Exploring Ethical Agency in Public Service.

Bernardo Zacka. 2017. *When the State Meets the Street: Public Service and Moral Agency*. Cambridge, MA: Belknap Press of Harvard University Press. 337pp

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Discretion is often seen as a technical problem of poor policy implementation such as the absence of sufficiently precise instructions or the lack of effective monitoring and enforcement systems. Bernardo Zacka, in *When the State meets the Street*, wants to challenge this view and offer a more positive account of the role of front-line discretion. Much of his analysis of frontline discretion — its inevitability, wide extent and role in oiling the wheels of government — draws extensively from the street-level bureaucracy literature. His primary interest in this book is normative — to set out how street-level bureaucrats ought to use their discretion. While the book includes original empirical material, this is primarily used to illustrate his argument.

Bureaucrats have to make policy and fill in the gaps, ambiguities and inconsistencies in the policy they have to implement. The distinction drawn in hierarchical accounts of policy implementation between politicians (making policy) and bureaucrats (executing policy) do not operate in reality. Public servants have extensive discretion to make and decide how policy is implemented. Their discretion is not simply technical; it is inherently political and moral. Bureaucrats decide how public resources and authority are used and affect the manner in which services are delivered to citizens.

Zacka is interested in the discretion of street-level bureaucrats as, “... a single category — notwithstanding differences among professions — because of similarities in the structure of every day work ... street-level bureaucrats are at the bottom of the organisational hierarchies; they interact with clients directly; and they are vested with a meaningful margin of discretion” (23-24). Discretion permeates systems of administration, but, he argues, the character of discretion of street-level bureaucrats is different from that of the senior bureaucrats who work with politicians at the top of public organisations.

According to Zacka, senior bureaucrats exercise discretion as policy-makers. Their role crosses the political/administrative divide. While this role grates with democratic sensibilities, it is justified, he argues, because senior bureaucrats are experts who are employed in secure posts where they are protected from undue influence. They are also in a position where new decisions have to be made, and they are responsible for making things work. While they are not elected, they can be held accountable, in court if necessary. Street-level discretion, Zacka argues, is different. Street-level bureaucrats do not have similar expertise; their employment status tends to be precarious. Their work is also liable to regulation by the bureaucracy’s policy and procedures. However, these rules and procedures are fuzzy when it comes to applying them in practice and application involves, “... striking difficult compromises between values such as efficiency, responsiveness and fairness” (64).

In seeking to understand street-level discretion, Zacka argues we need to consider the values that underpin street-level bureaucrats’ role as public servants. He is interested in their dispositions, a concept that refers to a relatively stable underlying view of the world that both informs day-to-day decision-making and reflects their manner and style of conduct. Dispositions, he argues, regulate how street-level bureaucrats behave and the decisions they make; they are the filters through which street-level bureaucrats perceive and interpret situations, and are the bases upon which practitioners mobilise moral sentiments and the framework within which they perceive their role and responsibilities.

In a democratic society, Zacka continues, public servants are expected to adopt a disposition that reflects the underlying values of public service. He characterises these expectations as a mixture of four elements: timely and economical services (efficiency); individual and attentive provision (responsiveness); equitable and impartial treatment (fairness); and a courteous but assertive approach — sometimes saying no, or requiring citizens to be responsible themselves (respect).

Zacka recognises that the demands of efficiency, fairness, responsiveness and respect are not always easy to sustain together, especially in the context of street-level work that is often characterised by day-to-day stresses and inadequate resources. Some public servants manage to sustain a balanced disposition in the way they go about their work. But, more often than not, street-level bureaucrats develop distorted and unbalanced views of their role, their work and how they should use their discretion. He describes these as ‘reductive dispositions’ — these are not positions that involve the abandonment of the obligations of public service, rather, they involve a misplaced emphasis on certain values over others in an attempt to manage stress and sustain a positive sense of one’s role. For instance, ‘the indifferent’ worker focuses on efficiency in a way that can be distant and unresponsive; ‘the caregiver’ emphasises responsiveness to individuals but at the cost of efficiency and at risk to equal treatment; and ‘the enforcer’ focuses so much on following the rules that she or he ignores individual circumstances.

For Zacka, the answer to this problem is not more regulation and closer control of street-level bureaucrats — the stock answer of traditional compliance approaches. Street-level discretion gives policy moral flex in the spaces provided by ambiguities and uncertainty. It also allows practitioners to address unanticipated situations. Imposing more rules simply eliminates the space for moral sensitivity. Instead, he argues that a more productive strategy is to value street-level bureaucrats’ discretion and to encourage street-level bureaucrats’ responsibility to push against reductive dispositions by questioning their world view, facing the challenge to their practice, and being accountable to their peers.

Zacka prescribes a regime of reflexive exercises — ‘gymnastics of the self’ — to challenge blunted dispositions. The role of these exercises — imagination, self-examination, testing and stretching oneself, etc. — is to help street-level bureaucrats develop a broader and more balanced conception of their public service role. This process is not just an individual exercise; it also has a collective dimension. Practitioners’ peers are effectively their gym buddies. Peers, from their different perspectives, challenge and question one another's perspectives and, in the process, support broader conceptions of their public service role and informal peer accountability. Through these processes, street-level bureaucrats, “... learn to reconcile themselves, however reluctantly, with the twin virtues of moderation and restraint ... [and] gravitate towards a conception of their role that is modest yet sustainable over time” (151).

Managers, for Zacka, also have a crucial role to play. They manage these processes by sustaining creative tension within their teams — encouraging individual practitioners to develop a more balanced disposition and, at the team level, ensuring sufficient diversity of perspectives to facilitate the peer review and challenge that supports accountability amongst peers. And managers can use their power to adjust the environment of the organisation to, “...make some dispositions easier (or harder) to maintain than others.” For instance, they can recruit different types of workers to alter the balance of dispositions in a team. They can also set certain targets to refocus concerns within the team. Overall, in doing these things, “conflicting managerial demands can serve to expand the range of values to which bureaucrats are attuned, while curbing the shift towards reductive ways of inhabiting the role” (201).

But how far should managers push and prod practitioners? Zacka considers this in terms of 'impossible situations.' The idea of ‘impossible situations,’ he argues, can be used by street-level bureaucrats to resist policy reform and managed change. Change can be stressful and difficult, but it is also often necessary to reflect the demands of changing “...values and priorities of the democratic public” (236). However, Zacka concedes there are impossible situations where street-level bureaucrats are faced with a challenge to the conception of the role in which they were trained and socialised to inhabit. Related to this are examples of street-level bureaucrats being put in situations where “...the actions that are required and the sense of self that is fostered cannot be reconciled” (229). In these situations, they have choices, but all entail costs to themselves and public service — to leave, to complain, or to soldier on as best they can. Managers may be able to help where the contradictions arise from changing expectations of services by managing change in a way that provides security and sensitivity in the process. However, it may also be that street-level bureaucrats are faced with policy expectations that outrun resources and raise questions about ‘objectives, priorities and resource allocation ... [which, he argues] must be settled, not at the front lines of public service, but in a legislative arena” (237).

In this book, Zacka presents a stylish and confident analysis of “…how street-level bureaucrats ought to inhabit their role … as they go about implementing public policy” (10). His approach reflects a growing interest in exploring street-level bureaucrats as ethical actors engaging with their practical reasoning, investigating the commitments they deploy in their responses to citizens and examining the values they espouse. In foregrounding ethical analysis, this book is a valuable contribution to the debate. It also raises questions which are not fully resolved in his presentation.

Rather than sustain his argument about the impossibility of the distinction between politics (making policies) and administration (implementing policies), he redeploys the distinction to contrast the discretion of senior bureaucrats and street-level bureaucrats. Bureaucrats do make policy, he argues, but this is the province of senior bureaucrats. Street-level bureaucrats work within a policy framework and use their discretion as the public service equivalent of good customer care. However, when we look at Zacka’s arguments about the nature of discretion, his strategy to exclude policy discretion at the street level is problematic: some street-level bureaucrats, on the basis of the criteria he puts forward to argue that senior bureaucrats should have policy discretion, have the same claim to exercise policy discretion as senior bureaucrats.

In characterising street-level bureaucrats, although Zacka acknowledges that aspects of the work of particular occupations differ significantly, he sees them as fundamentally similar: a single category of front-line public servants. However, it’s useful to remind ourselves that, “street-level bureaucrats are teachers, police officers and other law enforcement personnel, social workers, judges, public lawyers and other court officials, health workers, and many other public officials who grant access to government programs and provide services within them” (Lipsky 2010:3). Many street-level bureaucrats, Zacka argues, are in precarious employment — for instance when they are in contracted out services — and may not have recognised expertise. However, when we consider the range of occupations that fall under the very broad street-level bureaucrat rubric, many street-level bureaucrats will be professionally qualified and have acknowledged expertise in their field, and will also be in posts where they have sufficient security of tenure to feel confident in exercising independent judgement. From this perspective, then, his account of street-level discretion ignores the fact that, because of different occupational status, some street-level bureaucrats have a similar ethical claim to policy discretion as senior bureaucrats in terms of expertise and independence.

Even if we were to accept Zacka’s view of the categorically different forms of discretion operating at different levels within public service bureaucracies, the idea of public service obligation also suggests that policy discretion is inherent in the work of all street-level bureaucrats. Zacka’s account of the moral environment of street-level discretion focuses on the idea of public service obligations. Public service obligations are what citizens reasonably expect public servants to do when putting a policy into effect: that it’s done efficiently, respectfully, etc. However, a key expectation that seems to be missing from Zacka’s characterisation of these obligations is that services are *effective*. We assume that public services will ensure that public policy works in practice, that it is not done ineffectually. Why is effectiveness important here? Surely because it acknowledges a sense in which any public service obligation also entails some consideration of whether that which one is asked to do *works*; and, if it doesn’t work, not pretending to citizens that it does, but changing it. If it can be done better, it should. There is an expectation that public servants will actively seek to improve policy in practice and innovate to make policy more effective—not just continue doing what has always been done.

In evaluating the ways in which street-level bureaucrats exercise discretion, Zacka also draws on the idea of a balanced sense of one’s public service obligations — characterised by moderation and restraint. For him, street-level bureaucrats’ ideal disposition is a broad and flexible approach to their public service role. From Zacka’s point of view, street-level bureaucrats’ actions are best understood as arising from their dispositions. Concentrating on decision-making —the reasons that immediately precede an action or choice—involves too narrow a focus, ignoring the role of background assumptions, ideas, commitments and feelings that frame a situation.

On the face of it, who can disagree with this? We all want things to be reasonable. And focusing on an actor’s disposition rather than his or her particular decision (and all the background noise of situational factors decisions involve) surely makes sense. However, there are significant problems with both points. How does one know when a street-level bureaucrat has struck the right balance? When, for instance, is a street-level bureaucrat’s particular stance pathological or reductive? Who decides what is reasonable and on what basis? Zacka’s response seems to be to rely on the judgement of managers. He sees managers as stimulating individual practitioners to reflect and develop a balanced position and also as acting to create a work environment that is sufficiently balanced and diverse to support peer challenge. However, he does not consider managers’ qualities or abilities to do such work. His argument about the problems of top-down principal/agent authority precludes his taking their hierarchical position as the basis on which they exercise the ethical authority that constructs this architecture for street-level discretion. What is it that managers, in particular, have to offer here? Which particular skills and expertise do managers as a group have to exercise this ethical insight? What is the basis of their moral authority to manage the ethics of front-line practice?

We need to be careful of Zacka’s suspicion of ‘grand vocations’ (151) and his characterisation of dispositions as reductive when they do not reflect his view of balance. In assessing the balance or appropriateness of an approach to service, shouldn't one look at the nature of the situation in which the person is engaged? What is the nature of the service being provided? What skills are important, and what expertise is required? What is the nature of the relationship between the public service and the citizen? In some forms of public service, particularly human services such as health care, social care and education, one would expect a positively reductive disposition with an emphasis on compassion over procedural enforcement and on the effectiveness of an intervention over efficiency. There are likely to be different reasonable balances of public service obligations in different settings, and particular occupational groups will reflect these. Of course, habitual patterns of response may operate and may reflect a person’s choice to adopt a restricted role to reduce their own stress. To understand the particular restrictive form of the disposition that might develop, it is important to look at the avenues and options to action that street-level bureaucrats in that situation have available to them, and to consider both the reductive disposition and the reductive situation that has contributed to it.

Given the centrality of this idea of dispositions to his argument, it is also important to be clear about how we identify them. Zacka’s view is that we cannot do this by looking at individual decisions, but that we need look beyond them to identify the background pattern of ideas, rules of thumb, assumptions, feelings and fundamental commitments that make up a disposition. This is an important insight into the complex and deeply embedded nature of ethical practice. It is then surprising when he asserts that investigating dispositions is a relatively straightforward process in stating, “... the role conceptions that serve to anchor bureaucrats’ moral dispositions can be obtained more readily in the form of first-person accounts gathered through interviews” (91). The task is surely more complex, especially if we take Zacka’s analysis of dispositions seriously.

Doing research into dispositions is likely to be an involved and sensitive process. Dispositions are deeply embedded in who we are, the roles we play. It can be challenging to be questioned about one’s commitments and feelings. It is not always easy to explain what you know or to express clearly what you take for granted. And in engaging in this process the researcher also needs to identify and bring into clearer focus his or her own deeply felt commitments and taken for granted ideas. Furthermore, for street-level bureaucrats who have successfully extended their repertoire of values in Zacka’s terms, his distinction between dispositions, which he sees as preceding decision-making, seems to break down, because the bureaucrats must decide which approach to take from the dispositional range now available to them. They must make a decision about the approach to take. Decision-making about dispositional attitude then blurs into particular decisions and reinforces the importance of understanding and evaluating dispositions in relation to the situations in which they are deployed.

*When the State Meets the Street* is a well-written and engaging book, which does what an academic analysis should do: it prompts debate, encourages us to look at familiar issues from new angles, and opens the topic up to questions and further development. The book offers public administration scholars a stimulating moral take on bureaucratic discretion. It is an interesting contribution to continuing debates about the evaluation of discretion and how the ethical perspectives of street-level bureaucrats might be explored and analysed. Zacka's approach underlines the importance of making connections between public administration and political/ethical philosophy. However, his particular approach to street-level bureaucrats, their ethical agency and environment of bureaucratic practices raises significant questions. The fact that his book inspires such questions is in itself an indication of the value and interest in a welcome and original contribution to a long-running debate.

**References**

Lipsky, M. (2010) *Street-Level Bureaucracy*. New York: Russel Sage.