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Author(s): Steven Maynard-Moody and Michael Musheno

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**Steven Maynard-Moody**

University of Kansas

**Michael Musheno**

University of California, Berkeley

## Social Equities and Inequities in Practice: Street-Level Workers as Agents and Pragmatists

**Steven Maynard-Moody** is professor in the School of Public Affairs and Administration and director of the Institute for Policy and Social Research at the University of Kansas. His book *Pulled Over: The Racial Framing of Police Stops* (with Charles Epp and Donald Haider-Markel) is forthcoming from the University of Chicago Press. A previous book, *Cops, Teachers, Counselors*, was published with Michael Musheno. Research for both of these projects was funded by the National Science Foundation.

E-mail: smm@ku.edu

**Michael Musheno** is director of the Legal Studies Program and adjunct professor of law in the School of Law at the University of California, Berkeley. He is interested in legality, particularly the cultural force of law and other normative orders operating in and around the capillaries of the state. He has coauthored nine books on this theme and is currently completing a manuscript with Calvin Morrill on youth conflict (forthcoming, University of Chicago Press).

E-mail: mmusheno@law.berkeley.edu

*Street-level workers' judgments, decisions, and actions touch on questions of social equity, a dominant theme of H. George Frederickson's deep contributions to public administration scholarship. Based on empirical work, the authors question the dominant implementation-control-discretion narrative and suggest an alternative framing based on the concepts of agency and pragmatic improvisation. Street-level workers are often conservers of institutional norms and practices, but their work surfaces tensions between practice and the goals of social equity.*

Street-level workers' judgments, decisions, and actions invoke questions of social equity, a dominant theme of H. George Frederickson's deep contributions to public administration scholarship. To explore social equity in the context of street-level work, we begin by sharing several observations from years of fieldwork that unhinged our earliest ideas about governance, social equity, and the normative judgments surrounding frontline decision making.<sup>1</sup>

**Observation 1.** In our study of police officers, middle school teachers, and vocational rehabilitation counselors, we ended our fieldwork with an exit interview (Maynard-Moody and Musheno 2003, 187). Worried that a standard survey question would narrow our conversations about justice and fairness, we waited until our last contact to ask these street-level workers, "What does the word 'justice' mean to you?" We had just spent four to six weeks in these workers' agencies collecting narratives about instances of fairness and unfairness in their work and relationships with citizens and clients. These stories revealed normatively complex and nuanced judgments. Workers decided who would be treated routinely, who would receive minimal or even harsh treatment, and who would be deemed worthy of extra, often exceptional attention and benefits. Decisions were guided by judgments about the perceived moral worthiness of clients, the interplay between worker and citizen identities, and how clients responded to the asymmetry of power that they encountered when dealing with a frontline worker. In one narrative, a quadriplegic, whose

circumstance called out for compassion, was treated harshly because he was seen as corruptly gaming the system. However, a hardworking immigrant, who was also a small-time marijuana dealer, was not arrested for shooting wildly at assailants, who were partners in drug dealing.

In account after account, street-level workers struggled with the normative demands of their jobs. Yet, when we asked directly their definition of "justice," we heard flat, one-dimensional, often simplistic answers: "treat everyone the same," "follow the rules," "follow the law," "don't let your own views or prejudices affect your decisions," "be professional." The first observation is that the same workers who told stories that revealed complex moral and identity-based reasoning provided only flat, stock definitions of justice and fairness. This, in our view, is not unique to street-level workers, but characterizes us all: our working or enacted performances of producing equities and fairness are more complex and contextualized than our ostensive representations of these judgments (Feldman and Pentland 2003). In our fieldwork, stories provided us rich insights into the working performance of frontline workers, and in this article, we argue that how narratives are exchanged and who they are exchanged with are crucial to maximizing the production of equities in social services delivery.

**Observation 2.** Michael Lipsky's (1978) earliest description of street-level bureaucracy repositioned frontline personnel as prominent players in the policy process. This was a direct challenge to public administration, with its studied deference to elected officials and preoccupation with managers and top-level officials. This observation fueled enduring debates about the relationship between street-level workers and their superiors and about the tension between legal compliance and the inescapable presence of and prescribed need to control frontline "discretion." As Lipsky explains, "Street-level bureaucrats may indeed 'make' policy in the sense that their separate discretionary and sanctioned behaviors add up to patterned

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agency behavior overall. But they do so only in the context of broad policy structure of which their decisions are a part” (2010, 221). The view of the street-level worker as a policy implementer, tethered to legal, policy, and administrative constraints, who uses “discretion” to match behavior to law, is what we call the “state-agent narrative” (Maynard-Moody and Musheno 2003, chap. 2).

