Discretion from a psychological perspective

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Abstract

Street-level bureaucrats – such as teachers, social workers and police officers – have to implement public policies. However, they are not simple machines implementing rules, but have opportunities to make their own decisions. In other words, they have autonomy, or discretion in their work. This chapter shows how a psychological perspective can be beneficial when investigating discretion. This is firstly illustrated using the concept of policy alienation. Many street-level bureaucrats feel alienated from public policies. When they perceive they do not have enough discretion to implement the policy or feel that a policy is meaningless for society and clients, they experience policy alienation. This attitude can furthermore lead to different types of behaviours. These behaviours can be classified using the notion of coping during public service delivery. Coping can be grouped in three types, namely: moving towards clients (for instance breaking rules for a client), moving away from clients (for instance by not answering emails for clients) and moving against clients (for instance by becoming aggressive to clients). We introduce the concepts of policy alienation and coping during public service delivery and end with future research directions for scholars interested in studying discretion from a psychological perspective.

9.1 Introduction

In his book *Street-level bureaucracy: Dilemmas of the individual in public services*, Michael Lipsky (1980) analyzed the behaviour of front-line staff in policy delivery agencies. These street-level bureaucrats – also called public service workers, public professionals or frontline workers - interact directly with citizens and have substantial discretion in the execution of their work. Examples are teachers, police officers, general practitioners and social workers. When doing their work they implement public policies. However, while doing this they have to respond to citizens with only a limited amount of information or time to make a decision. Furthermore, formal rules and regulations do not correspond to the specific situation of the involved citizen. How to apply general rules in concrete situations that are not covered by these rules? Or, how to apply rules 'by the book' when a street level bureaucrat knows that this will be harmful to society? These questions arise as street-level bureaucrats have a certain degree of discretion – or autonomy - in their work (1980:14). Put simply, they are not simple machines implementing rules, but have opportunities to make their own decisions. Following the work of Lipsky, the concept of discretion has received wide attention in the policy implementation literature (Brodkin, 2011; Hill & Hupe, 2009; Vinzant & Crothers, 1998). More generally, as Evans and Hupe state in the introductory chapter of this book, the concept of discretion is a 'commonplace idea', and is discussed extensively in fields like law, economics and public administration.

In this chapter, we will use a psychological perspective to study how street-level bureaucrats deal with their discretion in day-to-day encounters with citizens. Using insights from psychology to analyze public administration questions is in line with the recent development of Behavioural Public Administration. Behavioural public administration is the analysis of public administration from the micro-level perspective of individual behaviour and attitudes by drawing on insights from psychology on the behaviour of individuals and groups (Grimmelikhuijsen *et al.* 2017). Behavioural Public Administration complements traditional public administration, which is often less focused on the micro-level and more on macro-level topics such as governance systems and public management reforms (for instance Bevir *et al.* 2003; Pollitt & Bouckaert 2004). Relating this to discretion, a psychological perspective analyzes the attitudes and behaviours of street-level bureaucrats when they deal with discretion (for instance Thomann *et al.*, 2018). The attitudes and behaviour of street-level bureaucrats are partly driven by macro-level developments (for instance Soss *et al.,* 2011). A

psychological perspective does explicitly take such embeddedness into account to understand the attitudes and behaviour of street-level bureaucrats.

In this chapter, we use this psychological perspective on discretion by focusing on two concepts that combine insights from public administration and psychology. We do not intend to give a comprehensive discipline overview but instead want to take a close look at two concepts that explicitly combine insights from psychology and public administration. First, we focus on *policy alienation* (we base our discussion primarily on Tummers, 2011). Policy alienation is a psychological state of disconnection from the public policy. It occurs when street-level bureaucrats – such as social workers or teachers – cannot identify with the policy they have to implement, for instance because they think it is not valuable for their clients. Policy alienation is an attitudinal concept. In other words, it is a psychological construct on what someone feels about a particular entity, in this case to what extent a street-level bureaucrat identifies with a particular policy. These attitudes towards a specific policy can impact how street-level bureaucrats use their discretion when implementing a policy. For instance, if they feel a policy is not beneficial for their clients, they can choose not to implement it or even try to sabotage the policy (Berkovich 2011).

