

Co-Existing Logics in Court Administration: Micro-Level Substantiations of Institutional Pluralism¹

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Abstract

Given courts' pluralistic institutional embeddedness and the need to assure legitimacy, they are confronted with a growing amount and variety of external expectations, e.g., from politics or the media who refer to distinct institutional logics. In parallel, courts' working conditions have significantly changed, leading to an increased involvement of non-judicial actors who are – due to their professional backgrounds – assumed to be “carriers of extraneous logics”. This paper hypothesizes that courts are pluralistic due to changes in external demands. Drawing upon a directed content analysis of 20 semi-structured interviews with court professionals, this paper investigates what kinds of logics co-exist with regard to the administration of courts and how they can be typified. In addition, the paper also analyzes how court employees deal with this institutional pluralism. Findings indicate that institutional pluralism occurs not only at the intersection with their institutional environment but also within the courts, whereby boundary spanners seem to play an important role in buffering the challenges associated therewith. Furthermore, non-judicial actors seem to get accustomed to a dominating professional legal logic, implying that there exists some kind of a primacy of the judicial logic in intra-organizational matters. This paper advances the understanding of how court actors deal with competing logics and how institutional logics unfold at the micro-level of individuals' daily work activities.

Keywords

institutional logics, institutional pluralism, institutional complexity, professionals, expert organizations, district courts

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For many years, the constitutionally anchored premise of judicial independence and the fear to hamper the quality of jurisdiction have served as effective arguments to prevent the Swiss judiciary from substantial management reforms (Lienhard, 2009: 1). Courts are in general rather reluctant about management reforms. This becomes also obvious in the following statement by Friesen and colleagues (1971: iv) who by referring to De Tocqueville (1875) note: “De Tocqueville observed that all of the problems of society eventually end up in the courts. It might as correctly be observed that all of the problems of management [...] can be found in the simplest of judicial institutions.” Even though this remark reflects a general scepticism towards management reforms within the judiciary, several developments and related challenges at the end of the twentieth century have led to a gradual rethinking (Lienhard, Kettiger & Winkler, 2012: 42; also Friesen et al., 1971: 111). While being endowed with fewer resources by tendency, many courts are also confronted with a growing case complexity, risen procedural requirements and, in some fields of law with risen workloads (Kettiger, 2003: 9 ff).

In parallel to these developments which exacerbate an effective and efficient handling of their workloads, courts are embedded in a pluralistic institutional context, which is characterized by various sometimes even conflicting demands (Greenwood et al., 2011). The concept of efficiency, often proclaimed by politics for example contradicts the principle of warranting fair and equitable trials. Due to the increase of external expectations and to manage this new working situation, many Swiss courts have conducted structure adaptations incrementally and increasingly hired non-judicial employees such as IT experts or administrators (Commission européenne pour l'efficacité de la justice [CEPEJ], 2012: 164).

This growing involvement of non-judicial employees is insofar relevant as these actors are assumed to be “carriers of distinct logics” and hence draw on different institutions (Zilber, 2002) and meaning systems (Binder, 2007: 551). The co-existence of distinct institutional logics can become problematic if they pursue conflicting aims (e.g. judicial actors vs. non-judicial actors) or hold different opinions about an issue such as court administration causing conflicts and decision-making blockades, thus negatively impinging on organizations (Schedler & Eicher, 2014).

Although previous research within the court management literature has already acknowledged the co-existence of multiple logics within courts (cf. McPherson & Sauder, 2013; Eicher & Schedler, 2012; also Emery & De Santis, 2014), empirical evidence about the characteristics of these logics is still scant. More information about the effects of institutional logics on organizations can be found in the literature on institutional logics, which, however, provides also only limited information about how logics affect individuals in their daily work. Therefore, this paper aims to examine the effects of logics on the daily organizational work activities of court professionals. Based on an embedded case study and a directed content analysis, the research aims to explore specifically (1) what kinds of logics exist within a particular court concerning its administration (2) and how these logics are enacted at the micro level of daily work activities.

As the findings show, institutional pluralism not only occurs between courts and their institutional environment but also within the courts. In intra-organizational matters there seems to prevail a judicial logic, even in management issues, whereby boundary spanners function as intermediaries and “translators” between the different logics (Latour, 1986, 2005; Waldorff, 2013; Denis, Langley, & Rouleau, 2007; Schedler & Eicher, 2014).

By drawing on the institutional logics literature and the concept of boundary spanning, this paper makes a twofold contribution. First, it analyses actors’ reactions towards institutional pluralism, thereby enhancing knowledge about the functioning of the judiciary as well as the rationale of court professionals. Second, it sheds light on how institutional logics become enacted at the micro level of individuals’ daily work activities.

The paper is structured as follows: First, the paper summarizes the relevant literature on institutional logics and illustrates to what extent their micro-level substantiations have already been subject to research. Alternative insights about how individuals deal with pluralism in their everyday work is provided by the concept of boundary spanning. Second, it includes a brief description of the analytical framework, the research setting and the strategies used to analyze the data. Third, findings are presented and discussed. The final section ends up by drawing a conclusion, illustrating potential limitations of the study and discussing some implications for further research.

THEORETICAL CONTEXT

Organizations often interact in multiple institutional spheres (Kraatz & Block, 2008: 243) and are thus exposed to heterogeneous expectations and demands (Greenwood et al., 2011). Situations in which organizations are confronted with “incompatible prescriptions from their environment” are particularly challenging and bear the potential for tension (Greenwood et al., 2011: 318) and instability (Kraatz & Block, 2008: 244). But apart from negatively affecting organizations by causing institutional complexity, institutional pluralism can also have positive effects on organizations by enhancing their capacity to simultaneously deal with these various institutional expectations (Kraatz & Block, 2008: 244; Schedler & Eicher, 2014). It has been argued that specific institutional arrangements include respective institutional logics. Thornton and colleagues (2012: 54) note that “each institutional order represents a governance system that provides a frame of reference that preconditions actors’ sensemaking choices.” It follows that there is a limited variety of decisions and actions that seem appropriate within an institutional setting. Despite the opportunities associated with institutional pluralism, previous research about how logics interrelate usually proceeded on the assumption of competing logics striving for dominance (e.g. Heimer, 1999; Reay & Hinings, 2009; Greenwood et al., 2011: 322; Cloutier & Langley, 2013), thus causing logics shifts which typically occur during change processes (e.g. Thornton & Ocasio, 1999; Kitchener, 2002; Lounsbury, 2002). Only more recently scholars have recognized that multiple logics can co-exist over extended periods of time and do not necessarily have to

bold out each other (Reay & Hinings, 2009: 29; Greenwood et al., 2011: 322). Further possibilities of how logics interrelate are a state of “uneasy truce” (Reay & Hinings, 2005); hybridization, meaning the blending of two or more logics into a new one (Battilana & Dorado, 2010; Meyer & Hamerschmid, 2006; Pache & Santos, 2010; Smets, Morris & Greenwood, 2012); and sedimentation, meaning the “layering of one logic on the other” (Soin & Huber, 2012: 74; Cooper, Hinings, Greenwood & Brown, 1996). It has also been demonstrated that logics can even complement each other by fostering different constellations of logics (Reay & Hinings, 2009; Goodrick & Reay, 2011).

Institutional Logics as Multilevel Enactments

Within the institutional logics literature, numerous studies have demonstrated that institutional logics exist and exert influence across distinct societal contexts and at distinct levels, including society (Friedland & Alford, 1991), field² (Goodrick & Reay, 2011), organization (Pache & Santos, 2010), and the individual (Hallett & Ventresca, 2006; Smets et al., 2012). In spite of the broad variety of studies, we still know rather little about the processes through which institutional logics affect concrete action in organizations. Overall, studies on institutional logics have been dominated by a top-down approach, which examines the impact of higher-order logics on the formation of field logics (Thornton, Ocasio & Lounsbury, 2012: 148, 150), and organizational behavior (Greenwood et al., 2011: 357; Zilber, 2002: 335; Hallett & Ventresca, 2006: 215). Lounsbury and Crumley (2007) have for instance illustrated how different societal logics affected the creation of field level logics in the mutual fund industry (see also Thornton et al., 2012: 151). Recently, scholars have begun to take up a bottom-up view by analyzing how logics unfold at the micro level and how these micro-level occurrences in turn affect organizational and field level logics (e.g. Hallett & Ventresca, 2006; Binder, 2007; Smets et al. 2012, McPherson & Sauder, 2013). In their ethnographic investigation of how actors from different professional and institutional backgrounds use institutional logics in court negotiations, McPherson and Sauder (2013) show that logics can be seen as “toolkits” that are used quite discretionarily by individual actors to enforce their interests.

Logics are socially constructed and orchestrated at different levels (e.g. Cloutier & Langley, 2013; Scott, 2008; Hasse & Krücken, 2008; Holm, 1995), thus lending them a subjective and contextual character. Nevertheless, institutional logics are bound to institutions, this is, rules and expectations that are taken for granted within the organization. This perspective is also shared by scholars from the inhabited institutions approach who assume that institutions build the basis of social interactions. They believe that it is precisely through these interactions that institutions gain their meaning and effect (Hallett & Ventresca, 2006). In this sense, Holm (1995: 399) states that institutions are “products of action, [and] also constitute action.” Hence, institutional logics are enacted in situ (Cloutier & Langley, 2013: 12, 15).

² A field refers to the “the totality of [an organization’s] relevant actors” (DiMaggio & Powell, 1983: 148).

Similarly to Holm (1995), Hallett and Ventresca (2006: 215) stress that seeing logics as “ready to wear” clothes (Creed, Scully & Austin, 2002: 475) does not account for their intersubjective meaning. In their view, logics attain their meaning through social interactions, implying that capturing their micro-level substantiations requires observing the ways in which their meanings become negotiated in social interactions (Hallett and Ventresca, 2006; Delbridge & Edwards, 2013). Based on the inhabited institutions approach this paper investigates how institutional logics become enacted in the daily work activities of court actors.

The Role of Boundary Spanners

Different institutional logics may lead to incompatibilities between social groups that make communication between them at least difficult, if not impossible. Despite this, communication still happens in practice due to enabling practices, among which boundary spanning is important. Boundary spanning marks an important concept of the organizational design and strategic management literature. A boundary is defined by Leifer and Delbecq (1978: 41) as: “the demarcation line or region between one system and another, that protects the members of the system from extrasystemic influences and that regulates the flow of information, material, and people into or out of the system.” Although, the concept originally focused on the communication between organizations and their relevant environment (Harris, 1997: 310) it is also a useful concept for analyzing intra-organizational processes (cf. Tushman & Scanlan, 1981).

Boundary spanning is exerted by particular members of an organization who are responsible for connecting the organization and its structure to the environment. This includes both the processing of information as well as representative tasks (Aldrich & Herker, 1977: 218). By summarizing and filtering external information so that it is clear and comprehensible for the respective organizational unit, boundary spanners act as intermediaries and translators between an organization and its environment. In so doing, boundary spanners play an important role in absorbing uncertainty (Aldrich & Herker, 1977: 219; Tushman & Scanlan, 1981: 292; March & Simon, 1958) and thus in dealing with institutional pluralism. Since one of their tasks generally involves looking out for new (technological) developments, innovations, trends, as well as altered expectations (Aldrich & Herker, 1977: 219), they also often act as change agents (Leifer & Delbecq, 1978). Spekman (1979: 105) even goes one step further and states that due to his power to filter and channel relevant information a boundary spanner is an “[...] influence agent – attempting to influence the decision and behaviors of those individuals with whom he interacts.” This leads to the concept of translation which was originally introduced by the French sociologist Latour (1986). According to Latour (1986), a token such as claims, orders or artefacts do not simply “spread in time and space” (Latour, 1986: 267) but are transmitted and shaped by actors and their projects. In her study, Waldorff (2013: 231; also Friedland & Alford, 1991) examined how distinct Danish municipalities translated a new health care center concept. She found that the

concept was interpreted differently by the distinct municipalities, which indicates that “there is not a one-to-one relationship between a logic and its meaning in practices associated with it.”

Representational boundary spanning on the other hand involves the communication of important information to an organization’s relevant audiences and is thus particularly relevant for fostering an organization’s legitimacy (Aldrich & Herker, 1977: 220). From Leifer and Delbecq’s boundary definition it follows that boundaries can also exist within an organization, for example between distinct subunits, implying that boundary roles are not only important for an organization to manage external relationships but also to optimize intra-organizational processes and thus to deal with institutional complexity within an organization (Tushman & Scanlan, 1981: 291). Tushman and Scanlan (1981: 301-302) found that contrary to representational boundary spanners, informational boundary spanners often operate through informal processes. While the former – referred to as external communication stars – are usually responsible for acquiring resources, the latter – referred to as internal communication stars – act as mediators and translators between distinct actors or subunits.

Because representative boundary spanners are primarily responsible for an organization’s external communication, they are internally often not well connected (Tushman & Scanlan, 1981: 301).

Even though much of the boundary spanning literature focuses on communication processes between organizations and their external stakeholders, it also provides a promising avenue for analyzing intra-organizational communication and interaction processes. In this study, we will analyze the existence and the role of boundary spanners within court organizations in order to better understand their importance for inter-logic communication and decision making.

RESEARCH CONTEXT AND METHODS

To show how institutional logics are enacted in the daily work activities of court actors and how they attain their meanings through social interactions, this study is based on an embedded case-study. While focusing on multiple units of analysis, an embedded case study also highlights the importance of context, which is supposed to have a substantial influence on the respective organization and its inhabitants (Yin: 2009: 50). Since there has been little empirical study about courts and because little is known about the micro-level substantiations of institutional logics the current case study reflects a “revelatory case” (Yin, 2009: 48).

The site under study is one of the biggest courts in Switzerland. It is divided into several departments that employ some hundred people such as legal professionals (judges and clerks), administrative professionals, administrative assistants, and technical experts. The court is led by the president and the executive board. As it is assumed that the phenomenon of institutional pluralism occurs primarily in large organizations, consisting of multiple departments and hosting professionals with distinct backgrounds (Denis, Langley & Rouleau, 2007: 180) the court selected for the empirical investigation represents an ideal research case.

During the past few years the working conditions of the court's employees have substantively changed. On the one hand, the court has undergone some substantial organizational reforms, such as the introduction of new IT-systems. On the other hand it is confronted with an ever growing variety of external expectations, whereby particularly the media and politics have become demanding stakeholders, as stated by the distinct interview partners. In this paper, the focus, however, is set on how court actors deal with intra-organizational pluralism.

Data Collection and Analysis

The data set encompasses 20 semi-structured interviews as well as observations made in formal meetings and informal discussions. For the current study the data set comprises six interviews with members of the court management, seven interviews with judicial staff, including judges and clerks, and seven interviews with commercial employees. The interviews lasted between 60 and 120 minutes, whereby the average interview time was about 90 minutes. All interviews were recorded and transcribed.

In the interviews a particular focus was set on court actors' reactions towards internal expectations, which are supposed to adhere to distinct logics (Kraatz & Block, 2008: 244; Scott & Meyer, 1991). Based on a qualitative-interpretive approach that has gained growing importance within organizational research since the 1970s (e.g. Hatch & Yanow, 2005: 6; Yanow & Ybema, 2011: 46; also: Lee, 1991: 342) all interviews were analyzed through a directed content analysis, which is particularly useful to validate and extend particular concepts and analytical frameworks such as the concept of institutional logics (Hsieh & Shannon, 2005: 1281). Contrary to the conventional approach, the directed content analysis follows a more structured procedure by starting from existing theory and research (Hsieh & Shannon, 2005: 1281; also Hickey & Kipping, 1996; Mayring, 2007). A study using directed content analysis starts with theory, thus representing a deductive analytical strategy. Codes are deduced from theory, prior to the analysis but also emerge during analyzing the data (Hsieh & Shannon, 2005: 1286).

Whereas some of the existing studies on institutional logics assume that logics can be ascribed to individuals' professional backgrounds (e.g. Lounsbury & Crumley, 2007), McPherson and Sauder (2013: 167) in their article about US drug courts illustrate that actors can use these logics "to influence decisions, justify activities, or advocate for change" (McPherson & Sauder, 2013: 167) with high discretion. A similar view is also shared by Friedland and Alford (1991: 251) who in their seminal work on institutional logics state that institutions "provide individuals with vocabularies of motives and with a sense of a self". By illustrating that logics can serve as toolkits to attain particular ends, McPherson and Sauder (2013) made a significant contribution to enhance understanding about how actors make sense of distinct logics and about how these logics unfold at the micro-level.

This study starts from a somewhat similar assumption. But in contrast to McPherson and Sauder (2013), we presume that the use of logics is not only dependent on actors' goals and needs but also

that at the micro-level, logics are inherent in roles and their associated functions. In our understanding roles can be seen as micro-level instantiations of institutional logics. This observation is also confirmed by Berger and Luckmann (2004: 78-79) who believe that roles refer to particular institutions, thus implying that if an actor has to fulfill multiple roles she or he is part of worlds. In a similar vein, Goodrick and Reay (2011) showed that tasks of the same profession can be driven by different logics. In order to adequately fulfill the functions attached to a particular role, an actor not only has to understand the functioning of the respective logic but also needs to know how to use it in practice. A role is “filled with meaning” first through social interactions (cf. Hallett & Ventresca, 2006), and second through a local rationality which is defined as: “A specific way of thought, speech and action that follows a consistent and logical pattern. It is the construction logic of an individual’s or group’s very own reality, a filter that influences the perception and assessment of occurrences in the environment” (Schedler, 2003: 538-539; Schedler, Gündüz & Eicher, 2014: 2, 4).

To examine how the roles become enacted at the micro-level and to typify the logics to which they refer, we used Thornton and Ocasio’s (1999: 804) definition of institutional logics as a coding scheme. To be more precise, we focused on role substantiations as reflected in different practices, assumptions, values, beliefs, and rules. Additional information to classify the logics was derived by investigating how court professionals define their mission (McPherson & Sauder, 2013: 173). Atlas.ti was used as qualitative software to code and analyze the data.

PREVAILING LOGICS IN COURT ADMINISTRATION

Similarly to McPherson and Sauder (2013: 172), this paper aims to point out which logics co-exist within court administration and how they are enacted. Based on the empirical data and the coding scheme discussed above, the directed content analysis reveals the co-existence of three logics in the studied court: a judicial logic, a managerial logic, and a bureaucratic logic. Table 1 gives an overview of the characteristics of these three logics.

Judicial Logic

As table 1 shows and in line with their legal mandate, judges perceive judicature as their main mission and associated therewith the restoration of the peace under law. In addition to judges, clerks represent typical carriers of the same logic. In the professional life of a judge, we found two different areas of working: firstly, it is “courtroom work” that embraces the core function of the judge; secondly, it is organization work that includes management and self-organization. When studying court administration, the latter is typically more relevant than the first. One practice that judicial actors commonly seem to apply in order to manage their workloads is to structure each working day in exactly the same way, meaning that each type of work is usually done in the same order and often even at the same

time. Another practice that could be identified is the development of intra-departmental guidelines and manuals that clearly describe and regulate the administrative tasks thereby seeking to ensure that the administrative work is conducted in line with the preferences of the judicial actors. Displaying a certain degree of pragmatism seems to represent another practice that applies particularly in their courtroom work. Judges said for example that they would often opt for a pragmatic solution in family proceedings, which serves both parties instead of solely sticking to a formalistic-legalistic, textbook like solution.

Our data suggest that ensuring organizational stability marks the main characteristic linked to the judicial logic. This observation is also shared by Röhl (1993: 124) who found a clear preference among judges to preserve the status quo. One possible explanation for this observation could be that (legal) stability also reflects a key prerequisite of a well-functioning legal state and the warranty of legal certainty. Another one could be the fact that in the daily life of judges, managerial and organizational matters are second-order priority questions. By keeping them stable, they may focus their energy and interest on their core function in which they feel comfortable and legitimized.

To some degree this characteristic also becomes prevalent in the values that are inherent in the judicial logic. As the data analysis revealed, legality, authority, loyalty, and professionalism mark the main values that drive judicial actors. While legality and professionalism represent two self-explanatory values, authority and loyalty deserve further explanation. Authority, from the point of view of the judicial logic, is not only positively associated with expertise but also with acceptance, implying that the more qualified a judge is, the higher the degree of authority he enjoys, thus increasing his status within his peer group. Loyalty towards the distinct members of the department and its superintendent represents another key value. Disloyal behavior which could either be to reveal or violate internal procedures and mechanisms or to publicly accuse one of the department's members, would immediately be sanctioned by finding ways to exclude this person from the department. As will be illustrated in the next sections, loyalty and professionalism seem to reflect important values for all court professionals, thus representing a connecting element between the distinct logics.

Linked to these values that drive judicial actors, is also a strong belief in the primacy of the function of the judiciary, causing an implicit organizational hierarchy which can sometimes lead to tensions with the other logics. As the interviews showed, there exist different opinions between the judicial and the administrative staff concerning the correct way of documenting the cases. Although the administration of files represents an administrative task, it is in reality often the judicial staff, either the judges or the clerks, who decide how to conduct it, thus ascribing a subordinate function to the administrative employees. To some degree this refers to the rule of judicial independence which plays an important role, even in tasks that theoretically fall into the remit of the court management. In this sense Aikmann (2007: 130) in his study about the relationship between judges and court managers illustrated that the former often do not appreciate the efforts taken by the latter with regard to certain administrative func-

tions. Finally, the judicial logic is also characterized by a legal obligation to maintain both the official secrecy and formal correctness of the distinct procedures.

Managerial Logic

Professionals fulfilling management functions perceive it as their main mission to ensure the proper working of the court. Connected with this are also particular tasks of the court management [“Justizmanagement”]. Court management refers to those operations that build both the objective and personal prerequisites for the conducting of jurisdiction (Kiener, 2001: 292) including budgeting, human resource management, caseload management, case scheduling (Mays & Taggart, 1986: 3), and as the data showed interface management. Apart from the members of the formal court management, also the heads of the departments, as well as some clerks fulfill certain managerial tasks.

The practices of those actors who fulfill a management function are characterized by a large degree of pragmatism, which might not be surprising given the potential for tensions and “turf struggles” (see Flanders, 1991: 647). During the interviews it became clear that due to their judicial independence and their different attitude towards management, judges cannot be lead in a similar fashion as other employees (cf. Cameron et al., 1987: 474; Tobin & Hoffman, 1979: 27). As a consequence, many members of the management opted for a participative-cooperative leadership style. In practice this means that the management involves the judicial staff at a very early stage in the discussion of difficult operations, e.g. the reallocation of resources or the decision about a new IT system. Involving large sections of organizational actors in these management decisions is not only time-consuming but also requires patience, and skill. Nevertheless, it seems to be quite a successful way of leading an expert organization, since it increases the legitimacy for both the management and its decisions and therefore diminishes the potential for conflicts. Since they are responsible for managing the interface to their environment and politics in particular, thereby fulfilling a representational boundary spanning function, members of the management need to be able to endure situations of uncertainty, such as budget negotiations with the parliament. By protecting the judicial professionals from getting bothered by the organizational expectations of external stakeholders, they also fulfill an important buffering function. Associated therewith is the assumption of the necessity of organizational adaptations and a general belief about the importance of the court management function, which does not seem to be equally clearly recognized among the judicial actors. While judges tend to prefer preserving the status quo, court managers often see the need for organizational change such as the increase or decrease of a particular department, thus acting as “change agents” (Röhl, 1993: 124; Eicher & Schedler, 2012: 27).

Professionalism, loyalty, efficiency, and effectiveness represent the main values that underlie the managerial logic. While the first two values are also characteristic for the judicial logic and the bureaucratic logic, the aspiration for efficiency and effectiveness seems to be primarily attached to the managerial logic that perceives of courts as public service providers.

Table 1: Co-Existing Logics in Court Administration

Micro-Level Substantiations of Institutional logics	Judicial Logic	Managerial Logic	Bureaucratic Logic
Main Mission	Judicature, restoration of the peace under law	Ensuring the functioning of the court, court management, interface management, representative boundary spanning	Administrative support of the judicial actors and the court management, informational boundary spanning
Practices	Structuring working day, pragmatism, regulating administrative work, reducing uncertainty	Participative-cooperative leadership, pragmatism, enduring uncertainty	Adapting to the judicial logic, reducing uncertainty
Assumptions	Relevance of organizational stability	Necessity of adaptations	Indifference concerning change
Values	Legality, authority, professionalism, loyalty	Professionalism, efficiency, effectiveness, loyalty	Professionalism, loyalty
Beliefs	Primacy of judiciary	Necessity of a court management	Hierarchy and subordination
Rules	Judicial independence, official secrecy, formal correctness	Respecting and fostering judicial logic	Obedience, formal correctness, compliance with official channels, customer friendliness

Even though an efficient and effective handling of their work might to some degree also be relevant for actors adhering to a judicial or administrative logic, they do not – and due to their different function – also should not reflect the driving forces of their actions.

The primary function ascribed to the court management is that of providing support to the judicial actors by relieving them from administrative duties. This implies that the main rule that guides the logic of management is to respect and foster the judicial logic. At the same time the management must act in the collective interest of the court. Doing so is particularly challenging for those actors who assume multiple roles, e.g. the head of a department, who simultaneously inhabits the role of a manager and a judge and therefore might be exposed to role conflicts

Bureaucratic Logic

As the term bureaucratic indicates, the primary task of those actors who draw on a bureaucratic logic is to provide administrative support to both the judicial actors and the members of the court management. Apart from office assistants and secretaries, area directors are typical carriers of the bureaucratic logic. The degree to which the work of actors holding an administrative role enjoys legitimization from the other actors largely depends on their individual skills and expertise. Particularly administrative actors who work in a (judicial) department seem to adapt their (bureaucratic) logic over time to the judicial logic, for example by writing own manuals in which they note a judge's preferences concerning the performance of a specific task. This practice of logic adaptation becomes also reflected in other elements of the bureaucratic logic. Many administrative actors try for instance to get familiar with the judicial language in order to better understand their judicial superiors and to better serve their specific needs. One way of learning the judicial language, as stated by some interviewees is the development of some sort of a dictionary, in which they register the meanings of particular code words and phrases. According to the administrative employees, the competence of understanding the judicial language then increases with experience. Interestingly, also some judicial actors explicitly observed and valued the high skills of the administrative actors.

There exist two main beliefs that seem to be inherent in the bureaucratic logic; the presence of hierarchy and subordination. In line with the Swiss concept of the state, some administrative actors explicitly mentioned that they view their work as subordinated to the work of the judges. By talking about hierarchy and hence through living it, it seems to become reinforced by the administrative actors themselves. Maybe as a consequence of these premises of hierarchy subordination, administrative employees often do not have clear assumptions concerning their work and instead adjust them to the expectations of their superiors. However, some carriers of the bureaucratic logic also try to actively participate in organizational improvements, for example by initiating institutionalized exchanges between actors of different departments, thus acting as informational boundary spanners.

Overall, actors drawing on a bureaucratic logic seem to be driven by two main values; professionalism and loyalty. Some administrative employees take the possibility to participate in further training together with the judicial staff for instance as a special sign of appreciation for their work.

Showing absolute loyalty to the department and one's colleagues reflects another important value that underlies the bureaucratic logic. Both values, professionalism and loyalty seem to serve as linking elements between the distinct logics, which is highly interesting, since existing studies have often characterized logics as being conflicting (e.g. Greenwood et al., 2011).

Obedience, formal correctness, compliance with official channels, and customer friendliness are the guiding rules of those actors who draw on a bureaucratic logic. Depending on the head of department, administrative actors might enjoy a slightly larger "room to manoeuvre" and free decision-taking. Often, however, they have to adjust their behavior and their ways of working to the instructions of their superiors, who follow either a judicial or a managerial logic, thus posing a challenge for administrative actors; particularly those who are not yet familiar with the judicial logic and the managerial logic.

DISCUSSION: Buffering Institutional Complexity through Judicial Dominance and Internal Boundary Spanning

The empirical findings suggest that intra-organizational processes are characterized by three distinct logics (cf. table 1): a judicial, a bureaucratic, and a managerial logic, whereby these logics do not necessarily have to compete. While some of their components, e.g. their associated practices, might contradict each other, other components such as the identified values might be well compatible. The fact that professionalism and loyalty represent common values among organizational members implies that they represent a linking element between the three logics by fostering a common identity (e.g. Lok, 2010). In fact, it could also be the other way round, meaning that because organizational actors share some sort of a common identity, differences in logic are lessened. Logics thus seem to interrelate differently, depending on the importance their distinct components have in a particular working or decision-making situation.

Oftentimes, the interviewed court actors themselves were aware of the dissimilarities of the distinct groups. However, both the judicial as well as the non-judicial employees did not ascribe these differences to different logics or roles but rather to actors' position and status in the hierarchy, which sometimes led to misunderstandings and discontent. Therefore, even though logic differences do not inevitable trigger conflicts, institutional pluralism bears the potential for organizational stress. In our study, we found two mechanisms to manage situations of institutional complexity: conceding primacy to the judicial logic and translating between distinct logics through boundary spanning.

Conceding primacy to the judicial logic even in issues of court administration seems particularly likely in cases of doubt, where the responsibilities are for example not clearly defined. Referring to the judicial logic also becomes particularly likely in decision-making situations that contain a high degree of uncertainty such as the presence of an internal conflict. One judicial professional illustrated for in-

stance how he tried to solve a conflict that occurred between two non-judicial employees. The strategy he selected to solve this conflict resembled very much the overall procedure of a trial: First both conflict parties received equal hearing, after that the person stressed that it would be important not to take an over-hasty decision and instead let this incident rest for a while to think carefully over it. This approach to solve an internal conflict thus is almost congruent with how a judge decides on a sentence. As this instance implies, many elements of the judicial logic seem to be aimed at reducing uncertainty concerning internal processes in order to minimize institutional complexity within the organization. In so doing they might compensate the high degree of complexity they face when confronted with external stakeholders such as lawyers, the media or politicians.

Another mechanism we observed is mediation and translation, which is usually exerted by boundary spanners who conciliate between the different “worlds” of the distinct groups and thus act as an interpreter between the logics (also: Latour, 1986). In this sense Spekman (1979: 113) also notes that boundary spanners “sit at the juncture of many communication paths and, therefore, collect and filter information that can potentially impact upon the decision outcomes of many constituents (...).” In line with Tushman and Scanlan’s (1981: 301) study about individual boundary spanning, the empirical findings of this study imply that much of the boundary spanning activities is done informally, by gaining access to “internal dissemination networks”. While representational boundary spanning, including the communication with the higher court as well as politics, reflects an ordinary component of the work of the court management, informational boundary spanning represents a rather informal phenomenon (cf. Tushman & Scanlan, 1981: 301).

