

## Chapter 8

# Responsibility vs. Dissociation



A fourth dilemma with which public officials are confronted in the process of deciding upon asylum claims is responsibility versus dissociation. This dilemma is related to the structural tension of the human versus the faceless case, which was discussed in the previous chapter, and can be regarded as a translation of that dilemma with a focus on the moral (individual) and ethical (societal) aspects of decision makers' work. This chapter explores caseworkers' practices of balancing these two poles when processing asylum claims. Similar to the previous chapters, it will become clear how these practices are strongly related to the organizational working conditions at the FAO. Thus, the mutual influence and reproduction of structure and agency will be highlighted.

Essentially, the tension exists between decision makers, who bear great responsibility since they decide upon the future lives of others, and the Asylum Office, which is a bureaucratic institution where work instructions must be executed. However, decision makers do not act as machines but constitute themselves as responsible beings in practices of engaging with the other. Thomas, for example, explains that he feels "challenged to show commitment and to do it [the work] conscientiously ... it's not that you just work like a computer or in a gherkin factory or so." This chapter explores the different strategies caseworkers develop in dealing with responsibility and coping with the burdens of their everyday work. Officials have to find a balance between the two extremes of too much distance and too much proximity (Weller 2002). In the French welfare offices, Dubois (2010) also observed agents' practices of balancing between self-withdrawal and personal involvement in dealing with the misery they face. Considering Parsons' (1951) orientation alternatives, officials need to decide between a collective orientation, which follows general interests and is oriented toward the common good, and self-orientation, which follows officials' own interests. However, in addition to the interests of the society

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and the individual official, the interests of the organization must be considered. It is vital to consider the context of social action. If individual responsibility is to be evaluated, human agents and their actions need to be examined in the context of the organization within which they function, that is, as individuals acting as agents of organized power relationships (Sjoberg et al. 2001). The investigation of the dilemma of responsibility versus dissociation will lead to a discussion of the topic of ethics in public administration and in the specific context of administering asylum.

## 8.1 The Responsibility of the Individual in Everyday Work

The structuration of work at the FAO places an emphasis on individualism. Caseworkers do not work in teams; instead, they perceive themselves as “lone fighters” (Veronika).<sup>1</sup> This is also expressed in the lack of a common goal, as discussed above. Officials are individually responsible for each “case” and for the decision they make regarding an asylum claim. “You have your file and for that, you’re responsible” (Veronika). This fact can be expressed in a “possessive” manner, as illustrated in one of the asylum interviews analyzed above in which the caseworker refers to the claimant as “my Tunisian” (o.i. 3). Sabine mentions that “a Chechen of [my colleague] Roland stabbed my Afghan to death.” The identification with a processed asylum claim also implies that annulments of decisions through the second instance can have a personal dimension. Referring to the annulment of a decision she had made, Veronika complains, “They [the judges] annulled me.” In addition, the importance of caseworkers’ individual attitudes, approaches and strategies was highlighted above. These observations emphasize the ambiguity of the process of individualization and decollectivization as a characteristic of the modern organization of work (Castel 2003). In the German immigration offices, Eule (2014) also found that caseworkers are largely left on their own in managing difficult tasks due to a lack of structural responses; officials compensate this deficit through mutual exchange.

Time and productivity pressures as well as other challenges of everyday work, such as psychological challenges due to the difficult topic and tasks, could theoretically be ameliorated by teamwork. “Team spirit is important in order to be able to cope with the difficult task fields. Even if caseworkers make decisions on their own, the cooperation of staff is at the center” (Pretterebner 2009, own translation). Although the preceding is a description of work at the FAO in the magazine of the Interior Ministry, in fact, teamwork does not take place in officials’ everyday work. “I’m a team player ... and here [at the FAO], you’re a lone fighter; you’re not a team,” Veronika notes. The only teamwork she can imagine is between her and her assistant; but she eventually concludes that that relationship is not a team because she is a superior as opposed to a team where “all [members] are equal.” At the FAO,

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<sup>1</sup> Since team leaders were introduced with the organizational reform in 2014, after this study was conducted, it would be interesting to explore how practices have changed since then.

the idea of teamwork fails already at the very beginning, namely, in the definition of a common goal among officials. “A common goal,” Gabi says, “I couldn’t imagine anything really; now, what that could be” other than “settling the files quickly?” Veronika asks a counter question, “What did you think of as a common goal?” The fact that neither teamwork nor a common goal is a reality at the FAO is also highlighted by Sabine, “Well, common goal, I mean we do have the instructions from the headquarters.” As Downs (1967) noted in his seminal work on bureaucracy, individuals in large organizations build coalitions instead of teams since members do not have identical goals. Nevertheless, they have certain goals in common that lead to “biased behavior” (Downs 1967:76), such as how certain asylum “cases” will be decided.

