The Paradox of Rules: Rules as Resources and Constraints
Shannon Portillo

Administration & Society published online 20 July 2011
DOI: 10.1177/0095399711413714

The online version of this article can be found at:
http://aas.sagepub.com/content/early/2011/07/19/0095399711413714

A more recent version of this article was published on - Mar 5, 2012

Published by:

SAGE
http://www.sagepublications.com

Additional services and information for Administration & Society can be found at:

Email Alerts: http://aas.sagepub.com/cgi/alerts
Subscriptions: http://aas.sagepub.com/subscriptions
Reprints: http://www.sagepub.com/journalsReprints.nav
Permissions: http://www.sagepub.com/journalsPermissions.nav

Version of Record - Mar 5, 2012

>> OnlineFirst Version of Record - Jul 20, 2011

What is This?
The Paradox of Rules: Rules as Resources and Constraints

Shannon Portillo

Abstract
There is limited scholarship considering how social status factors such as race, ethnicity, gender, and age frame rules in public organizations. Using data collected from semistructured interviews with 49 local government officials, the author argues that there is a paradox of rules. Women and people of color are increasingly entering the ranks of local bureaucracies, but they experience their authority differently than white men. Their claim to authority is challenged more often. Unable to rely on implicit rank and social status as a defense, they must rely instead on official rights and rules. The very meaning of their authority is therefore different: It is more rule and rights based, more formal than informal, more explicit than implicit. Yet, because it is more rule based, formal, and explicit, their authority is also more open to question and challenge, and more resented as an artifice. People of color and women in positions of authority thus face the paradox of rules: They must rely on formal rules as a key basis for their authority, but relying on rules makes their authority seem more artificial than real.

Keywords
rules, social status, local government

1George Mason University, Fairfax, VA

Corresponding Author:
Shannon Portillo, Interim Director and Assistant Professor, Center for Justice, Law & Society, Criminology, Law & Society Department, George Mason University, 4400 University Dr MS 4F4, Fairfax, VA 22030, USA
Email: sportill@gmu.edu
Introduction

Even in public organizations that are seen as increasingly formalized and rule bound, frontline staff have great discretion in how to implement and enforce rules and policies (Bardach & Kagan, 1982; Lipsky, 1980; Maynard-Moody & Portillo, 2010; Prottas, 1979; Scott, 1997). A current trend in street-level bureaucracy theory focuses on how the use of rule following or discretion is socialized and carried out in rule-bound or rule-saturated contexts (Maynard-Moody & Portillo, 2010; Oberfield, 2010). Scholars have argued for more than six decades that rule following and rule enforcement may be one way that employees with less power assert themselves in organizations (Green & Melnick, 1950; Kanter, 1977; Portillo & DeHart-Davis, 2009; Thompson, 1977). Recently, this argument has been applied specifically to gender (Portillo & DeHart-Davis, 2009). Although there is little scholarship that considers race, ethnicity, or age as social status factors that influence rule following or rule enforcement, the same argument based on social power may apply. These arguments contend that employees use rule following to compensate for their relative lack of power in organizations (Green & Melnick, 1950; Kanter, 1977; Portillo & DeHart-Davis, 2009; Thompson, 1977). Although all employees enjoy formal power in organizations, female employees and employees of color maintain a relative lack of informal power in organizations (Portillo, 2010).

For public administrators, authority refers to the legitimate power to gain compliance from organizational subordinates and citizens. In Barnard’s (1968) classic discussion of authority, he separates out objective and subjective aspects of authority. He discusses authority as a communication relationship between a superior giving a command (objective and positional) and a subordinate accepting it (subjective and personal). Barnard’s conception of authority goes beyond a legalist rational basis to give a command in an organization and emphasizes that authority only exists insofar as a subordinate accepts it (Smith, 1975). The power in authority is legitimated through subordinates’ acceptance of commands. Power can have formal and informal basis. Formal power stems from organizational hierarchy, laws, and formal rules regarding who sets agendas and makes decisions in organizations (positional power). Informal power is more personal and often founded in social norms—regarded hierarchies based on race, ethnicity, gender, and age (social status; Ewick & Silbey, 2003; Guy, 1992; Portillo, 2010; Stryker, 2003).

In the narratives I collected, bureaucrats with relatively less informal power in organizations, women, people of color, and young people rely on rules as a foundation for their authority in organizations. People of color and women bend rules less and follow rules more possibly because they explicitly rely on rules as a foundation of their authority in organizations. The current study
brings together scholarship on rule bending, rule following and enforcement, and rules and identity to examine how rules serve as resources and constraints for public officials. In the pages that follow, I first present background literature and a description of the study design. I then present data gathered from semistructured interviews with 49 public officials from eight municipalities and seven police departments. Finally, I provide a brief discussion of the findings, noting the practical and theoretical implications of this work.

