POWER, RATIONALITY AND LEGITIMACY IN PUBLIC ORGANIZATIONS

RAY GORDON, MARTIN KORNBERGER AND STEWART R. CLEGG

In this paper we propose answers to the research question: how does power shape the construction of legitimacy in the context of public organizations? We suggest that while organizational structures of dominancy will be embedded, not all structures of dominancy align with those that are normatively presented as legitimate and authoritative. Such situations make the creation and sustenance of legitimacy problematic for organizational action. This paper advances our understanding of the relation between power, rationality and legitimacy by showing how structures of domination recursively constitute, and are constituted by, legitimacy that may not be authoritative. We show, empirically, how these relations prevented a police organization from reforming by breaking the recursive patterns of domination and legitimization. Theoretically, we argue that understanding organizational change must be connected to issues of power and legitimacy.

INTRODUCTION

In this paper we seek to advance our understanding of the role of power in the construction of legitimacy in public sector institutions. We will do so by reporting from our ethnographic investigation into the New South Wales (NSW) Police Service. The Police Service came under public scrutiny and pressure over the legitimacy of its practices because of the publicity attached to reports of scandals and corruption in the media and through a Royal Commission of Inquiry (Wood 1997). External stakeholders in government, the media, the judiciary and the public at large, viewed the actions of parts of the NSW Police Service as problematic and sometimes illegitimate. However, the legitimization of publicly stigmatized actions was maintained internally by the existing structures of domination that were taken-for-granted. Hence, it was not the desirability or appropriateness of actions or their ceremonial quality that were key to what was taken to be procedurally legitimate, but organizational power relations.

Our study summarizes the findings from a 24-month empirical study of a Local Area Command (LAC) in the NSW Police Service. Depending on its location, an LAC is responsible for policing a geographical region encompassing either several city suburbs or a regional area, and contains several police stations and employs approximately 150–200 staff. The study investigated the Service’s significant reform programme initiated in response to the findings of the 1997 Wood Royal Commission into Corruption in the NSW Police Service. During our study and since, significant and successful reform has been achieved by the Police Service. The objective of our study is to provide knowledge that contributes to this developmental process by drawing attention to phenomena that have not been covered in the relevant literature to date.

With regard to the literature on reform in policing, we acknowledge that many writers such as Prenzler and Ransley (2002), Newburn (2003), Marks (2004), Skogan and Frydl (2004), Manning (2005), Braithwaite (2006) and Wood et al. (200) have contributed significantly to our understanding of police reform in Australia and elsewhere. Of special interest for our research is recent work conducted by the Victorian Police. Collaborating with academics from Australian and international universities, several research projects in the
fields of behaviour in police organizations, corporate citizenship in policing, and counter terrorism have been conducted. In a recently published article, the Victorian Police Commissioner, Christine Nixon, with David Bradley and Monique Marks (see Bradley et al. 2006), review the most successful types of research into to police reform.

Drawing on examples from Australia, the United States and the United Kingdom, they argue that currently the most successful research projects are those that adopt a micro-cultural perspective. Their view is that these projects allow for the introduction of new ideas and practices on the part not just of researchers and senior police but other individual and group members of police organizations regardless of rank (see also Wood et al. 2008). They also believe that the most successful examples of research that adopts a micro-cultural perspective employs both ethnographic and critically oriented research frameworks that give insight into the deeply embedded nature of police practices by immersion in the everyday practices of policing: ‘Ethnographic studies, carried out as a partnership between researchers and practitioners, are, we believe, the best way to derive knowledge that can be used to bring about change in work practices and relations’ (Bradley et al. 2006, p. 182; see also Wood et al. 2008).

Building on this important body of work, we structure our empirical research and findings into the following argument: first, we turn to the broader sociological and organization studies literature to gain a theoretical understanding of how power shapes the construction of legitimacy in an organizational context; second, we introduce the ethnographic framework and provide an account of our methodology; third, we report the findings of the study; finally, we discuss the implications of our findings for future theoretical work and management practice.

THEORETICAL BACKGROUND

Power and legitimacy have been traditionally associated with Weberian rule-based conceptions of authority. Following Weber (1978), the legitimacy of action is generated through adherence to rationality, premised on bureaucratic rules of governance. Within such an approach, the evaluative and cognitive dimensions of legitimacy are grounded in the assumption that the rationality of those sanctioned with authority, namely management, is a given. The interests of the organization and those of management are seen to be largely coterminous. This being the case, legitimacy is largely unproblematic – a matter of shared ceremony and ritual.

Suchman (1995, p. 571) argues that broader institutional theories ‘have stressed that many dynamics in the organizational environment stem not from rational, technological or material imperatives, but rather from cultural norms, symbols, beliefs, and rituals’. For Suchman, legitimacy is the theoretical anchor point of the normative and cognitive forces that ‘constrain, construct and empower organizational actors’ (1995, p. 571). He defines legitimacy more succinctly as ‘a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and assumptions’ (1995, p. 574). He stresses the evaluative and the cognitive dimensions of legitimacy. Since these dimensions are arenas of negotiation and conflict, we argue that legitimacy is also subject to the dynamics of power and politics.

Building on Weber’s concept of authority and rationality, Clegg (1975, 1989) pointed out that the functioning of an organization is subject to both formal structures and unobtrusive structures of dominancy. The legitimacy of formal structures and rule-based authority cannot be taken for granted; rather, it has to be regarded as a contingent
variable dependent on local and temporal circumstances. That is, the efficacy of authority is not simply based on formally sanctioned rules and positional power, but also socially constituted norms. Thus, whether or not people will obey a person attempting to exercise authority depends not only on the formal design of the organization but also on whether or not this person’s ‘right to power’ is perceived as legitimate in the norms of the social system. Weber used the term ‘structure of dominancy’ to refer to these socially constituted norms and the term ‘prevailing authority’ to refer to authoritative action considered efficacious with respect to a structure of dominancy (Clegg 1975).