While most interviewed caseworkers seem to perceive themselves as “lone fighters” (Veronika), there is still exchange and support among colleagues. “One talks with colleagues about cases ... who has decided how; but it’s not team work because one doesn’t work on a case together ... For different topics ... one asks different persons,” Thomas explains. Colleagues are consulted for their opinions, especially in the context of decision making, but beyond that, the possibility to discuss problems of everyday work among colleagues seems to be crucial since there is no institutionalized form of support in this regard, such as supervision. Instead, “we’re all the psychiatrist of the other,” Gabi notes. Sabine, who explains that before she started working here there was supervision or something similar that no longer exists, thinks that supervision provided by the organization “surely wouldn’t be bad.” In an observed interview with an asylum claimant, she explicitly mentions the psychological burden to which she finds herself exposed. “We who are not on the spot also have to cope with this psychologically. We don’t have psychological care; we have to pay the psychologist ourselves,” she says to the asylum claimant in a confrontation (o.i. 6). She says very clearly that everyday work is also accompanied by challenges for which she is not necessarily prepared. Veronika also senses a certain danger in her job. “I’m one who racks her brain about many more things ... because I just don’t want to lose sight of the human aspect ... and I don’t want to become someone who says, ‘Damn asylum seekers;’ I just don’t want to.” The official’s deliberations on the dangers of stopping to see the human in an asylum claimant illustrate that the job does confront the caseworkers with psychological challenges. Stephan is not certain but believes that nothing similar to supervision exists and feels that he does not need it. The caseworker mentions that there was a plan to introduce a burnout commissary from within the ranks of the FAO. While the plan was not realized, he finds that if this were to be realized, “we’d need a [professional] psychologist.” As the official notes, this would have meant an additional burden for the person concerned: “To bear the psycho terror of the others in addition to one’s own – no.” However, his statement about the “psycho terror” one must bear as an official makes it clear that there would be a potential need for competent and professional support. Since there is a lack of institutional offers, officials are largely on their own when coping with problems of everyday work. Although there is a general unit for psychological support at the Interior Ministry, specialized support opportunities for decision-making officials in the asylum procedure could allow them to be better prepared to deal with delicate situations in everyday work.

Caseworkers are not only responsible for processing an application from an administrative perspective; with their decision, they also influence the future life of the person concerned. Aware of her position, Veronika finds that her responsibility as decision maker is “enormous.” “I, by myself, decide now whether he receives asylum or not; that’s actually madness, right? So, I don’t decide if he has to pay 300€ or 130€ because he jumped a red light, but I decide upon his future life.” Veronika, who says that she would not be able to do her work if it were not for the appellate Asylum Court, is overwhelmed by the weightiness of her decisions concerning the future lives of others. This example illustrates the difficulty of dealing with the responsibility of decision making in morally and ethically complex situations.

In addition to the administrative task of processing asylum claims and the eventual decision, another aspect relevant to the responsibilities of caseworkers’ everyday work is the way asylum claimants are treated through the procedure and especially in the bureaucratic encounter. According to Tyler (2003), procedural justice, that is, fair and respectful treatment following the rules, plays a greater role for individuals than obtaining outcomes that can be regarded as fair or favorable to themselves. Therefore, for a legal procedure to be perceived as fair, the quality of treatment in face-to-face encounters is at least as important as the actual outcome. “Above and beyond the quality of the procedures used in the resolution of their problem, people value being treated with dignity and having their rights acknowledged” (Tyler 2003:299). Meeting asylum claimants with respect and recognition, particularly in the interview, can thus contribute to procedural justice in the asylum procedure. The way in which claimants are treated and whether they feel that their concerns are taken seriously can be relevant to their experienced fairness. Hence, these questions also concern officials’ responsibility and room for maneuver and the use they make of that leeway.