The second concept — coping during public service delivery — also combines insights from public administration and psychology. Coping during public service delivery looks at behaviour that street-level bureaucrats show when interacting with clients. Ways of coping during public service delivery include working overtime for clients, rationing services (such as stating 'the office is very busy today, please return tomorrow'), and bending or breaking rules for clients. In contrast to policy alienation, it is a behavioural construct: focusing on what street-level bureaucrats *do* (behaviour) instead of what they *feel* (attitude). We base the discussion primarily on the overview article by Tummers *et al.* (2015).

In the rest of this chapter we look more closely at policy alienation and coping during public service delivery. We end with theoretical, methodological and empirical research directions for scholars interested in studying discretion from a psychological perspective. We among else discuss how managers can influence the way street-level bureaucrats use their discretion.

9.2 Discretion and policy alienation

Discretion is important. This, in part, is because various street-level bureaucrats have problems with new policies (Currie *et al.* 2009; Emery & Giauque 2003; Hebson *et al.* 2003). When street- level bureaucrats cannot identify with public policies, it becomes important to study how they use their discretion when implementing, adjusting or even sabotaging these policies. Hence, public policies are being shaped and re-shaped when street-level bureaucrats use their discretionary power (Pressmann & Wildavsky 1973). The problems of street-level bureaucrats with new policies range from teachers striking against school reforms, to professors protesting against budget cuts, and to physicians feeling overwhelmed by a constant flow of policy changes, resulting in conflicts with their professional ethos.

An illuminating example comes from the introduction of a new policy in Dutch mental healthcare. In one large-scale survey, as many as nine out of ten professionals wanted this new policy abandoned (Palm *et al.* 2008). Psychologists even went as far as to openly demonstrate on the street against this policy. A major reason for this was that many could not align their professional values with the content of the policy. The following quotation from a healthcare professional is illustrative: 'We experience the [new] policy as a disaster. I concentrate as much as possible on treating my own patients, in order to derive some satisfaction from my work.' (quoted in Tummers, 2012:516).

This example is not unique. Overall, several studies show that street-level bureaucrats have difficulty identifying with public policies (Bottery 1998; Ball 2003). When street-level bureaucrats cannot identify with a policy, this may have severe consequences. It can negatively influence policy effectiveness, as street-level bureaucrats do not execute the policy or even try to sabotage it (Thomann 2015). Furthermore, street-level bureaucrats themselves can become dissatisfied with their work. Some professionals even experience burn-out or quit their jobs entirely (Ball 2003).

These identification problems can be understood using the 'policy alienation' model as developed by Tummers, Bekkers and Steijn (2009). Policy alienation can be broadly defined as a general cognitive state of psychological disconnection from the policy program to be implemented. Various scholars have used the policy alienation model (for instance Loyens 2016; Thomann *et al.* 2017; Van Engen 2017). In general, they showed that the policy alienation model can be useful for studying public administration topics. It has been shown that effects of high policy alienation include reduced change commitment (Van der Voet *et al.* 2017) and even clear resistance and rule breaking of policies (Kerpershoek *et al.* 2016).

More generally, Thomann (2015) showed that policy alienation can lead to lower policy performance, while at the same time Loyens (2014, 2016) has showed that there are several - effective and ineffective - ways to cope with policy alienation.

Tummers (2011) identified two main dimensions of policy alienation model, which can serve as explanations for low compliance with policies. First, street-level bureaucrats can feel *powerless* while implementing a policy. For instance, a police officer might be required by his superiors to issue a minimum number of tickets each day, with no room to deviate from this. Linked to this, it is also evident that professionals can feel that implementing a policy is *meaningless* if, for example, it does not deliver any apparent beneficial outcomes for society, such as safer streets. In making the dimensions more specific to the situation under study, the policy alienation model distinguishes between strategic, tactical, and operational powerlessness, and between societal and client meaninglessness. The definitions of these dimensions – including examples - are shown in table 9.1.