In contrast to Weber’s conception of ‘prevailing authority’, mainstream organization theorists discuss power in terms of ‘illegitimacy’, seeing power as something exercised by organizational members not formally sanctioned with authority. In consequence, politics and resistance are commonly referred to as the unsanctioned use of power to achieve illegitimate ends (Gandz and Murray 1980; Enz 1988). As Mintzberg (1983, p. 172) put it: ‘[p]olitics refers to individual or group behaviour that is informal, ostensibly parochial, typically divisive, and above all, in the technical sense, illegitimate – sanctioned neither by formal authority, accepted ideology, nor certified expertise’. Over time, this approach to power and legitimacy has cemented itself as the ontological foundation for much of the broader management literature, resulting in topics such as leadership, culture and decision making often being treated as politically neutral, inevitable and, hence, unproblematic (Deetz 1985; Knights and Willmott 1992; Hardy and Clegg 1996; Gordon 2002). We argue that such an approach obscures much of the actual workings of power. It is also distinctly normative, and assumes that those with authority have complete knowledge and exercise rational behaviour.

Rather than viewing power as something illegitimately exercised to undermine the prevailing use of system resources, such as coping with uncertainty, as in Crozier’s (1964) influential model, Clegg’s work shows that power is an inherent characteristic of every aspect of organizational life. It is expressed in the discourses that organizations produce (Clegg 1975) as well as in the structuring of organizations (Clegg 1979; Clegg and Dunkerley 1980). In Frameworks of Power, which is clearly influenced by the post-structuralist writings of Foucault, Clegg (1989) introduced a conception of power as essentially a circulatory, relational property, using the model of circuits of power. While the more recent works of Clegg (see, for example, Clegg et al. 2006) continue this vein of theorizing, two concepts are central to them all – Weber’s conception of a structure of dominancy and Schattschneider’s (1960) concept of organizations being a ‘mobilization of bias’.

Clegg defines a structure of dominancy as a historically constituted system of social order. He argues that, without exception, every sphere of social life is influenced by a structure of dominancy which provides actors with a tacit understanding of how they are supposed to act and relate to others (Clegg 1989). He adds that a structure of dominancy and its unfolding is decisive in constructing the legitimacy of a form of social action. He uses Schattschneider’s (1960) ideas about the mobilization of bias to explain the problematic nature of this construction. For Clegg (1989), a mobilization of bias occurs when the influence of dominant individuals and groups exerts a degree of control over the way in which a social system operates. Over time, this influence effectively shapes the values, beliefs and opinions of less powerful groups, effectively determining not only whether certain demands come to be expressed and needed but also whether such demands will ever cross people’s minds. In this sense, a mobilization of bias influences what is considered to be legitimate and prevents crucial issues that may question this legitimacy from emerging for public debate.
David Courpasson (2000, 2006) extends this conception. He argues that where a structure of dominancy is underpinned by prevailing authority it can at the same time be considered a structure of legitimacy. He argues that viewpoints and proposed courses of action that resonate with the prevailing authority in a social system are more likely to be considered legitimate than those that do not.

We build on Clegg’s work on structures of dominance and the mobilization of bias and Courpasson’s conception of a structure of legitimacy to develop the theoretical argument of our paper: when structures of dominancy and a mobilization of bias exist simultaneously then problematic structures of legitimacy are formed. They are problematic because such structures of legitimacy privilege the practices and perspectives of the select few in positions of dominance. We acknowledge that such a phenomenon is not necessarily problematic but the finding of the Wood Royal Commission into Corruption in the NSW Police Service (Wood 1997) suggest that they are for the NSW Police Service – officers in positions of dominance went unchallenged, leaving them free to rationalize corrupt behaviour as legitimate. Our case study reveals that while significant and worthwhile structural changes have occurred in the Police Service, at a deeper socio-cultural level such structures of legitimacy remain intact.

RESEARCH CONTEXT

The traditional model of policing has been characterized by Davies and Thomas (2003, p. 682) as a ‘co-existence of formalized bureaucratic and standardized working practices, together with a deeply entrenched and pervasive occupational culture’. The broader police literature (Manning and Van Maanen 1978; Punch 1979; Van Maanen 1988; Finnane 1996; Chan 1997) shows that most police organizations throughout the world adopt a military disciplinary model (Dandeker 1990). Jackal (1988) also observes that, within the formal organizational shaping of their actions, police have considerable discretion: they need to be able to ‘read the streets’ to ‘discern and exploit the peculiar moral frameworks of street players’. Thus, their work is highly situational and contextually specific, often taking place at a distance from the formal organization, as explored in the classic contribution by Bittner (1967) and more recently by Marks (2004). As these studies suggest, there is ample opportunity for situational judgements to contradict the strict bureaucratic rules consistent with the Service’s disciplinary frame. In light of the findings of the Wood Royal Commission, much work has gone onto developing strategies for controlling this discretionary power. Prenzler (2002), for instance, provides a summary of the types of strategies that have been implemented in Australian police organizations, including the creation of internal affairs departments; the use of covert surveillance technologies; surveying internal informants; drug and alcohol testing; complaints profiling; compulsory officer rotation in corrupt-prone sections; and comprehensive ethics testing.

The research reported here is part of a broader ethnographic study that was conducted at one of the NSW Police Service’s Local Area Commands. The NSW Police Service is one of the largest police organizations in the world, with more than 17,000 employees. In 1997, a Royal Commission was established to investigate corruption in the NSW Police Service. This statutory inquiry, which was authorized by the state government with all the powers of a judicial body, revealed the reality of policing in NSW to be very different from the ethical values espoused by the Service. The Service was rife with unethical and corrupt behaviour: including the abuse of authority; the taking of bribes; providing false evidence; drug dealing; commissioning criminals to commit crimes; and fixing internal promotions so that corrupt members were promoted (Wood 1997).
Immediately following the release of the Wood Report by the Royal Commission, numerous members of the Service, including senior officers, were indicted, and more than 500 found it in their interests to resign on ‘health-related’ grounds of stress. It is widely implied that the major source of stress was the prospect of their corrupt ways being investigated and punished (Williams 2002). The Royal Commission recommended that the Service dispense with its outmoded command and control approach and implement structures and management practices that were in line with contemporary organization theory and practice. It recommended the use of democratic control mechanisms to overcome the Service’s ‘code of silence’ that prevented officers from blowing the whistle on the corrupt practices of other police officers.

The Service appointed a new commissioner, Mr Peter Ryan, to design and implement a reform programme. Central to Commissioner Ryan’s reform programme was a change in power relations so that those officers who were able to dominate others and engage in corrupt behaviour, as established by the Royal Commission, could no longer do so. In essence, the NSW Police Service was attempting to move from its ‘old’ state, where power relationships were based on differentiated hierarchical and functional boundaries and facilitated unquestioned compliance and obedience, to a ‘new’ state, where the devolution of hierarchy, the use of empowerment strategies and cross functional teams were introduced to achieve a more democratic and ethically sound organization.

In 2001, one of the authors entered the field to conduct ethnographic research in a Local Area Command (LAC), which we term here the Jumbuck LAC. The researcher spent 24 months in the field. The Jumbuck LAC was chosen because it was identified by one of the Service’s senior officers as the most advanced and successful in regard to the reform programme’s aims and objectives. A team made up of senior police officers and external change management consultants, known at the time as the Behavioural Change Team (BCT) and later the Crime Management Support Unit (CMSU), had been working with the LAC’s Commander and management team for more than two years and had, in accord with the Police Commissioner’s reform plan, successfully implemented the new codes of conduct, cross functional teams, and a flatter and more organic structure.

The objective of such change, among other things, was to facilitate democratic control mechanisms that would give previously muted officers the voice they required to speak out against corruption. The most significant change was the attempt to dissolve the operations of the Detective Division by having detectives operate as members of front-line operational patrol teams and report to a team leader. The operational teams were effectively cross functional, comprising members from each of the major functional divisions of the Service, including General Duties and Highway Patrol.

Data collection
As our theoretical focus required access to the micro-political aspects of everyday life at the Jumbuck LAC, we used ethnography as our research methodology. Ethnography is an established form of social enquiry widely used in different fields, including anthropology, sociology and psychology. In its ‘most characteristic form … [ethnography] … involves the ethnographer participating, overtly or covertly, in people’s lives for an extended period of time, watching what happens, listening to what is said, asking questions – in fact, collecting whatever data are available to throw light on the issues that are the focus of the research’ (Hammersley and Atkinson 1995, p. 1). One of the authors embedded himself in the NSW Police Service and lived and worked with the organizational members to gain first-hand insight into their everyday lives (Silverman 2005). We gained insight
into not just ‘what’ was happening but also ‘how’ and ‘why’ it happened (Van Maanen 1988; Manning 1988). This embeddedness, resulting in rich data, made ethnography the preferred methodology for our research.

The first three months at the LAC were spent talking with and getting to know the members of the command. Members’ roles spread across management, intelligence gathering, operational (patrol officers), traffic control and criminal investigations (detectives). The objective at this early stage was to identify key players and activities in the reform process. A schedule was established for visiting the LAC one to two days (6–8 hours) a week, contingent on other responsibilities and special events being held at the LAC.

After six months, the data gathering process extended to include the researcher observing and talking with officers as they travelled in patrol cars, walking their beat through the city streets, eating in their lunch room, sitting in their offices, attending social gatherings, and participating in formal management meetings and operational reviews. Using field notes, he continuously recorded his observations of naturally occurring interactions and general conversations. He also conducted informal and semi-formal interviews and analysed organizational memos, flyers, newsletters and public documents. As much of the data as possible was recorded naturalistically as transcribed conversations. As the process of data collection unfolded over the 24 months, we used grounded theory (Glaser and Strauss 1967) to identify the key categories for investigation.

Data collection and analysis proceeded iteratively. Key themes relating to authority, power and legitimacy began to emerge. Respondents were asked to elaborate so we could acquire more detailed information. When the data collection ended we had accumulated more than 250 research hours of data that required coding, including 34 interviews which, along with field notes and other data sources, comprised 68 text documents containing 14,840 paragraphs.

Data analysis
Eisenhardt (1989) argues that, using a priori concepts as guides when analysing large datasets, researchers can focus their analysis on the data that is most theoretically relevant to their study. To formulate our a priori concepts we drew further on the work of Clegg (1990, developed from Lash 1990) on organizational differentiation and de-differentiation themes. These concepts are useful since they represent organizational change processes by which bureaucracies seek to de-bureaucratize themselves. Traditionally, highly modernistic organizations, designed on variants of a bureaucratic model, will be characterized by both a high degree of structural differentiation of specialized functions, and of structural domination in terms of highly elaborated hierarchies. For organizations seeking to change these characteristics, the opposite terms are de-differentiation and democracy. These binary divisions are not merely categorical distinctions – it was these ideas that underpinned the change management attempts of the NSW Police Service to shift to power relations that were more ‘soft’ and democratically oriented.

To make sense of our data, we followed this theoretical framing of dialectical opposites. Accordingly, we allocated the codes in the following way:

- Differentiation was allocated to text examples from the data in which power was represented in terms of clearly defined differential boundaries, for example, hierarchy, rank and specialist division.
• **Domination** was allocated to those text examples that represented an unquestioned acceptance of a particular individual’s or group’s right to power, for example the power of senior officers, detectives, and the Commissioner’s executive.

• **De-differentiation** was allocated to those text examples that referred to established authoritarian differential boundaries of power being blurred, usurped or challenged in some way. For example, normally autonomous detectives were transformed into members of cross functional teams comprising officers from different functional divisions and reporting to a team leader.

• **Democracy** was allocated to those text examples that represented power in more democratic terms, for example, situations in which all officers irrespective of rank spoke their mind.

Text examples from the data were also coded with respect to the issues that the organizational redesign sought to change: these were defined as ‘structures’, constraining ‘forms’, specific ‘practices’ and tangible ‘effects’.

Structures were recognized in terms of overt architectures that constrained people’s behaviour, such as formal personnel ranking, hierarchy and functional divisions. Forms were recognized as mechanisms of constraint that were less readily observable – such as ‘social networks’, deference to ‘seniority’ and obeying a ‘code of silence’, which we had begun to identify as the loci of those practices of legitimacy in which we were interested. Practices were examples of the behavioural changes sought, while effects were recognized in individual’s adopting – or not adopting – the values of the LAC’s reform agenda.

