# P08 / Uncertainty - a Certainty in Policy Implementation?

**Topic :** POLICY IMPLEMENTATION

**Chair :** Tobias Eule (University of Bern)

**Second Chair :** Federica Infantino (IRD, URMIS)

## GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

If the only thing that is certain is that nothing is certain - what does that mean for public administration?

This panel seeks to further our understanding of the role of uncertainty in public administration, with a particular focus on policy implementation. Many studies point to the existence of vague rules, ambiguous political messages, ever-changing structures and responsibilities as well as precarious funding. Uncertainty affects all levels, from policy making to organisations and individuals throughout government. Furthermore, we know that bureaucrats on all levels of public administration retain their autonomy through ambivalences created in the interstices between policy and practice. Finally, uncertainty is of particular relevance as it poses a significant challenge to more rational models of public policy in general and policy implementation in particular.In this panel, we invite contributions that seek to unpack this further.

We are particularly interested in *uncertainty as an organizing principle*, in the sense that it leads to organization and structuring. If uncertainty is a relatively stable given in organizations, then it should not only have disruptive, but also stabilising and transformative effects. Delving further into this seems particularly relevant during times of seemingly continuous crises, austerity measures, and policy innovation. Understanding uncertainty as an organizing principle might help us in understanding logics beyond certain events and cross-sectional perspectives.

## CALL FOR PAPERS

What do bureaucrats do when they don't know what to do?

Scholars might have encountered situations in which uncertainty was particularly graspable during times of external or internal crisis (the 'European migration crisis', political upheavals, austerity measures, etc), in particular innovative, fast-changing or risk-prone policy areas, or indeed as a constant part of more 'routine' forms of bureaucracy.

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We invite submissions that address different policy areas. Papers should include original empirical material and demonstrate an intention to contribute to furthering our theoretical understanding of street-level or front-line bureaucracy. Works in progress are welcome, as is a willingness to contribute to a Special Issue on this topic.

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## Session 1Uncertainty, Implementation and Asylum

Friday, June 28th 10:30 to 12:30 (MB S1.430)

**Discussants**

Federica Infantino (IRD, URMIS)

### The (un)deserving migrant? Differential administrative inclusion into the German welfare state

Nora Ratzmann (Institute of Advanced Sustainability Studies)

The pressures of the changing demographics of Germany's resident population have brought questions on re-distributional social justice regarding 'who gets what and under what conditions' to the forefront of public debate. Yet, little attention has been paid to how the tensions of belonging to a nationally defined welfare community and open border paradigms play out at local level, where the integration of migrant populations into German society takes place. 'De jure' eligibility to social support for vulnerable migrant groups does not necessarily map onto the 'de facto' access. To date, a lack of evidence on the obstacles to migrant welfare in practice, regarding the less tangible, informal inequalities that emerge during local-level claims-processing, persists.

To address this gap, this research engages with how local welfare bureaucrats interpret migrants' legal status and decide on substantive benefit access. The research draws on a wealth of 119 qualitative interviews with jobcentre employees, migrant claimants and welfare support and advisory organisations, as well as participant observation in three Berlin-based jobcentres.
The analysis shows how street-level bureaucrats' moral dispositions towards 'the other' gain salience when they are confronted with complex cases where legal entitlements remain ambivalent.

To this end, the paper explores how the figure of the (un)deserving migrant is constructed by local administrators, inductively developing four frames from the collected data through which they interpret migrants' claims. It examines the ways in which their divergent understandings of welfare belonging, i.e. of the symbolic and material boundaries of the German community of solidarity, play into their discretionary interpretation of the often ambiguous social legislation. The findings illustrate how most local administrators tend mobilise ethnocentric understandings of belonging to the German welfare community to fill van Oorshot's (1995) deservingness criterion of identity (in terms of those seen as closer to 'us') with meaning, which transpires into more restrictive administrative of claims-processing of migrant applicants' claims compared to native German claimants.

### Three shades of strategic expertise: the role of lawyers in asylum procedures

Sule Tomkinson (Université Laval)

During the last decade, legal scholars regularly documented the disparities in the outcomes of asylum claims and concluded that who examines refugee status matters more than the merits of the case. By conceptualizing refugee lawyers as brokers, this article documents how legal representation operates within this context. Based on ethnographic fieldwork on asylum actors and procedures in Canada, it makes two contributions to research on refugee decision-making. First, it places refugee status determination in the inhabited institutions framework. It sheds light on how social interactions influence decision-making, demonstrating the theoretical utility of bringing this framework to bear on understanding asylum procedures. Second, the article is inspired by the concept of "strategic expertise" and the analysis focuses on the social,

relational, and interpersonal aspects of the use of law by lawyers. The study shows how lawyers anticipate and shape asylum procedures to a large extent by adopting three strategies: conformity, deliberation, and contestation.

### The institutionalization of the Israeli asylum system: bureaucratization through “bricolage” of a non-asylum policy

shira havkin (Sciences-Po Paris)

The Israeli asylum system reveals the paradox of a refuge-state without refugees. This paradox, entangled in the history of the Israeli state - established as a safe haven for Jewish refugees yet not categorizing refugees as such - takes a new form in recent years as this country became the destination of an increasing number of people seeking refuge and claiming asylum, mostly Eritreans and Sudanese. The institutionalization and bureaucratization of the Israeli asylum system since the beginning of the 2000s, led to a further formalization of a non-asylum policy implemented through a system designed to produce non-refugees.

Based on an anthropological approach to the state that gauges the structural elements of public policy administration from below and from the everyday, I will show how paradoxically, the institutionalization of the Israeli asylum system was based on improvisations and on “bricolage” in a context characterized by uncertainty. Drawing on interviews with actors of the Israeli asylum system and on a critical reading of official documents, I will focus on the role of specific “mid-level bureaucrats” and “petty sovereigns” that, through their work at UNHCR and at the Ministry of Interior in the late 90’s and early 2000’s, participated in the design of the asylum policy in a context of non-policy-policy. I will show how institutionalization through uncertainty, “bricolage” and informality, was the result of discrepancy between the relatively marginal official role of actors within the institutional hierarchy, and the projects they undertook - eminently political projects that were yet not considered as such. In the absence of a direct access to means (in terms of training, fundings, and professional legitimacy), these actors managed with the means at hand, using their own resources in terms of ingenuity, contacts, and unofficial access to resources, to establish, institutionalize and bureaucratize a system and to create a policy through implementation.

This micro-historic approach to the Israeli asylum system therefore reveals the process through which the contemporary repressive policy came into being. But doing so, it also denaturalizes it, emphasising that this system was not rationnaly crafted by a state understood as a homogeneous block, but was produced through improvised regulations, procedures and routines elaborated by specific actors and reflecting a plurality of perspectives and ad-hoc arrangements within a heterogeneous institutional sphere.

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## Session 2

Friday, June 28th 14:00 to 16:00 (MB S1.430)

### Discussants

Tobias Eule (University of Bern)

### The Public Management Trilemma and the Case of Saskatchewan's Lean Management System: Adapting to Uncertainty Under Conditions of Crisis and Change

Giustino Garcea (Johnson Shoyama Graduated School of Public Policy (JSGS))

**Research Purpose**

The purpose of this paper is to present a framework that can be used to identify organizational goals and capture how they are variably conceived and prioritized by organizational actors. It is hoped that this framework will increase the probability of successful implementation by reducing uncertainty in the design stage and better ensuring that policy goals are prioritized and communicated in a manner that is least likely cause dissonance and provoke unnecessary resistance.

**Methodology & Research Questions**

This paper will provide qualitative interview-based case-study analysis of the implementation of the Lean Management System in Saskatchewan's healthcare sector that seeks to answer five main questions: First, at the highest level of abstraction what are the main goals of public sector organizations? Second, how are these goals institutionalized at the macro, meso and micro levels? Third, to what extent did the goals of the Lean initiative align with overarching institutional goals? Fourth, what challenges were encountered in the process of implementing Lean? Fifth, what steps were taken to reduce the perceived gap between institutional goals and the goals of Lean?

Interviews will be conducted with top-level bureaucrats to identify the implementation challenges that were encountered and how they were addressed. Interviews will also be conducted with front-line workers to determine how the goals of the Lean initiative were perceived, and how these perceptions influenced their willingness to implement Lean.

**Policy Challenge – Adapting to Uncertainty and Risk**

The natural limits of human cognition make uncertainty an inherent and enduring feature of policy design processes. Given these limitations, the presence of multiple (competing) performance goals is a major source of uncertainty and risk. This type of uncertainty is further exacerbated by the varying conceptualizations and prioritizations of goals by organizational actors.

As uncertainty increases, so to does the risk of implementation failure. Therefore, the ability policy of designers to adapt to uncertainty is a critical determinant of implementation outcomes. This is particularly so, given the extent to which a belief in the probability of success influences one's willingness to undertake the risk (Tversky and Kahneman, 1974), associated with adopting and implementing major policy innovations.

**A Note on the Case Selection**

Major change initiatives are an opportunity to analyze the goals of organizational actors, and their influence policy implementation. Under normal conditions, the varying conceptualizations of organizational goals are

latent and relatively unproblematic. However, under conditions of crisis and change these competing conceptualizations become salient sources of internal conflict, as actors are forced to articulate and defend their strategic preferences or risk losing the benefits associated with them.

Given the size and scope of the Lean initiative in Saskatchewan and strong reactions it evoked, it will serve as a critical case for exploring the influence of policy design on implementation outcomes. At a cost of roughly $40 million, this remains the single largest Lean-based public sector transformation in history (Moraros et al., 2016: 2). While Lean initially engendered considerable excitement and intellectual curiosity, its proponents were taken “by surprise” (Black et al., 2016: 342) when its implementation was cut short by one year amidst considerable public backlash.

### The Transformative Practices of Urban Intermediaries

Mark van Ostaijen (Tilburg University)

Against the background of a participative democracy, individuals active in coproduction, co-creation and self-organisation are (back) in the spotlight (Uitermark, 2014). While governments are wrestling with the ‘right’ way of ‘delivering services’, new interactive forms of governance create attention for the individual ‘who makes a difference’. Numerous studies have been published on the ones in-between, named brokers, boundary spanners or intermediaries that engage with public issues (Bierschenk et al. 2002; Van Hulst et al., 2011; 2012; Escobar, 2015; Durose et al., 2016). Since these practitioners operate in an urban environment, it is through their local collaborations with others that results are attained (Meijer, 2014). And in their practices, when such intermediaries mediate interactions, they generate new micro-political realities (Escobar, 2013). As such, intermediaries are political actors. While this transformative potential is known, what these practitioners transform and how they do it, is relatively unknown. Therefore this paper focuses on the transformative practices of urban intermediaries who are active in deprived neighbourhoods.

This study draws on ethnographic fieldwork data by shadowing a cohort of eleven intermediaries in urban neighbourhoods of Amsterdam. Taking their work context into account, we show not just what their practices entail, but also how they reproduce and transform meaning. Doing this allows us to demonstrate the transformative and (micro) political potential of intermediaries and revolves what it means to make a difference in deprived urban neighbourhoods.

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### Coping with uncertainty at the frontline: the moderating role of trustworthiness assessments

Mathias Sabbe (Université de Liège)

Stéphane Moyson (Université Catholique de Louvain)

Nathalie Schiffino-Leclercq (Université catholique de Louvain)

Steven Van de Walle (Public Governance Institute, KU Leuven)

Probation officers are street-level bureaucrats (Lipsky, 2010) who interact with citizens serving a sentence. Their behavior during supervision has a strong influence on probationers’ odds of recidivism and on the quality of their rehabilitation (Bonta et al., 2008; Kennealy et al., 2012). However, like tax officers

(Raaphorst, 2018), probation officers may be uncertain about probationers' compliance to policy rules and instructions. In order to cope with such uncertainty, frontline officers' judgements and decisions can rely on their assessment of the trustworthiness of their citizens-clients (Maynard-Moody & Leyland, 2000). Surprisingly enough, only a handful of public administration studies adopting a street-level perspective have been conducted on officer-offender interactions in probation services (Sabbe et al., 2017). Moreover, there has been no clear attempt to link street-level bureaucracy research about coping behaviors at the frontline with recent developments about official-citizen trust (Moyson et al., 2016; Yang, 2005).

To fill these two gaps, this paper examines whether and how probation officers' coping behaviors – i.e., going 'towards'; 'away' or 'against' probationers (Tummers et al., 2015) – is related with individual and organizational conditions, but also with their assessment of their supervisees' trustworthiness – i.e., the ability of the supervisees to comply with the rules and to follow the instructions, their integrity in doing so, as well as their benevolence towards probation officers (Mayer & Davis, 1999; Mayer et al., 1995). The test of this hypothesis is based on a vignette study among a sample of Belgian probation officers (N = 300, response rate = 50%). Structural equation modelling of the data demonstrates that probation officers' assessments of probationers' ability and integrity positively moderates the relations between organizational conditions (such as workload) or individual conditions (such as role perceptions) and coping behaviors. This way, we demonstrate that street-level bureaucrats' assessment of citizens' trustworthiness is an important - but often disregarded – factor to understand how they cope with uncertain citizens-clients. In doing so, this study also contributes to the scarce street-level research about frontline work in probation services. We conclude with theoretical and practical implications.

### Experimentation, uncertainty, and policy learning in Canadian cultural policy

Kate Mattocks (Dalhousie University)

This paper investigates experimentation, uncertainty, and learning in policy-making, using a case study of contemporary cultural policy in Canada. In 2015, the Canadian government, under Prime Minister Justin Trudeau, introduced an "experimental" approach to policy-making across all of its government activity. This means that policy experiments, both large and small, are carried out with the explicit acknowledgement that some will be successful and some will fail. This paper will focus on how policy-makers deal with and respond to this endogenously-created uncertainty. Based on a series of interviews with policy officers and other key actors, it seeks primarily to understand how experimentation is operationalized in a cultural policy context, what opportunities and challenges this presents for policy innovation, and how experimentation, uncertainty, and learning are linked, speaking to key debates in the literature on policy learning.