Table 9.1 Defining the five dimensions of policy alienation (based on Tummers 2011)

Dimension	Definition	Examples of high scores
Strategic powerlessness	The lack of perceived influence by street-level bureaucrats on decisions concerning the content of the policy, as is captured in rules and regulations.	A professional feeling that the policy is drafted without the help of implementing professionals or professional associations.
Tactical powerlessness	The workers' perceived lack of influence on decisions concerning the way policy is implemented within their own organization.	Professionals stating that the managers in the organization did not consult them or their colleagues when designing the implementation process for the policy.
Operational powerlessness	The perceived lack of freedom in making choices concerning the sort, quantity, and quality of sanctions and rewards on offer when implementing the policy.	Answering 'fully agree' to a survey question on whether the professional felt that their autonomy during the implementation process was lower than it should be.
Societal meaninglessness	The perception of street-level bureaucrats concerning the lack of value of the policy to socially relevant goals.	Stating in an interview that "I agree with the policy goal of enhancing transparency, but I do not see how this policy helps in achieving this goal."
Client meaninglessness	The workers' perceptions of the lack of added value for their own clients in them implementing a policy.	A professional who argues that a particular policy seriously impinges on their clients' privacy.

As can be seen from the definitions of the dimensions, operational powerlessness is highly related to the notion of discretion as used in the public administration literature. The main

difference is the focus on *perceived* discretion. Hupe (2013: 34-5) makes a distinction between 'discretion-as-granted' and 'discretion-as-used'. We argue that, next to discretion-as-granted and discretion-as-used, there is also a key role for discretion-as-experienced: the degree to which street-level bureaucrats perceive to possess discretion. This notion of discretion-as-experienced adds a psychological lens to studying the topic of discretion.

The notion of 'discretion-as-experienced' can be connected to the Thomas theorem: 'If men [*sic*] define situations as real they are real in their consequences' (Thomas & Thomas, 1928: 572 quoted in Merton 1995: 380). People often behave on the basis of their perceptions of reality, not on the basis of reality itself. For instance, employees can show lower work effort if they *think* that their boss does not like them, while this is not necessarily the case. Their boss may value the employee highly, but she might be unable to show it clearly. Hence, perceptions of reality do influence behaviour and thus creates effects in reality. So, although street-level bureaucrats could have substantial granted discretion, they could still perceive themselves to have little, which subsequently influences their attitude and their concrete behaviour.

This psychological perspective on discretion highlights the importance of policy-related attitudes for frontline policy implementation. It is important to reveal what factors influence these attitudes, because individual street-level bureaucrats may experience different levels of discretion within the same policy. They experience them in different ways, because for example a) they possess more knowledge on (loopholes) in the rules, b) their organization operationalized the policy somewhat differently, c) they have a better relationship with their manager which enables them to adjust themselves to circumstances, or d) the personality of the street-level bureaucrats is more rule-following.

9.3 Discretion and coping during public service delivery

Next to policy alienation, the concept of coping has also been linked to discretion. To understand how street-level bureaucrats could use their discretion, Lipsky (1980) used the concept of 'coping'. Related to this, Satyamurti (1981) talks in her book about "strategies of survival" and Evans (2013) discusses how street-level bureaucrats "approach" rules. We follow Lipsky and others and focus on the concept of coping to study how frontline workers

use their discretion in day-to-day encounters with citizens (for criticisms of Lipsky and his view on coping and discretion, see for instance Evans, 2011; Howe, 1991).