Guided initially by these ideas, so prominent then and still evident now in academic discourse, we expected to find street-level workers struggling to implement policy, rules, and procedures as they confronted clients and citizens. To our surprise, the cops, teachers, and counselors whose stories we collected rarely, if ever, referenced policy or rules when making normative judgments. Moreover, they rarely, if ever, described themselves as policy implementers or even government workers, although all of the street-level workers in our study received their paychecks from government organizations; they were not contracted-out workers. The workers did invoke rules and law predominantly to protect themselves or to justify their own decisions or actions. The most effective among them used, rather than followed, the rules. The positioning of law and rules as tools and the prominence of cultural judgments about moral character and identities led us to put forward a second narrative about frontline decision making. This narrative, which we call the “citizen-agent narrative,” is an orientation in which workers concentrate on who people are, in relation to their imagined selves, and enforce cultural abidance over legal abidance (Maynard-Moody and Musheno 2003, chap. 2). With this framing, born from the empirical analysis of stories from workers in three professions across five organizational settings, we began to move away from the frames of “discretion” and “discretionary decision making” to depict frontline judgment and decision making, a task that we seek to advance further here.

**Observation 3.** Police stops present a troubling paradox (Epp, Maynard-Moody, and Haider-Markel, forthcoming). Most police districts, including those that we studied, ban racial profiling or stops based on a driver’s or pedestrian’s race. Such actions are explicitly against the law, policy, and rules and could lead to an officer being dismissed from the force. Police chiefs confidently state that racial profiling is not permitted in their jurisdictions and that it is bad policing; racial profiling is officially repugnant and unprofessional. Our interviews and focus groups with street cops suggest that they consider any form of racialized policing to be both ineffective and wrong. Moreover, contemporary police departments do not exhibit an overtly racist culture, and many are highly diverse (Sklansky 2006).

Nonetheless, blacks and other minorities are stopped at much higher rates than their white counterparts. In our own research, after controlling for a wide range of socioeconomic and behavioral variables, we found that blacks are stopped by the police more than twice as often as whites (Epp, Maynard-Moody, and Haider-Markel, forthcoming). In stops that officers describe as “must-stop” situations, such as excessive speeding or indications of drunk driving, we found no racial disparities. When we narrowed our focus to investigatory stops, or those stops wherein law enforcement personnel are

granted authority to use traffic stops to hunt for crimes, particularly drug-related crimes, we found that 2.5 times more blacks are stopped than whites. Racial disparities, then, occur in investigatory stops in which law enforcement personnel are granted substantial legal autonomy and are least subject to administrative oversight. Are such stops evidence of the dangers of street-level judgment, where “discretion” is difficult to control? Is this evidence that street-level workers across the country engage in some collective “sabotage” of the laws and procedures banning racial profiling, thus undermining social equity on a grand scale?

### Frederickson’s Approach to Social Equity

Much of the scholarly discourse about justice, social equity, and the administrative state occurs in the realm of grand theory. These essential ideas and debates hover in the clouds of abstraction and generality. H. George Frederickson touches on and applies grand theory: Immanuel Kant’s imperatives, John Rawls’s and Michael Walzer’s counterarguments, Ronald Dworkin’s middle ground. But Frederickson’s unapologetic interest in public administration, in the mundane work of the state, pushes him to examine these broad intellectual questions about equity in practice, not just in principle. Further, he insists that concern for social equity must join our preoccupation with efficiency and effectiveness as a third pillar of public administration. Following Dworkin, Frederickson (2010, 65) argues that social equity requires judgment. Social equity is not expressed in the neutral application of rules, procedures, and laws, nor in the raw preferences of individuals charged with carrying out state power and authority. For Frederickson, social equity lives on the messy ground between these poles, where institutions and interpretation shape judgments and outcomes. This mezzo or middle ground is where frontline workers engage “the citizens they serve in a dialogue about the appropriateness of their mandate” (2010, 65), while taking into account multiple sources of authoritative guidance, from law to professionalism. Frederickson outlines a compound theory of social equity and concludes, “For social equity to be a standard for policy judgment and public action, analysis must move from equality to equalities and equity to equities” (1990, 235).

This perspective guides our interpretation of frontline workers’ decisional judgments. We are interested in reframing decisional judgments that are produced through routines, exceptions, and role playing. This reframing portrays workers as acting on citizens from positions of power while being pulled along by state institutional forces that hold sway over them, cultural renderings of worthiness that they carry with them, and collective guidance communicated

through the exchange of stories among them. Abandoning universal standards of equity and embracing the compound nature of social equities places judgment and responsibility at the core of the discussion. Frederickson points to deliberative engagement with citizens as imperative to the production of equities, and we extend this to include the everyday encounters of frontline workers and citizen-clients. In our work on street-level judgment,

the social worker’s desk, the teacher’s classroom, and the police car are all symbols of state power and settings for these citizen–state encounters (see also Dubois 2010).

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The normative judgments of street-level workers exist in the tension between institutionalized rules and norms—both formal and tacit—and the situation presented to them by citizen-clients, observed across the desk, in the classroom, or through the patrol car window, and as workers exchange narratives with one another about right courses of action. The ongoing tensions and mismatch between policy or practice and the case or circumstance provide insight into the nature of norms and the possibility of change. Rules and norms are the working definition of the “right way” to do things, including implementing public policy. But the tension between rules and norms and situations that arise on the front lines creates conditions in which the “right way” must be negotiated on the ground.

