

Bureaucracy, creativity and discernment: lessons from a missing coffee maker

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ABSTRACT

Based on the description of the administrative proceedings ensued by the disappearance of an electric coffee maker from a federal public institution, I argue that the thoughtful and creative transposition of the gap between the schematism of bureaucratic formulas and the complexity of the situations they address is as constitutive of bureaucracy as its more bizarre expressions, which often produce violence and injustice. On the one hand, normative prescriptions endow the process with its own impulse, foreshadowing sanctions to the servants formally responsible for the good. On the other, and at the same time, the proceedings unleash a careful investment to contain a blind movement towards undesirable results. These conditions problematize discretion in public service – which I call discernment, approaching a native use of the term – as an expression of individual autonomy. Instead, ethnography highlights the intrinsically collective character of bureaucratic discernment, essential to the sensible implementation of institutional norms.

KEYWORDS

Anthropology of bureaucracy, administrative proceedings, civil servants, discretion, discernment

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**BUREAUCRACY, CREATIVITY AND DISCERNMENT:
LESSONS FROM A MISSING¹ COFFEE MAKER**

¹ | I dedicate this article, with admiration, to my colleagues of bureaucracy Osvanir José Andrade and Carlos Alberto Balhana (in memoriam).

In the beginning of the article entitled “Dead zones of imagination: on violence, bureaucracy and interpretive labor” (2012), David Graeber describes the labyrinth of bureaucratic demands in which he found himself entangled when his mother was the victim of a succession of strokes that, a few weeks later, would lead to her death. To claim assistance under the United States public health program, it was necessary to prove that the applicant's assets were within a certain limit. However, this threshold would be quickly surpassed if it were not possible to use the bank account in which her pension was deposited. To access the account, a power of attorney was required, which depended on several authorizations and the filling out of a complicated form. The bank, however, refused these documents: not only was the form to be filled out a different one, but the account holder's signature was missing. All documentation was redone and signed - with difficulty, due to the patient's clinical condition - and again refused by the bank: the beneficiary of the power of attorney had signed in the field intended to fill in his name in full, and filled in his name in the field reserved for signature.

At the end of the report, Graeber observes that bureaucracies seem to be constituted in such a way that most people will not be able to meet their demands. And he comments, with some perplexity, that the most personally disturbing aspect of this experience was realizing that dealing with forms had caused him to become stupid: “How could I not have noticed that I was printing my name on the line that said ‘signature’ and this despite the fact that I had been investing a great deal of mental and emotional energy in the whole affair?” (: 108). Part of the answer would be in what direction this energy had turned to: the effort to understand and influence people that held some bureaucratic power over him made him less inclined to notice when they told him to do something stupid. (In this case, the place where he was supposed to sign had been pointed out to him by the notary.) A second reason for perplexity, according to Graeber, was the scant attention paid by anthropology to bureaucratic procedures or, more directly, to “the apparent circularity and emptiness, not to mention idiocy, of bureaucracy”. With rare exceptions, anthropological literature would have taken the opposite direction, “asking not why bureaucracy produces absurdity, but rather, why so many people believe this is the case” (: 109).

The prime example would be Michael Herzfeld's classic book *The Social Production of Indifference*, in which the author suggests that “the symbolic roots of Western bureaucracy are not to be sought, in the first instance, in the official forms of bureaucracy itself, [but] above all in popular reactions to bureaucracy – in the ways in which ordinary people actually manage and conceptualize bureaucratic relations” (Herzfeld, 1992: 3 and 8, cited by Graeber, 2012: 110). Despite acknowledging

Herzfeld and other scholars have not failed to notice that immersion in bureaucratic codes and regulations leads people to act in ways that, in other contexts, “would be considered idiotic”, Graeber adds ironically that academic analyses tend to disregard as a legitimate explanation the truth that anyone knows from personal experience (*idem*).

Graeber's own focus in the rest of the article – a little-modified version of the Malinowski Memorial Lecture presented in 2006 at the London School of Economics – is not really on bureaucracy, but on the relationship between structural violence and the forms of schematization typical of bureaucratic categories and procedures, as well as of social theory itself. But if at that time it was still possible to credit the alleged lack of interest of anthropologists in bureaucracy to the tedious nature of documents and forms (“paperwork is boring”), the subsequent years have registered a remarkable proliferation of ethnographies attentive to bureaucratic practices.

Part of these works, when approaching the state from the perspective of those who seek to obtain public documents and services, or are recipients (often involuntary) of government policies, emphasize the indifference, authoritarianism, violence and arbitrariness of bureaucracy and/or its agents (Herzfeld, 1992; Scott, 1998; Gupta, 2012; Fassin, 2015). Without neglecting the relevance of these studies, let alone the reality of the effects they describe, I am interested in paying attention to what goes on in the “inner worlds” (Mathur, 2017) of public institutions – as a series of recent works dedicated to the daily activities of public servants, the production and circulation of documents and the conduction of administrative and judicial processes have been doing.

From this perspective, the analytical path I propose is opposite, but to a certain extent complementary, to that outlined by Graeber. Instead of drawing attention to the inequities produced (or sustained) by the more or less automatic course of anodyne or manifestly absurd bureaucratic procedures, I seek to describe how these results are – at least in certain circumstances – diligently avoided in the fulfillment of bureaucratic norms and attributions.

In Graeber's article, the (no doubt real) bureaucracy's ability “to cause otherwise intelligent people to behave outright foolishly” (2012: 105), personally experienced in painful circumstances, led to the analytical exploration of “dead zones of the imagination”. My starting point is a trivial situation, in which I have been indirectly involved: the disappearance of an electric coffee maker from the department where I work at a public university in Brazil. The fact gave rise to an administrative process that lasted for about six years and which, in the eyes of the servants involved in it, was endowed with the bizarreness usually associated to bureaucratic procedures.

More careful attention to the course of the proceedings, however, allows us to glimpse another (no less real) dimension of bureaucratic practices: the intrinsically

creative character of actions that collectively mobilize intellectual, technical and affective resources to contain the senseless (and potentially violent) autonomization of formal prescriptions. By arguing that the *sensible* realization of legal and institutional norms would not be possible without this collective investment, I do not intend simply to reaffirm that public servants have some degree of discretion in the performance of their duties, as has been recognized since Lipsky's pioneering study ([1980] 2010) on "street-level bureaucracy". My purpose is to ethnographically challenge the usual consideration of discretion – which I will call *discernment*, approaching a certain native use of the term – as an expression of autonomy, free will, or individual inclination. With this scope, the article is structured as follows. Initially, a brief consideration of recent anthropological scholarship on bureaucratic practices, as well as of some constitutive characteristics of administrative processes, contributes to outline an analytical path. In the next two sections, I describe the progress of the administrative process initiated after the disappearance of the coffee maker and the operations that made it possible to achieve a certain result. Based on this experience, I seek in the final section to expand the reflection on discernment in public service, in contrast to other approaches to discretion in bureaucratic settings.

1. BUREAUCRATIC ARTIFACTS: THE ADMINISTRATIVE PROCESS

In 2017, the entry "bureaucracy" was included, possibly for the first time, in an anthropology encyclopedia (Mathur, 2017),² following a blooming of collections and thematic dossiers, as well as the first inventories of an emerging ethnographic production on everyday bureaucratic practices and their most characteristic expressions: documents, files and administrative processes (Bernstein & Mertz, 2011; Muzzopappa & Villalta, 2011; Hull, 2012; Nakassis et al, 2013; Bierschenk & Olivier de Sardan, 2014; Bear & Mathur, 2015; Ferreira & Nadai, 2015; Hoag & Hull, 2017). If the rubric "anthropology of bureaucracy" does not inaugurate a new field of investigation, it certainly indicates its expansion and maturing (Heyman, 2012), as well as changes in perspective in relation to previous decades.

As is well known, anthropological scholarship on the state gained momentum from the 1990s onwards, with the departure from normative perspectives and the essentializing rhetoric arising both from the state itself and from social theory. Nevertheless, the criticism of the reification of the state as a unitary and coherent entity also gave rise to some impasses for the ethnographic approach to its concrete forms of realization. Works that describe – or denounce – the state as fetish, myth, fantasy or illusion are recurrent in this period (Taussig, 1993; Gupta, [1995] 2006; Hansen & Stepputat, 2001; Aretxaga, 2003). An implicit corollary in these designations is the separation between forms of action (recognized as heterogeneous and often contradictory) and forms of representation (in which the state would

2 | The inclusion of the entry "bureaucracy" in the Cambridge Encyclopedia of Anthropology contrasts with the sparse presence of the term in anthropological encyclopedias published in the last three decades. For example, the word bureaucracy appears only once in the Companion Encyclopedia of Anthropology (Ingold, 1994). In two editions of the Routledge Encyclopedia of Social and Cultural Anthropology that I have consulted, the term appears only in passing in different entries (Barnard & Spencer, 1996 and 2010). The Social Science Encyclopedia initially included the entry "bureaucracy" in the area of Sociology and, more recently, in the area of Industrial Relations and Administration (Kuper & Kuper, 1996 and 2004).

deceptively appear as a homogeneous whole, despite its concrete fragmentation)³. A number of researchers sought an alternative to this dualism in Foucault's work on governmentality and biopower (Foucault, [1978] 1998), a vigorous perspective whose routinization, nevertheless, often resulted in the deflation of ethnographic complexity⁴.

In dialogue with broader theoretical-methodological developments in the discipline, the questioning about the nature of the state, as well as the focus on “narratives *produced* by the state or *about* the state” (Hoag & Hull, 2017: 4) gave place, from the mid-2000s, to the ethnographic interest in public servants practices and the material qualities of bureaucracy.⁵ Instead of being conceived as mere instruments for institutional purposes or as vehicles of information, discourses and representations independent of their material conditions, documents and other bureaucratic forms came to be recognized as knowledge practices that literally constitute organizations, their norms, procedures and effects (Riles, 2006; Mathews, 2008; Hoag, 2011; Hull, 2012; Pinker, 2015). I am particularly interested here in administrative processes as a means of access to the lived world of bureaucracy, much less “drab and lifeless as it appears from the outside” (Bernstein & Metz, 2011: 7).

In very general terms, the administrative process is a set of documents relating to a particular issue, organized in the form of a dossier and identified by a record number that indicates its chronological position in relation to other similar sets. It is this assemblage character that initially distinguishes the administrative process from other papers (increasingly in electronic format⁶) that populate official bodies, such as memos and official letters, which are also numbered, but circulate independently and are subject to less strict rules than those that determine the formal organization and handling of a process. Concerning this last aspect, every process has, so to speak, a life cycle⁷: once started, it should keep moving until the route through the prescribed decision-making bodies has been completed. Whatever the outcome, every process must be conclusive: it cannot leave open the issue that brought it into existence. For this reason, the life cycle of an administrative process can vary in extent. However, it is always subject to legal and formal determinations that are independent of its specific theme.

Administrative proceedings can originate in two ways: from “outside”, that is, by a person, a private organization or other public institution requesting a service, document or other provisions from an official body; or from “inside”, that is, by the initiative of some sector of the body in question, for the fulfillment of a legal duty or institutional attribution. In any case, the inaugural document (application, official letter, form), accompanied or not by others, only acquires the character of “process” when officially registered in the department to which it is addressed or where it originates. Through this procedure, it receives a number and is arranged in a specific folder, identified by a label that contains succinct information about the

3 | In some cases, this division takes on programmatic contours, as in Hansen & Stepputat's recommendation to consider, on the one hand, “practical languages of government”, and, on the other, “symbolic languages of authority” (2001: 7-8). Analogously, Sharma & Gupta (2006: 5) identify “everyday practices” and “representations” as two distinct strands of the anthropological study of the state, which forces them to posit, in the next moment, a “dialectical” relationship between the two poles (2006: 19).

4 | As Jonathan Spencer noted, very different realities came to be presented as “one more example from the familiar script of biopower and resistance” (2007: 111). In the most recent period, the expansion of ethnographies focusing on state practices fostered critical dialogue with Foucault's propositions and distrust of their automatic transposition to heterogeneous settings, resulting in “a very predictable world” (idem) in the scope of the analyses, but not always compatible with the worlds described, especially non-European.

5 | A more detailed inventory of this production is beyond the scope of this article. In addition to other references already cited, an excellent discussion of the literature in English can be found in Hoag & Hull (2017). In a recent dossier, Hahonou & Martin (2019) discuss methodological issues raised by research in bureaucratic settings. In Brazil, one first mapping of this area of research was carried out by Teixeira and Souza Lima (2010). Two recent thematic issues addressing public administration and documentation practices were organized by Souza Lima (2012) and Ferreira and Nadai (2015).

6 | In contrast, see Seller & Harper (2002).

7 | With this expression, I do not intend to refer to discussions in archival science (and business administration) about the life cycle of documents and their “three ages”: birth, productive life and death (Brasil, 2005).

interested party, the subject, the date and the place where the process was initiated. Even electronic processes, which in recent years have almost completely replaced physical files, generally maintain the same format.

From then on, the process is ready to circulate, obeying (at least) two sets of norms: those that define its formal organization and procedural protocols; and legal provisions and/or other regulations applicable to the subject in question. Observing these normative limits, processes exist to circulate: movement is the condition par excellence for the life of a process. It is not by chance that the cover of the process (or the electronic index of the documents that compose it) usually reserves a specific space for recording all the steps of its processing. In each administrative section through which the process passes, the employee who receives it must record the date of receipt and the name of the section (if this information is not automatically filled in by the electronic system), apposing her certified signature. The same procedure is repeated when it is forwarded to the next section. In summary, each item within the process must be identified and ordered according to specific prescriptions whose non-compliance may lead to the invalidation of that item or of the process itself.

At each step new elements are added – texts, signatures and stamps, physical or electronic –, which makes every administrative process a collective undertaking⁸ that associates, in the course of a certain period, people, things and places, whether concrete or institutional. However, no new item can be added if not at the end of the preexisting set, whose elements are sequentially organized and identified with the stamp, initials or electronic authentication of the person who added them. Likewise, no item, once incorporated into the process, can be removed,⁹ which requires prudence and rigor from all who interfere in its constitution and progress. Another fundamental aspect is that the addition of each new element – information, recommendation, decision, or order – must take into account only what was already part of the file unless other steps (and the incorporation of its results) are institutional attributions of that specific instance. Therefore, while always open to new additions, the process is at the same time a closed set that contains, in a very literal sense, the "facts" to which the interventions of different administrative units concern.

Constituted by circulation, a process can never be adrift. Thus, one of the most fundamental characteristics of a process is that each administrative section, when manifesting itself and adding new elements to the file, must also refer it to the next one. This path is generally predetermined by norms that establish the instances through which the process must pass and in what order. For example, certain sections must necessarily speak out on a particular matter for a decision to be made; or, in the case of an appeal to the decision of an administrative authority, the process always proceeds from the lower to the higher hierarchical level. Depending on the nature of the issue dealt with, and the interventions made in previous stages, however, this path may lead to deviations or variations, that is, the process may pass through instances whose

8 | Similarly, the collective character of legal processes and decisions is underlined by Lewandowski (2017) in her excellent ethnographic account of "processing" in the Brazilian Supreme Court.

9 | The annulment of an item can be exceptionally carried out through a subsequent document rendering it ineffective. This procedure does not physically exclude the voided item from the process. However, its presence must be considered from then on as an absence, that is, it cannot affect the development of the process.

intervention was not formally prescribed or come and go between administrative units and hierarchical levels. Likewise, as there is not always a specific rule determining a maximum period for each processing stage, it may also happen that the file is held up in a certain instance for several months and even years. This apparent stagnation does not mean, however, that the process has ceased to proceed: the absence of movement, as will be seen below, can also be a mode of movement.

If the possibility of following unprescribed paths, or of remaining immobile for a more or less long interval, confers some degree of imponderability on the administrative process, this can only occur within formal and normative frames whose elasticity is always limited. At each stage, the direction and purpose of moving to the next unit, when it occurs, must be formally made explicit through expressions such as: “to the section ... for analysis and opinion”; “to the section ... for acknowledgment and measures”. These standardized forms of referral show that, at each step, the manifestations are not directed to the interested party in the process – who, in general, only becomes aware of its content when all the procedures have been completed – but to the administrative sections immediately before and after.

When all the prescribed steps have been completed, the process exhausts its movement potential and its life cycle: it is closed and sent to the archive (physical or electronic), the final destination of every administrative process. But if every process must have an end, its conclusion does not always mean that the issue that gave rise to it has obtained a concrete solution. The archiving only indicates that it became possible to close the procedure in light of the relevant rules and regulations. In other words, the issue was “resolved”, but within the very dossier that contains it. For this reason, once sent to archiving, the process does not come back to life (exceptionally, a completed process can acquire a second life, but as part of a new process and for the discussion of different issues). The archiving decision is final and, if everything happened as prescribed, indisputable¹⁰.