Lipsky draws on the work of Richard Lazarus, who wrote the ground-breaking work on coping in 1966, entitled *Psychological stress and the coping process*. Based primarily on this work, coping evolved as a distinct research field. The field of coping also inspired related discussions on emotional labor (Hochschild 1983; Korczynski 2003) and resilience (Collins 2007; Egan 1993) of street-level bureaucrats. Folkman and Lazarus (1980: 223) define coping broadly as 'the cognitive and behavioral efforts made to master, tolerate or reduce external and internal demands and conflicts among them'. Coping in this formulation is extremely broad. It can range from positive thinking, quitting one's job, to talking to one's partner about work problems. In this chapter, we focus on coping during the delivery of public services. That is, we concentrate on *behavioural* ways of coping that occur when *street-level bureaucrats interact with clients*. Coping during public service delivery can be defined as *behavioural efforts frontline workers employ when interacting with clients, in order to master, tolerate or reduce external and internal demands and conflicts they face on an everyday basis* (see Tummers, Bekkers, Vink & Musheno 2015: 1100).

We fully acknowledge that other ways of coping are important to frontline workers in responding to various forms of work-related stress (for an overview see Skinner et al., 2013). Some are behavioural, but take place outside direct worker-client interactions, such as seeking comfort with colleagues, supervisors and family. Others are cognitive instead of behavioural, such as cognitive exhaustion and cynicism. These ways of coping have been studied extensively in literature streams like organizational behaviour and occupational health psychology. In table 9.2, we introduce two dimensions for capturing coping types. We focus on type 1: behavioural coping during interactions with clients. We do recognize that the boundaries are not clear-cut and that there are potential connections. However, this distinction serves as a helpful analytical tool to focus on behavioural ways of coping that are embedded in direct frontline worker-citizen interactions.

Table 9.2 Classifying coping of street-level bureaucrats. We focus on type 1 (based on Tummers _et al._ 2015)

	Behavioural coping	Cognitive coping
During client-worker interactions	_1. Rule bending, rule breaking, aggression to clients, routinizing, rationing, using personal resources to help clients._	2. Client-oriented cynicism, compassion towards clients, emotional detachment from clients
Not during client-worker interactions	3. Social support from colleagues, complaining towards managers, turnover, substance abuse.	4. Cognitive restructuring, cynicism towards work, work alienation

In order to understand coping during public service delivery (type 1 as indicated in table 9.1), Tummers, Bekkers, Vink & Musheno developed a classification of coping, which has been used quite extensively in the public administration field (see among else Baviskar & Winter 2016; Cohen _et al._ 2016; Hunter _et al._ 2016; Huyn _et al._ 2017; Liu _et al._ 2016; Møller 2016; Savi & Cepilovs 2016; Schillemans & Van Twist 2016; Sowa & Lu 2016; Tummers 2017; Tummers & Rocco 2015; Van Loon & Jakobsen 2017; Yang & Ortega 2016; Zang 2016). Here, we discuss this work. The coping classification is focused on the behaviour workers can display towards clients when confronted with stress. They show that during public service delivery there are three main families of coping (see also the work Bekkers, Moody, and Edwards 2011 and Horney 1945):

1. _Moving towards clients_: Coping by helping clients in stressful situations. An example is a teacher working overtime to help students.
2. _Moving away from clients_: Coping by avoiding meaningful interactions with clients in stressful situations. An example is a public servant telling a client that 'we cannot help you at the moment. There are 30 people waiting before you.'
3. _Moving against clients_: Coping by confronting clients. For instance, teachers who have/experience discretion can cope with stress when working with students by imposing very rigid rules, such as no cell phone use in class and sending everyone to the office when they use a cell phone.

Rule bending, rule breaking and rigid rule following

Tummers *et al.* (2015)'s systematic review provides an overview of 35 years of study regarding coping during public service delivery. We discuss the results that are particularly relevant in the discussion regarding discretion from a psychological perspective. We focus here on the notions of *rule bending*, *rule breaking* and *rule following* as these are highly related to the notion of discretion.

Rule bending and rule breaking are often done to benefit the client. You can see them as a continuum, where rule breaking is less compliant than rule bending. Both are therefore classified as ways of coping under the coping family 'moving towards clients'. On the other hand, rigid rule following is defined as sticking to rules in an inflexible way, which may go against the client's demands. Hence, this way of coping is classified under the family 'moving against clients'.