In their classic study of law and society, Llewellyn and Hoebel (1941, chap. 2) suggest that one task of normative ordering is “cleaning up social messes.” These social messes can be small, what Llewellyn and Hoebel call “cases of hitch,” when a slight conflict between practice and circumstance requires minor adjustment. An example of such normative adjustment is when a case worker authorizes babysitting as a job interview expense. At other times, the mismatch between practice and circumstance challenges the bases of authority, what Llewellyn and Hoebel call “cases of trouble.” These deeper conflicts between law or norms and institutional performance force, at least momentarily, a reexamination of assumptions about practice. For example, the Kerner Commission report concluded that the urban riots of the 1960s were caused, in part, by overaggressive policing (U.S. National Advisory Commission on Civil Disorders 1968). This finding, in conjunction with mobilization and media attention, prompted changes in police practice related to recruitment, educational requirements, and tactical orientations (Epp, Maynard-Moody, and Haider-Markel, forthcoming). Both these small, ever-present incidents of “hitch” and the rare, if more visible, cases of “trouble” reinforce, but at times modify, practices of social equity and inequity.

Street-level judgment, therefore, lies in the space between the current normative order and the needs and circumstances of the citizen-client in an environment of social interdependency and communicative complexity.<sup>2</sup> To observe social equity in action, we focus on street-level workers’ normative judgments, their agency, and the institutional forces inside and outside the state that give shape to these judgments. We argue that pragmatic improvisation, rather than discretionary decision making, defines the practices of frontline workers in the production of equities and inequities.

### **Beyond the Implementation-Control-Discretion Narrative**

To more fully engage these issues, we need to continue to move the public administration discourse beyond what we call the state-agent or implementation-control-discretion narrative. This approach to the dilemmas of administration, and in particular the problems of normative judgments made by street-level workers, has generated essential insights. We are not denying or rejecting the importance and continued relevance of this narrative. We are arguing that it frames questions and issues in ways that limit future insight.

In this article, we confront the meaning of “discretion” and its action component, “discretionary decision making,” by deepening our treatment of “agency,” a construct that we deployed in depicting workers as state centered and culture centered in rendering their judgments. The two words, “discretion” and “agency,” touch on similar concepts but express meaningfully different nuances. Within governance and law, discretion is the authority granted to frontline workers to “adapt law to the circumstances of cases in a manner consistent with policy and hierarchical authority” (Maynard-Moody and Musheno 2003, 4) or, put similarly, to “apply rules to concrete cases” (Wagenaar 2004, 651). Martha Feldman, paying attention to both formal and tacit rules of organizations, locates the notion of discretion in organizations and references the practice as “mak[ing] choices based on one’s authoritative assessment of a situation” (1992, 164). She expands the notion of rules but holds to the position that discretion hinges on “the notion of decision-making within the structure of rules” (164). Nearly all the work on discretion, including Feldman’s important contribution, focuses on strategies that rein in street-level workers’ judgments so that they are rule conforming.

A core empirical insight of the implementation-control-discretion narrative is that the decisional judgments of both administrators and frontline workers frequently operate outside the bounds of rule-based discretion. This discovery led to the long tradition of investigating ways to rein in discretionary decision making so as to secure the rule of law and representative democratic accountability (Maynard-Moody and Musheno 2003, 4–5, 9–24). Many scholars, including ourselves, have moved away from this framing to focus on meaning making of street-level workers (increasingly from the perspective of clients as well as workers) and concentration on why frontline workers make the decisions they do. Still, scholars have held onto discretion even as the empirical understanding of why frontline workers make the decisions they do has been enriched dramatically. We think that retaining “discretion” as an empirical referent stands in the way of both advancing our understanding of frontline decision making

and prescribing ways to improve street-level decision making in service to justice.

One core dilemma of street-level work is that it requires judgment, and most of these decisions are tacitly accepted, even supported. But when a decision leads to a negative result, especially a visible negative result, then the street-level worker is seen as acting without authority, to be rogue or a “bad apple.” In such circumstances, workers are admonished

or punished for going beyond the rules and prescribed practices. So, while street-level worker judgment is necessary and ever present, it is fundamentally illegitimate unless operating within specific, juridical bounds. (These bounds can take on the nature of a farce. For example, police are authorized to use increased restraint and force—handcuffs; restraining positions, such as lying suspects face down; even weapons—when they feel threatened. The courts have given great latitude to cops to define this threat. In many cities, law allows the police to stop and frisk citizens who engage in “furtive movements,” a vague term that authorizes widespread abuse.)

Shifting our conceptual emphasis from “discretion” to “agency” provides a different framework for exploring the implications of

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street-level work. This discussion relies meaningfully on William Sewell's important essay, "A Theory of Structure: Duality, Agency, and Transformation" (1992). The concept of "agency" adds three essential elements to our analysis. First, agency, or the ability to form judgments and take actions, is inherent. It is not delegated or legitimated by laws, rules, or procedures, but is an essential aspect of being human. In Sewell's analogy, the "highly generalized capacity for agency" is as inherent as our "capacity to use language" (1992, 20).

