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Sociology, Street-Level Bureaucracy, and the Management of the Public Sector*

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Abstract

This paper extends the concept of street-level bureaucracy to address the problem of the inflexibility and rigidity of governmental rules and regulations, a problem at the heart of the standard economic argument against an active government role in the management of the economy. In so doing, it seeks to create a conceptual bridge through which a range of social science disciplines can be drawn into the debate about public sector management and thereby expand the repertoire of policy tools. The paper draws primarily on research on one class of such organizations, labor inspection in Latin America and Southern Europe, and secondarily on a project focusing on DARPA, the research arm of the U.S. Department of Defense. In both organizations, line officers have wide discretion in program development and management and in effect adjust to changing economic and social conditions, in a way not unlike the market. These adjustments are grounded in tacit rules which evolve through discussion among the line agents coping day to day with novel cases. Management can influence that evolution by entering into the ongoing discussion and giving it direction. Various ways in which it might do so are examined.

* The argument developed here draws on work done in collaboration with Andrew Schrank, Charles Sabel, and Gilles Raveaud and on extensive discussions and debates with them. It also incorporates comments and reflections generated by the other papers and the debates and discussion at the conference. I am indebted to a list of other readers too numerous to mention, but I want to thank particularly Susan Silbey who read and edited several drafts of this manuscript and Michael Lipsky who also provided extensive comments. I remain responsible for the errors and omissions in the text and in the argument.
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Sociology, Street-Level Bureaucracy, and the Management of the Public Sector

“The question we ask today is not whether our government is too big or too small, but whether it works”

Barack Hussein Obama
First Inaugural Address, January 20, 2009

We are living through a period of resurgence of government and its role in the economy. This is especially true in labor market regulation, which is the immediate focus of this paper. But it is true more generally in many sectors of the economy, including most recently finance, environment and energy policy. These developments constitute a reaction to the progressive withdrawal over the last thirty years of government from regulation and from the direct provision of goods and services and to the neoliberal framework in terms of which that withdrawal has been conceived and carried out. But the reaction is less one of conviction than of circumstance, an almost instinctive response to a series of spectacular events: to the financial crisis and to economic crisis more broadly; and to attention-grabbing accidents in mining and in construction with a high toll in human lives and in off-shore oil drilling involving not only loss of human life but also widespread environmental degradation. It is a response as well, particularly in Latin America and other parts of the developing world, to the failure of market-oriented policies to yield the promised dividend in economic growth and development. Because the revival of government is reactive, it is occurring in something of a conceptual vacuum, without addressing the intellectual issues which occasioned the withdrawal of government in the first place. In particular, it fails to address the problem of the rigidity of regulation and the difficulty of responding to changes in economic activity over the course of the business cycle, and, in the long run, in response to technological innovation.

This paper attempts to provide some of the elements of a more coherent response to the neo-liberal critique. It does this by extending the concept of street-level bureaucracy and related literatures on decentralized organizational structures in which

substantial discretion and decision-making authority are vested in the line officers at the base of the organizational hierarchy. The literature permits us to move beyond the notions of human motivation and social coordination that underlie standard economic theory (and hence neo-liberalism) and to draw on other social sciences for alternative policy instruments for managing the public sector.

The immediate impetus for this endeavor is a series of research projects focused on labor market regulation in Southern Europe and Latin America. We will also draw in a more limited way on parallel research in which we have been engaged with the Defense Department's Advanced Research Projects Agency (DARPA). In both of these areas, the line agents exercise enormous discretion and hence have the potential to address the neoliberal concerns about the rigidity of government regulations. Whether or not they actually do so, we will suggest, depends on how they are managed.

This paper is divided into four sections. The first section discusses the concept of street level (or decentralized) bureaucracy as an organizational form and the discretionary authority which it vests in the line agents; the second examines the particular problems the discretionary authority of the line agents poses for management in labor inspection; the third focuses on the management of that discretion; the final section concludes.

Part I: Street-Level Bureaucracy

Street-level bureaucracies are hierarchical organizations in which substantial discretion lies with the line agents at the base of the hierarchy. The term itself was coined by Michael Lipsky in the late 1960's, who used it in a much narrower sense (Lipsky, 1980). But organizations of this kind have been recognized and studied throughout the postwar period, giving rise to a substantial literature and body of research about the routine activities of bureaucratic actors, but one which was eclipsed after 1980 by the increasing emphasis on market-oriented reforms and, as a result, has atrophied in recent years (but see, Hawkins, 2002). A number of the papers in this volume reflect a revival of that line of research.

In addition to this literature focusing directly on street-level bureaucracy, we draw on three other research traditions. First is the literature on professions, which we see as

being closely linked to street-level bureaucracy, although again that relationship is not generally recognized (see, for example, Abbott, 1988; Kunda, 1992). Second is the literature on decentralized management structures in the private sector which have grown up largely since the 1980's and were initially modeled on, and in response to, Japanese organizational practices (Rubinstein and Kochan, 2001; Clark, 1979; Dore, 1973). The line managers in these decentralized systems, and sometimes the production workers themselves, became very much like street-level bureaucrats, and some of these managerial techniques are applicable to the public sector. The private sector literature stresses the value of decentralized management structures in contributing to innovation and thus provides a bridge to the "sociological citizen" and his/her capacity to develop innovative solutions to regulatory problems stressed in other papers in this volume (see also Silbey, Huising, and Coslovsky, 2009). The limits of the analogy between the public and private sector literatures, are, as we shall see, also instructive. Finally, there is a much newer literature on public sector management which grows out of the experience of the last two decades. One branch of this literature, particularly active at the moment in France, looks at the limits of reforms in the public sector inspired by the competitive market model which attempts to impose quantitative indices for performance evaluation and budgetary discipline on the public sector (the LOLF, *loi organique relative aux lois de finances*) (Muniesa and Linhardt, 2009; Republic Francaise, 2008). Another branch is the work of a team of researchers organized by Charles Sabel focusing specifically on the transferability of decentralized management in the private sector to the public sector (Sabel and Zeitlin, 2008; Noonan, Sabel and Simon, 2009; Naschold, 1996).