Adjusting the rules to meet client demands (rule bending) is an often mentioned way of coping in the family 'moving towards clients'. Rule bending describes how frontline workers adjust the rules to meet the clients' demands. In essence, they are experiencing a role conflict: the policy rules and requirements do not fit with the wishes and demands of their clients. In order to cope with this role conflict, they adjust the rules somewhat, so that the client can benefit. An example of rule bending is provided by Maynard-Moody & Musheno (2003: 113), who quote a teacher on his feelings about rules: 'I'll kind of use the system and tweak the system to get more benefits — not so much for me, but for the kids on my casework. (...) I like to do the best that I can, and I'll bend the system, and occasionally I'll snap it in half.*'*

Rule breaking is another often-mentioned way of coping. It is related to 'rule bending', but more extreme in that it deliberately goes *against* the rules rather than working *with* the rules. For an illustrative example, we refer to Anagnostopoulos (2003), who describes how American secondary school teachers coped with a new and stringent accountability policy on student failure. Many teachers were strongly opposed to this new policy. They could not see how this particular policy benefited society or their students. Hence, they were experiencing policy alienation, more specifically high societal and client meaninglessness. Where students were failing classes, many teachers tried to improve their instructional practices. However,

some teachers indicated that they passed students who had not actually satisfied the course requirements. This is a clear example of rule breaking.

In terms of legitimizing rule bending and rule breaking, Evans (2013) argues that street-level bureaucrats often have mixed reasons for either following or breaking rules. Generally, rules are not to be broken, as indicated by a quote from a social worker, stating that "[you] can't be a maverick … If you break the rules, you've broken the trust" (cited in Evans 2013: 749). However, good reasons can be found and are deemed 'good' in some situations but not others. In line with the quote in Maynard-Moody and Musheno he shows that a particular 'good reason' for bending or breaking rules is that this can be very meaningful for clients. One illustrating quote by a social worker was (cited in Evans 2013: 751): 'Saying 'Mrs. Smith doesn't quite meet the criteria for getting this resource, but if you actually have a look at all this information you may wish to think that she should be getting the resource'—OK. You'd bend the rules there.'

Hence, situations are open to interpretation and ambiguous (see also Evans & Harris 2004; Ellis *et al.* 1999). Instead of bending or even breaking rules, frontline workers can also stick to the rules. Wright (2003: 137-138) refers to a welfare worker who tells a citizen who wants to apply for a well-suited job that the vacancy has been suspended ten minutes ago and that the opportunity has passed. This shows the effects of the submissions limits, which are set by employers and enforced by staff. Soss, Fording, and Schram (2011: 220) comment that some officials view sanctioning as 'the most important process they have in terms of case management and producing results.' Some officials for instance choose the path of letting clients attend daily classes before having their application for benefits submitted. Missing a class or turning up inappropriately dressed means having to start over the following week.

One particular important reason for rigid rule following was that it could help street-level bureaucrats manage a very high workload. Anagnostopoulos (2013: 308-309) showed that American teachers used rules as a way to deal with overcrowded classes, noting that: 'One teacher used management time to check that students wore their school identification cards and to send those who didn't to the discipline office. This effectively reduced the number of students in the class by two or three students each day.'

9.4 Conclusion

This chapter shows how a psychological perspective can be beneficial when investigating discretion. This is firstly illustrated using the concept of policy alienation. Many street-level bureaucrats feel alienated from public policies. When they perceive they do not have enough discretion to implement the policy or feel that a policy is meaningless for society and clients, they experience policy alienation. This attitude can furthermore lead to different types of behaviours. These behaviours can be classified using the notion of coping during public service delivery. Coping can be grouped in three types, namely: moving towards clients (for instance breaking rules for a client), moving away from clients (for instance by not answering emails for clients) and moving against clients (for instance by becoming aggressive to clients).

