The Equitable Public Servant

Regulating Equal Employment Opportunities (EEO) in the New Zealand Public Service

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Equal Employment Opportunities (EEO) programmes can be seen as a struggle for the hearts and minds of public servants, a struggle to 'normalise' equality. They mean a move from organised *inequality* to organised *equality*. This re-organisation requires public servants of a new kind – 'equitable' bureaucrats who are re-quired to demonstrate a commitment to EEO principles in their work. Or at least to produce the appropriate rhetoric?

I draw on Michel Foucault's concept of 'normalisa-tion' to analyse the role of EEO practitioners in the New Zealand Public Service, based on interviews over the period 1993-1995.[1] I question the power relation-ships involved in using bureaucratic processes to nor-malise equality. Does this process mean that EEO prac-titioners have to become 'directors of conscience, mor-alists and pedagogues', in Foucault's words?[2] I think this discussion has implications for any attempt to pro-duce social change through bureaucratic processes, or through professional education and training.

EEO AS DISCIPLINARY PRACTICE

Foucault begins his book *Discipline and punish*[3] with a stunning and stomach-churning description of a public disembowelling – an example of old-style pre-modern disciplinary procedures. He argues that the 'discipline and punishment' of the modern West is based prima-rily on the government of the soul, rather than the physical restraint of the body. While there have tradi-tionally been religious 'directors of conscience, moral-ists and pedagogues', whose job it is to categorise, de-fine and then expunge incorrect practices, the way that the disciplining of incorrect practices is carried out has changed radically as new forms of 'governmentality' have emerged. The 'confessional' techniques once used by the church to create a self-disciplining process have now been appropriated in organisational processes, in 'the increasing organization of everything'.[4]

How might these ideas apply to EEO programmes? EEO is the 'increasing organisation of everything', in the form of a feminist and also a bureaucratic discourse. In putting 'the feminist case against bureaucracy' Kathy Ferguson calls bureaucracy 'the scientific organization of inequality'.[5] Feminist bureaucrats set out to replace the 'organisation of inequality' with 'the organisation of equality'. Perhaps through talking about issues of equality in the categories and language prescribed by bureaucracy, we are opening up equality as an issue to be controlled by bureaucratic processes, with unin-tended effects. For instance, by using confessional tech-niques in educational workshops and in interview pro-cedures, where public servants are invited to openly scrutinise themselves in terms of their attitudes to sex-ism, racism and equality, it may be that discussion of these issues becomes severely limited by the param-eters of bureaucratic discourse. Do we want bureau-crats to direct our consciences, to standardise what femi-nist or anti-racist attitudes or behaviour may be taken to mean? In a given workshop or interview setting, who has the authority to assess correct attitudes and practices?

Interview and workshop processes can be seen as a form of what Foucault calls 'discipline'. Foucault's idea of power is not of a repressive force, which holds down or back our 'real' selves, and suppresses the wishes and aspirations of individuals. Rather, it is *productive*: rela-tions of power *produce* certain types of individuals – the 'mad' person for instance, or the sexual pervert – or the public servant or the feminist. This 'disciplinary' power produces certain categories of selves ('subjects') through what Foucault calls the 'technologies of the self'. What kind of 'self' does an EEO programme produce?

I turn now to apply these questions to the EEO project in the New Zealand Public Service. First I intro-duce the EEO project, and then discuss Foucault's ideas of governmentality, normalisation and surveillance and consider how they describe some of the effects of this project.

EEO AS BUREAUCRATIC DISCOURSE

The project of EEO is to introduce 'equitable' practices into organisations, with a focus on employment prac-tices. EEO is an aspect of a much broader feminist equal-ity project, taking place both within and outside the state apparatus. It is the broader feminist discourse[6] that authorises EEO in crucial ways: it creates the power relationships which make EEO possible. I will narrow the discussion of EEO here by focusing on New Zea-land government departments, and I will use gender examples only.

Increasingly, a 'strategic human resource management (HRM)' perspective provides the context for EEO in government departments. Discourses of strategic HRM contain a number of assumptions characteristic of modern bureaucracies. A key one is the assumption that strategic action is intentional, carried out by rational subjects acting in the interests of efficiency and effectiveness … and equity?

By contrast, a Foucauldian approach would see public servants, not as rational free agents implementing strategic policy goals, but rather as subjects produced by bureaucratic discourses of rationality. In this particular set of power relations, at this point in history, we are created as subjects who *experience ourselves* as rational and goal-directed, and who value rationality and goal-direction in individuals and organisations above all else. We assume that increased rationality and goal-directedness in our culture and historical moment are a sign of 'progress'.
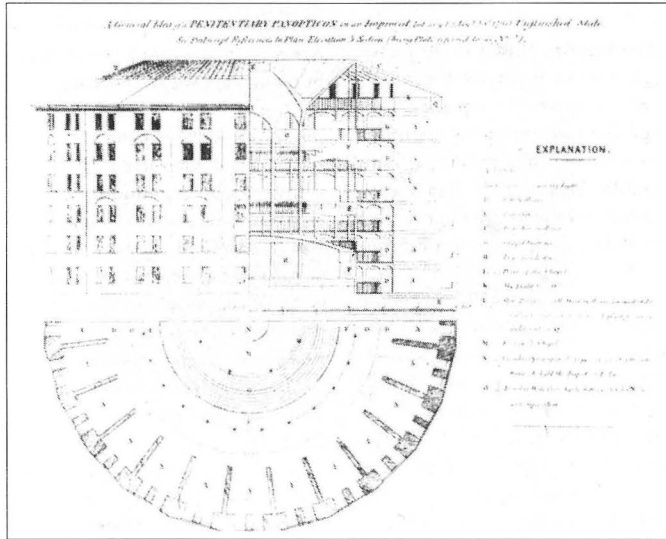
To put it another way, to become a member of an organisation you have to become a certain kind of person. As you become involved in the discourses of the organisation – its language, its practices, its rules, its power relations – in various ways you become a product of the organisation. 'You' are not separate from organisational discourses.

Foucault describes 'the increasing organization of everything' as 'governmentality' – the form of power which he sees as characteristic of the modern era. This 'governmentality' is the form of all organisational power, not just of the organisations that we think of as 'government'. Techniques or technologies of government are 'the only political issue' [7] of our era. These technologies are focused around 'apparatuses of security', around processes of normalisation and surveillance which I will discuss shortly.

This concept of 'governmentality' is also closely associated with a certain kind of professional subject – not necessarily a public servant, but including public servants. These professionals are experts in the technologies of governmentality. They derive their expertise from their positioning in various powerful discourses. In the case of EEO practitioners, it could be said that their positioning in the discourses of HRM is as much an aspect of their 'fusion', in Terry Johnson's words, with the strategies and technologies of governmentality, as is their positioning as bureaucrats in a government department.[8] Nikolas Rose has identified the importance of the authority that HRM derives from the psychological sciences, which have made possible 'new practices of regulation'.[9] Because psychology is seen as a 'scientific' discourse, it is seen as able to establish the 'truth' of human nature. It uses techniques of controlling individuals based on the powerful claims of science – rationality, control, prediction. The 'expertise' of EEO practitioners produces a certain kind of public servant in accordance with HRM practices – in this case, producing an 'equitable' public servant.

NORMALISATION AND SURVEILLANCE

'Normalisation' and 'surveillance', the technologies of governmentality, are basic to my analysis of how the equitable public servant is produced. 'Normalisation' is the disciplinary process by which norms are produced; it makes the rules about what is 'normal'. 'Surveillance' makes us want to be 'normal' – in other words, it makes us police ourselves as *self-regulating* subjects.

Foucault describes surveillance using the metaphor of the panopticon. The panopticon was a nineteenth-century device which was designed to allow prisoners to be possibly under surveillance all the time, or at any time – without knowing when they were being monitored. This 'panopticism' is like the social processes of surveillance. Conformity is more traditionally seen as a process of 'forcing' an individual to act a certain way, regardless of

Above: Jeremy Bentham's plan of the panopticon, used by Foucault in Discipline & punish *to represent surveillance in modern times. (Bentham, J. The works of Jeremy Bentham, ed. Bowring, vol. 1V, 1843, 172-3; cited in Foucault, M.* Discipline and punish: The birth of the prison. *London, Penguin, 1991, Fig 3.)*

his or her 'private' or 'inner' beliefs. From that point of view, external monitoring processes are essential to maintain the external force and ensure ongoing compliance. But Foucault's idea of panopticism does not make this distinction between 'inside' and 'outside'. Panopticism makes certain aspects of life visible, that is, open to surveillance. In order to make surveillance function *permanently and independently,* the technologies of surveillance must be able to create and sustain 'a power relation independent of the person who exercises it'. The objects of power then become 'caught up in a power situation of which they themselves are the bearers.'[10] We become *self-regulating* subjects.

