropriation* of discursive resources for their own purposes. This finding is consonant with other research which has shown that individuals are often creative, with levels of ‘discursive consciousness’ (Giddens 1979) sufficient to participate in mechanisms of control for



their own ends (Mumby 2005: 29). As in other studies, appropriation was shifting, contextual, tensional and collusive (Kondo 1990), and was characterised by ‘subtle subversions’ and ‘ambiguous accommodations’ (Prasad and Prasad 1998). Lawyers were engaged in ‘a constant process of adaptation, subversion and reinscription of dominant discourses’ (Thomas and Davies 2005: 687) as they sought to exploit looseness around meanings, what Sawicki (1994) refers to as the ‘tactical polyvalence of discourses’, by adapting the disciplinary technologies that constituted individuals’ subjectivity. What this suggests is that ‘even the most sedimented practices are precarious and – to a certain degree – arbitrary’ (Mumby 2005: 38); though lawyers’ co-optation of their routine was largely in pursuit of goals specified by the firm<sup>10</sup>.

## **Discussion**

In this section, we discuss how lawyers’ understandings of their work selves were disciplined through their talk about the time/billing routine, and how they adapted the disciplinary processes to which they were subject. We argue that talk about the routine in principle (ostensive aspects) exercised a disciplinary function, while talk about the routine in practice (performative aspects) constituted the scope that lawyers’ had to exercise agency<sup>11</sup>. We also outline the implications of our research for studies of identity in professional organizations, the power that inheres in processes of organizing, and routines. Finally, we comment on some of the features of our study that limit its theoretical appeal and applicability across settings, before drawing some brief conclusions.

### **Identities, Discipline and Routines**

Talk about the ostensive aspect of the time/billing routine disciplined lawyers’ identity work. The discourse which constituted the routine ‘in principle’ transformed lawyers into managed and self-managing subjects through ongoing processes of normalization (e.g., enforced through the 1300 billable hours target), measurement (e.g., against the billable hours and recovery targets),

comparison (with other individual lawyers and on a team basis), correction (through discussion and appraisal with peers and superiors), technologies of the self (e.g., monitoring one's own performance against norms), and avowal (e.g., expressions of support for the routine and its systems). Lawyers' talk centred on 'a highly patterned series of temporal conventions' which enforced a kind of 'temporal rigidification' (Hassard 2001; Sorokin and Merton 1937) and encapsulated a worldview that sacralized 'time', rendering it an aspect of individual and collective selves: every record of what an actor did being a record of what sort of lawyer the person (and the firm) was – productive or unproductive, high or low-fee earning, engaged in prestigious or mundane work. This was a discursive formation which sought simultaneously to reassure lawyers that they were empowered professionals while constituting them as subjects of an instrumental managerialist discourse (cf. Doolin 2002: 386).

Lawyers' talk about their performance of the time/billing routine, constituted the extent to which they were not wholly colonized by power/knowledge but able to liberate themselves from normalizing and totalizing tendencies of local discourses. Their articulations of the flexible and varied performances of the routine reflected their capacity for individual agency, their ability to selectively recognize, locate and implement routines 'in their ongoing and situated transactions' (Emirbayers and Mische 1998: 975). Rather than mere 'objects' in 'truth games', the lawyers were, to an extent, self-referencing and self-creating 'subjects' who entered into their own formation, and 'manoeuvre[d] in relation to discourses of management and enterprise, whether in acceptance, resistance or subversion' (Doolin 2002: 370). In enjoining disciplinary processes lawyers were able to realize their desire to be productive legal professionals. Discipline, then, was the necessary price that they paid for working continuously on valued identities (Foucault 1986: 10-11; Starkey and McKinlay 1998). In LF as in other professional service firms, the domains of control and un-control

overlapped: disciplinary power, professional discretion, and technocratic control were all bundled in complex ways (cf. Karreman and Alvesson 2004).

Our analysis suggests that identity work is more nuanced than simplistic control-resistance dualisms imply, and that researchers might valuably emphasize the ambiguity and complexity inherent in processes of self-construction. Lawyers' subjectivities were enmeshed in relations of power in a regime of surveillance and avowal in which individuals were transformed within co-constructed discursive frameworks which afforded some discretion regarding, for instance, how much time to spend in the office, whether to communicate to others or pursue business leads, and whether/how to employ IT. In talking about how bureaucratic systems were adapted, personalized relations with clients were conserved, and individualized pockets of power/knowledge were maintained, lawyers fashioned their selves as notionally autonomous professionals. Yet, the expressed concern of lawyers was not to battle the systems to which they were subject, and few expressed cynicism, used humour, or pointed out ironic inconsistencies in the firm's policies. Their articulations lead us to an understanding of disciplined agency as fluid and generative, in which professionals are recognized as able to confront and reflect on their identity performances, discern tensions, and pervert and shift subtly meanings and understandings (cf. Thomas and Davies 2005)<sup>12</sup>.

In talking about routines lawyers narrated their selves in ways which revealed subjectively construed identities as multiple (e.g. professional but also pragmatic), fluid and relational (in response to personal preferences and circumstances), and grounded in context (anchored to a prescribed yet flexible routine) (cf. Featherstone and Lash 1995: 20). Professionals, we suggest, are unlikely to be corporate clones, and may best be regarded as reflexive appropriators of organizational discourses in pursuit of valued work objectives and preferred identities. Lawyers' articulations emphasized not just their desire to be 'productive' in terms specified by the organization, but also their scope for

discretion, distaste for arguing over money, and delight in exercising personal judgement. This said, lawyers' assertions of their selves were also, arguably, symptomatic of the extent to which disciplinary power was effective as these all assisted their pursuit of organizationally mandated goals. Their discursive identity work centred on notionally routine actions provided lawyers with the 'wriggle room' they needed to author preferred versions of their selves while concomitantly managing their work and clients in order to make LF productive and successful (Clarke, Brown and Hope Hailey 2009). Such work revealed LF as a site of competing rationalities existing in tension: productivity maximization centred on technology-facilitated routine action, and the autonomy desired and indeed demanded by the exigencies of practice and impression management. Here, control was continuous, generalized and pervasive, affecting everyone all the time, but only partially effective. We should think in terms of reciprocities, of incitations and provocations to which lawyers orientated: the intransigence of conflicting discourses met the recalcitrance of agency in a continuously manufactured 'agonism' (Foucault 1983: 221-222). That is, identities are fabricated, but within webs of meaning that individuals have themselves helped to spin.

### **Implications for identity research**

Our research highlights opportunities for further research into how identity work is disciplined by, and draws on, talk about routines. For example, do different kinds of routines in different professional settings tend to fabricate different kinds of identities? How are these identities co-opted, displaced and appropriated by individuals? How do routines centred on, for instance, promotion differ in their identity-defining disciplinary effects from those concerned with appraisal? Do all routines of a particular kind, say those involving clients, specify identities in similar ways? Are the disciplinary implications for identity work of similar routines common across different types of professional organization? What kinds of similarities and differences are there in the identity work conducted by individuals in different organizations within the same industry? How are

commonalities and divergencies best accounted for and explained? While critical and discursive scholars have often been reluctant to adopt programmatic approaches, raising and exploring series of related research questions may represent our best chance to establish more firmly our niche within management and organization studies.

There is a continuing need for nuanced research which recognizes that individuals are products of the social techniques of power, and which seeks to render visible ‘the discursive practices that make knowledge of the individual/arena possible’ (Townley 1998: 206). The recognition that disciplinary practices transform professionals in organizations into managed and self-managing subjects raises multiple questions for research: how do individuals come to narrate their selves with reference to certain discourses rather than others? How do the same routines manufacture different identities, statuses and judgements about work performances? Is it always the case that professionals author their notionally ‘independent’ selves in ways which are supportive of their organizations, or are there instances where such workers discursively create versions of who they are that counter directly the espoused goals of their companies? If so, how do these refractory selves develop and how do organizations seek to respond to them? While we have some tentative answers to some versions of these questions, there is considerable territory yet to be explored. There is also the need for research on other professional knowledge workers, such as software developers, doctors, engineers and architects, which questions fundamentally views of them as largely independent and autonomous, and focuses instead on how their conceptions of self are marshalled and policed.

Greater attention needs to be paid to how routines are practices of control which fabricate professional identities through identity work. Talk about the routines in which they participate is one way that the criteria and languages of professionals is inscribed and internalized. While, as we have illustrated, routines concerned with performance management are identity defining, all

organizational routines are likely to have some disciplinary corollaries. Lawyers' work days are structured by routines centred on filing, case work, client-interactions, and regular formal meetings with colleagues, all of which merit investigation into how they discipline, and are resources for, identity work (cf. Flood 1987). More generally across professional organizations, routines for everything from the hiring of new staff to new product development can be researched to unpick precisely how they serve a disciplinary function through surfacing and reinforcing local preferred criteria by which people are called upon to know and to constitute their selves. In particular, empirical research is needed on the routines whereby professionals in other knowledge-intensive organizations, such as marketing and management consultancies, are made to adjust, monitor and conform to organizationally prescribed patterns of behaviour.

*Limitations.* As with all such projects this study has limitations and these again suggest the need for further research. One palpable limitation is that we have focused on a single routine in one organization in an industry with some unique characteristics: additional studies are required to explore how disciplinary power is exercised through talk about other kinds of routines both in law firms and in other professional contexts. Perhaps most important, are the limitations inherent in our Foucauldian perspective, which insists that power is productive of reality, and produces 'domains of objects and rituals of truth' (Foucault 1977: 194). As disciplinary power exists 'in every perception, every judgement, every act' (Deetz, 1992: 37), so it assumes by fiat that all organizational routines are aspects of power with, (at least potentially), identity-defining effects. Other conceptions of power would yield very different analyses. For instance, from a Weberian perspective, further work is required to investigate how routines are 'structures of domination' through which power is instrumentalized in order to justify and stabilize obedience (cf. Courpasson 2000). Building on Crozier (1962, 1964) researchers may also examine routines as means for people and organizations to control uncertainty, and focus on how individuals negotiate their positions and play with rules in

pursuit of their own perceived interests (cf. Friedberg 1993). There are, of course, many other possibilities.

## **Conclusions**

This study has analyzed lawyers' talk about a work routine, the disciplinary processes to which they were subject, and their efforts to appropriate discursive resources to author pragmatic and nuanced versions of their professional selves. It is through studies such as ours that we can begin to understand 'the simultaneous production of empowerment and repression, commitment and control' that theorists have increasingly called for (Townley 1998: 207; cf. Starkey and McKinlay 1998). As increasing numbers of employees find work in professional and knowledge-intensive firms, Foucauldian analyses of their organizational routines may serve as a useful bulwark against idealized views of them as somehow 'freer' than other categories of worker. Refusing to be simply characterized as a duplicate of an organization, exercising a sophisticated reflexivity, insisting on using personal judgement and taste, and using discretion, do not make one any less a product of power when all these are deployed in pursuit of corporate goals. Thus is Foucault's (1983: 216) injunction that we should 'refuse what we are' directly relevant to those professionals whose understanding of what it is to be an individual is circumscribed by available discourses, and prescribed by normalizing disciplinary practices.

Identity work is not merely an expression of agency but also of power (Noble and Lupton 1998: 808). Power suffuses processes of organizing including organization of the self. Disciplinary power is not, or not just sporadic and spectacular, but regular and monotonous rendering essential in identity studies a focus on talk about routines – the mundane, everyday, repeated patterns of activity which characterize processes of (self) organizing. Organizational routines are the principle and the practice of normalization, though the discipline that discourse centred on routines enforces does not

always result in homogeneity. While identities are grounded in talk about routines and the technologies they implicate, this is accomplished through processes of appropriation through which they are 'domesticated' and work spaces made more habitable.



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## Notes

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<sup>1</sup> Our concern is centred on lawyers' accounts of their time reckoning and client billing routine. Despite timing/billing being a pivotal routine for lawyers, an integral part of the legal profession's attempts to establish legitimacy and an 'outward extension of its prerogatives and practices' (Terdiman 1987: 809), 'the subject receives very little attention in academic research' (Leblebici 2007: 118). Billing based on time, rather than uniform fee schedules, dates from the 1950s (Kritzer 2002) and endures despite numerous problems associated with its systematization; for example, presenting lawyers with incentives to maximize hours worked rather than resolve a case and law firms to inflate their services through over-staffing, thereby indirectly penalizing more efficient lawyers (Clark 1989; Landers et. al., 1996). Researchers have offered multiple explanations for the rise and persistence of hourly billing, based on agency theory, power and interests, coercive and normative institutionalization, and institutional context (Flood 1987; Landers et. al. 1996; Leblebici 2007; Smigel 1969) but the important linkages between lawyers' accounts of their time recording/billing routines and identity have not yet been explored.