These general attributes of the administrative process – its circumscribed and, once concluded, definitive character – reaffirm the need to avoid an analytic approach that concentrates on the propositional content either of its elements or of the whole that articulates them. First, as the above description indicates, their formal qualities are constitutive of what they enunciate (and vice versa), so that the very distinction between one aspect and another becomes inappropriate. No less important, these bureaucratic artifacts, as I propose to call them, are characterized precisely by the deliberate emptying, achieved by meticulous procedures, of the connection between its elements and a world outside the one to which such artifacts belong. In this sense, approaching them from their referential content is to prevent oneself from understanding them, as has been demonstrated by a range of documentation practices analyses (Peirano, 2002; Riles, 2006; Pinto, 2007; Hull, 2012): bureaucratic artifacts refer fundamentally to each other, that is, they constitute their own context

10 | This quality is shared with court proceedings. As Latour (2004) points out, the *qualification* procedure characteristic of the legal cases (in contrast to the *reference* chains of science) traces an irreversible path, precisely because it must reach a decision. If what the final decision states must be taken as truth, it is not a referential truth: it concerns only the exhaustion of the existing mechanisms of appeal.

and their meaning belongs in the first place to the bureaucratic universe itself.

Likewise, the outcome of an administrative process does not come from the connection with an external domain, but from the connections established between the limited set of factual information existing in itself and the equally finite set of legal provisions that regulate the subject in question and the rules that determine its processing. Bearing in mind, however, that the paths taken are never the only possible ones and generate different effects beyond this circumscribed universe, it is necessary to understand how these paths and effects are concretely produced in specific situations. And this implies considering not only the formal qualities of administrative processes, but also the forms of intellectual, political and affective engagement they arouse.

It is time, therefore, to return to the disappeared electric coffee maker and the corresponding administrative process, a small twenty-page dossier archived almost fifteen years ago at the Dean of People Management at the Federal University of Paraná. Despite the long elapsed time, its ambivalent qualities – admittedly unreasonable, but potentially dangerous – remain in the memory of the few servants of the time still active, who did not object to the report of a case that caused “such a headache”.¹¹

2. THE CASE OF THE MISSING COFFEE MAKER

The origin of the process was a formal letter from the head of the Anthropology Department to her hierarchical superior, the director of the Human Sciences Institute,¹² reporting the “disappearance of an electric coffee maker, brand (...), registration number (...), from the department's premises, at approximately 11:15 am on 07/13/1999”. The same document described the first initiatives after the coffee maker was found to be missing – contact with the building's security staff and a report by telephone to the director's office – and requested “guidance regarding the next steps to be taken”. According to the stamp applied in the upper right corner of the page, the letter was received on the same day by the head of the Administrative Division of the Human Sciences Institute.

The process itself was formalized fifteen days later, containing, in addition to the original letter, an ordinance issued by the director appointing a commission to investigate the occurrence. Carrying out an investigation is the authority's duty of office in such cases. The opening of the proceedings, therefore, could not fail to occur.

The two following pages contain the report of the commission, which heard the three people present when the disappearance of the coffee maker was noticed: the head of the department, the secretary, and an intern. According to the testimonies, the servants “searched the floor looking for the coffee maker” and took the others steps reported in the letter sent to the director. All were unanimous in stating that

11 | This is Process nº 23075.28890/99-31, initiated in August 1999 and completed in June 2005. Although the case has originated in my department and I have followed it indirectly, as well as other colleagues, I only had access to the physical file when it was about to be completed. This occurred through the then director of the Human Sciences Institute, who authorized me to make a copy of the file given my ethnographic interest in the case. I have presented a preliminary analysis of the process at the VII Mercosur Anthropology Meeting, in 2007, but I chose not to publish it at the time considering its possible implications for a recently concluded case. After a long time, I take it up now in a new form and incorporating new analytical questions.

12 | At the time called the Human Sciences, Letters and Arts Institute.

the physical layout of the department's offices did not provide a view of the corridor and the pantry (where the coffee maker was installed), which made it difficult to control the movement of people in those facilities. The commission concluded that "all steps had been taken to find the coffee maker or to intercept the possible thief." To avoid the repetition of similar situations, it also recommended the carrying out of a "reform in the front of the department's secretariat, for greater visibility, control and security" (pages 3-4, 08/09/1999).

The process was returned to the director who, in a short handwritten order on the back of the last page of the report,¹³ sent it on the same date to the Dean of Human Resources.¹⁴ This referral, however, failed to fulfill a mandatory step in such cases: the Legal Office's evaluation of the investigation commission's procedures and conclusions, without which the process could not be closed and archived. Aware of legal norms and bureaucratic politeness, the Dean's Disciplinary Procedures Management did not send the dossier directly to the chief-attorney's office. Instead, she chose to return it to the director of the Human Sciences Institute with this "suggestion" of referral.

This was done to comply with what appeared to be a mere formality.¹⁵ The legal opinion issued ten days later, however, pointed out other gaps that prevented the process from being archived, starting with the lack of communication to the Federal Police, mandatory in cases involving the Union's property. The attorney who analyzed the file also considered that having been confirmed the good's disappearance, but without identification of the liable person, it would be up to the head of the Department and/or the servant in charge of its custody to be held responsible:

[...] as the institution is a public body, **it cannot and should not bear the loss of property** caused by negligence of its agents, and must therefore be reimbursed by the servant directly responsible, through administrative measures to be triggered in a Disciplinary Process, by neglect in vigilance (*culpa in vigilando*). Thus, what cannot happen is archiving the file before the case is solved and the asset's value is refunded to our institution (page 8, 27/08/1999).

With the turnaround produced by the legal opinion, the process returned to

13 | This is a bureaucratic technique that practically disappeared with the increasing replacement of paper processes by electronic ones. In the early 2000s, however, it was still common to use the back of a letter or another document to reply or forward it to another unit. From an imaginary line dividing the sheet vertically in half, the handwritten dispatches were made sequentially from the upper left corner. Once the left column was filled in, the dispatches could eventually continue in the right column (see figure 2). In the process described here, handwritten dispatches alternate with others typed in new sheets with the official letterhead. In any case, the dispatches are always followed by the signature and stamp (indicating the registration number and institutional position) of the author.

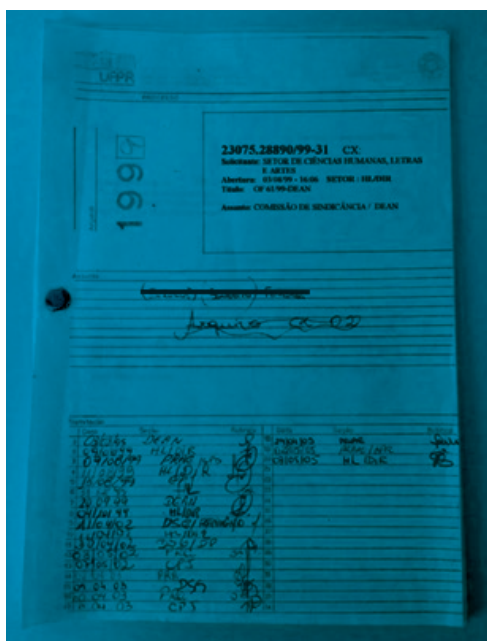


Figure 1: The file cover, recording the instances it went through.

14 | Current Dean of People Management.

15 | This perception was implicit in the message of the Disciplinary Procedures Manager, which already suggested the steps following the legal analysis: referral to the Department of General Services "for cancelling the coffee maker's registration number", and then return the process to the Dean of Human Resources "for registration in the PAD program [disciplinary administrative procedures]" that the application of sanctions had been ruled out by the report of the investigation committee and (as expected) the expert opinion of the Legal Office.

the director of the Human Sciences Institute, who sent it back to the Department of Anthropology “for acknowledgement and measures”. A few days later, the dossier was returned to the director with the addition of a two-page statement, unanimously approved in a department meeting, from which I highlight the following passage:

This Department cannot accept, in any capacity, that the coffee maker must be reimbursed by the server directly responsible (the Chief and/or the secretary), or that a Disciplinary Proceeding is initiated against these servants, whose zeal for the public property was amply evidenced in the efforts they made to inform the higher administrative instance, to comply with its recommendations and to facilitate the work of the Investigation Commission (pages 10-11, 10/04/1999).

The message did not only refer to the legal opinion. It also reaffirmed that the steps taken after the disappearance of the coffee maker had followed the recommendations of the director of the Human Sciences Institute, who had failed to alert about the need to communicate the fact to the Federal Police. Not least, the absence of guilt or negligence of the department's servants had been attested to by the investigating commission, whose report had been approved by the director. In short, the department underlined the responsibilities shared by the two bodies and, in doing so, called for “the proper outcome of this regrettable episode”.

The document produced its effects: in contrast to the accelerated pace of the first stages, from then on the process remained stagnant for two and a half years, that is, until the term of the then director was about to end.¹⁶ There is no formal record in the process of when or how it left the Human Sciences Institute. Instead, on the back of the document from the Department of Anthropology, there is a handwritten dispatch from the manager of the Property Registration Division of the Dean of Administration returning the file to the Human Sciences Institute's director “for pronouncement” (page 11, back, 11/04/02).

This intervention was not fortuitous. Whatever the circumstances, there must be no gaps in the course of an administrative process: every move from one instance to another must be formally registered and accompanied by precise information about the destination and purpose of that movement. In the case in question, what seems to have occurred is that the Director whose term of office expired, seeing herself obliged to put the process back into circulation, but without finding an alternative that would simultaneously meet the commitments with the Department and the recommendations of the Legal Office, chose to silence. Without any note or request, she sent the process (physically) to the Property Division with the implicit suggestion of canceling the coffee maker's property registration and archiving the dossier. This Division, however, was not willing to undertake the burden of an action that had not been formally required and that ignored the legal opinion expressed a few pages earlier in the file, though the disappearance of

¹⁶ | The Institute's direction is an elective position with a four-year term.

the coffee maker had already completed three years.

The Director's hesitation when receiving the process once again remained recorded in the file. Firstly she wrote by hand, also on the back of the page: "Aware. Agreeing with the departmental collegiate" – dated and signed (page 11, back, April 19, 2002). Soon after, she seems to have realized that this was not enough. If it was not possible to determine the archiving of the case without exposing herself to disciplinary proceedings, it was still necessary to put the file back in motion. Just below she added a handwritten order to resend the process to the Property Registration Division - which, of course, didn't want to receive it, but could neither refuse to do so nor return it to the origin. The division's manager then referred it to her hierarchical superior (the director of the Department of General Services), which did the same: forwarded the process to its own superior (the Dean of Administration), with the suggestion to send it once again to be analyzed by the Legal Office. After a long period without circulating, the process was now moving with an impetus equivalent to the previous stagnation: nothing substantial was added, no decision was made.

This unproductive speeding lost momentum with the return of the case to the Legal Office. Ten months passed without anything happening until the dossier was returned to the previous instance with a request to inform if contact had been made with the Federal Police (page 13, 03/07/03). This request and its response evince the peculiarity of bureaucratic expressions. The manager of the Department of General Services of the Dean of Administration, who received and returned the file through her superior, stated that "there is no mention in the records" that the Federal Police has been called. The same finding had obviously already been made by the Legal Office itself. It was, however, a matter of formally recording in the process the absence of communication to the police.

This small step was followed by another period of paralysis. Only sixteen months later, the attorney in charge of re-examining the case registered that, given the interval that had elapsed since the disappearance of the coffee maker – which had already completed five years –, it had become "negligible" to inform the police. However, there was no way to reconsider the first legal opinion, "since it was correct" (page 15,

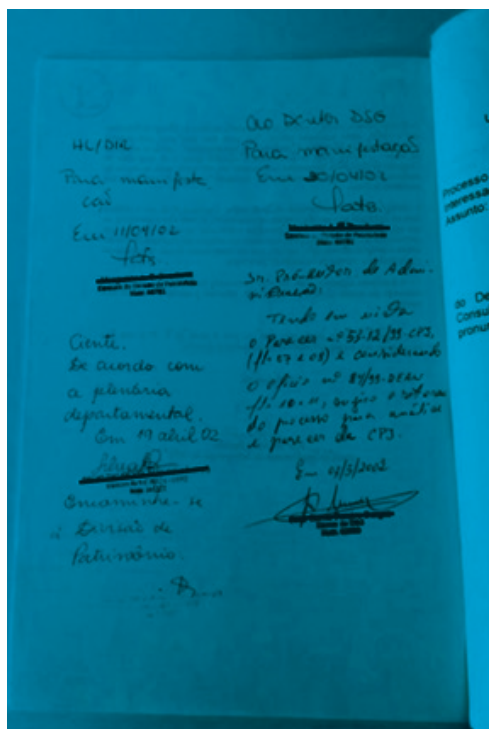


Figure 2
The fast succession of handwritten dispatches, without any decision.

02/09/04). Another eight months passed before the head of the Legal Office applied a standard "in agreement" stamp to the document and signed, an intervention which implied the accountability of the servers of the Department of Anthropology (page 15, 25/04/05). The process then went to the Dean of Human Resources, which assigned it to the Management of Disciplinary Procedures, where it had already been several years before. This division, however, did not proceed with the disciplinary and pecuniary accountability of the Department of Anthropology's servants. Instead, the file was returned to the Dean, with the suggestion that it be sent once more to the Human Sciences Institute "for acknowledgement and appropriate measures".

This time, measures were taken. A few days after receiving the process, the new director of the Institute (who had succeeded the person in charge when the case began) registered in the records that: a) the reform of the Department of Anthropology, suggested years before by the investigation commission, had been carried out; and b) the department's servants had bought with their own resources a coffee maker similar to the missing one. As there was no property damage to the institution, the disciplinary procedure had lost its purpose: the case could be closed and archived – which occurred in June 2005, six years after its initiation.

3. CONTAIN UNREASONABLE RATIONALITY, CONNECT DISPARATE REQUIREMENTS

The long and tortuous course of the disappeared coffee maker process seems inversely proportional to its intrinsic importance. To carry out the reflection proposed in this article, I highlight some aspects.

1. The factual domain, within the scope of the process, is limited and ceases to be questioned as soon as the investigation commission attests that: a) the coffee maker disappeared and b) the culprit is unknown. From this point on, it is mainly a question of qualifying what happened in the light of legal and institutional requirements. The horizon becomes the process itself, the conclusion of which depended on compliance with the provisions resulting from this normative framework.
2. At every step, the actors' concern with internal coherence (there can be no gaps) and regulatory adequacy (it is necessary to comply with the pertinent prescriptions and record this compliance) is evident. As long as this does not happen, the process must remain in motion. Not least, whenever the move fails to comply with any formal requirement, the next instance acts to correct the course taken improperly.
3. Upon following the prescribed path, the process moves, against the expectations of those involved in its processing, towards the opening of a disciplinary procedure against the Department servants. All (or almost all)¹⁷ seem to agree that the property loss is irrelevant and that there is no one to blame for the

coffee maker's disappearance, so it would be unfair to hold the servants responsible and tarnish their professional history. It should also be noted that, according to the copy of the patrimonial record attached at the end of the file, the coffee maker had already been in use for eleven years when it disappeared.

4. It took six years to complete and archive the case, during which the opening of disciplinary proceedings was carefully avoided. In this interval, long periods of stagnation alternate with moments of intense movement, with equivalent results: shelving the process or circulating it erratically between the same offices, without any substantive progress, is in fact the same thing.

Considering these points, it is possible to suggest, on the one hand, that the case reaffirms the high degree of autonomy of bureaucratic artifacts and their own rules. It is within the circumscribed and self-referenced scope of the process that the adequate articulation between a restricted set of factual information and the set of institutional and legal norms acquires its momentum. On the other hand, however, the processing simultaneously triggers a careful investment by all the actors involved to contain this autonomy and the resulting tendency of a blind movement towards results considered undesirable. It is precisely the mismatch between the process's own dynamics and the implicit evaluation of its effects that allows us to understand the duration, scope and rhythms of its processing. If within the process it is essential to certify that there is no property damage to the institution – and at no point this obligation is questioned –, it also seems certain that, outside it, the punishment of the Department's servants for the disappearance of an old coffee maker is perceived as disproportionate and unfair.

Additional ethnographic information highlights more thoroughly the laborious and complex – yet, as can be seen, always necessary – connection between these two dimensions. If what is coherent and reasonable within the process seems irrational and bizarre outside it, it is not possible to let it follow its impulse. It must be made to state something acceptable on its own terms and, at the same time, in the world outside it. As will be seen below, the closure of the case depended on elements that could not have been explicitly mentioned in the records, but which allowed for responding to these two orders of consideration at the same time.

First, although the acquisition of a new coffee maker made it possible to close the case, it took place independently of the proceedings, a few months after the good's disappearance and on the initiative of a professor who was not even present at the time. Taking the form of an act of generosity to colleagues, the purchase of the new coffee maker made it possible to reiterate, *within the department*, the conviction that the two servants identified in the process as potentially responsible should not bear the burden of the equipment's disappearance. Formalizing the replacement of the coffee maker *within the process*, however, would be tantamount to an admission

17 | Although ethnography cannot determine the subjective intentions of those involved, the only dissenting evaluation seems to have been that of the author of the first legal opinion on the case. It should be noted that when the process is returned to the Legal Office there are long intervals between the receipt of the records, the reanalysis of the case and the approval of the new opinion by the Chief Attorney. If the assessment has not changed, it is arguably due to the very presence in the process of the original opinion, which established limits for the subsequent argumentation.

of guilt.

This alternative, considered undignifying, remained out of question over the following years until a new fact came about, also independently of the process. By legal determination, all property belonging to a public institution is registered under the custody of a specific servant, who becomes officially responsible for it. Although no one realized this at the time, the coffee maker was not registered in the name of the then head of the department or the secretary, but in the name of the professor who was in charge when the coffee maker was purchased. This information only came to light when that professor had her request for retirement refused due to the pending issue regarding the coffee maker. The unexpected encounter between two very different administrative processes, which began to impose on each other, roughly coincided with the return of the coffee maker's process to the director's office of the Human Sciences Institute, after two years immobile at the Legal Office.

Only under these new circumstances, and after sufficient time had passed to alleviate the moral and affective implications of the case, it became possible for the new Director to formally attest the replacement of the coffee maker, allowing for the conclusion of the process. It was no longer an admission of guilt: on the contrary, to maintain the previous position under the new circumstances would mean to impose direct harm on a colleague. It should also be noted that the Department's reform was also not a result of the recommendations of the investigation commission, but of physical space needs arising in the following years and the circumstantial obtaining of the necessary resources.

For all formal purposes, however, the recommendations of the investigation commission had been met, and the property damage had finally been repaired, following the legal norms and the expert opinion of the Legal Office. If all other elements remained on the sidelines, it seems clear that the case was only concluded when it was possible to reconnect the world of the process and its exterior in a way compatible with the specific requirements of each of these dimensions.

3. FINAL CONSIDERATIONS: DISCRETION AND DISCERNMENT

The case of the missing coffee maker offers empirical support to the idea that bureaucratic artifacts are guided by provisions immanent to the specific domain to which they belong and, for this reason, can become opaque (if not absurd) when confronted with other dimensions of experience from which they tend to become autonomous. Why consume the efforts of so many people, for so long, to attest the compensation for property damage existing only within the scope of the administrative process itself, since an electric coffee maker with eleven years of use could rightly be discarded as useless? Only when one admits the relative autonomy of bureaucratic artifacts, resulting from the emptying of a referential link with what

is before or beyond them, it becomes possible to apprehend the rationality of cases like this. The heuristic value of this initial distinction between interior and exterior, however, lies precisely in the possibility of, in a second moment, better understand the interconnection between domains that have been analytically separated.

One of the most consistent results of the recent expansion of ethnographies carried out in public institutions has been to demonstrate that the actual functioning of bureaucracy is far from corresponding to the mechanical automatism suggested by the usual metaphor of the “state machine” (Mathur, 2017: 4) or by the Weberian characterization of the professional bureaucrat as “a cog in a mechanism that is always in motion, which determines a fixed path” (Weber, [1946] 1982: 265). As different studies reiterate, “actual bureaucrats in actual bureaucracies, just like people in all sorts of other settings, constantly make decisions, interact with others, exceed their own control” (Bernstein and Mertz, 2011: 7). However, it is simultaneously true that bureaucratic procedures involve a high degree of schematization and are always subject to the paradoxes of self-reference.

The case described here not only reminds us that bureaucracy is made up of people (Herzfeld, 1992: 157; Lea, 2012: 110), but that these people are perfectly aware that administrative processing can produce effects that, although congruent with the rules and procedures of the bureaucratic domain, can be irrational and undesirable outside it. For this reason, it is risky to allow a process to proceed automatically. If it is not possible to fully control its course and its effects, one must at least try to prevent them from being blatantly “stupid”.

My point is that the thoughtful and creative transposition of the distance between the schematism of formulas and the complexity of the situations they address is as constitutive of bureaucracy as its more bizarre expressions, whose anecdotal nonsense often results in violence and injustice. As we have seen, the process of the disappeared coffee maker was only completed when it became possible to simultaneously meet normative, moral and affective requirements, even though it was necessary to travel tortuous paths, alternating long waits with fast and apparently empty steps to accomplish this.

It would certainly be possible to frame the case simply as another example of corporatism¹⁸ in the public service. However, it is also possible to suggest that this analytical alternative would be analogous to bureaucratic practices circumscribed to “applying very simple preexisting templates to complex and often ambiguous situations” (Graeber, 2012: 119). It would imply neglecting the subtlety of the operations that, with the concurrence of different actors, situated in different institutional locations, contributed to containing the process’s impulses of autonomization, while fully complying with legal requirements and formal procedures. Beyond this specific case, the reflexive compliance with laws, regulations and formal attributions can itself become a prescription. This is, for example, one of the topics of the online course on “Ethics

¹⁸ | I use the term here in its current sense, without referring to specific developments in the academic debate around the concept of corporatism. For a more detailed discussion of classical and emergent approaches, see Viscardi (2018).

and Public Service” offered regularly by the National School of Public Administration (ENAP).¹⁹ According to the introductory text presenting the course, in which about two thousand federal civil servants participate in each edition, “the assumption of this initiative is that the excellence of professional practice is guaranteed not only by technical competence but also by the encouragement of moral discernment” (ENAP, 2014, Module 1: 5).

In the following lessons, the notion of discernment refers, in general terms, to the capacity of public servants to identify, in the exercise of their daily tasks, the courses of action more capable of complying with the imperative of legality without losing sight of the promotion of justice and collective benefits. In contrast to the “objective fulfillment of tasks [...] according to calculable rules and unrelated to people” (Weber, [1946] 1982: 250), discernment emerges as an indispensable antidote to the automatism of bureaucratic practices:

Of course, it is always necessary to strengthen institutions and comply with the law, but it cannot be denied that the improvement of the ethical discernment of servants plays a big role in qualifying the public service in our country (ENAP, 2014, Module 1: 17).²⁰

Although those responsible for preparing this material certainly did not have in mind a situation as prosaic as the disappearance of an electric coffee maker, it does not seem inappropriate to characterize the case described above as an example of discernment in bureaucratic practices. However, a fundamental difference must be pointed out.

In the didactic material of the ENAP’s course, discernment is conceived as an individual disposition to be perfected by the self-reflection of each public servant regarding the performance of their duties – which the proposed readings and exercises sought to stimulate. At least to some extent, this perspective is close to academic analyses that address the “dilemmas of the individual in public services”, as announced in the subtitle of the classic study by political scientist Michael Lipsky ([1980] 2010) on discretion in “street-level bureaucracy”. As a matter of fact, the thirty-year commemorative edition of its publication was translated into Portuguese in 2019 at the initiative of the National School of Public Administration.²¹

The expression “street-level” refers to servants who interact directly with citizens in the provision of public services: teachers, police officers, social workers and health professionals, among others. According to Lipsky’s analysis,²² the complexity of situations faced by these employees in their daily lives, aggravated by insufficient resources and imprecise or contradictory institutional guidelines, would make it impossible to carry out the work by applying standardized solutions. Rather, their activities required continual interpretation of norms and procedures. This environment of scarcity and uncertainty would not only allow

19 | As part of a research project focused on initiatives to train civil servants and standardize public service, I participated in the March 2016 edition of this course, whose teaching material dated back to previous years. In my last consultation on the ENAP’s website (enap.gov.br), in May 2020, registration was open for another offer of this course. The design of the handouts had been renewed, but the course content remained broadly the same.

20 | I note, in passing, the apparently interchangeable use in the course material of “moral discernment” (cf. the previous quote) and “ethical discernment”. Although it is not possible to expand this discussion here, the (im)possibility or (in)convenience of a strict distinction between moral and ethic has been a controversial topic in recent anthropological literature. For a discussion of different uses and definitions of these notions, see Keane (2016).

21 | In 2018, Lipsky had lectured at ENAP on the role of street-level bureaucracies in the implementation of public policies. An interview recorded on that occasion is available on the website of the institution (<https://www.enap.gov.br/index.php/pt/noticias/enap-interview-michael-lipsky-talks-about-the-role-of-street-level-bureaucracies>).

22 | Conducted in the United States, the study concerns the 1960s and 1970s, but it is possible to consider that the description remains valid to a large extent, especially with the deepening of neoliberal policies and the sharp devaluation of public service in the following decades.

street-level bureaucrats to act following their own perception of institutional goals but also in ways that contradict or subvert these goals (Lipsky, [1980] 2010: 163).

Lipsky's fundamental contribution was to demonstrate that discretion is a constitutive and inescapable ingredient of bureaucratic practices in public administration. However, his analysis takes on a sharp normative bias when describing the dissonances between formulation and execution of public policies as an opposition between the organizational objectives established by managers and the initiatives of employees from lower hierarchical levels, who would actively resist the implementation of mechanisms for evaluation of their performance to preserve their autonomy (Lipsky, [1980] 2010: 53).²³

As Hoag and Hull point out, recent ethnographies have expanded Lipsky's propositions by demonstrating, for example, that "bureaucrats require discretion in order to follow the rules because the rigidly executed rule could very possibly be 'wrong' (i.e., not in the spirit of the law) in certain contexts" (2017:12). However, despite the authors' firm refusal of an instrumental approach to the functioning of public service, the path proposed by them for future research is not that far from Lipsky's emphasis on the relative autonomy of individuals in the face of the demands of other individuals:

The question that flows from this insight about discretion concerns whether the "personal" interests or biases of bureaucrats intervene upon bureaucratic decisions. [...] Like scientists, they are expected to carry out their charge with objectivity and political neutrality. But it should be no surprise that bureaucrats have emotions and moral quandaries about who should get in. [...] In sum, bureaucrats are people and beyond revealing the inadequacy of their stereotypes, we should accept it as a basic premise (Hoag & Hull, 2017: 13).²⁴

Although it was not a question of serving the public, it was also thoughtful compliance with the rules that the servants involved in the process of the missing coffee maker were concerned with. There is also no doubt that their emotions and values were decisive for the case's outcome. However, in contrast both to the lessons of the ENAP's course and to the aforementioned academic analyses, the proceedings show that the ability to contain the undesirable effects of the automatism of norms and formulas is not, and could not be, an individual attribute. Bureaucratic discernment – a term that I consider more appropriate both because of its presence in the "inner world" of bureaucracy and because it avoids negative connotations of the notion of discretion – is, rather, a *collectively* produced and sustained quality.

23 | Although the emphasis on individual action is present in both cases, Lipsky's concern with control mechanisms differs from the perspective advocated in the course on "Ethics and Public Service", in which the employees autonomy, provided that it is exercised with "discernment", is described as a key ingredient for improving public service. In this regard, ENAP's initiative to translate Lipsky's study may express a recent shift in the way of conceiving the relationship between public administration and civil servants.

24 | In the transcription of this passage, I have omitted some excerpts and bibliographic references.

For this reason, it does not concern subjects, but *actions* that can only exist with the concurrence of different people, as well as documents, signatures, official statements, dispatches, stamps and other artifacts – as shown in figure 1 above, which reproduces the cover of the missing coffee maker's process and the instances it went through.

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