Governmentality makes certain forms of governing activity 'thinkable and practicable both to its practitioners and to those upon whom it [is] practiced'.[11] It is interesting to consider how EEO has become both 'thinkable and practicable' in bureaucratic discourse. In order to do so it must be 'thinkable and practicable' in feminist discourse, as well as in bureaucratic terms. How does it mesh with the discourses of bureaucracy in terms of practices of normalisation and surveillance? What might be 'feminist' forms of normalisation and surveillance?

WHAT GENDER IS A PUBLIC SERVANT?

The kind of public servant produced by traditional public service discourses was masculine. In various ways, women were systematically excluded from senior positions in the public service. Those who made it were considered abnormal. If surveillance works by making certain behaviours or ideas visible, then we can see EEO programmes as a type of surveillance – one which makes visible the previously invisible technologies by which the masculine public servant was produced.
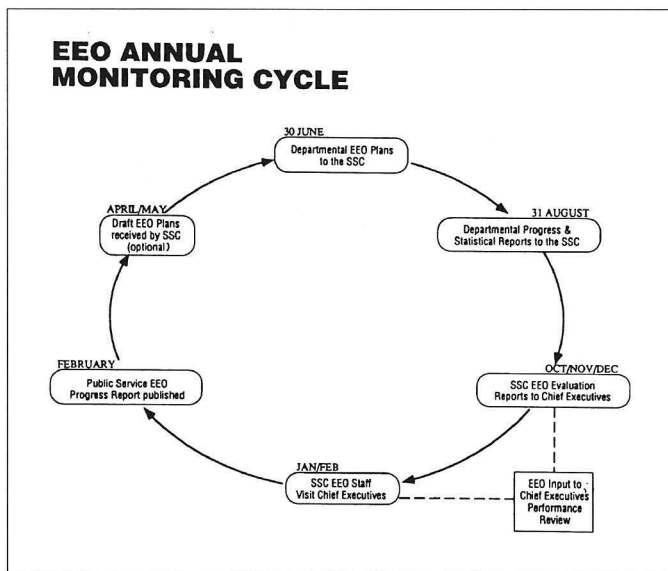
In other words, sexism works through describable processes of normalisation and surveillance, which made

Above: EEO Annual Monitoring Cycle. State Services Commission EEO Planning and Reporting Requirements – 1993.

EEO ANNUAL MONITORING CYCLE

30 JUNE
Departmental EEO Plans to the SSC

31 AUGUST
Departmental Progress & Statistical Reports to the SSC

OCT/NOV/DEC
SSC EEO Evaluation Reports to Chief Executives

EEO Input to Chief Executives Performance Review

JAN/FEB
SSC EEO Staff Visit Chief Executives

FEBRUARY
Public Service EEO Progress Report published

APRIL/MAY
Draft EEO Plans received by SSC (optional)

the exclusion of women both 'thinkable and practicable'. The discourses of EEO name such processes in terms of 'discrimination', and point out the technologies of discrimination in situations such as recruitment, training, and promotion processes, exclusionary language, harassment, and leave policies.

To develop an example a little: in the recruitment interview, the gendered natures of both interviewer and interviewee are made highly visible by EEO discourses. The gender of the interview panel, of the candidates and of the eventual appointee have been opened to surveillance in terms of statistical aggregation and other review processes. EEO turns a f e m i n i s t panopticon on the bureaucracy.

Paradoxically, this process of making gender difference highly visible is linked with a rhetoric of 'merit'. 'Merit', which is intended to be gender-neutral, completely replaces gender as a criterion for appointment. From a 'merit' perspective, gender difference is made visible in order to be eliminated as a factor in appointments. So gender difference becomes both more and less important.

Two types of surveillance are going on in such an interview:[12]

1. The interview process itself is surveyed for traces of gender difference which must be somehow cleansed so that 'merit' applies without the traces of sexism. Statistical technologies are used to measure the relationship between candidate and appointee gender, to ensure the absence of discrimination.

2. The interview subjects are surveyed in a kind of confessional process to ensure that they are the type of 'equitable' public servant required. Subjects are required to 'demonstrate a commitment' to 'equal employment opportunities principles', for instance.

Foucault's thesis was that 'the key to the technology of the self is the belief that one can, with the help of experts, tell the truth about oneself'.[13] Foucault argued that the self is not *revealed* – as the interview design intends – but is *produced* by the technologies of the confessional. In other words, confessional techniques make us self-regu-

lating – we 'police' ourselves. We interrogate ourselves according to the discourses we are positioned in. For instance: Are we efficient enough? emotionally healthy enough? thin enough? masculine or feminine enough? adequately committed to equality or biculturalism? (We also of course inevitably resist these discourses to some extent, and experience conflict between them).

It is traditional in public service discourse that the public servant administers government policy regardless of his or her own political beliefs. Thus EEO practitioners can say of resistant public servants 'I don't care what they think any more, I just want them to have to behave a certain way'. Feminists tend to be sceptical of the value of ethically-based appeals to already empowered male public servants, and turn instead to 'carrot and stick' approaches to implement EEO programmes, based on the concept of rational self-interest.

EEO discourse produces a category of deviance – of abnormality – characterised as 'inequitable' attitudes. This category replaces femininity as a deviant quality in public servants. This replacement involves making sexist or 'inequitable' discourse visible, and then deviant. This is an attempt to replace one regime of truth by another, and to produce a new kind of subject; the inequitable masculine public servant is replaced by the gender-neutral and equitable public servant. Feminists seize the bureaucratic panopticon.

Are there differences between EEO and traditional (sexist) bureaucratic discourses in the way they work to produce a certain kind of public servant? Foucault's idea of resistance was that it takes place always and only within a specific existing discursive context – a process of coun-ter-manoeuvring. Such counter-manoeuvring can be seen in the processes of surveillance through which EEO produces the equitable public servant. Surveillance means one-way observation: the one being surveyed does not get to look back equally. For instance, applied to an interview situation, we can see that the person being interviewed must open himself up to the surveillance of the interviewers. Reciprocity is usually strictly limited.

EEO can be seen as a counter-discourse, one which resists the sexism of traditional bureaucracy by seizing and mirroring its technologies.

THE FEMINIST PANOPTICON

Most EEO practitioners see themselves as working within a feminist model of empowerment of the disempowered, as well as within the discourses of bureaucracy. While they are frequently aware of the contradictions between these discursive positions in terms of gender issues, they are perhaps less aware of the ways they reinforce each other. Do they see themselves as 'the directors of conscience', extending administrative control through a counter-discourse which works through the state apparatus? For instance, I might argue that feminist discourse produces a certain kind of 'empowered' female public servant, who has learned the discursive rules of feminism – the language, the practices, the said and unsaid. She can be seen as *produced* – rather than freed – by the discourses of EEO, just as the (male) 'equitable' public servant is *produced* by the discourses of EEO.

Above: EEO Goal 1. EEO Management Plan, 1 July 1993 to 30 June 1994. *Wellington, Department of Inland Revenue, 1993, p9.*

Goal 1
EEO principles are incorporated into the Department's management philosophy, its structure, and its operational systems.

Performance Standards —— —— *Performance Indicators* ...

RESPONSIBILITY: REGION DISTRICT CENTRE DIRECTORATE
Responsibility: Deputy Commissioners, Regional Controllers, Directors, District Commissioners, Controllers, Inspector, Audit Centre Managers, Regional Managers, Child Support

Objective: To incorporate EEO provisions into the structure and operational systems of the Department.

1.1	Develop directorate/district office/programme/ centre EEO objectives - for 1993/94 by 30 November 1993 - for 1994/95 by 30 June 1994.	• Objectives are developed using guidelines and feedback produced by the EEO Unit. • Objectives are implemented and monitored.

Objective: To provide information, support and training to employees to increase their knowledge and understanding of EEO.

1.2	Provide induction in the Department's EEO policies and practices to all new employees.	• **All** new employees are introduced to the Department's EEO induction material - within one month of commencing work. • **All** new employees are introduced to EEO Liaison Officers - within one month of commencing work.
1.3	Provide EEO training to all permanent employees.	• All new managers, supervisors, EEO personnel, PSA delegates, Maori Community Officers and EAP Officers have completed the Sexual Harassment Awareness Course for managers - within six months of assuming role. • All staff have completed the Sexual Harassment Awareness Course for staff by - 30 June 1994. • All managers and supervisors have participated in the EEO Discussion Workshop - by December 1994.
1.4	Provide cultural awareness training to all permanent employees.*	• All managers, supervisors, EEO personnel, PSA delegates, EAP and training officers, and 50% of staff in external programmes have completed the Cultural Awareness Training - by 30 June 1994.

* *See Note on page 8.*

A regulatory approach to dealing with issues of gender inevitably fixes what gender is and means, inevitably speaks and is silent about some experiences of gender and not others. This regulatory approach creates effects that are paradoxical in terms of an empowerment agenda. For instance, EEO practitioners have long struggled with the problem of women who resist EEO, whether for cultural or other reasons, feeling that it does not meet their needs. Does the regulation of EEO exclude these women and their concerns?

Another key question: is the equitable public servant produced as gendered or neutral? Is the public servant to be the traditional neutral instrument of the state, whose approach to gender has no reference to whether he/she is a man or a woman? This approach makes a nonsense of any concept of gender as a way of thinking about power differences. Perhaps it is more effective to expose the fiction of the 'neutral' public servant and instead be open to the possibility of creating an ethic based on recognising that neutrality is unsustainable? To question neutrality would also be to question the 'rationality' model of organisational life.

If we stay with the concept of a gender-differentiated public servant with 'different' needs and abilities, we may simply re-introduce prescriptions for gender difference. Women managers are expected to be more nurturing, or family-oriented, or it may be assumed that all women share the same occupational issues.

There also seems to me to be a problem in terms of how to address the resistance of many public servants to EEO discourses. We cannot assume that resistance to EEO discourse is necessarily resistance to equality. For instance, cultural differences account for some resistance to EEO. Perhaps the discourses of EEO limit the type of discussions of inequality that can take place in the public service. The role of EEO practitioners as 'directors of conscience, moralists and pedagogues' is fraught with perils. Do feminists want to be 'directors of conscience' of other women, for instance? 'Normalisation' of equality inevitably both creates openings for some people and closes them for others. Continuing reflection on the process of normalisation can help us consider what the political effects are in given situations. The process of 'surveillance' can be read positively as an ongoing concern with accountability. This means asking: who is accountable to whom? Read negatively, it can mean a limited and mechanistic approach to power issues, one that limits possibilities for change by prescribing too narrowly what changes must occur and how they must occur.

The success of feminists in turning the lens of the panopticon upon bureaucratic procedures and subjects is, on reflection, quite extraordinary. Does it matter politically that they use the same normalisation and surveillance processes as traditional bureaucrats – but with a twist?

NOTES

1 I interviewed 26 EEO practitioners about their work in this period, also drawing widely on published and unpublished reports on EEO in the New Zealand Public Service.

2 Foucault, M. *The History of Sexuality: Introduction Vol. 1.* London, Penguin, 1990, p128.

3 Foucault, M. *Discipline and punish: The birth of the prison.* London, Penguin, 1991.

4 Ferguson, K. *The Feminist Case Against Bureaucracy.* Philadelphia, PA, Temple University Press, 1984. Pp xii-xiii.

5 Ferguson, p7.

6 For a discussion of EEO in relation to feminist discourses, see Sayers, J. 'Making the Connections: an analysis of Equal Employment Opportunity Theory' in *The Vision and the Reality: Equal Employment Opportunities in the New Zealand Workplace* ed. by J. Sayers & M. Tremaine. Palmerston North, Dunmore Press, 1994. For a more general discussion of liberalism and feminist equality theory, see Grimshaw, J. *Feminist philosophers: Women's Perspectives on Philosophical Traditions.* Brighton, Sussex, Wheatsheaf Books, 1986.

7 Foucault, M. 'Governmentality' in *The Foucault Effect: Studies in Governmentality* ed. by G. Burchell et al. London, Harvester/Wheatsheaf, 1991, p103.

8 Johnson, T. 'Expertise and the state' in *Foucault's New Domains* ed. by M. Game and T. Johnson. London: Routledge, 1993, pp143-144.

9 Rose, N. 'Calculable Minds and Manageable Individuals'. *History of the Human Sciences.* Vol. 1, no. 2, 1988, p185.

10 Foucault, M. *Discipline and Punish: the Birth of the Prison.* London: Penguin, 1991, p201.

11 C. Gordon. 'Government Rationality: An Introduction' in *The Foucault Effect: Studies in Governmentality* ed. by G. Burchell et al. London, Harvester/Wheatsheaf, 1991, p3.

12 See for instance State Services Commission. *Selection: A Guide to Hiring Practices in the State Sector.* Wellington, State Services Commission, 1989.

13 H. L. Dreyfus and P. Rabinow. *Michel Foucault: Beyond Structuralism and Hermeneutics.* 2nd ed. Chicago, University of Chicago Press, 1983. p175.