As we have seen, the way in which a caseworker meets the claimant – whether she attaches importance to the interview atmosphere and to the creation of a certain degree of trust – depends on the specific caseworker. “A human addition” (Thomas) to the bureaucratic encounter can be understood as a voluntary additional effort. In this bureaucratic logic, “dry,” run-of-the-mill interviews are perceived to be more conducive to the organization’s output orientation. An official mentions a colleague who “is luckily gone” because he “used to scream; he thought he had to play Rambo in here” (o. 0428). Attempts at intimidation such as the reported one – and its condemnation – illustrate that officials pursue different practices in everyday work. As a tool for demonstrating superiority, intimidation is fatal to interactions in the bureaucratic encounter, where the power relation is already inherently asymmetric, since it destroys any basis for sensible conversation. Although it is questionable whether an interaction “from human to human” is possible, recognizing and respecting “the other” is a fundamental basis not only for interaction but also for procedural justice. Respectful treatment is also related to creating an acceptable atmosphere in the asylum interview.

## 8.2 Emotions in the Job

Bureaucracy has long focused on rationality and efficacy, but the emotional aspect of administrative activities is often neglected despite the fact that “emotions in management and the management of emotions play a significant role in the outcomes of public administration personnel” (Vigoda-Gador and Meisler 2010:72). Nevertheless, in contrast to Weber’s (1978:225) ideal bureaucrat, who works “without hatred or passion, and hence without affection or enthusiasm,” some researchers have explored the emotional work of officials (Guy et al. 2010; Penz et al. 2017), including in the field of immigration and asylum (Graham 2002; Hall 2010; Eggebø 2012). Decision makers in the asylum procedure face ethically difficult situations and moral conflicts in everyday work that can be reinforced by a lack of time and resources. As discussed above, there is structural tension between a focus on the individual human being, on the one hand, and the faceless case, the number, on the other hand. This study illustrates that emotions are closely connected to morality, including in the bureaucratic context. According to Nussbaum (1998), philosophers agree that emotions such as anger, fear or compassion can pose problems for morality in different ways: “by impeding judgment, by making attention uneven and partial, by making the person unstable and excessively needy, by suggesting immoral projects and goals.”

Thomas explains that he “had great difficulties in the beginning to single out just the facts and leave out the emotions.” Thus, “certain situations ... cost [him] a lot of energy in the beginning when [he] was not yet able to distance [himself]” The caseworker remembers well “the first case that made [him] feel low emotionally; the only one until now.” He thinks that he was “close to being biased because on a human level, [he] didn’t show the asylum claimant the respect anymore that [he] normally show[s].” The official explains that he was so unsympathetic toward the claimant because of what the claimant had reported about his past behavior that the official was no longer able to look at the claim unemotionally. “He nettled me so much,” the official remembers. Another negative experience is Sabine’s report of a situation in which she felt threatened by a claimant who went wild in the interview because she had told him that the decision would be negative. She remembers that the claimant suddenly started rummaging around in his backpack, which caused her to panic because she was afraid of what he was going to pull out. In the end, the claimant was taken away, but the caseworker was so scared that she did not dare sign the decision notification. By contrast, some other caseworkers talk about certain asylum claimants with positive emotions. Gabi, for instance, remembers a father with three children, two of whom had cancer. With her decision, she “really had the feeling somehow [to have] given them a new life or the possibility to even grow older.” The official explains that every time she passes the hospital where the children were treated, she automatically thinks of the family. “Somehow, I have also taken them into my heart,” the caseworker concludes.

These accounts of dislike, anger, fear, pride and satisfaction make the ideal of impersonality appear to be a bureaucratic myth. In the asylum procedure, which

usually concerns people in miserable situations, pity is another emotion that tends to be evoked – sometimes by decision makers. Some officials feel pity for certain asylum claimants, especially if they are very sick or if children are involved. For Roland, for example, “the only thing that’s emotional is when children are involved.” He remembers a claimant who “really didn’t have a reason for flight” but “whose dad was obviously an alcoholic and kicked him out,” and the claimant started crying in the interview. “I felt sorry for him,” the official states while at the same time explaining that nevertheless, he had to “decide according to the law.” He explains that he cannot grant asylum to a person only because he feels sorry for her or him. Thomas reports that he developed a certain protective instinct for a young woman, “the first woman [claimant he] had.” It was at the beginning of his career, and he felt sorry for her, but he emphasizes that his sympathy “definitely doesn’t play a role in the decision.” The mismatch between emotions such as pity and the reality of the legal framework is also highlighted by Veronika. “Where I vicariously suffer very much, it’s really nothing related to the Geneva Convention, but it’s interpersonal fates.” The caseworker remembers “a mother with such a profoundly disabled boy” who received the diagnosis that he would die within 1 year.