As we coded the data we worked in conjunction: making sense of the data, reaching agreement between the investigators as to the appropriate coding, and discussing our findings not only with each other but also with colleagues, a process that helped us to interpret and make sense of the data. In the section that follows, we present examples of data that indicate the key themes and patterns that emerged during coding and analysis. The codes for direct quotes assure the anonymity of the research participants and help us to locate the data within the dataset if necessary.

**FINDINGS**

We have structured these findings into four sections below, each section representing a key theme in the data. To elucidate the stories that officers told about power and legitimacy in the Service, we also present each section in a semi-narrative form. Whereas the first section (‘Power structures in the Police Service’) provides the context for the stories, the last three (‘Decision legitimacy’; ‘Legitimacy, sense-making and rationality’; and ‘Discourse and legitimacy’) illustrate the recursive constitution of legitimacy and structures of dominancy.

**Power structures in the Police Service**

A right to power and a duty to obey is indicative of the agreement that underpins Weber’s ideal type of rational legal power, as authority. Authoritative rule, however, is only possible so long as people not sanctioned with authority agree to obey those who are. What is of interest is the extent to which, organizationally, the long-term practice of such a rule can result in certain groups and individuals acquiring a privileged position with regards to the exercise of power and the extent to which this right becomes taken for granted.
We argue that if a right to power becomes taken for granted its legitimacy is no longer contingent on the agreement of those expected to obey those privileged with this right; thus, it constitutes a mobilization of bias. Such is the case in the NSW Police Service:

Being in a semi-militarist hierarchy, with command and control, if the Regional Commander directs that, that’s what he wants, then we don’t have any option, we just do it. (Dwst05, Section 0, Paragraphs 49–51)

This statement was made by a senior officer at the Jumbuck LAC during an informal conversation. The conversation was about the role authority plays in the LAC’s management. A team leader provided further insight into the nature of authority when, in another informal conversation, he discussed the frustration he was experiencing during his attempts to exercise his new empowered status:

They [senior officers] don’t seem to have any kind of leeway or they don’t seem to have any experience in having that leeway, they can’t open up and say, well okay, let’s do it this way. They say, ‘If the LAC [Local Area Commander] wants to do it this way, let’s do it that way’. We still abide by what the LAC wants. (Dbgt23, Section 0, Paragraph 14)

Despite the status of team leaders at the LAC being formally legitimized by the Local Area Commander, team leaders were reluctant to exercise their new, legitimated power. We discovered over time that this reluctance was largely due to the continuing reinforcement of the older hierarchical power by acts of discipline and punishment. When officers at all levels of the Service talked about the relations they had with their traditional superiors it became apparent that discipline and punishment had always been central to these relations, and were so still. A Team leader explained while travelling in a patrol car:

When I first started in the job, when the Senior Sergeant called out, you said, ‘shit, what have I been called for, Christ I am in trouble here’. When an Inspector called you would tremble in your boots. When a Superintendent called you, you would get your badge, because, you know, I am going to get my badge taken. (Dbgt23, Section 0, Paragraph 34)

Police are seen by society as the gate-keepers of social normalcy, which ordinarily requires them to maintain order by apprehending suspected criminals and inserting them into the machinery of justice. In other words, the police expend effort to ensure ‘villains’ will be punished. But this desire for punishment has become the benchmark for behavioural control inside the NSW Police Service. Our data contain numerous examples that indicate that how the Service deals with its members, and how its members deal with those that they apprehend, mirror each other. Punishment – securing a guilty verdict – is the preferred outcome. Even Commissioner Ryan, while espousing to the general public the importance of moving away from outmoded punitive management control systems (Ryan 1996, p. 14, 1998), continued, in a somewhat contradictory manner, to exercise discipline and punishment. The head of the Crime Management Support Unit (CMSU – the senior management group in charge of behavioural reform in the Service), Mr Seddon, revealed:

Ryan [Commissioner], he said, was scathing about the departed reformer Sergeant Terry O’Connell. He had ordered the then Assistant Commissioner Christine Nixon to get rid of him. She refused. Seddon said, Ryan told him he’d said to Nixon ‘if you don’t, I’ll get rid of you. She didn’t so, I [Commissioner Ryan] got rid of her’ – Nixon was demoted and transferred to a regional command position. (Dsabc, Section 0, paragraphs 25–41)
Mr Seddon made this statement under oath during a court hearing in which allegations of corruption were made against members of Commissioner Ryan’s executive team in 2001. The actions on behalf of the Commissioner reflect willingness on his behalf, despite espousing otherwise, to exercise his power in a dominant fashion. Such leadership did little to encourage a more open and democratic Police Service.

Our data are pervaded by examples of punishment at all levels of the Service. The Commissioner’s punishment of Assistant Commissioner Nixon is compelling in its exemplarity, however, because it reinforces and embeds legitimacy for punitive acts at the most senior level. (Incidentally, this was only a small set back for Christine Nixon, who a short time after her demotion was sworn in by the Victorian State Government as the first woman Commissioner of Police in Australia’s history.) At Jumbuck LAC, we observed first hand how the acceptance of, and adherence to, acts of punishment is indicative of the normal way of life for officers; a way of life underpinned by fear. A General Duties (GD) officer and a new recruit (NR) explained some of this to the researcher (RES) during an informal conversation:

NR: It’s like this. I was reprimanded for a report that I put in about a break and enter by the crime manager and I said to her I was given different information, I spoke back to her. Since then she’s been all over me for the minute things – I know her eyes are on me.

GD: Yeah, it’s about getting somebody, if you speak out you can expect to be got.

RES: You mean, punished?

GD: EXACTLY!

NR: [My Duty Officer had reported me to her] Like, I asked Robert [a GD] how to do something and he told me, I did it that way and the Duty Officer got stuck into me, telling me I did it wrong. I went back to Robert [the GD] and the other guys and they said well, you’ve done it right, they didn’t know what the Duty Officer was on about. I was sort of stuck in between – I did it the way the Duty Officer said.

RES: Why?

NR: He is more higher.

RES: Did you question him?