Second, the capacity to form judgments and act does not exist apart from social systems. Building on the work of Anthony Giddens (1979), Sewell argues that structure—rules, roles, and resources—shapes and gives meaning to agency. Agency cannot exist absent structure, just as structure becomes lifeless without agency. The concepts of "structure" and "agency" presuppose each other. Giddens insists that "structures must not be conceptualized as simply placing constraint on human agency, but as enabling" (1976, 161). The knowledge of rules, customs, norms, roles, resources, practices, and all the elements of structure enables what Giddens calls "knowledgeable agents" to both re-create and modify existing practices and structures.

In Giddens's and Sewell's views, agency is shaped by position and authority. Position, status, and socially advantaged or disadvantaged identities—all the socially defined characteristics that mark our place in society—give individuals and groups "knowledge of different schemas and access to different kinds and amounts of resources and hence different possibilities for transformative action" (Sewell 1992, 21). Schemas are learned cognitive frames that guide and narrow perception, define our understanding of problems and solutions, and are often so embedded in our understanding that we are rarely conscious of their hold on our thinking and actions. Schemas, in our formulation, represent the learned practices, often acquired through the exchange of stories, that mediate structure and agency. Street-level workers occupy the bottom tier of our public and private bureaucracies, and yet their actions shape the public's experiences with the state and assessments of the state's legitimacy. Their position, training, and work shape the nature and expression of their agency. So, for example, when confronted with questions about their judgments, they will mimic the state-agent narrative and depict their decision making as rule bound. Moments later, when they go into the field or to their desk, they deploy law and rules as a tool to enforce a cultural judgment about a citizen-client that must be made under the pressures of time and with the guidance of schemas acquired through the exchange of narratives with fellow workers.

Sewell makes a third point of relevance to understanding street-level work and social equity: the presence and expression of agency is "profoundly social" (1992, 21). Not only is human agency defined by social position and institutionalized schemas, but also it is expressed in interaction with and against others. Institutional practices and schemas become deeply ingrained and are acted on with little or no conscious thought or reconsideration (see also Bourdieu 1990). But even such "organizational routines" are subject to change, in part because of the exogenous force of hitches and

trouble that we discuss above, but also because "they are produced by many people, with different information, preferences and interpretation" (Feldman and Pentland 2003, 115). Practices and schemas are never a perfect fit for circumstances and experiences, and even the effort to reproduce structures promotes some level of change and adjustment. As Sewell concludes, "Structure is dynamic, not static; it is the continually evolving outcome and matrix of a process of social interaction" (1992, 27).

Expressing agency is, to a degree, the action of individual actors. But unlike others in the policy process, street-level workers occupy an organizational space in which rules and other abstractions confront specific circumstances and specific people, both citizen-clients and fellow workers. Lawmakers and top administrators operate in the realm of generalization and abstraction. By necessity, they must think in broad categories, even when they understand that their generalizations encompass diversity. The illegal immigrant—sometimes dismissed as "alien"—is the object of increasing legal and policy attention. Yet this broad category includes a vast range of individuals and circumstances, from dangerous criminals to hard-working families that share only one thing: a state-imposed identity.

Street-level workers occupy a different policy space (Lipsky 2010, chap 14). Whether fleetingly, as a cop during a traffic stop, or over years, as a social worker with a homeless client, street-level workers deal with individual attributes and circumstances and must continually confront—and deal with the emotional demands of—the inevitable mismatch between prescribed practice and everyday living people and problems. Sometimes these mismatches are slight and can be easily overlooked; other times the mismatches are striking and call out for response. Whether slight or striking, by responding, street-level workers take responsibility, often at considerable emotional toll to themselves (Guy et al. 2009). Even confronting the mismatch between the needs of the individual and the dictates of rules and choosing to narrowly conform to standard practice is an expression of agency and an act of meting juridical justice.

But for many of the frontline workers we observed, the mismatch between rules and problems encourages the street-level worker to improvise and innovate or, in the words of one social worker, to "be creative." Rather than engaging in discretionary decision making, they practice pragmatic improvisation. Drawing guidance from fellow workers, often through the exchange of stories, "their decisions are based on practical knowledge and judgments about people and are improvisational in the face of unpredictability. . . . Front-line workers do not think abstractly about the deserving poor: they deal with the blind woman who qualifies for assistance but has a personality disorder that will forever limit her ability to function in society" (Maynard-Moody and Musheno 2003, 23). The historical narrative of America, the contemporary media, and public opinion all give more weight to the more abstract, grandiose, and legalistic knowledge about justice and the rule of law that is the realm of policy elites. Yet, ironically, the more practical "know-how" that is the realm of street-level work is essential for the state to perform for its citizenry and crucial to its legitimacy (for a broader discussion, see Scott 1998; Tyler 2003).

## Rogues or Conservers

Acknowledging street-level workers' judgments in forming and reforming our governmental structures—and here we are including all organized expressions of governance—does not diminish the importance of examining how and in what ways street-level decision making and actions fit into the larger frame of democratic governance and the rule of law. Indeed, Sewell (1992) makes clear that laws, budgets, rules, practices, positions, and authority are the core resources that make up, with schemas, the nature of structure and give meaning to human agency. The shift of emphasis from discretion to agency and from discretionary decision making to pragmatic improvisation does, however, undercut managerial and scholarly reliance on bureaucratic control theories intended to secure democratic stability and juridical predictability.