We end this chapter by considering future theoretical, methodological and empirical research directions that could be put forward by scholars interested in a psychological perspective on discretion. A first area for future research is the relationship between coping during public service delivery and managerial practices. More specifically, it is interesting to study whether and how managers can influence rule bending, breaking and rigid rule following of street-level bureaucrats. For instance, managers could adapt a very stringent leadership style, requiring that 'rules should not be broken' (Tummers & Knies 2016). Secondly, managers could require that street-level bureaucrats should follow the 'spirit' of the law, not the 'letter' of the law. They could require consistency in applying rules, but that this should be balanced against an equally important recognition of service users' complex individual circumstances, analyzing who is 'deserving' of help (see also Evans 2013; Maynard-Moody & Musheno 2003; Jilke & Tummers 2018).

However, a potential downside of this approach is that it can threaten equality of treatment. Another avenue would be to study how these two different managerial strategies affect the degree of rule bending and breaking. This could be related to the specific context in which managers and street-level bureaucrats operate. Another potentially interesting avenue would to study socialization processes: do managers start as rigid enforcers of rules and become more flexible further in their career? What are the main drivers of this development? Here, scholars can combine sociological literature on socialization with street-level bureaucracy literature on discretion and coping (see for instance Oberfield 2010).

A second area for research is the relationship between rigid rule following, rule bending and rule breaking to policy performance (Thomann 2015; Walker *et al.* 2010). A multimethod approach could be fruitful here. Researchers could use interviews or survey techniques to determine the degree of bending, breaking and rigid rule following of street-level bureaucrats. Using another source, researchers could then examine the actual policy performance of these public service workers when implementing the policy (Meier & O'Toole 2013). This observed policy performance could then be related to the level of rule bending, rule breaking and rigid rule following. Alongside being of theoretical interest, this could also be very relevant for policymakers who need knowledge on the factors that affect policy performance.

A third area is examining coping during public service delivery in the interaction between street-level bureaucrats and clients. Up till now the attention of the psychological research literature has focused on coping mechanisms of workers, but at the same time citizens also develop coping mechanism when being confronted with all kinds of norms, also because citizens become more emancipated themselves (see for instance Mayer & Timms 1970). Hence, it is interesting to see if citizens develop coping strategies in which they move towards, against or away from the street level bureaucrat. For instance, citizens could try to organize themselves in order to 'counterbalance' the discretionary power of the involved street-level bureaucrats or, when making use of open data or knowledge and information that is available on the internet to question the decisions that are made by street-level bureaucrats. As a result of the coping mechanisms at the side of citizens, civil service workers are confronted with new and even more pressing demands and tensions. An interesting research line would be to study the interaction patterns of coping mechanisms and the mutually reinforcing nature of these patterns.

Next to connecting the literature on coping and discretion to other theoretical concepts, it could also be valuable to increase the methodological diversity of the field. The current literature is dominated by studies relying on cross-sectional studies and interviews. The value of these methods is that they are located in real organizational environments. However, these methods do not allow scholars to truly determine the causal direction of the relationships. Longitudinal studies and especially experiments – in the lab or in the field – can be useful here. A future study could for instance develop a field experiment showing how rigid rule following can be reduced by extensive communication or granting more autonomy to street-level bureaucrats. At a more general level, future studies can conduct such studies

to address the concerns about causality. Scholars can follow guidelines on the use of experiments in the public administration discipline (for instance Jilke *et al.* 2016).

The final suggestion for future research is empirical. Most studies on coping and discretion have been focused on Western countries, including the United States, the United Kingdom, Denmark and the Netherlands. Almost no studies have been conducted in southern hemisphere or Asian countries (a recent interesting exception is Zang & Musheno 2017). It would be valuable to study these topics in such different settings. To what extent do a scale developed in one cultural context can hold when applied in another? Are the same effects found? Are effect sizes comparable? In this way, the generalizability of the policy alienation model would be tested further. Furthermore, scholars can conduct replication studies (also in Western countries). Replication is one of the core tasks of science, and has been increasingly recognized as important in the recent years (Nature editorial, 2016).

In conclusion, it is of paramount importance to understand psychological processes underlying attitudes and behaviour of street-level bureaucrats. Embracing a psychological perspective and developing this line of research should prove to be a timely and productive endeavor for both scholars and practitioners alike.

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