Because many of the empirically identified internal communication stars are not holding formalized boundary spanning positions, the management does not always seem to be aware of the contribution they make to foster intra-organizational processes. It seems to us that boundary spanning as an activity is even more important to the organization than particular actors in their role as boundary spanners. Many actors voluntarily fulfill certain boundary spanning activities. A common boundary spanning activity involved for example initiation of informal - but still institutionalized - cross-departmental meetings to discuss and explain certain matters, thereby infusing them with meaning. Intentionally disseminating and translating information represents another method of boundary spanning. Interestingly, not all employees who exert informational boundary spanning within the court hold a very high position. Rather, these actors often work at the interface of distinct departments and are thus able to buffer the complexity associated with institutional pluralism.

Besides logic differences that ended up in inter-role conflicts, we could also observe so called intra-role conflicts. Some actors hold dichotomous or even multiple roles, exposing them to sometimes contradicting expectations. To adequately address these diverse expectations and to avoid role conflicts, actors possessing multiple roles need to adjust their behavior in accordance with the respective logic. Not all actors, however, seem to be capable of switching between the distinct logics.

CONCLUSIONS, LIMITATIONS & IMPLICATIONS

The purpose of this paper was to examine what kinds of logics co-exist in court administration, to typify them, and to examine how institutional logics unfold at the micro-level of daily work activities. By focusing on court actors and their organizational work activities, this paper found that court actors draw on three distinct logics when confronted with intra-organizational matters: a judicial logic, a bureaucratic logic, and a managerial logic.

As the findings indicate, logics are not bound to specific actor groups (McPherson & Sauder, 2013) but rather seem to be inherent in their distinct roles and associated functions (Berger & Luckmann, 2004; Goodrick & Reay, 2011). Logic differences become furthermore not only substantiated in practices, but also in assumptions, values, beliefs and rules that guide actors' activities. As our findings show, institutional pluralism does not inevitable cause complexity since working activities and decision situations are driven by distinct logic components such as values, which might be well compatible. For example, professionalism and loyalty to the major purpose of the court reflect values that seem to be equally important across all logics, thus maybe acting as a connecting element between the distinct logics, by fostering a common identity. However, it might as well be the other way round; namely that the existence of a common identity marks a prerequisite for overcoming logic differences. Altogether, we have located two mechanisms that found application in situations of institutional pluralism: ascribing primacy to the judicial logic and translating between logics through boundary spanning activities. While the former aims at reducing uncertainty by circumventing institutional pluralism, the latter seeks to buffer the complexity associated with institutional pluralism through mediating and translating between the distinct logics.

Future research should examine whether conceding primacy to the judicial logic also prevails in situations where the judicial professionals have to deal with external pluralism, i.e. the expectations of external stakeholders. Given that our findings imply a gradual assimilation of non-judicial actors to the logic of the judicial professionals, the current study also raises the question as to what degree an organization's overriding purpose has an impact on the logic, on which its members primarily draw.

A major limitation of the study is that it focused on only one court, whereby the Swiss judiciary is very heterogeneous due to its federalist structure, which is why it is not clear to what extent the findings also apply in other contexts, thereby limiting their generalizability. Nevertheless, the study provides important insights into the logics that co-exist within courts and into the ways they are enacted at the micro-level of daily work activities. Since the research is based on a cross-sectional study it furthermore provides only a snapshot picture and does not allow capturing the longitudinal effects of logics "on the ground" (McPherson & Sauder, 2013). Therefore, future research is encouraged to analyze in a longitudinal case study, in what way the enactment of institutional logics is subject to changes in an organization's management structures. It is also conceivable that the way logics are enacted at the micro-level changes, as actors get more experienced or socialized within a particular setting. In conclusion, this study has demonstrated that logics do not necessarily have to compete (Reay & Hin-

ings, 2009) but can even complement each other (Goodrick & Reay, 2011), by serving actors as means (McPherson & Sauder, 2013) to fulfill their daily work activities. Paying more attention towards those factors that foster actors' ability to successfully handle multiple logics as reflected in distinct roles and to engage in boundary spanning activities would provide further information about their effects "on the ground" (McPherson & Sauder, 2013).

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