Some [colleagues] sneer at you when you sympathize with such people. But it’s not in the sense that it puts a strain on me. Just in the moment, it burdens you, yes, I maybe talk about it at home. But actually, you get more satisfied [with your own life] through these experiences (Veronika).

The caseworker explains that she felt bad for the claimant, adding that certain colleagues have different attitudes and take a more distanced stance. She thinks that “it’s not bad, you know. I’d also wish for a certain superficiality; you’re just better off.” Veronika refers to the fact that superficiality in the job is a form of dissociation, which makes the dilemmas of everyday work less complicated and more bearable. However, she also finds a benefit for herself by comparing her life to that of the claimant, which allows her to relativize her own problems. However, the problem with pity is that the purpose of asylum is to protect individuals from serious harm and not to select morally desirable individuals for membership in our society (Souter 2011). The finding that an official’s individual approach to the job can make a difference in several aspects was discussed above; the following quotation shows that this is also true regarding the emotional and moral aspects of their work. As Dubois (2010:101) notes, “[F]irst-hand experience brings suffering to the agents who – unlike social workers – have not looked for it and to which they have not been well prepared.” Gabi explains that decision makers’ attitudes are also related to how they cope with their work emotionally.

It depends how you go about it. It [the job] can be very demanding if you embark on the whole thing. But if it all doesn’t matter to you, then not. Because then you turn a deaf ear to it, do your interviews, I don’t know, make all [claims] negative and think, “the Asylum Court can solve it.” Then you can distance yourself very much. If you do your work conscientiously, then it can also affect you deeply (Gabi).

Vigoda-Gador and Meisler (2010) argue that emotionally intelligent public officials understand and problem-solve situations that are important for their clients as

well as for governments' policy issues. Such public officials' abilities include understanding emotions and the emotional meanings of others (clients, employees, etc.) as well as using emotion in reason-based decisions and policymaking (ibid:75). "Whereas the mind and the heart may frequently conflict in aspirations, ambitions, analysis, and interpretations, both exist in the daily actions of government and governmental agencies at any level – federal, state, or local" (ibid:74). Referring to judgment in the context of the asylum procedure, Morris (2010:139) stresses that a final judgment can be "based less on the application of formal rules than on reflection over the lived experience of a vulnerable group." She also argues that evidence cannot resolve a paradigm disagreement (generating differing evidential requirements), but "it can offer an aid to reflexive judgement through access to the human experience at issues" (ibid:105–106). The reflection on claimants' experiences – or its lack – seems to be exactly what produces many of the abovementioned emotions.

Focusing on organizations in general, Ortmann (2010:231) emphasizes that in interactions, both personal and societal structures are (re)produced, including specific dispositions and action concepts. Since these dispositions are also emotional dispositions and since action and related concepts are also guided by emotions, it becomes evident that recursions of interaction and emotional disposition can lead to the organized generation of specific emotions. In the negative case, emotional indifference could be the result of "organizational anaesthetization" (ibid:232). Although the findings suggest that the primacy of rationality and impersonality in public administration is more ideal-typical than lived social practice, it still seems important to explicitly acknowledge the affective aspects of decision makers' work and to work toward preventing emotional indifference in the bureaucratic asylum procedure.

### 8.3 Coping with Responsibility: Practices of Dissociation

The fact that caseworkers are alone in dealing with this and the other dilemmas is also mirrored in their practices of coping with these dilemmas. As a way of dealing with responsibility in deciding whether to grant international protection, dissociation in its different forms has a protective function for officials. The ability to "consciously distance oneself" emotionally from the work is regarded as a useful skill (Thomas). When Thomas was new to the job, he could not understand his colleagues' behavior; he explains, "How colleagues can simply switch off ... just do the interview and type the decision notification and have a ball with colleagues on the side, I didn't understand that." However, after 2 years of socialization on the job, he became accustomed to it and adopted a similar attitude: "in the meantime, I also see that I can distance myself; it becomes a routine." Dissociation has several functions and can, for example, allow for the creation of distance and room for reflection, which can help decision makers gain a more "neutral" standpoint, as Gabi explains. As mentioned above, she gains this perspective by deliberately not writing



the decision notification directly after the interview; instead, she lets the case sit for 1 or 2 days before looking at it again. Dissociation can also be applied when an official feels personally attacked by something the claimant said or when it is obvious to the caseworker that the claimant is lying to her. In this respect, Roland explains that it does not bother him if asylum claimants lie to him, but it bothers him if the person does not respond to his questions. By making a ridiculous comparison, he also trivializes the issues at stake.

I don't care, he can lie to me, he can stand on his head, that all doesn't bother me. Because others, they take that personally, right? I don't care. He can tell me something, he can do what he wants, right? The only thing I don't like is when I ask what color this cup is and he tells me what he had for dinner last night (Roland).

The findings suggest that dissociation not only involves developing a superficial approach but also can occur through the delegation of responsibility, practices of trivialization, and the separation of work and private life. Officials tend to delegate responsibility to a "higher" level, such as to politics, the law, the management, or the Asylum Court. Thomas, for example, thinks that he can hand over "moral responsibility," which he cannot take on himself, to the given provisions. Veronika also sees herself as someone who does nothing more than apply provisions to cases: "the legal basis in Austria is just like that ... and if politics, let's say, decides that we are to apply ... article 3 ECHR for dialysis patients too, then I will apply it." While difficult cases sometimes bothered her in the beginning, this is no longer the case since she hands off responsibility for the present situation to "politics ... laws ... regulations," thereby distancing herself from an emotional burden. She emphasizes that "you always have to think the last instance is the Asylum Court. So, with that, you can live well." By delegating the responsibility for the final decision to the court, she feels that she no longer has to worry about her decisions and their impacts on asylum claimants. With regard to the Asylum Court, Veronika perceives herself and her colleagues to be "the small Indians [who] do the ground work," whereas "the people up there [at the court] really orient themselves toward the world view" and make "farsighted decisions." The Asylum Court represents a "control instance" that, according to the official, has "a completely different responsibility" compared to the first instance. Impersonalization, discussed above, represents another practice for gaining distance, such as when she says to a claimant, "I am the authority." With this statement, she distances herself from being an individual who decides the claim; instead, she delegates responsibility to the institution.

Public administrators, like other people, are often more comfortable when someone else decides what is right and wrong, thereby allowing them to surrender personal responsibility. It is much easier to blame others when anything goes wrong "than to assume personal responsibility for one's own actions, policies, decisions" (Sheeran 1993:149). According to Ortmann (2010), organizations implement a moral division of labor by dissecting and distributing responsibility. This capacity for dispersion increases with a number of factors, such as the need for self-appeasement in case of cognitive-moral dissonance ("scruples"), the creation of everyday theories and chains of legitimation, or the mutual mimetic reassurance of



the correctness and acceptability of one's own actions. Additionally, by means of a moral division of labor and systemic constraints, one's own contribution appears insignificant and negligible in relation to the organization's overall "product" (Ortmann 2010:108ff). Organizations disperse and absorb responsibility; those responsible are not locatable, and the trace of responsibility tends to disappear, often by referring to higher instances. At the same time, organizations produce moral indifference and numb feelings of responsibility (ibid:111f). Responsibility is typically shifted in organizations; that is, it is denied and transferred to someone else. One person may not know what another one does, but responsibility is disclaimed because someone claims not to have the necessary competence or resources – it is "the other" person who has them (ibid:131). The impersonal completion of tasks, the execution of bureaucratic decisions aiming at efficiency, financial questions and the uniform interpretation of rules, hierarchical command structures, authorization from above and upward loyalty, and routinization are all elements of bureaucracy in the sense of Weber, and they are simultaneously elements of the production of moral indifference (ibid:114). Against this backdrop, caseworkers arguably need to be willing to accept responsibility for their decisions (Sheeran 1993). Laws, rules and regulations can provide guidance in determining what is right and wrong when making discretionary administrative decisions, but they cannot guarantee infallible judgment (ibid:86).

In addition to the delegation of responsibility, caseworkers express dissociation through practices of trivialization. Veronika remembers a situation in which she was confronted with a public authority in the role of an applicant. The comparison with the situation of asylum claimants, however, results in trivialization and a "banalization of suffering" (Weiler 1992). She reports how it felt for her when she was applying for a building subsidy.

Three times I had to go to a lady who got rid of me like if I had committed an offense. But actually, it was only my right ... and she was so impolite, and really, at that time, I swore to myself that I would never become like this. Because you feel like a thing, right? And yes, in principle, they [the claimants] have the right to come here, they can first exercise that right, yes. And because of this I don't have to be angry with this person who makes an application because if that [right] wasn't there, I wouldn't have work either, strictly speaking ... I'm only deciding whether they justifiably receive what they apply for or not. Very simple. Like with a, I don't know, subsidy (Veronika).

On the one hand, the caseworker explains how she felt badly treated by the person in authority who was responsible for her application, specifying that she had the impression of being treated as a criminal or a thing. This treatment is exactly what the asylum system is often criticized for – that asylum claimants are not only treated in an unfriendly manner but that they are also dehumanized and criminalized (for example, through detention pending deportation). This experience led the caseworker to the decision not to deal with asylum claimants in this "angry" way. On the other hand, at the end of the quotation, the official trivializes her own power as a decision maker. In an essentialized way, she portrays her job as a "very simple" task: to check whether a claim is justified. Being one of the officials who emphasize the great responsibility of FAO decision makers, she notes that she can only tolerate

her job because she knows that there is an appellate instance. Thus, her strategies to address this dilemma are the delegation of responsibility as well as the banalization of her work.

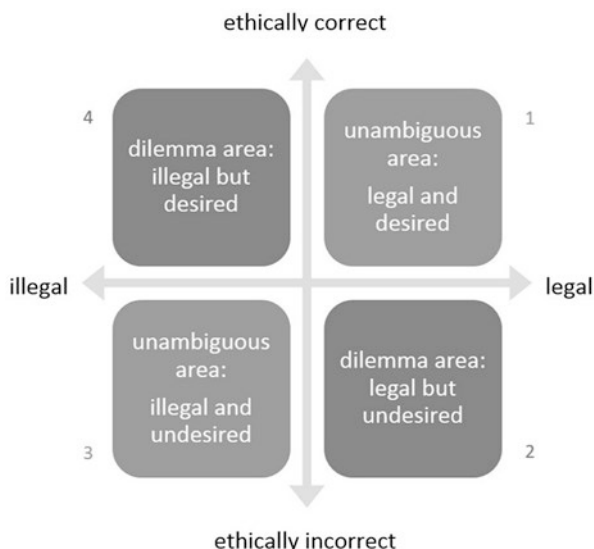
Another comparison by the same official, often put forward in the political discussion concerning asylum, is trivializing. Creating a link to the dilemma of the human individual versus the faceless case, the official notes that “surely the individuals’ fates are terrible,” but “one has to see the masses.” In this context, she compares asylum claimants with health problems who reach Austria with Austrians who would (theoretically) go abroad to receive treatment. “Neither can we go somewhere and say, I don’t know, in America they offer the treatment – now we’re coming, we don’t get it here, so pay it [for us]; it doesn’t work like this” (Veronika). However, this simplification does not consider the needs of individuals who flee a place due to the prevailing circumstances, particularly if they are or become sick.

Another means of dissociation related to how caseworkers cope with their work emotionally is the separation of work and private life. Thomas mentions that he sometimes discussed topics related to his work with his friends, but now, when he leaves work, he “leave[s] the building and leave[s] everything behind; that’s actually also a very conscious process.” Another official explains that he does nothing related to work in his private life. He does not think about particular cases outside of work because, as he notes, he is not paid for it. “I have to not care how many files lie around here,” Stephan states. By contrast, Roland remarks that “it does happen every now and then, where I think, ‘What do I do with this one?’ ... When I’m jogging, I often have the best ideas, ‘Exactly, I could also do that [with a specific case]!’ ... But not that it would burden me.” Sabine mentions explicitly that “one continues to reflect about it at home.” She explains that she also writes decision notifications on the weekend or in the evening when she is at home. However, she is also the one who says that as officials, they “have to pay the psychologist [themselves],” implying a need for support (o.i. 6). These accounts again illustrate the significance of caseworkers’ individual approaches to their work. They show that decision makers handle their responsibility in different ways and often try to deflect the responsibilities associated with their role. While there is criticism of a “responsive” conception of the bureaucrat, highlighting the problems of involvement and attachment (du Gay 2008), I argue that the asylum procedure is not only about conferring legal status; it is also an interaction between two humans and therefore requires responsibility and recognition.

## 8.4 Ethics in the Administration of Asylum

How much dissociation and delegation of responsibility is acceptable in the context of asylum decision making? Scholars, especially in the French context (Weller 2002; Kobelinsky 2015; Fassin 2015), have investigated the moral aspects of public agents’ work and US-based authors (Martinez 2009; Geuras and Garofalo 2011) have discussed the issue of ethics in public administration, but the topic has been

**Fig. 8.1** Decision-making dilemmas in public administration. (Source: Own production after Thedieck and Banke 2011)



widely ignored by the German-speaking scientific community. Ethics in street-level bureaucracies has thus not yet been a notable discussion topic in Austria. Hence, the moral and ethical aspects of decision making in the asylum procedure still need to be explored. This is not to say, however, that a decision on international protection and human rights issues should be regarded as an ethical or moral question per se.

Due to the various – partly conflicting – objectives of the administration, decision makers are confronted with different dilemmas. Dissociation and delegation of responsibility can be interpreted as ways of dealing with the tensions between legal provisions and an individual sense of justice. Such ambiguous situations occur, for example, when the ethical evaluation of a situation differs from the evaluation that is prescribed by the required application of law (Thedieck and Banke 2011). The situation of a decision maker can then be illustrated with a table of four quadrants, which consider the legal and the ethical aspects of action (see Fig. 8.1). Whereas there are two unambiguous areas – (1) legal and desired and (3) illegal and undesired – the other two quadrants symbolize the dilemma situations: (2) legal but undesired and (4) illegal but desired. Touching on a similar topic, Sossin (2005) examined the interaction between civil service values and legal norms in the exercise of discretion in the context of the Canadian Immigration and Refugee Protection Act, exploring norms of independence, fairness and trust. In addition, Eggebø (2012) argues that emotions play a key role in dealing with the encountered dilemmas. Her findings reveal that bureaucrats in the Norwegian immigration administration “negotiate two somewhat different ethical principles where the foundation for ethical conduct is either emotion or reason” (ibid:301).

One method of addressing these dilemmatic situations is dissociating, retreating from the problem, and delegating responsibility to others. However, “a willingness to explore and assume personal responsibility for doing the right thing” represents

the key to ethical responsibility in public administration (Sheeran 1993:151). According to Derrida (1992:23), a decision maker does not act as a “calculating machine” executing a program by strictly following rules; instead, in a decision, the subject constitutes or “invents” herself as a responsible self in practices of engaging with the other. As Weiskopf and Willmott (2013:13) note, “[E]thics come into play as the generality of the rule is addressed in relation to (an appreciation of) the singularity of the situation where one is called to respond to the ethical demand of the other.” In this sense, ethics can be conceived as “a critical practice of questioning and problematizing moral orders and moral rules-in-use in which subjects (re)define their relations to self and others” (ibid:1). These deliberations highlight the interactional and interpersonal aspects of deciding asylum claims. They show that the dilemma of dissociating versus assuming responsibility is closely linked to the dilemma of recognizing the claimant as a human or regarding her as a faceless case. Processes of negotiating organizational moralities are thus also situated within power relations. Exploring the conception of ethics in the context of practice theory, Weiskopf and Willmott (2013) investigate how people “manage to define their ethical position in relation to their everyday practice” (McMurray et al. 2011:543).

Since decision makers are potentially confronted with ethically complex situations in their everyday work, they need to be well equipped to cope with such situations beyond dissociation and the delegation of responsibility. Thus, ethics should be regarded as a defining feature of the public administrator’s profession and should therefore not be distinguished from other aspects of public work (Geuras and Garofalo 2011). One possibility for working on this issue is to develop a capacity-building approach that includes the development of public officials’ ethical competence (ibid). Since this is an issue of broader relevance, it will be discussed in more detail in the concluding section of the book.

## References

- Castel, R. (2003). *L'insécurité Sociale. Qu'est-Ce Qu'être Protégé?* Paris: Seuil/La république des idées.
- