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**Chapter Fourteen**

**Discretion and bureaucracy**

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**14.1 Introduction**

The place of discretion in formal organization has shadowed discussions of bureaucracy in the social sciences since their inception. It has also played a significant role in debates about the reform of any number of areas of formally organized existence in public, private, and indeed, not-for-profit sectors.

What can be termed, following the organizational sociologist Charles Perrow (1972 [2014]), ‘the customary view’ of bureaucracy, has carried and continues to carry enormous weight in the social sciences, not least in sociology, public administration, and organization studies. Perrow noted that bureaucracy has largely been negatively coded and that many of the same criticisms of bureaucracy appear time and time again throughout the history of the social sciences. He pointed, in particular, to two enduring lines of criticism. The first associates bureaucracy with rule-bound inflexibility, inefficiency, and, at times of rapid environmental change, with a lack of creativity and a pervasive unresponsiveness. The second, which he associates specifically with the humanistic tradition in sociology, represents bureaucracy as stifling the spontaneity, freedom and self-realization of those in its employ. Perrow noted too, that both lines of criticism are often combined by a single author and ‘are echoed by such diverse groups as the radical right, the radical left, the man (*sic*) in the street, and the counterculture’ (2014: 6).

This ‘customary view’ of bureaucracy is also based on a dichotomizing stance towards the relationship between discretion and bureaucracy. Discretionary capabilities and judgmental freedom then are often represented as antithetical to bureaucratic attributes such as hierarchy, office-holding, formalization, rules, and clear delineations of obligations and duties. What follows from this widespread dichotomy are some simplistic definitions of organizations and types of organizing based on either a routine/non-routine divide or a control/freedom distinction (or both). Hence it is argued that bureaucracy as an organizational form is only viable and efficient when tasks are predictable, repetitive and routine, whereas organizations that are in need of swift action, creative problem solving and expert-decisions are difficult or near impossible to bureaucratize (Perrow 2014).

After many years of studying formal organization, Perrow concluded that, despite its enduring popularity and reach, the ‘customary view’ of bureaucracy and, not least, the relationship of bureaucracy and discretion it expresses, is very misleading. In particular, Perrow offered a reassessment of Max Weber’s work on bureaucracy. In so doing, he indicated that contrary to the interpretation of his work offered by the ‘customary view’, Weber’s stance towards bureaucracy was based on no such distinction between bureaucracy and discretion. Rather it demonstrates the impossibility of substituting an evaluatively neutral administrative science comprising universally valid rules of behaviour for the bureaucrat’s practical judgement, in which questions of ends and means are inevitably intertwined (Storing 1998; du Gay 2000; Goodsell 2015; Zacka 2017).

Following Weber and Perrow, in this chapter we argue that discretion should be seen not only as an inevitable but also a potentially highly beneficial feature of bureaucratic organization, properly understood. Taking a Weberian ‘stance’ on bureaucracy as intrinsically connected with discretion, expertise, practical judgment and casuistical reasoning, we make two case-based arguments. First, we suggest that discretion is an invaluable characteristic of administrative office-holding to such an extent that, for example, the senior civil servant’s instituted purpose can best be described as ‘administrative statecraft’. As Barnard (1968) puts it, the ‘functions of the executive’ amount to the cultivation of ‘organizational statesmanship’. Secondly – and coming from the other end of the supposed dichotomy – we argue with reference to the clinical hospital that office-holding and classic bureaucratic capacities are not located in opposition to the exercise of professional discretion. Rather, the professional’s discretionary capabilities are inseparably linked to the establishment of clear lines of command, delineated and well-defined distribution of responsibilities and obligations through a system of offices, as well as a high degree of formalization and rule-based conduct. Hence bureaucratic discretion is seen as the exercise of casuistical, prudential judgment.

We end the chapter by arguing that attempts to curtail bureaucratic discretion - whether, for example, framed in terms of enhancing ‘responsiveness’ or ‘performance’ - carry with them a number of significant risks to the ability of specific bureaucracies to fulfill their instituted purposes – in public, private and professional domains alike. Such risks particularly concern restricting the capacity of those occupying particular offices – with their distinctive and non-reducible duties and obligations – to nurture, strengthen and indeed exercise administrative, executive, and professional responsibility and statesmanship.

**14.2 The dichotomizing stance on bureaucracy and discretion**

Although the ‘customary view’ of bureaucracy can be found in research fields across the social sciences, the dichotomizing stance on bureaucracy versus discretionary freedom and flexibility has been particularly tenacious in discussions on expertise. According to Charles Perrow it was a footnote in Talcott Parsons’ introduction to his translation of Weber’s *Economy and Society* that made the hard lived conception of a discrepancy between expertise and classic bureaucracy famous. Here Parsons declared that Weber confused two types of authority, one based on technical competence and one based on legally defined office (Parsons 1947). Although Parsons made this distinction in his earlier writings (e.g. 1939: 460-2), Perrow declares that Parsons’ well-known footnote is ‘possibly the most important in the history of organizational theory’ because with it the prevailing ‘bureaucratic dilemma of expertise and discipline’ was firmly established (2014: 43; see also Toren 1976; Nass 1986).

Perrow further notes that nowhere has this dilemma been as dominant as in ‘the voluminous literature on professionals in organizations’ (2014:44-50). Thus, common accounts of professional organizations are often built on what Perrow describes as the supposed ‘conflict between professional values and bureaucratic ones’ (2014: 53). When studying the relation between bureaucracy and discretion it is therefore particularly interesting to turn to the organization of professionals, as this traditionally has been approached as an area in which bureaucratic rule and office-holding is represented as involving some kind of power struggle or conflict with discretionary freedom, expertise and professional autonomy. Since Parsons’ footnote in 1947 and Perrow’s observation in 1972 such an approach has gained thrust.

This dichotomy, which has been defined as the ‘classic analytical grid’ (Bezes, Demazière, Biamic *et al.* 2012: 6) in the sociology of professions, seems to have been solidified with the increased reform pressures on professional organizations. Thus, in its most simple and popular form this argument is found in the widespread critique of the documentation, control and performance management overload which have been the outcome of New Public Management inspired reform programmes in many public and professional organizations since the 1980s. In the popular press, in public discussions, among the professionals and even in scholarly work (e.g. Travers 2007; Giauque 2013) these new control regimes are often referred to as increased bureaucracy or rule-tyranny. Because of the simple thought-frame ‘discretionary freedom versus managerial control’ it is rarely noticed that rather than being bureaucratic, much of the current increase in control systems and tick-box mentality is thoroughly anti-bureaucratic in nature when compared with Weber’s classic account.

The simple and popular image of professionalism as a kind of resistance against bureaucratic control is supported by a great deal of the most influential sociological studies of professional work that have followed from Parsons’ seminal writings on professionalism (1939, 1951). An illustrative example of this is Eliot Freidson’s heavily cited *Professionalism, the third logic* (2001). In arguing for professionalism as an institutional logic that forms an alternative to both consumerism (the market) and bureaucracy (the state), Freidson broadly deploys the term professionalism to account for the institutional circumstances in which members of an occupation control their own work. Market then refers to circumstances in which consumers control work and bureaucracy to circumstances in which managers control work (2001:12). In relation to this definition of professionalism, discretion is ‘deserving of special status’ (2001:34) Freidson argues, because it is exactly the exercise of discretion that sets the professional organization apart from a more bureaucratic one: ‘The ideal-typical ideology of professionalism stresses the lack of uniformity in the problems its work must contend with, therefore emphasizing the need for discretion’ (2001: 111).

In the book’s more specific discussions of bureaucracy, Freidson adds standardization to managerial and hierarchical control as key characteristics of the bureaucratic logic. While he acknowledges bureaucracy as a ‘corrective to inappropriate or irresponsible discretion’ (2001:217-8), he simultaneously declares that:

‘Fully realized, ideal-typical bureaucracy is intrinsically at odds with professionalism since its aim is to reduce discretion as much as possible so as to maximize the predictability and reliability of its services and products’ (2001:217).

Thus, Freidson outlines a position where the question of professionalism’s relation to bureaucracy does not only form a dilemma but where the two are understood as inherently incompatible and mutually exclusive. Thereby he becomes a prominent representative of a stance in which discretion and autonomy are related to management, formal rules and bureaucratic control as a kind of continuum where more of the one leads to less of the other in a zero-sum game (Numerato, Salvatore and Fattore 2012). This position appears to leave professionals with only two possible responses:

as either subjected to external rules and constraints or agents with power to define their own conditions of work (Gleeson and Knights 2006).

As Numerato *et al.* (2012) have argued, even in recent scholarly discussions about the changed conditions of professional practice and its relation to management, this continuum is reproduced in a variety of theoretical approaches. The latter range from those proposing managerial hegemony at one end (where a colonization of professional autonomy is claimed), via theories of co-optation, negotiation and merging between professional and managerial cultures (for instance in notions such as ‘adaptive regulation’ or ‘hybrid managers’), to theories of strategic adaptation at the other (which describe a ‘reverse colonization’ where professionals strategically adopt management principles to strengthen their autonomy; e.g. Noordegraaf 2007; Ackroyd and Muzion 2008).

While Freidson’s account suggests an ‘intrinsic’ opposition between bureaucracy and professionalism, less dichotomizing approaches can also be found. Of these, Henry Mintzberg’s description of the Professional Bureaucracy as one of six organizational configurations in his classic *The structuring of organizations* (1979) has been particularly influential. Here, Mintzberg purposefully links bureaucracy and professionalism and describes the professional organization as one that relies on the standardization of skills through training and indoctrination. In a similar move to Perrow’s definition of professionals as ‘personnel who have complex rules built into them’ (2014: 22) Mintzberg describes how rules and standards are inculcated into the professions; first during formal education in which ‘skill and knowledge is formally programmed into the would-be professional’ (1979: 350) and later during long periods of internship and on-the-job practical training in which professionals learn how to apply their formal knowledge – and to do so with discretion. It is this that Mintzberg famously refers to as ‘the pigeonholing process’ (1979: 352); the professional’s method for categorizing and reducing complexities while containing uncertainty in their application of generalized and standardized knowledge to individual cases. With a glancing reference to Perrow (1970), Mintzberg notes that ‘no matter how standardized the knowledge and skills, their complexity ensures that considerable discretion remains in their application’ (Mintzberg 1979: 350). Therefore, he continues, no two professionals apply rules and standards in exactly the same way.

Mintzberg thus exhibits a keen eye for the importance of internalized rules and standardized practices for professional work, as well as for the necessary discretion that is needed in the case-based application of such rules. However, he simultaneously presupposes a conflict between professionalism and bureaucracy at various other levels of his analysis. This conflict is evident in Mintzberg’s account of the Professional Bureaucracy as a distinct organizational form that is fundamentally different from another type of bureaucratic organization: the Machine Bureaucracy. In making this distinction, Mintzberg’s account follows the direct trail of Parson’s seminal footnote and with it, classical components of bureaucracy – such as hierarchy, formal organization, written rules and office-holding – are either downplayed or absent from his conception of the Professional Bureaucracy. Mintzberg argues, for example, that ‘[t]he need for planning or the formalization of the work of professionals is very limited, so there is little call for a technostructure’ (1979: 355). Hence, the Professional Bureaucracy is described as an organizational form with a flat, decentralized and democratic structure – combined, though, with a hierarchical structure for the administrative staff. Quoting Blau (1967), Mintzberg refers to professional bureaucracies as ‘collegial organizations’ based on an opposed and often conflicting relation between ‘a professional orientation’ towards service and ‘a bureaucratic orientation’ towards compliance with rules (1979: 360-1).

In line with this conception – and echoing Parsons’ distinction between skill-based and office-based types of authority – Mintzberg establishes an opposition between the professional organization and classic bureaucracy on their differing sources of authority:

So whereas the Machine Bureaucracy relies on authority of a hierarchical nature – the power of office – the Professional Bureaucracy emphasizes authority of a professional nature – the power of expertise (1979: 351).

This means that while in the Machine Bureaucracy ‘one salutes the stripes, not the man’ (1979:361), professionals should be approached not as part of a system of offices constituted by the particular organization of which they are part but rather as experts or individual specialists defined by – in line with Freidson – their ‘control over [their] own work’ (1979: 349). Thus, the professional is understood as an extra-organizational self who only ‘bothers to join an organization’ to share resources and support services with other professionals or to get clients (1979: 357). This also suggests that when the professional does not get ‘the autonomy he feels he requires he is tempted to pick up his kit bag of skills and move on’ (1979:357).

According to Mintzberg this loose coupling to the organization results in two major problems: A problem of coordination, because coordinating and controlling professionals can only be achieved through standardization and internalization of skills and knowledge, rather than through hierarchy and administrative office (1979: 361). As well as a connected problem of unhindered or misguided discretion caused by a lack of organizational control mechanisms and culture:

 Discretion not only enables some professionals to ignore the needs of their clients; it also encourages many of them to ignore the needs of the organization. Professionals in these structures do not generally consider themselves part of a team. To many, the organization is almost incidental, a convenient place to practice their skills (1979: 374).

To these two critiques – specific to the professional bureaucracy – Mintzberg adds a third that the professional organization supposedly shares with the Machine bureaucracy: the problem of innovation.

Like the Machine Bureaucracy, the Professional Bureaucracy is an inflexible structure, well suited to producing standard outputs but ill-suited to adapting to the production of new ones (1979:375).

So although Mintzberg appreciates the inseparability of rules and discretion in professional practice he ends up reproducing what Perrow describes as one out of the two most common critiques of bureaucracy: its unresponsiveness and lack of flexibility.

**14.3 The Weberian stance: The inseparability of discretion and bureaucracy**

According to Perrow, the prevailing ‘hiatus between expertise and the occupancy of an official position’ (2014: 46) is highly problematic not least because when Parsons, for example, announces that the authority of office ‘is not enjoyed by virtue of a technical competence’ (Parsons 1939: 461) he conveniently forgets what Perrow describes as ‘the technical character of administration’ (2014: 46). While the scientist’s authority and discretionary capacity are linked to her scientific technical competence and the doctor’s to her medical technical competence, the administrative officer’s is ‘promoted on, and expected to exercise and increase, her *administrative* technical competence’ (2014: 46). Thus, Perrow reminds us, ‘(i)t was Weber’s simple but enduring insight to see how crucial expertise was a requirement for holding office throughout the hierarchy’ (2014: 46).

For Weber, as a late, great exponent of the ‘ethics of office’, the bureau was a distinctive ‘life-order’ with its own ethos, one in which when ‘in role’ requires the bureaucrat not to act in an arbitrary, unpredictable, or unlawful manner but which entitles and indeed requires her or him to make prudent use of their discretion in the performance of their ‘official’ duties (du Gay 2000, 2009; Wagenaar 2004; Zacka 2017). In other words, Weber’s ‘stance’ towards bureaucracy expresses a casuistical insistence on the necessity of a principle of situation-specific judgment. For Weber, casuistry shadows the whole repertoire of practice, and it constitutes a necessary, indeed, crucial, dimen­sion of organizational reasoning and conduct, most significantly, when people are caught between conflicting patterns of duty in relation to the fulfilment of their official obligations. The ethos of bureaucratic conduct, then, far from ‘disappearing’ prudential judgement and the use of discretion, presupposes and depends upon their presence. Let’s take a simple example to indicate exactly what we mean here. The text of the law is often ambiguous and riddled with conflicts, lending itself to various reasonable interpretations, which mean it can be ‘operationalized’ in a variety of ways. Resolving such indeterminacies is not simply a technical matter, but an ethical one, requiring public servants – no matter how lofty or lowly their station may be – to prioritize certain values and interests over others. In this way, moral and political decision-making takes place across all levels of bureaucratic agencies as the meaning of the law is clarified and given political countenance.

For Weber, the constant criticism of the bureau from both left and right in his own time – as at present – was indicative of a romanticism or principled certainty at odds with the reality of this particular ‘life order’, and served to divert attention away from the need to cultivate and strengthen the bureaucrat’s capacity for ‘practical rationality and ethical seriousness’ – their prudential judgement and situation-specific ‘discretion’. Rather than the pre-eminent exponent of a ‘politics/administration’ dichotomy, Weber’s work points in an entirely different direction altogether. Unlike his contemporary Woodrow Wilson, Weber indicated that civil servants (most especially, but not exclusively, at senior levels) inevitably exercise considerable discretion in their daily work, also above and beyond the merely ‘technical’ question of finding the most efficient means of implementing the political directives of their elected superiors.

The continuing importance of this strand of thought is particularly evident in the work of a group of scholars who, in their different ways, and in different contexts, have sought to build upon and extend Weber’s insights on the positive and indeed irreducible importance of discretion in bureaucratic public administration (Rourke 1969; Schaefer 1992; Parker 1993; Uhr 1993; Rohr 1998; Storing 1998; Chapman 2000). Like Weber, each has, again in their different ways, used what Thomas (1978) termed the ‘British Philosophy of Administration’ as a model and exemplar, to articulate the fundamental significance of ‘discretion’ in the conception of a bureaucratic apparatus that remains ‘political’ in the sense of fundamentally seeking to uphold and promote the ends of the regime it serves, without being tied to the policies and programmes of any one political party (which would serve to negate its capacity to serve other elected parties, ‘without fear or favour’). Storing (1998), for example, argued that the very qualities that distinguish the civil servant from the elected politician – including their relatively long tenure in office, professional experience and expertise in ‘the arts and business of government’, and partial insulation from direct accountability to the electorate – enable them to serve a unique kind of political role, which can complement the skills of the latter and the operation and production of ‘responsible government’. Borrowing a phrase from Sir Henry Taylor’s classic *The statesman*, which like Weber’s work prefigures much of the discussion of the theme of ‘bureaucracy and discretion’, Storing articulated a role for the senior civil servant as a ‘closet statesman’, exercising ‘administrative statecraft’. The twin perils of ‘populism’, on one hand, and the various different reform programmes advocating variants of ‘scientific management’, on the other, could be mitigated or avoided by a realistic appreciation of bureaucracy à la Weber, and by cultivating and strengthening the ‘constitutional bureaucracy’s ‘ capacity to exercise ‘administrative statecraft’.

**Formality and Discretion: Wilfred Brown**

As we indicated in the Introduction to this chapter, in his classic essay, *Complex organizations*, Charles Perrow (1979: 24-6 and 44) offered an acute re-consideration of bureaucracy as a potentially positive, if often fragile, organizational achievement. In so doing, he had cause to turn at certain points to the work of Wilfred Brown, an experienced and successful manager, executive, Minister of State, and organizational analyst, who rose to prominence in the field of organizational theory as a result of his involvement in the first major research project undertaken by the Tavistock Institute of Human Relations in the UK after the second world war: the Glacier Project, but whose work is now largely forgotten. Brown’s experience of working within and empirically analysing the operations of bureaucratic hierarchy in a number of contexts had led him to argue, against the ‘customary view’ (Perrow 1979), that bureaucracy was neither inherently pathological nor dysfunctional. Rather, in contrast, bureaucracy is something that could potentially enable an organization to employ large numbers of people and yet preserve both unambiguous work role boundaries and accountability for work conducted by those occupying those roles. In particular, Brown stressed that the very formalities, or so-called ‘rigidities’, of bureaucratic hierarchy were not antithetical to ‘discretion’ and ‘flexibility’, but rather their precondition (see also du Gay 2000; Stinchcombe 2001). Instead of being seen as mutually exclusive, as the ‘customary view’ had it, the one was seen as the condition of the other. For Brown, it was the relationship between the two that was important.

For Brown (1965: 308), all work, and thus all work roles, no matter how ostensibly routine or circumscribed, requires ‘decision-making’ by those performing it. He defines work as ‘the totality of discretion which a member is expected to exercise, and the proscribed acts he (*sic*) must discharge, in carrying out the responsibilities of the role he occupies’ (1965: 308). By discretion, Brown refers to an act or course of action adopted by an organizational member in a specific role, where the policy set for that role leaves alternative courses of action from among which that member has to choose. By proscribed acts, Brown means an act or course of action performed by a member in undertaking their work role, where the policy set allows that member no choice. In framing employment work in this manner, Brown is keen to highlight that the main basis on which the assessment of the performance of such work is to be undertaken, is how an organizational member uses experience, knowledge and judgment in making decisions, rather than on the *apparent results* of their use of such experience, knowledge and judgment. As he puts it:

We too readily agree that chief executives should be assessed on the basis of the profit and loss account, that the factory manager should be solely assessed on the volume of output, or the civil servant on the speed with which they can introduce arrangements that put into practice a change in Government policy. But these achievements – profit, volume of output, speed – are the end results of processes that involve not only the quality of the decisions made (…) but also a host of other variables outside their control. It would be very convenient if these were objective parameters of the performance of people, but they are not. Many find this so distressing that they sometimes fail to face up to it and go on trying to assess the work done by subordinates or others on a quite unreal basis. The reason for their distress is that instead of the relatively easy task of looking, for example, at the output volume achieved by the factory manager and accepting the figures as an index of their performance they must, instead, take their whole experience of their performance over a period of time into account and use their own judgment in coming to a decision as to whether their performance is good, bad, or indifferent. Judging the performance of subordinates is, in a very real sense, hard work (Brown 1974: 110-1).

This ‘hard work’ is a form of casuistical reasoning where practical judgment is crucial. The quality of assessment depends on judgments concerning the significance of situational factors. In the case of the chief executive, for instance, the profit and loss account is itself affected by variables outside the control of any one member of the organization, such as the state of the market, the changing costs of raw materials, changes in Government policy, the decisions of the Board about such things as capital investment, and so on and so forth. The existence of these variables is obvious enough, so the question then is: exactly how useful or practical is it to undertake assessment of a chief executive’s performance in terms of financial results alone? Quantitative indices such as profit, output, volume of sales and so on, are very important, but in using them as the basis of an assessment of performance, ‘it is essential to consider the other variables that have affected them, and to assess how far they are a function of a manager’s performance’ (Brown 1974: 111).

Moreover, as Brown (1974: 112) continues, ‘if one introduces the time element, the fallacy is compounded’. To the extent that profits are affected by the decisions of the chief executive, the effects virtually never show up during the year in which such decisions were made, and for which the profit and loss account is constructed. The chief executive may take decisions in one year. The results may not appear until several years later. The larger the organization, the longer the time-span of the chief executive’s discretion is likely to be. If it is decided to develop a new product line, for example, it may be some years before sales in volume result. In the intervening years the profit and loss account will include all the costs of a plan that has yet to introduce any revenue. How can it then be said that the chief executive’s efforts can be assessed in terms of profits in those intervening years? Brown (1974: 112-3) argues that

fallacious perceptions like this about how to assess an individual’s work exist at all levels in employment hierarchies and are widespread in society. Factual results are very important, but they must be used intelligently. Their crude use as sole criteria of success not only results in injustice to individuals but can also bring about decisions that damage the future of companies.

However, he continues, if managers encourage their subordinates to discharge the tasks allotted to them by precisely cultivating and deploying their practical, situational judgment – their *discretion* – in for instance deciding how best to distribute work among their own subordinates, how to devise new methods of obtaining results when normal methods have failed, how to keep things on schedule, how to deal with personnel difficulties, how to train people to do their jobs, how to match changes in the environment in which they work that no one foresaw, with initiatives that nobody ordered them to take, then the fallacy can be avoided.

If we realize that we have to judge subordinates on the way they use their judgment, then we will realize that our judgments of their work are based on experience over time and on our use of intuition and judgment. There is no easy formula (Brown 1974: 114).

For Brown, an effective and equitable assessment of a subordinate’s performance must of necessity be mediated by a principle of situation-specific judgment.

It is only by considering a subordinate’s work in this way that a manager can help him. It is no help to him to say: ‘Your output has fallen, there must therefore be something wrong about your approach to running the factory and you must do better.’ You can help him only by pointing to examples of errors or marginal errors of judgment, and to do that you must have a pretty extensive knowledge of the types of decisions that his work involves (Brown 1974: 114).

As with Weber (1994), with whom, alongside Barnard, he is frequently compared (see Kelly 1968, chapter Ten), Brown roots almost everything in ‘Fraglichkeit der Situation’ (‘the uncertainty of the situation’). As Weber’s work can be seen to reside within both a classical tradition of political judgment, and an ‘ethics of office’, so too can Brown’s work be located within the classic stance of organizational theory as a practical science, where practical action and situational judgment are at a premium.

**14.4 The professional as an office-holder:**

**The case of error-management in the clinical hospital**

From a Weberian stance it is unviable to hold that ‘the official is not an expert’ (Perrow 2014: 46) who uses considerable discretion in exercising administrative and executive ‘statesmanship’. It is, however, just as problematic to hold that the expert – or the professional more specifically – does not occupy an office with instituted official purposes and obligations. Or, relatedly, that the professional organization, such as the hospital, the university, the school, is merely a ‘collegial’ organization that has little connection to bureaucracy. As Perrow (2014) suggests, professional discretion is rarely in opposition but often closely connected to and interdependent with clear lines of authority, formalization, division of labor, a high degree of rules and procedures, exact specification of duties and responsibilities, impartiality, equal treatment and so on.

In this section of the chapter we turn to the clinical hospital and the medical profession as a site to investigate the interrelations between bureaucracy and discretion. Traditionally, clinical judgement has been understood as a casuistical type of reasoning *par excellence* (Toulmin and Jonson 1990; Pedersen 2018). The large degree of discretionary authority and freedom attributed to the medical profession has made the organization of medicine the preferred battleground for the discussion of the nature of professional discretion and expertise (e.g. Becker 1961; Freidson 1988). Thus, in Parson’s aforementioned footnote to Weber, he discusses exactly the case of the physician to argue that the authority of expertise is radically different from the authority of office. The authority of the physician, Parsons suggests, is solely dependent on the patient’s faith in their physicians’ technical competences. Parsons further claims that when physicians are organized (in hospitals for instance), then

instead of a rigid hierarchy of status and authority there tends to be roughly, in formal status, a ‘company of equals’, an equalization of status which ignores the inevitable gradation of distinction and achievement to be found in any considerable group of technically competent persons (Parsons 1949: 60).

Parsons thus articulates an idea of the collegial, democratic and equal organization of the medical profession that has become dominant in large parts of the sociology of professions. This is a notion that Perrow opposes by noting ‘that evidence from studies of hospitals indicates that medical staff are quite bureaucratic in their organizational functioning, with hierarchies that are apparent’ and moreover, that hospitals indeed do seem to be environments that are sensitive to both gradations of distinction and achievement (2014: 43). While some of these early studies that Perrow referred to were undertaken by himself (1960, 1965), a number of important qualitative research studies dealing especially with the training of medical students also attested to the importance of hierarchy and office-holding in the clinical hospital – not least for the development and exercise of discretionary capabilities (e.g. Fox 1957, 1959; Becker, Geer, Hughes and Strauss 1961).

A particular thorough analysis of the interdependencies of bureaucracy and medical professionalism in the clinical hospital is to be found in Charles Bosk’s *Forgive and remember* (2003 [1979]) where he follows the training of resident surgeons in a US hospital in order to investigate the character of internal control and error-management in medical practice. Bosk comes to the conclusion that status (in the precise sense deployed by T.H. Marshall (2000), for instance), hierarchy and a clear distributions of responsibility and duty are preconditions for the identification and handling of failure within the clinical hospital understood properly as a system of offices through which both medical expertise and ethical attitudes are transmitted.

In the chapter ‘Error, rank and responsibility’, for example, Bosk describes how different types of error are judged differently according to their character, and according to the status and responsibilities of the person who commits them. As described Mintzberg pictured professionals as extra-organizational selves that often do not ‘consider themselves part of a team’ and ‘ignore the needs of the organization’ (Mintzberg 1979: 374), with the associated problem of unhindered discretion caused by lack of coordination and organizational control through hierarchy and office-holding. In sharp contrast to this picture Bosk describes a fine-grained system of organized professional self-control transmitted by clear lines of authority, formal responsibility and division of labor. Here, the possibility of making what Bosk characterizes as ‘independent judgments’, as well as the disciplinary actions and the expected level of self-criticism in relation to judgmental errors, are strictly connected to one’s particular place in the predetermined system of official roles in the hospital.