In extending the original term to encompass this broader range of organizational phenomena, it is important to emphasize the way in which we depart here from the narrower literature that grew directly out of Lipsky's original work. First, we are shifting the focus from the individual agents within the organization, the street-level bureaucrat, to the organization in which the agent operates, the street-level bureaucracy. Second, the narrower literature tended to see the discretion of the agent as a byproduct of a gap between the organizational mission and ideology, which emphasized the rule of law and the importance of treating essentially similar cases equivalently, and the reality of organizational life. It attributed to the agents a view of the discretion which they

exercised as a burden and a dilemma, a source of stress and tension, rather than a potential advantage for the organization and of stimulus and motivation for the agent. As a result of this emphasis, street-level bureaucracy came to be seen as degenerate or pathological, rather than an organizational form in its own right with advantages as well as disadvantages, particularly in the management of the public sector.

It is easier to see what this shift in emphasis implies in terms of the broader interdisciplinary field of organization studies. It is conventional in organizational theory to draw a sharp contrast between two ideal types of organizational forms: hierarchy (or classic Weberian bureaucracy) and markets. The classic Weberian bureaucracy is an organization in which the behavior of the agents at the base, divided by specialization, is coordinated and controlled by strict rules and procedures handed down from higher levels of the organization. Markets, by contrast, are organizations of autonomous agents responding to signals and incentives generated through their interaction in the marketplace. In recent years, the “network” has received increasing attention as a third organizational form: “neither market nor hierarchy” (Powell, 1990). The term takes on slightly different meanings with different analysts; it presumes, however, agents (or decision-makers) who act as autonomous individuals but are embedded in a community in which social ties, rather than market signals, are critical to behavior.

Street-level bureaucracies have some of the properties of each of these organizational forms. In the generic sense, these are nominally bureaucratic organizations in which the line agents have considerably more power and discretion in decision making than what a strict conformity to a set of rules, procedures, and subordination to hierarchical supervision would admit. The discretion may be inherent in the tasks which they perform or the roles they play, such as the classroom teacher, the social welfare case worker or the policeman on the beat. The discretion may also be the unlooked for result of the proliferation of rules, to the point where they cannot all be enforced and the agent is required to pick and choose among them (Haines, 1997). Discretion can arise similarly from a budgetary shortfall, which makes it impossible for the agents to behave in the prescribed manner and forces them to pick and choose for which rules the resources are available for enforcement and under what circumstances. The U.S. Immigration and Customs Enforcement, operating to control the exploding

population of undocumented aliens in the U.S., is an example here (Gilboy, 1991). Or, the discretion may result from the incompleteness of the rules, the indeterminacy of language, or the failure to cover (or outright impossibility) all possible contingencies, as in Michel Crozier's classic study of maintenance workers in the French match factory (Crozier, 1964). Although each of these characteristics of a street-level bureaucracy could itself be the subject of a whole research agenda, we shall be more interested here in how that discretion is exercised than in where it comes from in the first place. What makes it interesting, at this moment however, is that it seems to involve more than the market-like incentive structure or the kinds of social relationships and exchanges typically emphasized in the network literature.

Of course, there is a sense in which agents exercise some discretion in any organization (Davis, 1969). All systems of rules or organizational directives require some interpretation; this is inherent in the nature of language (Gadamer, 1975). But in a classic model of Weberian bureaucracy, the response to the problem posed by interpretation is to clarify the rules and generally to increase their number. In a street-level bureaucracy, by contrast, an alternative response is not to try to eliminate the discretion or to minimize it, but to manage it.

In the literature, the most prominent example of a street-level bureaucracy is the police. The mythology surrounding the police is that they enforce the law. But, as James Q. Wilson emphasized in his classic study, Varieties of Police Behavior (1968), or Egon Bittner in his studies of police routines, the actual role of the police in much of their work is to maintain social order, or peacekeeping (cf. Chevigny, 1995; Van Maanen, 1975, Manning and Van Maanen, 1978). The policemen themselves see the law as an instrument in this process, not as an end in itself, and thus prefer vague and ambiguous laws like "stop and frisk," which they can invoke circumstantially. The meaning of social order, moreover, varies depending on the context and the community; behavior that would be disorderly conduct in a suburban residential community is regularly tolerated in downtown entertainment districts.

My own recent research has focused on labor inspectors in a model of labor regulation originating in France and which is common in Southern Europe and Latin America. The model initially caught my attention because it is so different from the

approach we are familiar with in the United States. The U.S. approach is highly specialized and depends upon the sanctioning of violations. Responsibility is divided among a multitude of different agencies (including for example, the Wages and Hours Division of the Department of Labor, OSHA, EEOC, the NLRB, the Federal Mediation Service, and the Immigration and Customs Administration). In many cases, it is further fragmented by overlapping jurisdiction of the states and the federal government. Each of these agencies has a narrow jurisdiction. Its role is to identify violations and impose sanctions in the form of a fine or, in rare cases, more serious criminal penalties. Payment of the fine normally discharges the responsibility of the enterprise. In the Franco-Latin model, by contrast, the whole of the labor code is administered by a single agency, the *Inspection du Travail* or the *Inspeccion de Trabajo*. The range of responsibility is so wide that it is simply impossible for the inspectors to enforce every provision of the code and they thus have substantial discretion in how they will regulate the enterprises over which they have jurisdiction. The discretion is further enhanced by the fact that responsibility is not discharged by sanctions. The inspectors are expected to bring the enterprise into compliance and for these purposes can work out a plan which does this gradually over time (see, for parallels in other organizations, Silbey, 1980-1981; Silbey and Bittner 1982; Bittner 1979; and Bittner, 1990). As I have argued elsewhere in collaboration with Andrew Schrank, this gives the system considerable flexibility and through that flexibility the potential to reconcile this form of regulation with variations in the economic and social environment and with the requirements of economic efficiency (Piore and Schrank, 2008). Silbey, Huising and Coslovsky's (2009) "sociological citizen," who seeks innovative solutions to the conflicts of value which the regulation creates, widens the potential of the model for flexibility and adaptability even further. Whether or not that potential is realized in practice depends on how the inspectors actually make their decisions and, more broadly, on how street-level bureaucracies are managed and directed.

In the Defense Department research agency that we have been studying in parallel with the studies of work inspection, the research program is developed by the program manager who then goes out and actively solicits proposals from industry and academia to conduct pieces of the program he or she has developed. In other government-financed

research, by contrast (the National Science Foundation, for example, or the National Institutes of Health), the program manager basically supervises a routine process in which proposals are solicited through a Request for Proposal and are then reviewed and ranked by panels of outside experts, making the manager a conventional bureaucrat who implements a routine over whose outcome he or she has little influence. The DARPA agency developed its approach in response to the surprise launch of the Russian Sputnik in 1957, and it is widely credited with a number of radical technological innovations which belie the conventional picture of a bureaucratic government agency.

To identify street-level bureaucracies as a distinct organizational form raises a series of issues within the context of the organizational theory literature. We will focus on two of these here. First, how do its performance characteristics compare to those of other organizational forms? Second, what determines the performance, and relatedly how might that performance be improved through more effective management? Developing answers to these questions is in effect a research agenda in itself, a project that extends considerably beyond the confines of a paper of this kind. Here, however, we will attempt to outline the nature of the answers, drawing on my work with Andrew Schrank on labor inspection and the larger literature of which it is a part.

Much of the organizational studies literature of the last several decades – as part of the turn to rational choice models of action and neo-liberal policies – tends to take the competitive market as the optimum organizational form. In this model, agents make decisions based on local information in response to signals generated by their interaction in the marketplace; the signals also act as incentives to which the agents in the pursuit of their own self-interest respond directly. Because they are generated in a competitive marketplace, the signals encapsulate the global information which is required to make the decisions optimal from the point of view of the system as a whole.

But the competitive market cannot always function in this way. It fails particularly when the objective function of the organization is complex and not easily summarized in a single performance measure like profit, when close collaboration among a number of agents is required, or when the agents are required to exchange information in ways that competition tends to inhibit. A competitive market, real or simulated, is not an efficient form of organization, and a classic Weberian bureaucracy governed by

formal rules and procedures promulgated and monitored from above is an alternative. But it has serious drawbacks in terms of both flexibility and the use of local knowledge because the rules are usually promulgated at a distance from the point of decision-making, making it difficult to make use of local knowledge or adjust to local circumstances (Hayek, 1948).

Street-level bureaucracies presumably overcome the problems both of rigidity and sparse local knowledge. But they appear to do so by opening the door to unrestrained self-interest and/or idiosyncratic variation as discipline is imposed neither by the competitive market nor by hierarchical supervision and control. Whether they in fact do so depends on how decisions are actually made and how they are managed.

The literature suggests that the decisions within a street-level bureaucracy are neither totally idiosyncratic nor do they reflect the narrow self-interest of the line agents. This is not to say that there are no idiosyncratic components, nor that that individual calculation is totally absent. But the decisions actually seem to be made within the framework of a set of tacit rules and procedures against which it is possible, at least in principle, to gauge the idiosyncratic component or the narrowly self-interested calculation of particular agents. These rules are embedded in the organizational culture; they evolve as that culture evolves and are passed on from one generation of agents to the next through the process of socialization which occurs when new recruits enter the service. They are reinforced on the job as the agents interact with each other, reviewing and discussing the disposition of particular cases in the formal interactions and informal interactions that occur on the job (Shearing and Ericson, 1991; Van Maanan and Barley, 1984). They evolve with the situations the agents encounter and are required to address; they change with alterations in the environment and as agents discuss and evaluate those situations with their colleagues and superiors.

Given the individualistic, rational choice models which have dominated thinking about behavior, one is naturally led to ask why autonomous agents should be so influenced by the social setting in which they operate – that their organizational and professional, no less more encompassing national, culture essentially determines their behavior. The answer that emerges in sociological theory is that the individuals' identity and self-conception become entwined in their organizational roles. As this happens, the

individual's sense of self becomes dependent upon prestige and approval within the organization and is measured against organizational norms. In this sense, conformity to organizational norms and the individual's self-interest are not inconsistent; indeed, on the contrary, the pursuit of self-interest leads to conformity to organizational norms. This implies that the organizational culture will have a stronger hold on decisions the greater the degree to which the agents depend on their colleagues within that organization for approval and support (Van Maanen, 1975; Wilson, 1968; Schein, 1999, 2004).

The cultures of organizations under outside pressure and which operate in a hostile environment, such as the police or the military, this suggests, will have a stronger impact on their members than cultures of weaker organizations or where agents operate in multiple organizational contexts. Labor inspection tends to fall into this class of organization that operates in a hostile environment in which the agents fall back on each other for protection and support, and this is becoming more so in recent years as the spread of neoliberal philosophies has made employers increasingly hostile to government regulation and the person of the regulator/inspector. Case in point: In France two years ago an inspector-trainee and her colleague were shot and killed by a peasant at whose farm they were conducting a site visit.

In stressing the social context and control over the way individual decisions are made, one need not abandon the model of individual decision-making that stresses the effort to maximize monetary gain and career advantage or to minimize effort. But in many decisions the agent has no personal stake in the outcome one way or another, and even where the two kinds of motivations would suggest different outcomes, the outcomes dictated by the individual's social role may prevail.

The notion of the sociological citizen introduced and developed by other papers in this volume is an important extension of the notion of street-level bureaucracy because it suggests that this organizational form not only has the flexibility to adjust to a shifting economic and political environment, but also the capacity to develop totally new solutions which circumvent existing constraints on action. This seems to be a particularly valuable attribute as some of the most spectacular events pushing toward increasing government regulation (derivatives in financial services; deep water offshore drilling in environmental regulation; but also long distance telecommunication in the revival of

home work) are the byproducts of technological developments which rendered the prevailing regulatory standards obsolete. From this point of view, the sociological citizen appears to be best defined as an agent who employs the latitude and discretion which an organizational form such as a street-level bureaucracy affords to devise ways to overcome the constraints which inhibit the targets of regulation from compliance with the law. Moreover, the sociological agent recognizes the complex web of interdependencies that constitutes the organization and provides diverse resources for action (Silbey, Huising and Coslovsky, 2009). The papers in this volume offer a variety of examples. Among those with which I am familiar and which have guided my own thinking about this problem are the public prosecutors and labor inspectors in Brazil who organized new institutional structures in several different industries (e.g., fireworks, shrimp farming, day laborers hired for Carnival) to circumvent the economic constraints which inhibited compliance, and the compliance officer in Susan Silbey and Ruthanne Huising's case (reported in this volume) of environmental and safety regulation of university lab facilities who developed a technological solution to a problem which had stymied other regulators. The definition that framed the workshop out of which this paper grew also calls attention to the way in which these innovative approaches are developed, or more precisely, the perspective out of which they emerge – the “sociological imagination”.

We shift attention here from the individual, i.e., the citizen, to the organization. We are interested, in other words, in an organizational form in which behavior is directed by the organizational culture (as opposed to individual incentives or bureaucratic rules), and we are looking for ways of *creating flexible innovative and creative solutions through the management of that culture rather than through direct management of the agents themselves*.¹

Part II: The Case of Labor Inspection: Some Qualifications

To generalize the concept of street-level bureaucracies need not imply that all such bureaucracies present the same managerial problems, or that there are no important distinctions between the public and the private sector (Kooiman and Eliassen, 1987;

¹ On the management of organizational culture generally see: Pettigrew (1979), Denison, (1990), O'Donovan (2008), Phegan (1996), Ackroyd and Crowdy (1990), Fitzgerald (1988), Gowler and Legge (1983), Van Maanen and Barley (1984), Bloor and Dawson (1994), and Robert et al (2005).

Sinclair, 1991). Our labor inspection interviews revealed, on the contrary, at least three central characteristics which complicate the managerial problem and which appear to be generally true of regulatory bureaucracies of this kind, if not of the public sector in general.

First, the goals of the organization are more complex and less stable than those in the private sector. The goal of enterprises in the private sector is basically to maximize profits, and the choices which its management must make, whether centrally or at lower levels of the organization, concern the means for achieving that end. Our labor inspectors, by contrast, are charged with weighing a complex set of often competing factors. These range from (to draw a few examples from a very long list) the dangers of child labor, to the welfare of the children in the short run and their education and development in the long run to the health and safety of the adult work force and to worker rights to union representation. The total burden of the regulation at stake here must in turn be weighed against the commercial viability of the enterprise and the value of the jobs which the enterprise sustains, which might be jeopardized if the regulations were strictly enforced. Time spent on any one of these concerns is time not spent on one of the others. The weights placed on these different goals will vary, moreover, with the political and economic climate. The inspector must thus weigh the values placed on these often competing ends at the same time that he or she is trying to understand the impact of alternative means for achieving them. In fact, it is exactly that capacity to make these adjustments which makes this organizational form an answer to the neo-liberal critique of the inflexibility of government regulations.

Of course, the contrast to business organizations in the private sector can be exaggerated (Turner, 1971). An assembler in a Japanese auto plant who is empowered to stop the line if the production process is affecting quality could be said to be choosing in effect between quantity versus quality as competing goals of the production process. But in fact this particular judgment, like most judgments about how to weigh the various factors contributing to profits, are seldom delegated to lower levels of the organization – the line workers in a Japanese plant are focused exclusively on quality. There are also examples in the public sector where the mission is clearer and less ambiguous than in labor regulation: In evaluating the DARPA research model, the clarity of the Defense

Department mission is frequently emphasized. But the military is not typical of the public sector; and the DARPA model has not performed well when transferred outside the Defense Department to the Department of Homeland Security, to the intelligence agencies or to the Department of Energy.

A second characteristic which distinguishes labor inspection – and possibly public sector organizations more broadly – from organizations in the private sector is the preoccupation, evident in our interviews with higher level managers, with forestalling idiosyncratic solutions to regulatory problems, or solutions dictated by the particularistic interests of the agents, and ensuring standardization and replicability in the disposition of similar situations. Obviously, this is in part a product of the complexity of the decisions which the line agents are called upon to make and which makes every case seem *sui generis*. But it goes beyond that and seems to reflect the need to justify outcomes in the political process. In Latin America especially, there is a particular concern with corruption. Although, corruption is not the only source of particularistic and idiosyncratic solutions, and is possibly not the most important: One French inspector I interviewed about this issue, for example, said that he found out to his surprise that he was known as a firebug in his district; apparently, he always looked for fire escapes, although he himself was not conscious of doing so. On reflection, he realized that before he joined the Service, he had worked in Brazil and had been traumatized by an “inferno” in the upper floors of a building in a large city which occurred on the day after his arrival and was reported in the newspapers in gruesome detail for the first weeks he was there.

Relatedly, but from a societal point of view more importantly, management is concerned with aligning the standards employed by the agents and embedded in the organizational culture with those of the organizational hierarchy and the political leaders who stand at its apex and who, in principle, should be directing it. In France in particular, there is a general impression among the political class and in the business community that the decisions of the individual agents are colored by a strong anti-business ideology, one which is reflected in the organizational culture as well. The higher levels of the administrative hierarchy are caught between these concerns, which

emanate both from above and from the inspectors at the base, but in interviews at least they tend to reflect the concerns of the politicians to whom they report.²

Finally, in focusing on the flexibility of the street-level bureaucracies and the capacity of the agents to create new and innovative solutions to the problems they encounter, it is important to recognize that the activities which generate these attributes are only one dimension of the discretion that the agents exercise, and managerial attention is focused on these other dimensions of discretion as well. Indeed, most of the work of the organization will be along these other margins of discretion and hence they will inevitably attract the bulk of managerial energy and concern. The types of discretion, or more precisely the framework in terms of which discretion is understood and exercised, can be classified schematically under four headings which I will term: 1) sanctioning and deterrence; 2) pedagogical; 3) conciliatory; and, 4) entrepreneurial. The last is the discretion exercised by the “sociological citizen,” the ability to devise and promote approaches to compliance that actively circumvent the economic and technical constraints surrounding the enterprises which they regulate. But most regulatory performance, at least in labor inspection, has been of the other three kinds (cf. Pires in this issue).