NR: No way! I have learnt very quickly not to do that.

RES: Why don’t you question them?

GD: Because we end up on the EMS system [computerized Employee Management System].

RES: Can’t you put them on the EMS system?

GD: Technically, yes. Yes, laughed . . . . But I can tell you that if I put a DO [Duty Officer] on the EMS he’d get me, my life would be hell. It is just something you don’t do.

RES: It sounds like you fear them?

GD: EXACTLY! I do! (Dgoemsf, Section 0, Paragraphs 3–65)
Pervading this category of our data is a theme indicating that organizational life at the LAC was underpinned by behavioural norms that function as hidden ‘codes of order’ that render acts of punishment as acceptable, and thus, legitimate. These ‘codes of order’ condition the way officers think and behave when interacting with each other. Over time this conditioning has resulted in the formation of disciplined practices that, contrary to the objectives of the reform programme, continue to reinforce the traditional power structures. If an officer behaves in a way that is alien to these codes of order he or she will be seen to be behaving infelicitously and can expect to be punished.

One may argue that strict lines of authority and rules of governance are the norm for military and para-military organizations. In any social organization where there is a duty to obey, no conflict ‘should’ occur, normatively. At Jumbuck LAC, historically, conflict had been considered infelicitous. A patrol officer explains:

Never, never, never in my service while being in a Command, were we able to openly discuss things, never, ever. We have been in forums where what the boss says went, and that’s basically the way any forum I have been in prior [to the reform program] was run … and that’s why you get labelled as a recalcitrant … If you don’t like what the boss is saying, and you question it, you never get invited back again. (Dodsmii08, 2 passages, Section 0, Paragraphs 44–56)

The above transcript was part of a conversation in which the officer was praising how things had changed since the implementation of the reform programme. At this time, as a lower level officer, he believed that he had now been given a ‘voice’ at the Jumbuck LAC. The following statement made by a Duty Officer at the LAC reveals what happened to these ‘voices’ one year later:

They have … they’ve been gagged, and James [senior change manager] has been gagged. He has had his power base removed and it is the old story, isolate and discredit in the organisation if you want to stop people from having an influence. One of the duty officers … he’s gagged. Richard, he has only just come back and what is going to happen now, I don’t know, but Alex … I know the new Commander didn’t want him as a duty officer, so he’s been transferred to the bush. (Dmd_if, Section 0, Paragraphs 23–5)

Our data provide many examples that indicate – despite change initiatives designed to achieve otherwise – that officers realize that questioning superiors is not in their best interest. Rather than engage in conflict, officers still feel compelled to protect themselves by adhering to those discourse norms of compliance to which they have been traditionally subjected, and which further constrains their behaviour and reinforces the traditional power structures. It was in these, of course, due to the legitimization of domination and the constitution of fear, corruption had previously flourished (Wood 1997). Power in the Service is characterized by a well-grounded fear of retribution routinely exercised by the hierarchy, in ways that are, in Weber’s broader conception of organizational hierarchy and authority, illegitimate. Under the guise of authoritarian control, the LAC is often compromised: the rules of governance, which were designed to achieve the ‘greater good’ in a rational manner, are applied in a context in which individuals struggle to maintain their careers. The result has been the formation of power structures which, paradoxically, facilitate, under the guise of rationality, the irrational entrenchment of obedience and fear as the norm.
Decision legitimacy
One of the broader themes to emerge from the data was decision making. Keeping with our theoretical interest in power and legitimacy, we searched for examples of decision making that would provide insight into who could legitimately make decisions and in what context. These examples revealed that, at the Jumbuck LAC, power, rationality and legitimacy collided in the act of making decisions. By way of explanation, for decisions to be supported, they need to appear rational. This rationality gives legitimacy that leads in turn to the acceptance of the decision. For instance, as the Wood Royal Commission reports and numerous officers mentioned in the course of our research, historically, merit has not been the basis on which officers were promoted in the NSW Police Service; rather, officers were promoted on their length of time in the Service. This meant that if two officers with the same rank were competing for a promotion the officer with the longest service would be successful. The entrenchment of this concept of seniority and the experience of long-serving officers resulted in these officers acquiring a degree of power and legitimacy when it came to decision making: the term seniority seems to imply superiority.

During an informal interview a team leader illustrated this point:

Team Leader: Once you have two people acting as Sergeant [the same rank], as far as I am concerned, the most senior bloke calls the shots and that’s the way it has always been.

Researcher: And the most senior bloke is … if they are both at the same rank

Team Leader: Realistically, the [station] Manager.

Researcher: Okay. Why?

Team Leader: Why? I don’t know. (Dbatlii2, Section 0, Paragraphs 381–95)

Here the team leader illustrates how his understanding of decision legitimacy has been historically constituted – he doesn’t really know why he thinks this way, he just does. In the Service, becoming a Station Sergeant used to be a rite of passage. In the past, you would have never found a younger officer serving as a Station Manager. Once an officer had served his time, he was recognized as having earned the right to cease front-line duties. As the Wood Royal Commission notes, merit had little to do with the selection of Station Managers: whoever was next in line would be appointed.

While the seniority system was phased out more than a decade ago, and policies, systems, and process are in place to facilitate promotion by merit, many of the participants continue to operate as if they were still working under this system. That is, officers with longer service maintain a degree of power relative to those with less time on the job. Furthermore, while the Service espouses promotion by merit, many officers at the Jumbuck LAC perceived that this is not the case. Even with an appeal mechanism for unsuccessful promotion applications, officers perceived the system to be rife with favouritism and other unfair practices. We acknowledge that such a perception may be based on the disappointment associated with an unsuccessful bid for promotion. However, Australian newspapers, some time after the Royal Commission, ran headlines reporting that senior officers in the Police Service were ensuring their preferred candidates received promotion by giving them the answers to examination questions prior to the exam (see Brown 2001).

As well as seniority and operational experience, our data provides further evidence of historical patterns of legitimacy in decision making by privileged rank and specialist
officers (mainly detectives). Our data also shows that these patterns continued to reinforce the traditional dualistic nature of power relationships in contrast to the more egalitarian power relations proposed by the reform initiatives. In consequence, the LAC’s decision-making practices may remain vulnerable to the problematic effects that these traditional boundaries of decision legitimacy had facilitated in the past. Employees are well aware of this vulnerability, as one officer explained:

What was happening was, you had certain people as they were being promoted or whatever … gaining a lot of power, and those people had the ability to control other people. I am talking, like, junior staff and whatever else. And what was happening was, you’re getting police coming from the Academy … and if their particular Supervisor as it was then, or as it stood then, was corrupt, then basically they had to toe the line or they were ostracized or kicked out, or whatever . . .. (Dbatlii1, Section 0, Paragraph 21)

The officer is clearly referring to how new recruits were subject to power structures that forced them to ‘toe the line’ with regard to decisions made by their superiors. Unfortunately, in the past, historical decision legitimacy as a code of order was so powerful that it allowed certain individuals and groups to dominate decision practices and outcomes. They were able to do so in such a way as to confirm Nietzsche’s dictum, more recently empirically substantiated by Flyvbjerg (1998), that ‘power makes stupid’. That is, people in positions of dominance are free to distorted rationality: they convince themselves that they are behaving rationally when others may think otherwise. The strength of this code of order meant that new recruits often found themselves in situations where they were dominated to the point where they either followed the irrationality of bad decisions, such as, in some instances, engaging in corruption, or sacrificed their career prospects (see Wood 1997).

Legitimacy, sensemaking and rationality
In this section, data indicative of how officers at the Jumbuck LAC made sense of their everyday working lives will be presented. This involved searching the data for evidence of why some statements are deemed repeatable in certain settings and others are not (Weick 1995; Haugaard 1997; Kendall and Wickham 1999). We attempted to gain an understanding of why some statements are seen as sensible, in Foucault’s terms, as ‘true’, and thus legitimate; and why others are seen as ‘untrue’ and thus illegitimate.

The use of statistics plays a central role in sensemaking within the Police Service, especially in terms of reward systems. Throughout the data there are examples of how officers routinely use statistics to legitimize their actions. Statistics are also central to performance management and the promotion system. You may recall the new recruit who earlier talked about being made to redo a task a particular way by a Duty Officer (her manager). She later found out from the General Duties officer in the same conversation that ‘the reason the Duty Officer wanted it changed was so his stats looked good’ (Dgoemsf, Section 0, Paragraph 44). That is, her superior made her redo the task in a way that improved his performance statistics and promotion opportunities.

As mentioned previously, because power was transferred to front-line police officers as part of the reform programme, detectives became members of the operation teams and were supposed to report to an appointed team leader. Such a change removed the discretionary power that detectives had traditionally enjoyed. Not surprisingly, detectives found it difficult to make sense of team policing:
Which I found rather stupid, you know … why would we train someone for about three years to be detectives … siphoned them through how they [are supposed] to talk to people … and then throw them back in the f***ing truck. (Dmmt11, Section 0, Paragraph 66)

The codes that officers used to make sense of their work environments and hence to legitimate their actions were those underpinned by the historically constituted mobilization of bias. For instance, despite the detectives being formally required to report to team leaders:

I believe that one of the biggest impediments to team aligning the CI [having detectives report to General Duties Team Leaders] was the fear factor in the general duties, of the detectives. They are absolutely scared of them, scared of being bastardised, scared of been harassed, intimidated … all those sort of things. (Dbatlii2, Section 0, Paragraphs 75–106)

The senior officer suggests that general duties officers, who had the most to gain, are the biggest impediment to the reform process because they were not prepared to take their ‘voice’ (exercise the formal authority they had been given). Generally, it was hard for police without significant operational experience to be seen as legitimate leaders:

You have Brian [the Local Area Commander] who did only a small amount of General Duties’ work, and then went to personnel, and then comes back on a promotion system to a Local Area Commander. He has very limited experience in regards to doing general duties, highway or detectives, and then wants to tell them how to do the job … it is the meal room gossip, … if you don’t have respect, if you don’t have a working background, like, you can have the best managers in the world but if they [don’t have operational experience] they are not leaders. (Dtgt30, Section 0, Paragraphs 191–223)

After years of being ‘differentiated’ from and ‘dominated’ by detectives, general duties officers find it difficult to make sense of their newly ‘de-differentiated’ and ‘empowered’ relationship. Weick (1995) would argue that it might be more accurate to say that even though their operational authority over detectives made sense in regard to the objectives of the reform programme, they may not view it as plausible in regard to their understanding of how power has traditionally worked in their organization.

**Discourse and legitimacy**

A short time after entering the field we learnt that one meeting, known as the Operations Control and Review (OCR) meeting, held great significance for officers within the Service. In time our analysis revealed that this meeting was one of the central points from which the pervading discourse of dominance emerged. It was in this meeting that the effect of power relations on the construction of legitimacy was clearly represented.

The OCR was designed as a forum through which Commissioner Ryan and his executive team could review, coordinate and direct the operational performance of each LAC. An officer gave testament to the OCR’s pervasive impact and infamous notoriety throughout the Service:

… we are OCR driven; because, the OCRs are held every four months [or] five months. But even on the way home, in the car from the first …from that OCR, you are thinking about how you can make sure that [in] the next one you’re going to cover your arses. Your real operations are secondary in your mind … [because of the narrow focus of
the performance stats used by the executive team] you are trying to put into place short-term strategies to cater for long-term problems. (Dwst05, Section 0, Paragraphs 101–19)

As a team leader said, the enactment of the OCR, even in terms of its spatial layout, sends a strong message to all who participate:

Look at the structure of it . . . The place has two tables along the front, they [Commanders waiting to be questioned on their performance] are the heads on the block, you’ve got the Chiefs [Commissioner and his executive team] are out at the front and facing them [the Commanders with their head on the block], the rest of it is all audience and on the fringes, there are people around the edges, this guy is putting these huge big bloody graphs up on the walls saying ah, what have you done about your robberies in this area? And the guy just sits there; it is just a big magnifying glass. (Djtt23, Section 0, Paragraphs 161–211)

Rather than coordinating operational performance, numerous officers see the OCR as a medium for senior executives to reinforce their superiority by attacking and punishing Local Area Commanders, as attested by a comment made by a senior detective at the Jumbuck LAC:

Inspectors and Superintendents [Commanders and managers of LACs] go into these OCRs and are belittled by higher rank and they come back and it’s embarrassing and belittling. . . . You know, like…and comments that I’ve heard is that, if we as police spoke to members of the public, the same way senior officers spoke to other officers, we would have a complaint brought against us. (NB_tltm, Section 0, Paragraph 65)

The previous officer’s use of the metaphor of ‘heads on the block’, which portrays the OCR as a setting for an execution, clearly suggests a focus on punishing individuals as opposed to systems and his comment: ‘it is just a big magnifying glass’ indicates that the OCR is seen as a surveillance mechanism.