The prominence of role-morality in the clinical hospital is especially noticeable in what Bosk describes as *normative errors* that occur ‘when a surgeon has, in the eyes of others, failed to discharge his role-obligations conscientiously’ (Bosk 2003:51). More specifically, that is an error in which the surgeon challenges what Bosk describes as the normative ‘background assumptions’ that govern clinical practices, and that are ‘drilled into’ into clinicians since their first day as medical students (2003). This includes certain rules of conduct such as ‘the rule of no surprises’ (the rule of involving and informing superiors), ‘the rule of full and honest disclosure’, and the rule ‘that one will not let personality intrude on clinical care’ (2003:51-61). The failure to follow these rules of conduct means crossing the boundaries of one’s official duties, and therefore such errors are taken to be much more serious and inexcusable that errors of judgment or technique. Consequently, they are strongly sanctioned by the medical community because while errors of judgment or technique are related to the surgeon’s level of training and skill, the failure to live up to instituted purposes, duties and codes of conduct ‘says something about the recruit himself’ (2003: 60) and their willingness to take their role obligations seriously. It is the failure to forgive these errors by the medical community that establishes the normative boundaries of the profession. Thus, following Bosk’s approach, it is hardly meaningful to separate the authority of expertise and the authority of office, or discretion and bureaucracy, not only because expertise and discretion are transmitted, given meaning and regulated through the complex system of offices that make up the clinical hospital, but also because the authority of clinicians in this system is closely linked not only to their technical competence but also to their ethos and their ability and willingness to follow normative codes of conduct – including, for instance, taking responsibility for failure.

The interconnection between office and expertise in the clinical hospital cannot, however, be taken for granted. It would seem that today’s intensive reforms of healthcare systems in important ways challenges some of the internal systems for distributing discretionary authority and responsibility to healthcare professionals. One example is the co-called ‘blame-free’ approach to medical error promoted as part of a comprehensive international patient safety policy programme. Here, errors are approached not as questions of internal error-regulation distributed through the clinical hospital’s official roles, duties and responsibilities, but rather as a policy problem and as an opportunity to system-optimize healthcare through developing a so-called learning culture in which ‘blame and shame’ is banned. With this, however, the classic distribution of responsibility for error and this distribution’s importance for regulating expertise and discretion, for educating medical students in codes of conduct, and for defining the limits of office, is at risk of being neglected (for an overview, see Pedersen 2018).

**14. 5 Conclusion**

Under the influence of the body of ideas collectively and popularly known as the New Public Management, since the 1980s public institutions have been subject to and incorporated a diverse range of managerial norms and practices drawn from a variety of locales – not least perceived ‘best (private sector) practice’. Prominent among these is a focus on performance-based evaluation: the idea that the success of these organizations should be primarily assessed in relation to their capacity to ‘deliver’ on clear metrics (‘set targets and track’). Focusing on clear objectives rather than rules and procedures, or office-based duties and obligations and their casuistical spaces of discretion, for example, was meant to liberate these institutions from the negativities of red tape on one hand, and the presumed vagaries or inconsistencies of situation-specific judgements, on the other. The presupposed result was boosting efficiency while providing the public with an objective standard for accountability. These ambitions may well be laudable in the abstract, but they can and have become fetishized in ways that risk impoverishing the mandate of those subject to them, and thus of distorting the overall purpose of the organizations and institutions which they serve.

For critics of these reforms, they are often represented as leading to ‘increased bureaucracy’ or ‘rule-tyranny’ – a presupposition that is supported by unspecific or faulty definitions of bureaucracy as, for instance, managerial control of work processes (Freidson 2001). These are accounts that together with the dichotomizing stance on discretion and bureaucracy cannot but help support the popular confusion of managerialism and bureaucracy. Contemporary reform programmes seeking to re-invent a ‘politics/administration’ dichotomy, or aiming to create a ‘blame-free’ patient safety culture, may have the effect of weakening internal systems for distributing discretionary authority to professionals. From a Weberian stance, such reform programmes are often strikingly anti-bureaucratic in nature.

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