The first of these involves picking out particular violations or potential violations to investigate and seeking to correct them in ways that deter future violations not only in the targeted enterprise but also in the economy as a whole – specific and general deterrence. In a certain sense, it is the capacity to identify violations and sanction them that gives the inspectors license to perform their other functions (just as the capacity of the police to sanction violations of the law gives them the capacity to enter into and help resolve domestic violence disputes).

The second type of discretion involves the activity of helping the enterprise to revise its production practices and business strategies more broadly so as to reduce the burden of compliance. This activity is pedagogical in that it involves the active engagement of the inspector in helping to find solutions for the enterprise facing the cost

² It should be noted that such a bias does not emerge in interviews with the inspectors themselves. Inspectors interviewed are particularly conscious of the importance for employment and income for the viability of the enterprises in a capitalist system. However, they also feel trapped between the pressures from their superiors for a more flexible administration of the law, and pressures from the rank-and-file workers for the protection in the face of employer power offered by traditional forms of labor regulation.

pressures of regulatory compliance. But it is not entrepreneurial because the inspector is not creating those solutions; he or she is, rather, drawing on approaches that are already practiced by other enterprises. We have argued elsewhere that the approach can be broadened by combining it with services offered by other governmental agencies such as industrial extension services and employment and training (Piore and Schrank, 2006). In the cases we observed, however, the inspector is drawing from an existing repertoire of approaches. On the other hand, this is certainly a domain in which one can imagine true innovation taking place. And once one recognizes the potential for such innovation, one might want to divide activities into two parts: activities which invent new solutions that can be added to the repertoire of the inspectorate and generally applied; and those which involve creating solutions to a particular situation and which therefore are basically one of a kind. Both are innovative and entrepreneurial in the spirit of the “sociological citizen”.

The third area in which discretion emerges is when labor inspectors find themselves mediating between different individuals or groups and hence become involved in dispute resolution rather than in remediating violations. In Central America, for example, the mediation is often between a worker and his or her employer. In Guatemala, half of the labor inspectors are assigned specifically to this type of activity, which most often involves claims of severance pay, in effect a form of unemployment indemnity in an economy without unemployment insurance. French labor inspectors on the other hand do not deal with individual worker complaints except in so far as they are indicators of broader patterns of abuse. But in France, and in Europe more generally (although more frequently in some countries or regions than others), the inspectors do mediate between unions and management. The value of this type of activity in a regulatory agency is debatable (or at least widely debated), but the activity itself is pervasive. (One inspector told me that he was always under pressure from the Ministry to mediate disputes, but that he had many other duties to perform and most disputes would get resolved just as well without him.) Our own interviews, as well as a broader literature on labor mediation, suggest that conciliation, especially between management and trade unions, involves much the same creativity and innovative skill as the entrepreneurial activities associated with the sociological citizen, and one might think of

it as social entrepreneurship, i.e., overcoming the social, as opposed to the technical and economic, constraints (Kolb, 1983; Hunter and Brisbin, Jr., 1991).

The issues associated with conciliation are also relevant to the entrepreneurial activity of the sociological citizen: The development of innovative solutions is often very complex and time consuming, they take time away from activities associated with pedagogy and sanctioning. Their success is, moreover, almost by the definition of innovation, problematic. One can thus legitimately ask whether the inspectors should be allowed to engage in these activities at all, and if so, under what circumstances.

Given these issues, we would ideally like to address the problem of creating organizations capable of generating innovative and creative ways of overcoming the constraints that inhibit regulatory compliance. We would like to address at the same time two other, related issues: First, the other activities through which agents exercise discretion; and, second, managerial concerns for consistency and responsiveness to the values established through political process, law and the administrative hierarchy. How might the organizational culture be managed toward these multiple ends?

Part III: Managing the Organizational Culture

Culture – as a system of symbols and practices – emerges through ongoing organizational behavior and interactions (Silbey, 2001; Silbey, Huising, and Coslovsky, 2009). An organization's culture thus tends to have a life of its own, and is reproduced from one generation to the next through interaction on the job. But its evolution is influenced by three conceptually distinct processes, each of which can be managed, if not completely controlled, by the organization itself: 1) the recruitment and selection of new entrants to the organization, which determine the understanding and values that they bring with them when they join the service; 2) the socialization and training of those entrants once they join the service (it is through that process that imported understandings are adjusted to those already existing within the organization, those favored by the hierarchy or favored by the incumbents already on the job); and, 3) the discussion about practice which occurs regularly among the line agents in the course of the work process as existing practices and approaches confront the environment in which the agents and the enterprises which they are seeking to regulate operate and as that environment shifts

continually over time. One can draw examples of the way in which organizations try more or less successfully to influence each of these processes from our own case studies and from the literature more broadly. But the process which seems most relevant to the flexibility and capacity for innovation is the third, the attempt to guide the ongoing discussion and debate within the work process. It is here that the inspectors actually reflect upon non-routine situations with their colleagues. Management might enter into and participate in these ongoing discussions and/or initiate parallel discussions by arranging seminars, regular meetings, special retreats, training sessions and the like.