<sup>2</sup> Boon and Flood (1999), for instance, distinguish between corporate and criminal lawyers, suggesting that corporate lawyers are more entrepreneurial and have a stronger desire to be 'the supreme lawyer' (p.623).

<sup>3</sup> For recent work on lawyers' task autonomy see Malhotra and Morris (2009) and Von Nordenflycht (2010).

<sup>4</sup> While several partners in the finance division had recently left, in general there had been minimal partner turnover and the client base was also relatively stable. Indeed, interviewees' said that their business model emphasized long-term relationship building with clients.

<sup>5</sup> The leverage ratio, i.e. the number of non-partner lawyers to equity partners, was 5.5:1. This figure should be understood in the context that in 2009 the UK range was from 11.8:1 to 1.4:1, meaning that LF was in this respect unexceptional.

<sup>6</sup> We were unable to obtain precise information on the balance between template ready and more complex but lucrative opportunities. That said, of the 27 distinct service lines offered by LF, 11 were associated with specialist staff who were engaged primarily in non-standard, tailored service provision.

<sup>7</sup> While it may be objected that this is an organizationally mandated 'individual routine', (rather than an organizational routine which involves multiple participants engaged in interdependent actions), this would be to underplay the extent to which its conduct involved many parties: IT staff designed and operated the technology, HR staff organized training programmes in time management, secretarial and administrative staff collated and printed lawyers' records, most lawyers acted as sounding boards and advisers to their colleagues, senior lawyers were involved in monitoring, reviewing and giving feedback to individuals and teams, and clients provided lawyers with work and had to be persuaded to pay commercial rates for it.

<sup>8</sup> This figure was considered unrealistically high by many lawyers working at LF, some of whom struggled to find this number of billable hours, and many of whom were more interested in 'quality of life' issues than revenue maximization. The 1300 billable hours figure should, however, be understood in the context of other studies which together suggest that it was a relatively modest target. Nelson's study of four large law firms in Chicago (1983), for instance, found that large metropolitan firms insisted that lawyers bill a minimum of 2000 to 2200 hours a year. For further information on billable hours and charging practices of lawyers see Landers et. al. (1996), Leblebici (2007), and Smigel (1964). For information on other determinants of profit per partner see Starbuck (1993).

<sup>9</sup> In addition, most made a point of coming late to their office and leaving early, so that they were subject to firm surveillance and control for the least amount of time.

<sup>10</sup> It should be noted that although LF was, like other typical law firms, characterized by cliques and personalities engaged in multiple forms of local politics (cf. Nelson 1988), much of this rich tapestry of political intrigue has been sacrificed in order to analyze how power is also exercised continuously and mundanely through talk about routines.

<sup>11</sup> While the ostensive/performance distinction is an artificial one, as both are 'recursively related, with the performances of creating and recreating the ostensive aspect and the ostensive aspect constraining and enabling the performances' (Feldman and Pentland 2003: 105), nevertheless it serves a useful analytical purpose here.

<sup>12</sup> Arguably, lawyers routine activities were not just intensely practical, instrumental means of accomplishing work tasks, they were also symbolically significant, that is, identity-defining. Drawing on the recognition that "'routinisation", regularisation, repetition, lie at the basis of social life itself" (Goody 1977: 28) permits understanding that for their participants routines are important in part because they enact and perform symbolically versions of the self. That is, lawyers' accounts of their work activities were also versions of their selves and the organization. Their articulations of routine work activities were a way of suturing together self-conceptions (what it meant to be a successful, productive, professional lawyer) and normal, mundane work behaviours. Accounts of routine action, and most likely indeed their actual performance, were thus a means of instantiating (making symbolically 'real' or meaningful) their identities. In short, in their talk about, and their performance of routines, understandings of the work self were fused with action such that their articulation and enactment were also performances of the self.