Our data reveals that the behaviour of the Commissioner and his executive team in this meeting resulted in the constitution of what Kendall and Wickham (1999) refer to as an ‘ordering of statements’. That is, we found that the way things were said and done in the OCR, particularly in the form of orders, commands and instructions, were mirrored by officers in management and supervisory positions at lower levels. What helped to create this ordering of statements is the fact that while officers are being ‘grilled’ – ridiculed, belittled and abused – during the OCR, the proceedings are being transmitted via video to LACs across NSW. While it was perhaps unintended, the meeting communicated to viewers the senior executive’s idea of legitimate management practices and helped to construct a prevailing discourse of dominance. The OCR, while being aimed at enhancing the reform process, undermined the reform at the Jumbuck LAC at a deeper socio-cultural level by reinforcing the historical structures of dominancy and the mobilization of bias that the reform aimed to eradicate.

DISCUSSION

The legitimization of legitimacy

Scholars such as Clegg (1989), Haugaard (1997) and Courpasson (2000) illustrate how, in Weberian terms, ‘structures of dominancy’ both constrain and enable the exercise of
power in organizations. Courpasson (2000, 2006) engages and extends Weber’s conception of structures of dominancy with an empirical study of three French organizations which, similarly to our research setting, were introducing organic organizational structures to increase their flexibility and innovative capacity. In Courpasson’s terms, they attempted to move from traditional hierarchical and bureaucratic forms of governance by introducing contemporary tools and strategies of ‘soft’ control and coordination (see also Barker 2002).

Courpasson’s research provides empirically grounded insight into power and legitimacy and, through this, an informative critique of the current literature’s inherent assumption that ‘soft’ management practices and policies have supplanted hierarchical and bureaucratic control, and thus that a more entrepreneurial form of governance has become pervasive (du Gay 1996).

Courpasson (2000) argues that the problem for leaders of the organizations he studied is that while attempting to achieve the opposite they nonetheless reproduced the hidden resources of legitimacy that existed in the previous bureaucratic form of governance. Courpasson’s findings illustrate how ‘contemporary tools and strategies of soft control and coordination are not the opposite of hierarchical and bureaucratic governance (as their theoretical underpinnings intend) … soft governance is fused with and is itself governed by legitimate authority’ (2000, p. 142).

Similar to Courpasson, in their study of a UK police service, Davies and Thomas (2003, p. 681) argued that ‘the promotion of a more progressive form of policing, based on community orientation and equality principles, may struggle to gain legitimacy within the current performance regime that legitimizes a competitive masculine subjectivity, with its emphasis on crime fighting’. As Davies and Thomas demonstrate, certain substantive organizational practices that are embedded in organizational rationality may legitimize certain actions while unobtrusively de-legitimizing others that are promoted by the progressive nature of change in policing.

Building on this research, we argue that at the Jumbuck LAC previously legitimate authority perpetuated itself within soft practices by unobtrusively articulating the previous hierarchical power relations and formal bureaucratic practices, despite structural change aimed at achieving the contrary. In line with Courpasson’s (2006) findings, we propose that structures of dominancy can be taken as structures of legitimacy. Further to this, however, drawing on Clegg’s and Weber’s conception of structures of dominancy, we argue that the extent to which structures of dominancy constrain the agency of people is related to whether or not the structures of dominancy facilitate a mobilization of bias. Our study shows that the simultaneous existence of a structure of dominancy and a mobilization of bias constitutes a structure of legitimacy. At the Jumbuck LAC, viewpoints and proposed courses of action that resonate with the prevailing social order are more likely to be considered legitimate than those which don’t.

We go further and argue that structures of legitimacy are problematic because they constrain how actors in positions of authority construct legitimacy. In short, structures of legitimacy enable people in positions of power to more easily legitimize their version of legitimacy. Hence, with Courpasson (2000, 2006), we advocate the use of the term ‘legitimization of legitimacy’ to describe the process by which organizational members legitimize certain forms of legitimacy and exclude others.

In our case, organizational members did not legitimize the public discourse or the discourse of internal change initiatives and agents. Rather, the structure of legitimacy subtly, yet decisively, rendered their agendas and actions illegitimate. The structure of legitimacy...
unobtrusively de-legitimized the formally sanctioned change initiatives. Actors who historically held positions of dominance went largely unchallenged to ‘rationalize their own version of rationality’ (Flyvbjerg 1998). Our study shows that those in positions of dominance construct the version of rationality that is considered legitimate and through which subordinates constitute what they take to be rational. Hence, legitimacy is not just based on some normative version of rationality. Legitimacy is embedded and constituted within current structures of domination and power.

Members of the NSW Service in positions of dominance had long engaged in rationalizing their own versions of rationality, as is evident in the conceptualization of corrupt behaviour by many officers as ‘noble-cause-corruption’ – that while they might have been corrupt they were acting in terms of the greater social good of upholding the criminal justice system and putting the ‘bad guys’ away. Such a view of power, while not explored by the Wood Royal Commission and ignored by Commissioner Ryan’s reform plan, helps to understand how new recruits, when subjected to dominant individuals and groups that have rationalized corrupt practices as ‘right’ and ‘just’, find it difficult to speak out against these practices, let alone change them. In this sense, legitimacy does not derive from rationality but from the rationalization of a specific mode of rationality sanctioned by dominant organizational members.

**Sensemaking and legitimacy**

Weick (1995, p. 55) points out the prefix ‘sense’ in the word sensemaking is mischievous because it invokes a realist and idealist ontology, suggesting that things that are ‘out there’ are sensed accurately, agreed upon, and constructed realistically. However, sensemaking is more about plausibility, coherence and reasonableness, than it is about accuracy. In short, sensemaking relies upon people’s perception. And since perception is context significant, it is not always accurate. For instance, most people use representations that are seen by others as being plausible (Goffman 1959), but this does not mean that these representations are accurate. People come to organizational settings with different contextual constraints such as knowledge, interests, needs and political pressures. What is more, to meet these contextual constraints, people might use rhetorical strategies and techniques to embellish their representation so that their viewpoint and/or preferred course of action appears rational, right and just, and thus, plausible and sensible to others (Meyer and Rowan 1977).

Haugaard (1997) argues that for a viewpoint or practice to be seen as plausible within an organizational setting, its representation would need to account for the codes of order that people reflect on when making sense of their world: if it did not, it would be viewed as infelicitous and, thus, nonsensical. Similar to the way people associate ‘sense’ with ‘sensemaking’, people associate legitimacy with being sensible. In other words, for something to be seen as legitimate it also needs to be seen as sensible.

Our research shows that a relationship between legitimacy and sensemaking is problematic, especially when sensemaking occurs within a structure of dominancy that facilitates a mobilization of bias. In this case, something that is seen as legitimate by those subject to the structure of dominancy is seen as nonsensical by those not subjected to the structure of dominancy, a point aptly demonstrated once again by the reference to ‘noble-cause-corruption’ by officers during the Wood Royal Commission. At the Jumbuck LAC, the results of the reforms that actually took place did not reflect the rational ideals that underpinned the reform agenda. As Foucault (1977) argued, and Flyvbjerg (1998) as well as Davies and Thomas (2003) have shown empirically, it is the outcome of the struggle
for power that determines what reform occurs in an organization – and the NSW Police Service is no exception.

The Jumbuck LAC’s overall constitution of power gave certain individuals and groups the privilege to dominate; a position from which they not only did, but were expected to, exercise discipline and punishment. Obedience, brought about by a fear of retribution and punishment, is thus a disciplined practice for those who do not occupy positions of dominance. Those officers who do not obey, who cross the historically constituted boundaries that differentiate the dominant from the dominated, will be punished. This was the case, irrespective of the motive or ideal that underpinned their action.

CONCLUSION

It is important to emphasize the limitations of our study. We only studied one particular LAC within the NSW Police Service, something which limits generalization from our findings. However, it is research into a highly significant organization because the NSW Police Service is the world’s third largest police force. Further, the NSW Police Service is not an unrepresentative organization. There is little evidence to suggest, in terms of the corruption that occurred, that the NSW Police constituted an aberration here. Other forces in Australia (in Queensland in the 1980s and in Victoria more recently) have been troubled with corrupt behaviour, as have the Metropolitan Police in the UK, the Hong Kong Police, the NYPD and the LAPD at various stages in their histories (Gordon 2007).

Further, one could argue that police organizations are not the only type of coercive organization that states use to maintain order. There are many military-style organizations, including customs and immigration services, fire fighters and coast guards. Such organizations often struggle with the legacy of their quasi-militaristic past, and seek to change to flatter organizational forms as well as more empowered and ‘postmodern’ ones as they adopt technologies that demand change. Although we do need to acknowledge the limitations of the NSW Police Service’s particulars – its Australian identity, its being a police organization, and a solitary case study – our findings can be used to understand other public organizations and their administration.

Finally, we have to stress that we focused on corrupt and unethical behaviour within the Service. Of course, not all 17,000 organizational members acted in a corrupt way. Rather, our particular research interest guided us towards the ‘dark side’ of the Service (see, for example, Vaughan 1999). However, it is important to note that most organizational members were exposed to the structures of dominance and legitimacy that we have analysed in this paper. Hence the mutually constitutive relation between power and legitimacy impacts not only on corrupt members but especially on officers committed to positive change. Acknowledging the limitations that are inherent in any ethnographic study (see Denzin and Lincoln 1994), we believe that our findings can be useful in understanding such change and its relation to power and legitimacy.

In conclusion, our data empirically reinforces Courpasson’s (2000, 2006) conceptual view of ‘structures of legitimacy’. That is, in a social system such as an organization, competing viewpoints and alternative courses of action can be subject not only to what Weber describes as a structure of dominancy but also to a structure of legitimacy. What is formally legitimate and what is substantively dominant need not be aligned. What is taken to be legitimate is the extent to which a structure of dominancy facilitates a mobilization of bias and, through this, domination.

Our paper argues that while representations and/or instructions of officers in positions of dominance may not seem sensible, it is plausible for other officers to regard these
viewpoints, representations and/or instructions as being legitimate: they know that it is not in their best interests to do otherwise. With this observation in mind, our study reinforces Flyvbjerg’s (1998) empirical demonstration of how individuals in positions of power are cognitively vulnerable to rationalizing their own versions of rationality. However, we would argue that it is not so much power but domination that results in such a rationalization process. Versions of rationality need to struggle for legitimacy; however, when domination is at play those entities in a position of dominance are freer to legitimate their version of rationality. Those entities in positions of dominance have the greatest influence on what is accepted as legitimate. In this sense, not only does domination facilitate the rationalization of what is taken to be rationality but it also facilitates the legitimization of what is taken to be legitimate.

Finally, our findings have implications for the administration of police organizations and other institutions as they embark on strategies of new public management and ‘soft’ bureaucracy reform. It has been argued that traditional bureaucratic structures make change, flexibility and responsiveness hard to achieve. The new managerialism from the 1980s and 1990s (see Clegg et al. 2006) is often seen as a ‘cure’, putting emphasis on flatter structures, teamwork and decentralized control. However, we argue that these reforms can have unintended yet important consequences. For instance, one must question the role of accountability in these new forms of organization. In this study, we have demonstrated how historically developed structures of domination and organizational legitimacy can undermine change initiatives. Unless we understand and challenge the recursive constitution of legitimacy and power, efforts to change organizations that work only on the surface of structures will struggle to accomplish their objectives.

REFERENCES


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