Using some of the same words but with different meanings, principal-agent theorists have emphasized the tenuous chains of control of democratic principals over street-level agents. This observation, of course, is the expected starting place for those of us who use the term “agency” to reference choice and improvisation, as Sewell (1992) defined it (see also DiMaggio 1997; Emirbayer and Mische 1998, Feldman and Pentland 2003). Within the principal-agent framework, any modification of policy and practice, however impractical the policy or practice, is condemned as shirking, or not meeting one's responsibility, or, worse, sabotage, undercutting our democratic order. As workers struggle to respond to the needs of citizens and clients, they are, in principal-agent theory, condemned as either lazy or antistate.

Ironically, even in the absence of effective bureaucratic control, empirical evidence suggests that, rather than rogue agents, street-level workers tend to be conservers of institutionalized practices and norms. For example, Brehm and Gates (1997) demonstrate that the bonds of supervision and principal-agent obligation break down long before authority reaches down to the front lines, but then they acknowledge that most street-level judgments and actions are consistent with law, rules, and practice. They borrow John J. DiIulio's (1994) term “principled agents” to refer to frontline workers who act consistently with rules and practice when not effectively required to do so. From our perspective, this misses the central point about the meanings of street-level agency and pragmatic improvisation because it is still thinking about the problem from the implementation-control-discretion narrative.

Far from rogue agents, street-level workers are core actors in creating and conserving the structure of the state. Jerry Mashaw (1983) looks closely at the work of frontline examiners in the Social Security Administration and finds that they develop an “internal law of administration” that is generally consistent with stated policy and practice. This “internal law” is as stable and predictable as stated policy and practice; it is law-like. Similarly, Yeheskel Hasenfeld (2000) describes how social workers develop and follow “theories of practices” that create high levels of predictability and consistency in judgments. In their extensive studies of sanctioning in Florida social service agencies, Joe Soss, Richard Fording, and Sanford Schram (2009, 2011) find few examples of workers stretching the

rules to help families. If anything, case workers employed those few rules available to them, mostly in the form of sanctions, to prod, push, and implore parents, primarily mothers, to conform to the policy demands. All of these observations are consistent with Evelyn Brodtkin's insight that “street-level bureaucrats don't do what they want, they do what they can” (1994, 27). What they “can do” is to improvise, and these pragmatic improvisations are an expression of their agency within the context of the rules, practices, and roles.

Street-level workers can choose to overlook the specific nature of the case or the individual presented to them, to treat the individual as an instance of a larger category. Indeed, the dictates of efficiency require street-level workers to treat many, if not most, cases as instances of a general category; they do employ schemas derived from group thinking and a rich understanding of rules (Lipsky 2010, chap 10). To the extent that policy and law are reasonable and practice and procedures are practical, then policy categories often fit well enough with the needs of individuals and individual circumstances. Often enough, the dictates of faithful policy implementation meet, or at least approximate, the requirements of social equity. But often this is not the case. Street-level workers, and, to a degree, all government actors, identify those who are worthy of services or treatment beyond the routine, just as they identify those who, in their view, require extra scrutiny or some form of punishment, the individuals whom cops label the “bad guys” (Maynard-Moody and Musheno 2003).

The social process of identifying individuals and cases for more than routine treatment and others for sanction challenges simple notions of fairness and equity. Nonetheless, a system devoid of such judgments and actions cannot approximate equity, as Frederickson describes it, and would collapse under the weight of its own rigidity. An experienced job counselor, guided by the many who came before and the many who are current colleagues, can identify who is likely to succeed (assuming that jobs are available) and who is going through the motions. For those trying, a late or missed class may be—and, we would argue, should be—overlooked, whereas another participant who shows little effort may be—and perhaps should be—sanctioned, even dropped from the program, for missing the bus and arriving late.

Understanding how these judgments are made provides an empirical window into social equities in practice. We know from previous research that frontline staff working in diverse settings base their judgments on widely held social norms. These social norms are often so taken for granted that the individual worker may not be able to articulate the reason for his or her own judgments. And it is important to underscore that these taken-for-granted norms or schemas allow the persistence of culturally sanctioned representations of worthiness and badness and assessments of troubles that are serious and trivial. For example, Barbara Yngvesson (1999) examines the role of county court clerks as gatekeepers to the legal system in cases without arrests. Using their knowledge of local situations, customs, and people, they decided which cases warranted the scarce attention of the courts and which claims were “garbage”: those cases that were trivial, senseless, or should be resolved outside the court. As Yngvesson observes,

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In a setting that is literally at the doorway to the courthouse, the hearings both underscore and set in question the difference between “real law” that belongs in the court and “garbage” that belongs in the community; they also point to the permeability of the boundaries between “brainless” people whose chaotic lives require the monitoring of the courthouse and the more “rational” and bounded spheres of middle-class life style that the courthouse was established to uphold. (1999, 446)

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Social equity is realized when put to practice, not when discussed in principle.

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procedures is evidence of, not evidence of the absence of, normative reasoning. As Frederickson (2010) observes, social equity comes to life in the interaction of public administrators and citizens because it is in this exchange that principle meets social reality. While public administration and government may aspire to certain ideals, they cannot exist in an ideal world. Social equity is realized when put to practice, not when discussed in principle.

Karyl Kinsey and Loretta Stalans (1999) find similar judgments made by tax auditors who gave the most scrutiny to low-status individuals, just as we observed that street-level workers, as different as cops, teachers, and counselors, based their judgments of citizen-clients on entrenched social norms. Thus, expressions of street-level agency most frequently conserve established cultural beliefs about worthy and unworthy, or safe and unsafe, people, as well as the significance of trouble and hitches.

But the position of the street-level worker at the front lines places these cultural norms in continual tension, for example, when Yngvesson's court clerk is confronted with a “down-street” person, one not initially worthy of attention, who expresses the cultural norms more easily associated with community elites. Our street-level narratives offer numerous examples of hardworking minor offenders who were given a break (Maynard-Moody and Musheno 2003). Absent a social context that forces frontline workers to see their judgments in a larger normative context, the workers we observed often acted in rather crude ways to produce and enforce dominant cultural norms; they cut breaks for hardworking, realistic, family-oriented individuals, whose identities and values matched their own, and they punished others who, in their eyes, were unrealistic, irresponsible, and hedonistic. Nonetheless, street-level work creates a context in which culturally accepted norms are contested and notions of social equity are enacted and redefined.

### Returning to the Three Observations

We conclude by returning to the three observations that introduce the article. The first observation noted that the street-level workers whom we interviewed told story after story revealing complex, nuanced judgments about social equity. When asked directly to define justice and fairness, these same individuals offered only one-dimensional, superficial views. This paradox suggests two additional observations. The first is methodological: when examining moral reasoning, especially when it is deeply embedded in the normative structures of institutions and policy regimes, we cannot expect people, whether frontline staff or upper-level managers, to articulate their actual decision norms. Narratives, on the other hand, provide rich evidence of the normative reasoning and context that shape judgments and actions. Through narratives, storytellers reveal more than they consciously know.

This methodological point leads directly to the more substantive observation: evidence from standard social science research does not adequately account for the extent to which street-level workers (and others) engage in moral reasoning that has deep and material implications for the lives of others. Even the common decision to treat a case or circumstance by punctiliously following the rules and

We also observed that street-level workers do not define themselves as policy implementers; they do not recognize or accept the mantle of “ultimate policy maker” that Lipsky placed on their shoulders. As we describe elsewhere, street-level workers describe themselves in terms of occupational identities; they see themselves as cops, teachers, or counselors, not part of governance. They describe themselves as citizen-agents, not state-agents, and they give great weight to the ideas and practices of fellow workers over administrators. While they do not consider themselves as part of extensive policy institutions or subsystems, they, as a group of workers, profoundly shape the nature and meaning of policy. They are more profoundly state-agents than the standard implementation-control-discretion narrative suggests. Their acts of normative reasoning and pragmatic improvisation do more than implement policy; they give policy meaning as they “inhabit” our state institutions (Hallett and Ventresca 2006). As we have written elsewhere, “such small acts of normative improvisation by forgotten streetwise workers sustain the state: they are acts of statecraft on which the institutions of governing depend” (Maynard-Moody and Musheno 2003, 165).

Turning now to the third, and most troubling, observation, most police managers and policy makers would consider the consistent and pervasive racial disparities in police stops as evidence of a failure by street-level workers to follow policy guidelines. In jurisdiction after jurisdiction, racial profiling is against law and practice, yet in jurisdiction after jurisdiction, police officers stop blacks and other minority drivers and pedestrians at approximately double the rate of white drivers and pedestrians. For many, this is *prima facie* evidence of rogue street-level bureaucrats basing their judgments on enduring prejudices.

Our own research into police stops suggests that this is far from the truth (Epp, Maynard-Moody and Haider-Markel, forthcoming). First, the rate of racialized policing is highest where judgment is authorized by policy and practice: the investigatory stop. We found that in the simple traffic stop for excessive speeding or demonstratively reckless driving, there were no racial disparities. Traffic police consider such driving a “must stop,” and in such circumstances, there is no evident racial bias. In contrast, one of the primary and most institutionalized “crime-fighting” tools of modern proactive policing is the investigatory stop of drivers and pedestrians. Policy and court decisions encourage the police to watch, stop, and question individuals as long as they are violating some law or ordinance or behaving suspiciously. This is the human dimension of “broken windows” policing, based on the theory that attention to small offenses and threats will reduce overall crime.

Most of the cases that have gone to court, most notably, *Whren et al. v. United States* (517 U.S. 806 [1996]), involve police actions



that did indeed reveal illegal acts. In this specific case, police officers pulled over two black men for lingering too long at a stop sign, and in the ensuing search, they discovered illegal drugs. Following the practice of proactive policing, they used this trivial traffic offense—one that is most often ignored—to follow their hunch that the drivers were drug dealers. While it is difficult to challenge such investigatory stops that lead to the arrest of drug dealers, most such stops reveal nothing and amount to nothing more than the intense surveillance of certain segments of the population (Harcourt 2004, 2007). As our own work shows, the racial disparities or “framing” of police stops results from two essential elements. First, police officers are enacting both proactive policing, which is the current practice of most police departments. Second, their normative judgments are shaped by enduring yet rarely recognized cultural stereotypes of black criminality and threat.

Far from rogue agents, street-level bureaucrats are, in most instances, conservers of institutional norms. Katherine Beckett and Bruce Western write that “penal and welfare institutions have come to form a single policy regime aimed at the governance of social marginality” (2001, 55). Street-level workers play a prominent, if deeply concerning, role in sustaining this policy regime, which Jonathan Simon (2007) labels the “carceral state.” These observations, however troubling, are entirely consistent with a theory of agency and pragmatic improvisation, even if they do not fit well with our current preoccupation with the implementation-control-discretion narrative, which would point the finger of blame and responsibility at the inadequately supervised frontline worker. These observations also reinforce the need to highlight the importance of social equity in all aspects of public administration. The policy regime described as the “carceral state” may be efficient at controlling crime, but it does not approximate the standards of justice demanded by social equity.

In conclusion, let us consider a fourth observation: the police departments, schools, and vocational rehabilitation centers that we observed differed in their treatment of street-level agency and pragmatic improvisation (Maynard-Moody and Musheno 2003). In some, principally the vocational rehabilitation centers, supervisors and frontline staff openly discussed case dilemmas and normative judgments. Many of the stories that these workers told us were repeated openly in the office. As discussed earlier, agency is a social process that is shaped by institutionalized practices and norms. Allowing space for these conversations creates an organizational environment that invites workers to bring forward their stories and enables them to speak both as citizen and state-agents. It ensures that their normative reasoning and pragmatic improvisations are guided and tempered by others struggling with similar issues. It also reinforces the teaching and socialization role of supervision that Brehm and Gates (2008) found was most effective in guiding street-level judgment and action.

In contrast, we observed other agencies, most notably the police departments, that stress so heavily the faithful implementation of law and rules, tight top-down control, and traditional views of discretion that they provide little or no space or context for confronting the social equity dilemmas inherent in their work. Street-level workers in agencies that adhere rigorously to the implementation-control-discretion orthodoxy told numerous stories that revealed the expression of their human agency through normative judgment and pragmatic

improvisation. But these stories were rarely told in the presence of supervisors and rarely shared openly with other workers in organizational settings. The choices and actions reflected in these stories were essential to street-level work, but they were hidden and subversive.

By suppressing the more open exploration of these equity dilemmas, organizational setting may reinforce the dangers in expressions of worker agency. More isolated street-level workers tend toward micro-justice decisions: they focus on their interpretation of what they consider is the right thing to do in an individual case based on their particular normative beliefs and identifications and are predisposed to act in rather crude ways to produce and enforce dominant cultural norms (Morrill and Musheno, forthcoming). In contrast, local organizational work cultures that enable conversation about normative judgments among workers, and between workers and their supervisors, promote decisions that are practical for the broader questions of fairness in the delivery of services. These agencies provide a social context for Frederickson’s third pillar of public administration, the consideration of social equity as narrative practice.

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## Notes

1. Throughout this article, we use the plural “we” and “our” as a shorthand to refer to our collective work. Much of the article is based on the direct collaboration of Musheno and Maynard-Moody, but the collective work also involves important collaborations with others.
2. We coined the terms “citizen-client narrative” and “citizen-agents” to summarize the many stories told to us by the cops, teachers, and counselors we interviewed (Maynard-Moody and Musheno 2003). As questions of migration have moved to the fore, how diverse street-level workers—border patrol, police officers, teachers, and nurses, to name just a few—respond to “noncitizens” is of growing interest. Labeling people as noncitizens may alter judgments about social equity. For example, most schools may not, by law, inquire about immigration status when considering services, but increasingly local police are required, by law, to do so. Our term for street-level workers as “citizen-agents” may be inadequate for this issue.

## References

- Beckett, Katherine, and Bruce Western. 2001. Governing Social Marginality: Welfare, Incarceration, and the Transformation of State Policy. *Punishment and Society* 33(1): 43–59.
- Bourdieu, Pierre. 1990. *The Logic of Practice*. Trans. Richard Nice. Stanford, CA: Stanford University Press.
- Brehm, John, and Scott Gates. 1997. *Working, Shirking, and Sabotage: Bureaucratic Response to a Democratic Public*. Ann Arbor: University of Michigan Press.
- . 2008. *Teaching, Tasks, and Trust: Functions of the Public Executive*. New York: Russell Sage Foundation.
- Brodin, Evelyn Z. 1997. Inside the Welfare Contract: Discretion and Accountability in State Welfare Administration. *Social Service Review* 71(1): 1–30.
- DiIulio, John J., Jr. 1994. Principled Agents: The Cultural Bases of Behavior in a Federal Government Bureaucracy. *Journal of Public Administration Research and Theory* 4(3): 277–318.
- DiMaggio, Paul. 1997. Culture and Cognition. *Annual Review of Sociology* 23: 263–87.
- Dubois, Vincent. 2010. *The Bureaucrat and the Poor: Encounters in French Welfare Offices*. Trans. Jean-Yves Bart. Burlington, VT: Ashgate.



- Emirbayer, Mustafa, and Ann Mische. 1998. What Is Agency? *American Journal of Sociology* 103(4): 962–1023.
- Epp, Charles, Steven Maynard-Moody, and Donald Haider-Markel. Forthcoming. *Pulled Over: Racial Framing of Police Stops*. Chicago: University of Chicago Press.
- Feldman, Martha S. 1992. Social Limits to Discretion: An Organizational Perspective. In *The Uses of Discretion*, edited by Keith Hawkins, 163–83. New York: Oxford University Press.
- Feldman, Martha S., and Brian T. Pentland. 2003. Reconceptualizing Organizational Routines as a Source of Flexibility and Change. *Administrative Science Quarterly* 48(1): 94–118.
- Frederickson, H. George. 1990. Public Administration and Social Equity. *Public Administration Review* 50(2): 228–37.
- . 2010. *Social Equity and Public Administration: Origins, Developments, and Applications*. Armonk, NY: M. E. Sharpe.
- Giddens, Anthony. 1979. *Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis*. Berkeley: University of California Press.
- Guy, Mary E., Meredith A. Newman, Sharon H. Mastracci, and Steven Maynard-Moody. 2009. Emotional Labor in Human Service Organizations. In *Human Services as Complex Organizations*, 2nd ed., edited by Yeheskel Hasenfeld, 291–310. Thousand Oaks, CA: Sage Publications.
- Hallett, Tim, and Marc J. Ventresca. 2006. Inhabited Institutions: Social Interactions and Organizational Forms in Gouldner's "Patterns of Industrial Bureaucracy." *Theory and Society* 35(2): 213–36.
- Harcourt, Bernard E. 2004. Rethinking Racial Profiling: A Critique of the Economics, Civil Liberties, and Constitutional Literature, and of Criminal Profiling More Generally. *University of Chicago Law Review* 71(4): 1275–1381.
- . 2007. *Against Prediction: Punishing and Policing in an Actuarial Age*. Chicago: University of Chicago Press.
- Hasenfeld, Yeheskel. 2000. Organizational Forms as Moral Practices: The Case of Welfare Departments. *Social Service Review* 74(3): 329–51.
- Kinsey, Karyl A., and Loretta J. Stalans. 1999. Which "Haves" Come Out Ahead and Why: Cultural Capital and Legal Mobilization in Frontline Law Enforcement. *Law and Society Review* 33(4): 993–1024.
- Lipsky, Michael. 1978. Standing the Study of Public Policy Implementation on Its Head. In *American Politics and Public Policy*, edited by Walter Dean Burnham and Martha Wagner Weinberg, 391–402. Cambridge, MA: MIT Press.
- . 2010. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. 30th anniversary expanded ed. New York: Russell Sage Foundation.
- Llewellyn, Karl N., and E. Adamson Hoebel. 1941. *The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence*. Norman: University of Oklahoma Press.
- Mashaw, Jerry L. 1983. *Bureaucratic Justice: Managing Social Security Disability Claims*. New Haven, CT: Yale University Press.
- Maynard-Moody, Steven, and Michael Musheno. 2003. *Cops, Teachers, Counselors: Stories from the Front Lines of Public Service*. Ann Arbor: University of Michigan Press.
- Morrill, Calvin, and Michael Musheno. Forthcoming. *Makin' It Work: Youth Conflict and Control in a Multiethnic High School*. Chicago: University of Chicago Press.
- Scott, James C. 1998. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven, CT: Yale University Press.
- Sewell, William. 1992. A Theory of Structure: Duality, Agency, and Transformation. *American Journal of Sociology* 98(1): 1–29.
- Simon, Jonathan. 2007. *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. New York: Oxford University Press.
- Sklansky, David Alan. 2007. *Democracy and the Police*. Stanford, CA: Stanford University Press.
- Soss, Joe, Richard C. Fording, and Sanford F. Schram. 2009. Governing the Poor: The Rise of the Neoliberal Paternalistic State. Paper presented at the Annual Meeting of the American Political Science Association, Toronto, Canada, September 3–9.
- . 2011. *Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race*. Chicago: University of Chicago Press.
- Tyler, Tom R. 2003. Procedural Justice, Legitimacy, and the Effective Rule of Law. In *Crime and Justice: A Review of Research*, vol. 30, edited by Michael Tonry, 431–505. Chicago: University of Chicago Press.
- U.S. National Advisory Commission on Civil Disorders (Kerner Commission). 1968. *Report of the National Advisory Commission on Civil Disorders*. New York: Dutton.
- Wagenaar, Hendrik. 2004. "Knowing" the Rules: Administrative Work as Practice. *Public Administration Review* 64(6): 643–55.
- Yngvesson, Barbara. 1988. Making Law at the Doorway: The Clerk, the Court, and the Construction of Community in a New England Town. *Law and Society Review* 22(3): 409–48.