**Rule Bending**

Arguably, all bureaucrats are bound by the law and rules in their organizations. However, bureaucrats are powerful actors because they have flexibility in how they interpret and implement rules and laws (Bardach & Kagan, 1982; Bourdieu, 2005; Hawkins, 2002; Lipsky, 1980). The use of discretion and rule bending may benefit public officials. According to Bourdieu (2005), granting exceptions to rules, or bending rules, for citizens may be one of the most efficient ways for bureaucrats to build social capital and a positive reputation with the citizens they interact with. When a bureaucrat bends a rule, or makes an exception for a citizen, she or he is building social capital for him- or herself, not the office or organization that they are working for. So, although the discretionary nature of bureaucrats’ work is a product of the structure and context of that work, when bureaucrats exercise their discretion, the benefits may actually be focused on a personal level.

Similarly, Hawkins (2002) argues that strictly enforcing rules may be detrimental to bureaucrats long term. He argues that bureaucrats only mobilize or invoke rules as a last resort because they bring a formal structure and procedure to the process which takes power out of their own hands. Public officials prefer to rely on informal, personal relationships and personal authority, only enforcing rules as a last resort. In most instances, the invocation of rules means the bureaucrat has lost control of the situation.

Although Bourdieu (2005) and Hawkins (2002) discuss rule bending in particular instances, DeHart-Davis (2007) presents the idea of rule bending as part of an unbureaucratic personality. She portrays the unbureaucratic personality as fitting with the current push for entrepreneurial leadership, decentralized decision making, increased discretion, and flexibility (S. Cohen & Eimicke, 1995; Denhardt & Denhardt, 2000; Frederickson & Smith, 2004; Osborne & Gaebler, 1992). Although there are scholars who acknowledge the potential negative side of rule bending (H. Cohen, 1970; Thompson, 1977), others also acknowledge that it is often undertaken to provide for worthy or needy clients (Maynard-Moody & Musheno, 2003; Sandfort, Kalil, & Gottschalk, 1999). DeHart-Davis ultimately presents the rule bending, unbureaucratic
personality as paradoxical because rule bending may be undertaken for selfish as well as altruistic reasons and because it tends to be individually admired and collectively feared.

Scholars have largely seen rule bending in a number of paradoxical ways. Rule bending is seen as inconsistent with bureaucratic structures but incredibly common among bureaucrats (DeHart-Davis, 2007). Rule bending may be done for selfish reasons, such as those discussed by Bourdieu (2005) and Hawkins (2002) above or for altruistic reasons, such as helping worthy citizens (Maynard-Moody & Musheno, 2003). Rule bending is portrayed as part of a push for entrepreneurial leadership in organizations, and is individually admired, but seen as collective action it goes against the formal structure and public values of bureaucracies (Goodsell, 1993, 2004; Osborne & Gaebler, 1992).

Rule Following and Enforcement

Discussions of rule bending and discretion are prolific. However, discretionary acts that result in rule bending by bureaucrats are still seen largely as the exception rather than the norm (Maynard-Moody & Musheno, 2003). Although rule following and rule enforcement—rule conforming—are largely seen as the norm for bureaucrats, the act of rule conforming is often portrayed in a negative light (Green & Melnick, 1950; Merton, 1940; Thompson, 1977). Merton (1940) describes the bureaucratic personality as one that is overconforming to rules and regulation enforcement. Although the bureaucratic personality is not a pathology that all public servants possess, it is stereotype of the local government official—a pencil-pushing, rule-conforming official focused on strict rule enforcement.

For the past six decades scholars have speculated, more specifically, that individuals with less social power in organizations use rule abidance and rule enforcement as a way to bolster their position (Green & Melnick, 1950; Kanter, 1977; Thompson, 1977). Recent empirical work has confirmed these long-held theoretical assumptions, at least with regard to gender (Portillo & DeHart-Davis, 2009). Although recent work argues that rule abidance and enforcement may increase with public service motivation (DeHart-Davis, 2007) and may be a positive way that bureaucrats with less social power assert themselves in organizations (Portillo & DeHart-Davis, 2009), much of the early work on rule abidance and rule enforcement portrayed it in a negative light.

Green and Melnick (1950) argue that women “go by the book” or enforce rules as a way to compensate for professional insecurity or male hostility in the work environment. Thompson (1977) builds on these same observations
more than 20 years later and argues that employees who are insecure in their authoritative status use rules to “blame the system” rather than internalizing negative feelings. Duerst-Lahti and Johnson (1992) argue that “going by the book” is seen as not only a negative bureaucratic trait but also a specifically negative feminine bureaucratic trait. However, they argue, the rule enforcer stereotype has little to do with gender and more to do with the lack of positional power women often have occupying the lowest positions in public organizations.

Kanter (1977) describes rule mindedness, or rule enforcement, as a vicious cycle. Powerless employees are more rule minded because rules are “their only safe and sure legitimate authority” (Kanter, 1977, pp. 190-193). The powerless employee uses strict rule adherence, becoming coercive, and their subordinates then resist their coerciveness and rebel, leading the employee to become more rule conforming and coercive. Kanter directly relates this type of behavior to a lack of power and opportunity for upward mobility in organizations. Although Kanter does not directly relate this idea to social identities such as race, ethnicity, or gender, she does comment that women and people of color are most likely to occupy positions of lower power in organizations with less of an opportunity for upward mobility. She argues that people of color and women specifically, often occupy “token” positions in organizations leading their actions to stand out and their lack of social power is highly visible. These token employees then are under more of a spotlight, which may also encourage rule conformity and again contribute to what Kanter describes as the vicious cycle of rule enforcement coercive power and less opportunity for upward mobility.

Guy (1992) builds on the argument of structural position and mobility within organizations. One of her main findings is that women often occupy positions within organizations with less discretion; they are more confined by the rules than their male counterparts. They have less opportunity and power and numbers, contributing to their involvement in the vicious downward cycle Kanter (1977) describes.

Taken together, this work argues that the invocation of rules is associated with a lack of power in organizations or social status insecurity in organizations. Rules are positioned as a last resort for the powerless, the only thing they can grasp at to avoid losing control. Although rule following and rule enforcement are largely seen as normal in bureaucratic organizations (Oberfield, 2010), many scholars speculate that rules are a means of asserting power for the less powerful. Rule abidance or enforcement is portrayed as negative but normal. Whether the invocation of rules or rule bending is an incident-based decision
or a consistent identity is a question that has a long theoretical tradition (Merton, 1940) but has only recently been taken up empirically (Oberfield, 2010).

Rules and Identity

Oberfield (2010) argues that “although bureaucrats have the potential to act as rule followers or rule deviators in any situation, they may consistently choose one identity” (p. 739). Although Oberfield argues that a rule-following or rule-deviating identity is largely related to personality, social status or social identity may also influence the choice in rule bending or rule following tendencies. Although the tendency to be a rule follower or rule enforcer has been specifically tied to gender (Green & Melnick, 1950; Portillo & DeHart-Davis, 2009; Thompson, 1977), there has been little work looking at other forms of social status, such as race, ethnicity, and age. Below, I discuss the study design that uses narrative analysis to consider how social identity influences the way that bureaucrats respond to challenges to their authority and how rule abidance or rule enforcement are a part of these responses.

Study Design

For this project, I studied eight municipalities and seven local police departments and spoke with 49 city administrators and police officers about their authority. I conducted semistructured interviews focused on challenge narratives—times when the officials had their authority challenged and how they responded to the challenger and the situation. I collected 162 narratives of challenges that public officials faced.

The Sample

I chose to focus on police officers and city administrators as the participants of this study. Police officers convey iconic images of authority in America: They carry the trappings of official status and exercise authority on the street in interactions with ordinary citizens. The blue uniform of a police officer, adorned with a badge, gun, and other gadgets of law enforcement is widely known and recognized in our society. City administrators exercise their authority over complex public bureaucracies; however, they typically do not have the visual cues of authority enjoyed by police officers. But, within their organizations, city administrators’ official status is well known to all employees. Although police officers occupy the classic street-level bureaucrat position, city managers do not. They are often the public administrative face of the city, interacting
with citizens, but they still command positions at the top of the local administrative hierarchy. Although these contrasts make the positions both types of officials hold unique, the differences also allow for maximum comparisons between the two types of officials. Public officials in both of these occupations have official authority—authority that comes from the government they are serving, authority that is written into laws, policies, rules, and organizational hierarchies.

The final sample included 24 city administrators and 25 police officers. The experience of the participants ranged from a few months in public service to more than 30 years in public service. There were 19 female participants and 30 male participants. In all, 39 participants were white and 10 were people of color. Five of the officials I spoke with were young and 44 were middle-aged or older.

I entered the field with the expectation that race, ethnicity, and gender would be important status categories that influenced how public officials discussed and exercised their authority. After the first few interviews and stories, I quickly realized that age was an important aspect of status that I had not previously considered. After my first interviews, when age emerged as an important factor in the analysis, I focused on age as well as race, ethnicity, and gender in the remaining interviews.

For administrators involved in city management, I defined young as below 30. For police officers, I defined young as below 25. This difference is based on the educational requirements for the different occupations. Police, in the jurisdictions I visited, are often required to have a bachelor’s degree, whereas most city administrators held postgraduate degrees. The difference in age categories is also based on the average starting age for these two occupations, most likely influenced by the required level of education. Most police officers begin their careers in their early 20s, whereas many city administrators begin their careers in their late 20s. Middle-aged is defined as 30 to 60 for city administrators and 25 to 60 for police officers. I categorized participants from both policing and city administration above the age of 60 as old.

A similar but reverse story took place with regard to socioeconomic status. Although socioeconomic status is often discussed as an important element of social status, it failed to surface in the interactions with public officials. Almost all public officials who mentioned socioeconomic status did so in reference to themselves as middle class. The participants would occasionally discuss a challenger who was upper or lower class but almost every official discussed seeing themselves as belonging to a similar middle-class background. Therefore, socioeconomic status did not emerge as a relevant factor of analysis for the project.
Social status can be seen as a continuum, with middle-aged white men at one end and young women of color at the other (Crenshaw, 1989). Many combinations of social statuses can fall along this continuum, but for the purposes of this study I divided the participants into two groups: traditionally low social status (of color, female, and young) and traditionally high social status (middle-aged and older white men). This is largely for practical reasons. City administrations and police forces in the United States are still largely dominated by middle-aged and older white men, so women, people of color, and younger people of all social groups were oversampled for this study. I also use the two status groups partially for theoretical reasons. Regardless of low social status categories (interviewees may belong to one or multiple groups with low social status), people with low social status respond to challenges to their authority in largely similar ways. The broad concept of social status reinforces the idea that identity categories do not stand alone; hence, in this study, the broad concept of social status is more useful than individual identity categories. Because inclusion in any single traditionally high social status group does not necessarily negate membership in a traditionally low social status group (Turner, 1988), I have categorized as belonging to a traditionally low social status all respondents who were young, of color, or female. My categorization resulted in 20 public officials belonging to the traditionally high social status group and 29 belonging to the traditionally low social status group.

See Table 1 for specifics on the 49 participants who were interviewed as part of this project.

The Narratives

As part of the interviews, I collected narratives of times when public officials had their authority challenged and how they responded to that challenge. I did not directly ask about social status or their own views of their social identities before they told their story. Their response focused on what types of rules, formal authority or personal authority, they mobilized to respond to the challenge they faced by a citizen or subordinate employee in their organization. The interviews lasted an average of 1 hr each and provided an average of three narratives each. A narrative consisted of describing the challenge, the official’s response to the challenge and the resolution of the challenge. As the respondent shared her or his story, I asked numerous follow-up questions, which were meant to build rapport, elicit full narratives, and gain additional information about the organizational and community context of the narrative. Because the interviews focused specifically on challenges the bureaucrats
Table 1. Participants' Occupation and Social Identities

<table>
<thead>
<tr>
<th>Participant</th>
<th>Position</th>
<th>Sex</th>
<th>Race/ethnicity</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>2</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>3</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>4</td>
<td>Police officer</td>
<td>Female</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>5</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>6</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>7</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>8</td>
<td>Police officer</td>
<td>Female</td>
<td>White</td>
<td>Young</td>
</tr>
<tr>
<td>9</td>
<td>City administrator</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>10</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>11</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>12</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Young</td>
</tr>
<tr>
<td>13</td>
<td>Police officer</td>
<td>Female</td>
<td>White</td>
<td>Young</td>
</tr>
<tr>
<td>14</td>
<td>Police officer</td>
<td>Female</td>
<td>Black</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>15</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>16</td>
<td>City administrator</td>
<td>Female</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>17</td>
<td>City administrator</td>
<td>Male</td>
<td>Black</td>
<td>Older</td>
</tr>
<tr>
<td>18</td>
<td>City administrator</td>
<td>Female</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>19</td>
<td>City administrator</td>
<td>Female</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>20</td>
<td>City administrator</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>21</td>
<td>City administrator</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>22</td>
<td>City administrator</td>
<td>Female</td>
<td>White</td>
<td>Older</td>
</tr>
<tr>
<td>23</td>
<td>City administrator</td>
<td>Female</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>24</td>
<td>City administrator</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>25</td>
<td>City administrator</td>
<td>Male</td>
<td>White</td>
<td>Young</td>
</tr>
<tr>
<td>26</td>
<td>City administrator</td>
<td>Female</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>27</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>28</td>
<td>Police officer</td>
<td>Female</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>29</td>
<td>City administrator</td>
<td>Female</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>30</td>
<td>Police officer</td>
<td>Male</td>
<td>Asian</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>31</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>32</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>33</td>
<td>Police officer</td>
<td>Female</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>34</td>
<td>City administrator</td>
<td>Female</td>
<td>White</td>
<td>Older</td>
</tr>
<tr>
<td>35</td>
<td>City administrator</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>36</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>37</td>
<td>Police officer</td>
<td>Female</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>38</td>
<td>City administrator</td>
<td>Female</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>39</td>
<td>City administrator</td>
<td>Female</td>
<td>White</td>
<td>Older</td>
</tr>
</tbody>
</table>

(continued)
discussed facing, they may not be representative of the bureaucrat’s perceptions of their own authority or use of authority at all times. However, the narratives do provide insight into how bureaucrats discuss the use of rules when they are challenged by citizens or subordinates in their own organizations.

As the interviews were semistructured, no two sets of interview questions were identical. Follow-up questions were focused on the specific content of the narratives provided. Many participants provided additional narratives as explanations to follow-up questions, providing for an average of three narratives per interview. I concluded all interviews with a discussion of the participant’s perceptions of the organizational culture they worked in and its openness to people of various social status backgrounds.

The narratives collected as part of this project are not meant to be seen as objective truths. Instead, the narratives provide arguably the best measure of the participants’ understanding and framing of the experience and of its cultural and social context (see Marshall & Rossman, 1999; Oberweis & Musheno, 2001). Regardless of how personal or specific the story is, a storyteller invokes public schemas using shared vocabularies and interpretive guides (Silberstein, 1988), and the stories that people share give insight into the organization of their social life (I. J. Cohen & Rogers, 1994; Maines, 1993).

The narratives of my interviewees provide rich details and insights that would be overlooked with traditional social science methods and provide for the collection of details about the institutions in which these experiences took place (see Maynard-Moody & Musheno, 2003). The narratives also helped to connect the discussion of particularities and of generalities of those social interactions and contexts (see Ewick & Silbey, 1995). Analysis of the narratives

Table 1. (continued)

<table>
<thead>
<tr>
<th>Participant</th>
<th>Position</th>
<th>Sex</th>
<th>Race/ethnicity</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>41</td>
<td>City administrator</td>
<td>Male</td>
<td>Black</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>42</td>
<td>Police officer</td>
<td>Male</td>
<td>Black</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>43</td>
<td>Police officer</td>
<td>Male</td>
<td>White</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>44</td>
<td>City administrator</td>
<td>Male</td>
<td>Latino</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>45</td>
<td>City administrator</td>
<td>Male</td>
<td>Latino</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>46</td>
<td>City administrator</td>
<td>Male</td>
<td>Black</td>
<td>Older</td>
</tr>
<tr>
<td>47</td>
<td>City administrator</td>
<td>Male</td>
<td>Latino</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>48</td>
<td>City administrator</td>
<td>Female</td>
<td>Latina</td>
<td>Middle-aged</td>
</tr>
<tr>
<td>49</td>
<td>City administrator</td>
<td>Female</td>
<td>White</td>
<td>Young</td>
</tr>
</tbody>
</table>
provides for a descriptive understanding of how social schemas play out in
day-to-day organizational life (see Ewick & Silbey, 2003).

I digitally recorded and transcribed all interviews. Using Atlas.ti (qualitative
analysis software), I analyzed all interviews coding based on themes, which
emerged inductively from the interviews. The narratives demonstrated how
public officials discussed their use of rules and personal authority. Although
no two narratives were exactly alike, the patterns expressed in the narratives
were similar across occupation and local government context. The themes in
the narratives coalesced around social identity categories, with women, people
of color, and young people providing similar descriptions of their understand-
ing of rule bending, rule following, and rule enforcement, descriptions that
contrasted with the descriptions provided by their middle-aged and older
white male colleagues. As the themes largely coalesced around social status
and social identities rather than occupational identities, I present my findings
below focused on these categories.

Findings

Bureaucrats of all social status backgrounds provided rich and nuanced dis-
cussions of rules in the narratives they presented. The discussions presented
by participants focused on when rules were brought into disputes and whether
the rules served as resources or constraints, rather than focusing on rule bend-
ing or rule following. Middle-aged and older white men discussed largely only
bringing up rules or enforcing rules with citizens or subordinates when they
described feeling they needed an extra edge to their authority. When citizens
or subordinates brought up particular rules, middle-aged and older White men
discussed particular rules as constraints to their authority.

Rule bending was largely described as the norm for middle-aged and older
white men, not because the rule was in place but because it did not become the
focus of an encounter unless the incident got out of hand for the official. Rule
following was seen in a negative light because it was introduced by someone
lower in the organization than the official. People of color, women, and young
people, in contrast, discussed focusing almost immediately on mobilizing or
invoking rules. Rather than a focus on rule following or rule enforcement,
they discuss focusing on establishing the rules as a source of their authority.
But, because they explicitly relied on rules they then discussed being bound
by the rules. Rule following was discussed as important but only because the
rules were already being relied on as a source of authority for the bureaucrat.
The rule was mobilized to establish authority, and then it must be enforced
and followed.
Women, people of color, and young people as well as middle-aged and older
white men presented themes of rules as resources and constraints. However, the
themes presented varied remarkably along lines of social identity. Both middle-
aged and older white men and women, people of color, and young people
presented rules as paradoxical, but the paradoxes they presented were quite
different. See Table 2 for a description of differences.

Middle-aged and older white men discussed real authority as something per-
sonal. They described leadership and authority as inherent to them as people.

Women, people of color, and young people as well as middle-aged and older
white men presented themes of rules as resources and constraints. However, the
themes presented varied remarkably along lines of social identity. Both middle-
aged and older white men and women, people of color, and young people
presented rules as paradoxical, but the paradoxes they presented were quite
different. See Table 2 for a description of differences.

Middle-aged and older white men describe rules as paradoxical because
they provided them with a little extra edge to the personal authority they already
had, but they also limited their personal authority when subordinates or citizens
challenged them citing specific rules, laws, or regulations. In contrast, women,
people of color, and young people described rules, laws, and regulations as
foundational to their authority as public servants. But, because they relied on a
strong foundation of rules they must also adhere strictly to the rules. They were
also challenged in the long term by subordinates or citizens as having no “real”
power because they had to rely on rules; they were described as “bitchy, petty,
and weak” because of their reliance on rules as their main source of authority.

The Paradox of Rules for Middle-aged
and Older White Men: An Edge and a Box

Middle-aged and older white men discussed real authority as something per-
sonal. They described leadership and authority as inherent to them as people.
Rules, laws, and regulations were discussed as providing an extra edge to their authority; they could invoke or mobilize rules when they were challenged by citizens or subordinates, but they described it as best if they did not have to.

Sam, an older white male city administrator from an affluent suburb, said that he was seen as a leader in his organization, “When people think of a manager, they think of someone like me, tall, white, and male and a bit older.” He went on to say that people typically listen to him because he is viewed as a leader, if he has to bring up a rule or regulation then he “knows something has gone really wrong.”

Similarly, Jack, a middle-aged white police officer noted,

“I have got real problems with the fact that we all assume that we are granted authority just by the nature of our position and our badge.” For Jack, authority is not something that can be handed out by an organization, based on rules and laws; he characterizes authority as something implicit to the official holding it, and implies that it should be based on an official’s own personal characteristics. He says if things get really out of hand he will have to remind a citizen about the laws he is enforcing, but really he does not like to reference laws or strictly enforce laws with citizens, they should be focused on what he is saying as an authority figure, rather than the specific law he thinks they are breaking.

Chad, a middle-aged white male police officer in a leadership role in a small city, referenced rules and laws in a similar way discussed by Jack and Sam above.

Chad said that most of what he does as a police officer is “common sense.” He does not like to get into the specifics of laws or regulations with citizens. When he is confronted by a citizen he does not respond by telling them what rule, law, or regulation he is enforcing, rather he responds by telling him that they must listen to him and he is telling them what they must do. He goes on to say how the rules may be helpful, “now the law gives us an extra edge, when we throw out the law and talk about a specific law they have to listen, but it isn’t really necessary.”

Most of the middle-aged and older white men I spoke with discussed rules and laws as not really necessary but helpful in tough situations. They did not focus on strict rule enforcement when they were challenged by citizens or
subordinates in their organizations, rather they said that if they invoked or mobilized a specific rule, law, or regulation they did so because something had gone wrong and their own personal authority was not being respected—described as a rare occurrence. Rules gave an extra edge to their personal authority, but they were not usually necessary.

In contrast, rules were also described as constraining some of their personal authority. When a citizen or subordinate challenged a middle-aged or older white male with a specific rule, law, or regulation the official described their authority as restrained. A description they found problematic is as follows.

Sean, a middle-aged white male city administrator working in a large local government organization had recently been promoted to a new position. One of his new subordinates came to him with paperwork that his former supervisor had typically signed. When Sean said that he could sign it, the subordinate employee told him about a rule saying how the paperwork had to be handled. Sean was pretty angry about the situation saying, “If I say I can do it then I can. You don’t need to have an ordinance lay it out for you; I can handle this.” He described the incident as one in which the subordinate employee was using a rule to try to limit his authority. Rather than seeing him as a person in charge, the subordinate was focused on the rule and formal process the paperwork typically went through. Sean described it as a limit to his authority.

Middle-aged and older white men did not describe rules as inherently negative. Rather they described them as more of a nuisance than anything else. When directly confronted with a rule or regulation, it was seen as a limit to their own personal authority, boxing them in. When challenged by a citizen or subordinate employee, rules were discussed as the last resort, an extra edge to the authority they personally possessed as leaders or authority figures. Rule bending was the norm but only because the specifics of the rule were brought up only when a situation escalated. Authority was not discussed as directly tied to the specifics of a rule but rather to the individual as an authority figure, so the authority was flexible and discretionary. Rule following was a constraint on the real authority middle-aged and older white men described.

The Paradox of Rules for Women, People of Color, and Young People: A Foundation and a Box

The discussion of rules was much different for women, people of color, and young people. They discussed rules, laws, and regulations as foundational for
their authority. Rather than rules as a last resort, rules were discussed as a first response to challenges they faced. Unfortunately, rules were also seen as having long-term consequences. By relying on rules as the foundation of their authority, the authority of women, people of color, and young people was described as more artificial. Rather than discussing being seen as authority figures themselves, their authority was discussed as located outside of themselves in the rules and laws they referenced, invoked, and mobilized. Reliance on rules made their authority explicit, rather than implicit. They discussed rules as constraining their authority—tying their authority directly to the specific rules meant that they could no longer exercise great discretion in bending rules. They said that they must follow and enforce the rules that they explicitly invoked or mobilized as their authority.

In contrast to Sam’s story above, most women, people of color, and young people do not fit the traditional image of city administrators or police officers.

Scott is a relatively young White city administrator. He went to a meeting between the city engineer and contractor working for the city. The contractor and the engineer had been involved in a dispute about the contract the contractor had with the city. Scott said, “I was with the city engineer, he is a couple of years older than I am. We were in a situation where we were trying to resolve a contractor issue on a project and the contractor of course hadn’t met me or had forgotten that he met me. I went along to try and solve the issue as the city administrator being [the engineer’s] supervisor, and of course the contractor is a little older and they get kind of, they are an interesting group to work with, they are a lot about authority and they like to get in your face and see how far they can push you before you push back. It was interesting because he said something, he didn’t like what [the engineer] had to say and [the contractor] was kind of bad mouthing the city and bad mouthing [the engineer] and said ‘who do I talk to, I need to talk to your supervisor’ and [the engineer] said ‘he’s right here, this is the city manager,’ and his face dropped.” Even though Scott was present for the discussion and most of the dispute, he was never recognized as an authority figure or even an official bureaucrat—during follow-up questions. He mentioned that the contractor thought he was an intern with the city engineer’s office. Scott ultimately handled the dispute by citing city ordinances and rules that the city had for working with contractors. He said he immediately discussed the formal legal arrangements the contractor had with the city once he was identified as the city manager by the city engineer.
Similarly, Kate, a middle-aged white female police officer, said that it always takes people a while to recognize who she is when she is not in uniform. She says when she meets people while wearing her uniform she is ok, but if she sees them again while not in uniform and reminds them of their meeting they are always shocked to hear that she is a police officer. Her story is slightly different than Sara’s.

Sara, a middle-aged white woman, tells a story of going out on a service call to an elderly woman’s home. When Sara arrived at the home, the woman was visibly upset and told Sara that “she wanted a real police officer.” Sara joked with the woman and said that “she didn’t just wear the uniform for fun.” Sara then immediately “got down to business” and talked to the woman about her issues and the role that the police could play to help.

Some of the participants I spoke with anticipated issues they would have within their organization and used rules and the discussion of rule enforcement as a way to stave off challenges to their authority.

Julian, a middle-aged Latino male city administrator, discussed his procedure for newly elected city council members. He said that he had often had city council members challenge his authority, so he now had a procedure for each new election cycle. He would invite the newly elected official in for coffee and talk about their goals for their term. During the meeting, he would give them a copy of the city charter. He would go over the charter with them, where it clearly laid out his role as an administrator and their role as an elected official. He said that he liked that there were ordinances that clearly laid out the roles, and he liked to discuss them with the newly elected official before they ran into any issues, that way they knew what his role entailed and what authority he had.

The same strategy was used by a bureaucrat in a policing organization.

Susan, a middle-aged white woman, was recently hired into a top management position in a midsized policing department. She had heard that there were some grumblings about her being hired. Some of the longtime male midlevel managers left when she entered the organization. Within her first week on the job she put out a memo to the entire organization listing her “management rights and responsibilities.” The memo outlined
what the organizational rules laid out as her responsibilities and the powers she had to carry out her responsibilities.

Susan, like Julian, discussed wanting to clarify her role and establish her authority within her organization and she relied on the rules to do so. Although she was not immediately enforcing the rules of her organization, she was invoking the rules as a way to mobilize her authority. Unfortunately, Susan said she experienced quite a bit of blow back in her organization. She said that she knew she was seen as “bitchy and petty.” She said that some of her staff thought she was “weak for pointing out the rules.”

A number of female, young participants and participants of color pointed out that relying on rules, ordinances, and regulations to respond to challenges or establish their authority was problematic. By making their authority explicitly based on rules they discussed being seen, not as leaders, but rule enforcers and petty rule followers.

Being rule enforcers also encouraged their own rule abidance. Sharon, a middle-aged white female city administrator, said, “I make sure my employees follow the rules, so I have to too.” She talked about limiting her own rule bending and being a strict rule follower to maintain her legitimacy as a rule enforcer.

Although women, people of color, and young people discussed rules and their own rule abidance and rule enforcement in similar ways, I should make a note about age as a social identity. Age is the only social status factor that, if someone survives, is guaranteed to change with time. Aging was something that younger and older white men mentioned when discussing challenges and their responses to challenges to their authority as well as rules and their own understanding of authority generally. Older white men often described the need to use certain strategies to respond to challenges when they were younger that they no longer use now that they were older. Young white men, conversely, discussed being highly aware that they would not receive as many challenges to their authority and would not need to rely on the rules as much when they were older. Women and people of color, by contrast, did not discuss the luxury of growing out of a reliance on the rules as the main foundation for their authority. In fact, many of the older women and people of color noted that their understanding and use of rules only became more varied and efficacious as they aged.

**Discussion and Conclusion**

Based on past literature (Green & Melnick, 1950; Kanter, 1977; Thompson, 1977), I anticipated a simple finding—when officials had traditionally low
social status they would rely on their official status and assert rules and laws more often. In essence, they would make modern public authority more legalistic and rule bound. But, when relying on rules and laws, and strictly enforcing rules and laws, public officials are seen as “inflexible, uptight, and bitchy.” The enforcement, or mere mention of a rule, often gains immediate compliance but causes the official to be seen in a negative light. Invoking a powerful rule, law, or regulation then becomes problematic for the official doing so. The official then would not, or could not, bend a rule and use their discretion to help the citizen or client they were dealing with. This is the paradox of rules; they are immediately adhered to when discussed and incredibly powerful as a base of authority, but they bring negative consequences when an official is seen as an enforcer or too rule bound.

Rule bending or rule conforming are often discussed in relation to a particular incident or set of circumstances (Hawkins, 2002; Maynard-Moody & Musheno, 2003), and although I focused on specific stories of challenges to an official’s authority, I found that rules were discussed as more important than any particular event in which they were invoked. Middle-aged and older white men avoided direct discussions of the rules. Without direct discussion of the rules they were open to use their own discretion, they were bending rules because the specifics of the rule were not invoked or mobilized. They could still rely on the rule as an extra edge to their authority but only did so as a last resort, when their personal authority was not enough to handle the situation. When a subordinate or a citizen invoked or mobilized a rule, the middle-aged or older white male official discussed it as a constraint on the authority they typically had. The rule “boxed” them in. Rule following put limits on their personal authority because it explicitly set boundaries.

In addition, people of color as well as women and young people, discussed rule conforming as limiting their discretion and constraining their behavior in situations. In contrast to middle-aged and older white men, they made the rules explicit from the onset. They established their authority by mobilizing or invoking rules and limited their own rule bending because they brought up the rules; however, the rules themselves were their foundation of authority.

Critics of rules often view them as inefficient or too restrictive for bureaucrats to assert their expertise or collaborate with community members. New Public Administration scholars and Reinventing Government scholars have called for increased discretion and less government regulation in the name of efficiency. They argue that relying on the entrepreneurial leadership of expert bureaucrats is better than constraining bureaucrats with rigid structures and rules (Osborne & Gaebler, 1992). These arguments are largely based on an economic model of organizations. Asserting that, public organizations should run
more like businesses. Critics have noted that the emphasis on economy and efficiency may come at the cost of traditional public values such as due process and accountability (Goodsell, 1993) and ethical values of honesty and fairness (Hood, 1991).

However, New Public Service scholars argue that public administrators cannot be constrained by rigid structures and rules (Denhardt & Denhardt, 2000). Rather than steering public organizations, bureaucrats have a responsibility to row the organizations based on collaborative feedback and input from the community. Bureaucrats should not set the agenda, but rather they should be in service to the goals and values of the community. Limited rules are necessary to foster discretion, which in turn is necessary to be responsive to the community. However, the influence of New Public Management or New Public Service for social equity within organizations has largely been overlooked by scholars. Future work should consider how rules (or the lack of rules in organizations) influence social equity within the organization as well as equity outcomes of the organization.

Female officials and public officials of color, as a basis for their authority, mobilize rules, laws, and regulations disproportionately and removing those rules may disproportionately harm their claim to authority. Rules in organizations are both resources and constraints for all bureaucrats. But, social status, based on race, ethnicity, gender, and age, largely influences how bureaucrats discuss rules and the paradoxes rules present. In this article, I discuss social status as a broad concept for both practical and theoretical reasons, but future work should examine how specific social identities frame perceptions and mobilizations of rules. Rule bending, rule conformity, and rule enforcement have a long history of scholarship in public administration (Bardach & Kagan, 1982; Bourdieu, 2005; DeHart-Davis, 2007; Merton, 1940; Oberfield, 2010; Portillo & DeHart-Davis, 2009), but as public organizations and the communities they serve continue to become more diverse, how these concepts are framed by social identities becomes increasingly important.

Acknowledgments

The author would like to thank the anonymous reviewers as well as Chuck Epp, Steven Maynard-Moody, Michael Musheno, and Danielle Rudes for their helpful reviews of this project.

Author’s Note

Any opinions, findings, conclusions, or recommendations expressed in this material are those of the author and do not necessarily reflect the views of the National Science Foundation.
Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: The material in this article is based on work supported by the National Science Foundation under Grant No. SES 0715298.

Notes

1. All participants self-identified with responses to basic demographic questions at the end of each interview.
2. Throughout my discussion of the findings, I use pseudonyms to refer to the participants to protect their anonymity.
3. Rule conformity and rule enforcement may be a bit of a chicken-and-egg problem (it is not immediately clear which came first). Although women, people of color, and young people discussed rule conformity as necessary because of their rule enforcement, the two concepts were also discussed as cyclical so rule conformity may lead to rule enforcement as well.

References


**Bio**

**Shannon Portillo** is the Interim Director of the Center for Justice, Law, and Society and assistant professor in the Criminology, Law, and Society Department at George Mason University. Her research and teaching interests include law and society as they apply to public bureaucracies. She is particularly interested in the influence of growing racial, ethnic, and gender diversity in public employment and how it affects the meanings of law and rules for public officials. Her work has recently appeared in *Law & Social Inquiry, Public Administration Review, and Journal of Public Administration Research and Theory*. 

Downloaded from aas.sagepub.com at GEORGE MASON UNIV on September 5, 2012