In trying to understand how this operates in general, but particularly in labor inspection, it is useful to draw on a distinction which emerged in a study that Richard Lester and I conducted of an apparently very different organizational phenomenon, the management of product design and development (Lester and Piore, 2004). We found that design and development entails two very distinct processes. One of these processes is analysis. It is essentially problem-solving or rational choice as understood in economic theory and taught in business and engineering schools. It involves making a clear distinction between means and ends and then optimizing by organizing the means to maximize the achievement of given ends. Once a new product idea has emerged, it is developed in this way. But the ideas for new products themselves emerge from a very different process, which we termed interpretation. If the interpretative process is not well managed, analysis will optimize the wrong product, a product which is not very original and for which there is a limited market.

The nature of interpretation is illustrated by cellular telephones, one of our case studies. The cellular phone emerged out of the marriage of radios and telephones, two completely distinct industries with separate engineering traditions and distinct business practices. Initially, nobody had a clear idea what this instrument actually might be good for and how it would fit into consumer culture. The original model was suggested by the two-way radios used by police and taxis and by military walkie-talkies. The device was expected to be used while driving; the first models were heavy car-mounted instruments very far from the hand-held portable devices that they have since become. Hence, before one could begin to work out the analytical design, the radio and telephone engineers had

first to learn to talk to each other and to share their distinct areas of expertise and then to develop a common vision of what this new object would look like.

As this example suggests, interpretation is itself a two-part process. The first part is one in which the diverse agents who contribute to innovation (in the cellular example the radio and the telephone engineers, but more broadly not only engineers and scientists often from several different disciplines, but also marketers, merchandisers, manufacturing managers, etc.) develop a common language and learn to understand and communicate with each other. The second part involves the use of that common language to imagine and discuss product ideas. In contrast to analysis, the interactions of the interpretative part of the process are not directed at specific well-defined ends; when ends are introduced they are more of an excuse for conversation rather than the real *raison d'être*. Thus, in analysis, manufacturing benchmarks might be used to actually calibrate the distance between one's costs and a competitor's costs, but in interpretation, the same benchmarks are used to stimulate a discussion, not judge performance. Often the process seemed very much like idle talk. We called these interactions an interpretative conversation: We likened the circumstances in which they occurred to the conversation at a cocktail party, and the role of the manager in this aspect of the innovative process to a host or hostess at a cocktail party, selecting the guests, introducing them to each other, introducing the topics of conversation, shifting the topics as conversation flagged or became so intense that it threatened to alienate the participants. It points to the way in which the generation of new and different approaches to old problems is, or at least can be, a collective rather than an individual endeavor. The metaphor seems particularly apt in the case of the kinds of discussion and debate that we have just suggested occur in the day-to-day life of the labor inspectors. But in applying it more broadly, and particularly to labor inspection, several caveats are in order.

Gaining Legitimacy

First, the ability of higher level managers to play the role of the cocktail party host or hostess is not a given; it is not ensured by their position in an organizational hierarchy. It is rather predicated on the willingness of the line agents to accept the leadership of the higher levels of the bureaucracy and in a sense to admit them as part of their community.

However, in many cases, the community of agents has become quite distinct from the hierarchy of the organization to which they belong, and the relationship between the base and the hierarchy is one of antagonism and distrust. What is interesting to an outside observer is the degree to which that antagonism and distrust is recreated by managerial practices at critical junctures. Such a critical juncture in France was the moment when a student-inspector and the experienced colleague with whom she was working were shot dead by the owner of the farm where the inspection team was conducting a site visit. The failure of the hierarchy (and it should be added, the government to which they reported) to condemn these killings quickly and in forceful terms reinforced an atmosphere of resentment, and it was further reinforced when the Minister of Labor refused to let the inspectors take time off on the anniversary of the killings to commemorate what the inspectors viewed as their fallen colleagues.

An incident which occurred in Morocco worked to similar effect. The inspectorate had just recruited a new class of thirty new master's degree graduates into a corps of three hundred inspectors, most of whom were without a college degree, much less an advanced diploma. The cleavage between the new inspectors and the old was an opportunity for the hierarchy to assert its influence by using the new inspectors to change the organization's culture. But shortly after the new inspectors went out into the field one of them was accused of making a false arrest. When the hierarchy failed to support him, and he was eventually convicted and sent to jail, it created a split between the new line agents and their superiors in the administrative hierarchy similar to that which occurred in France.

A contrasting example can be drawn from the Dominican Republic, where the role of the Minister of Labor in reforming the recruitment process and giving the line agents more power and authority put him and his immediate subordinates in a position to lead exactly the kinds of discussions we have advocated above. The Dominican example suggests that the issue of how to manage what we are calling the evolution of the culture through debate and discussion cannot be separated from other processes such as recruitment and screening, training and socialization, nor it seems – and this is perhaps the biggest lesson of the Moroccan and French examples – from the daily affairs of the organization.

Tacit Knowledge and Narrative

Second, in thinking about the processes of analysis and interpretation in terms of street-level bureaucracy it is important to distinguish between tacit, or implicit, knowledge and explicit, self-conscious knowledge. As scholars and analysts, we tend to prioritize explicit knowledge which can be formalized and analyzed, checked systematically for consistency, and revised in the light of specific experience. And certainly the engineers and managers engaged in product development find it natural to think in these terms. Indeed, they have a problem in recognizing interpretation as a distinct process which has to be understood in its own terms. But the discussion through which knowledge evolves among the line agents of a street-level bureaucracy does not necessarily proceed in analytical terms and may never reach the analytical stage. Much of the tradition of the organization is embedded in war stories which the agents tell each other, mostly in informal settings over the water cooler in the office, at lunch or drinking a beer together after work. These war stories are basically narratives in which a sequence of events in time takes the place of a formal causal model (Bruner, 1990; Bruner, 1991; Ewick and Silbey, 1995; and with particular reference to street-level bureaucracy, Maynard-Moody and Musheno, 2003). Their potential meanings emerge not through analysis but through interpretation. As suggested earlier, management can create additional space for these narratives within the organizational routine, and, if accepted by the agents, actually enter into the discussion suggesting alternative interpretations without ever trying to surface the implicit causal models. These discussions undoubtedly do increase the consistency of behavior across the agents. But for the kind of innovation associated with flexibility and adaptability, and indeed for systematic improvement in the performance of the organization along other dimensions as well (e.g., the choice among the alternative approaches of sanctioning, pedagogy and conciliation; the kinds of managerial changes which the agent might suggest to reduce the cost of compliance in the enterprises he or she visits; as well as the interaction between means and ends and the trade-off among different ends), a more self-conscious analytical discussion is probably required. We turn to the problem of how to introduce analysis into the process below.

Conversation Pieces, Boundary Objects and Performance Indicators

Before doing so, it is useful to focus on the way in which the conversations within the organization can be stimulated and directed, and particularly on the differences between devices used for animating and directing the discussions of the line agents and measures of performance emphasized in the new public management. A number of examples of such devices emerge in the literature on decentralized bureaucracies and in interviews with labor inspectors. In the more recent efforts to implement Japanese management procedures and to decentralize decision-making in American manufacturing, one instrument for animating discussion is what are called benchmarks, descriptive indicators of various aspects of competing facilities. Another management technique is to make a whole manufacturing line dependent on its weakest link (instead of, for example, insulating each station on the line through in-process inventories) and thus forcing a discussion about the underlying causes of any particular problem that emerges. The Japanese place particular emphasis on how this system of stopping the whole line forces attention onto the interrelationship among the parts in a way that focusing on the particular point at which the breakdown occurs does not. In another example drawn from private sector manufacturing, Motorola used the idea of Six Sigma, a measure of quality, to motivate and animate the discussions of the production process in its facilities. In interviews for our study of product development, several managers admitted that it was not a target which they expected to achieve but it served to animate discussion among engineers whose very practical orientation made it difficult to motivate more abstract or theoretical discussions. DARPA, the Defense Department's research agency, specifies performance measures in their contracts with researchers which they never expect to be achieved, but which are designed to stimulate the discussion in the research process.

In the classic study of forest rangers by Kaufman, the rangers kept diaries which then served as the fulcrum for discussions between them and their supervisors (Kaufman, 1960). The degree to which discussion of diaries will focus on underlying relationships and values at stake, instead of isolated practices, however, depends on how the supervisor steers the discussion. We used a similar device in a pilot study of labor inspection in France: We asked a group of inspectors in a district office to keep annotated agendas,

which they then discussed individually with us and collectively among each other as a group. This was a research project, but we also envisaged building a managerial process around it in which the director of the office would take the place of the researcher in individual discussions and then lead the group discussion, focusing on the inconsistent treatment of similar cases among the inspectors, encouraging them to reflect on what caused the differences, and upon what would resolve the conflicts among them. Here, the discussions focused not only on the particular cases but also identified the general principles which were, or ought to have been, in play. In the Dominican Republic, the Minister of Labor and the head of the National Inspectorate led discussions with inspectors in local and district offices several times a year about what should be the various priorities and how these might be pursued. A critical dimension of this Dominican process is that in the interaction and exchange between the line officers and the hierarchy, the priorities are not simply handed down from above, but rather developed together through the conversations. Questions about what should be a priority and how to rank or balance priorities were used to animate an open-ended discussion in which the line agents were able to take issue with the home office and propose changes to existing policies. The discussion becomes an occasion to surface the criteria that underlie the judgments of the inspectors, to push toward a more general set of understandings that ground these judgments and are implicit in them, and then to reevaluate those understandings themselves.

It is important here to underscore a distinction between the use of indicators such as benchmarking or milestones to stimulate discussion and debate, and the use of these indicators to judge performance. In the former cases, they are essentially conversation pieces which open discussion and debate; they are not meant to directly dictate behavior or to evaluate and reward it. But they can be used to judge performance. The danger is that they then tend to eliminate the flexibility of the organization and its ability to innovate and adapt to new situations, to inhibit exactly the kind of behavior we are trying to achieve. In other words, they essentially convert a decentralized street-level bureaucracy into a classic hierarchical one, or become instruments of the simulated markets of the new public management.

The problem of moving from interpretation to analysis – but also the several other problems of managing a street-level bureaucracy in a way that maintains its flexibility and fosters its capacity for innovation – are illustrated by an experimental effort to manage the work of hospital doctors reported in a study by Paul Adler and collaborators (Adler et al, 2003). The goal was to standardize the treatment of particular diseases or conditions. The hospital is organized for treatment in terms of specialties, and each specialty treats a list of conditions. Patients are admitted to the hospital by an attending physician who identifies the patient's conditions and in so doing effectively assigns the patient to a specialty. In the experiment, each specialty was charged with developing a protocol for the various conditions it treated. The protocol was drawn up by a committee of doctors in that specialty and then reviewed and approved by the entire staff of the service. Doctors were not required to follow the protocol in treating any given patient, but when they departed from the standard they were expected to explain the reasons they did so and if possible identify amendments in the protocol which would cover the particular case. The protocol was then periodically updated to cover these exceptions.

The protocols are a two-edged approach to management. One can think of them as a way of addressing the several problems of management which we have been discussing; they are a way of systematically stimulating an interpretative conversation. They are also a way of surfacing tacit knowledge and of increasing the consistency among the decisions of a variety of independent agents. The protocols can also be thought of as instruments for stimulating the conversation among the doctors and/or for management to enter into and direct the conversations which are always in progress. Data linked to these protocols could also be used to evaluate alternative treatments, statistically or even experimentally (cf. Noonan, Sabel, and Simon, 2009); they would then constitute a way of bridging between the interpretative and analytical phases of innovation.

But one could imagine going beyond this, using the protocols to evaluate the work of the doctors, and they could be used as a fulcrum for incentives or for budgetary purposes. In these roles, they are easily turned into instruments of classic, hierarchical bureaucratic control or the basis for the quantitative indices in simulated market approaches of the new public management. In the present context, the point is not that it

would be a mistake to use the protocols in these ways, but rather that such usage addresses the managerial problems of decentralized street-level bureaucracy by moving toward a different organizational form.

The hospital protocols are also as notable for how they do not address the problems of managing labor inspection as for the way in which they do address those problems. Two limits are particularly salient. First, in the case of hospital protocols, the goal is relatively clear and well defined: maximizing the patients' welfare, generally by treatment of the disease. One can, of course, complicate that goal by recognizing that some diseases in some patients cannot be cured and the attempt then is to manage them in some way that maximizes the patient's quality of life, which is itself an ambiguous goal subject to interpretation. One might add to the goal of patient welfare a goal of containing costs. But the goals of labor inspection are much more extensive, more complex, and less obvious, and any discussion of the rules and procedures invoked by the line agents would have to focus on these as well.

The other obvious difference is that in the case of doctors in the hospital, one starts with a list of recognized medical specialties and associated conditions; in the case of labor inspection, these are open for discussion and debate as well. The distinction generally drawn in the literature between specialized and general inspectorates implicitly supposes that the way regulations are classified in the division of labor among specialized agencies is not appropriate, i.e., is not consistent with the structures of the economy and the society that generates the violations in the first place. But presumably there is some classificatory system that would be. One might argue that the difference between the doctors and labor inspectors in this regard is symptomatic of the fact that the doctors are professionals, whose status rests on an explicit, organized and institutionally recognized body of knowledge, and the knowledge of our labor inspectors, like street-level bureaucrats more broadly, does not have the same status. In this sense, it indicates the limits of trying to stretch the concept of street-level bureaucracies to encompass the professional literature.

But the broader problem here is the role of categories in the organization of knowledge. This is actually the subject of an enormous literature in the social sciences, a literature which we cannot enter into here (Bowker and Star, 1999; Lakoff, 1987).

Categories are a way of organizing and systematizing knowledge; probably indispensable for analysis. But they also limit flexibility and inhibit certain kinds of innovation (although they may actually facilitate other kinds). The diseases into which doctors classify illness and the specialties in terms of which the profession is organized direct attention in diagnosis and in treatment in particular ways. But they obviously limit the understanding of conditions which do not fall readily into those categories and of treatments that require more than one specialty or do not fall into the provenance of any specialty. And in this sense, the problem of generalists versus specialists is exactly the same problem in the organization of the medical profession as it is in the organization of labor inspection (although the balance which is most effective may be very different).

Closely related to this problem of categorization is the notion of boundary objects (Star and Griesemer, 1989). These are objects that people who operate in different domains share in common and which, at least under certain circumstances, enable them to operate together. In this sense, they facilitate cooperation. But boundary objects may be obstacles to cooperation as well. Thus in labor inspection, the hourly minimum wage could be considered a boundary object in the territories of the several agents who operate in the labor market. It is shared by the managers who pay it, by the workers who earn it, and by the inspectors who enforce it. But it has different meanings to each of these agents and is understood in very different ways. For the manager, it is part of a system of production in which there is a strong incentive to worry about worker productivity, and to organize productive operations in a way which maximizes output per hour, an incentive which is not present when workers are paid by the piece and the major cost of production born by the employer is the rent. For the workers, an hourly wage leads to a sharp distinction between work and all other activities, e.g., between factory and home, a distinction that is not obvious when paid by the piece, which is more naturally combined with industrial home work, house work, and child care (Piore, 1990). For the inspector, the minimum wage is a regulation. And whether they are ever led to see it in the eyes of the manager and/or the worker depends on whether they are operating in the Franco-Latin model which gives them latitude to take account of these other perspectives in enforcing the law, or in the U.S. model in which they do not. Indeed, in this sense, the disease categories in our hospital protocol example are also boundary objects; they, like the

minimum wage, become instruments for enhancing flexibility and the adaptive capacity of the regulations when they are problematized, when they are made the conversation pieces in an interpretive process.

Part IV: Conclusions

This paper has focused on “street-level” bureaucracy as an instrument of public policy. Its advantage in this regard is the potential for flexibility and innovation in this period in which the role of government is expanding on a number of different fronts in environments which demand continual adjustment in the face of economic variability and rapid technological change. These are the very adjustments classic government bureaucracy has been thought to be too rigid to make. The challenge to which this paper has tried to speak is how to manage street-level bureaucracy so as to realize its potential in this regard.

But there is a second rather different reason to draw upon on street-level bureaucracy in this context, one that is suggested by the terms “sociological citizen” and “sociological imagination,” though in rather different senses than they are used in the body of the text and in other papers in this symposium. As suggested in the initial introduction, the dilemmas which we face in public policy today reflect the fact that over the last thirty years we have tried to address virtually all the problems of public sector management through privatization or, when that is not possible, through simulated market mechanisms and individual incentives. If we are no longer doing so today, it is not because we have abandoned these ideas but because events have driven public policy in directions where they are no longer applicable. The central question of public policy then becomes how to find an alternative.

Here it becomes critical to recognize that the ideas upon which we have been drawing derive from the discipline of economics. The competitive market and individual incentives constitute the way in which economists today see the world. These ideas define, and delimit, the “economic imagination”. It is for this reason, if for no other, that we are moved to turn toward other social sciences. But in so doing we face a second problem: Economists have a vocation for speaking to issues of public policy and doing so in a language that public officials know and understand, a vocation which has historically

been lacking in other social sciences, and most notably, in sociology. So the question is how do we make the sociologist a citizen in the same way as the economist is a citizen; how do we bring to bear the sociological imagination alongside the economic imagination onto this range of problems? The concept of street-level bureaucracy, because it is so squarely about the public sector, becomes an attractive vehicle for doing so. And the hope is that by generalizing that concept in the way we have tried to do in this paper, extending it to include literature on decentralized bureaucracies more broadly, and emphasizing the centrality of culture and social structures – in other words a range of concepts that are as central to sociology in the sense that the market and individual incentives are to economics – to their management, it can become a bridge through which the sociological imagination enters the public policy debate.

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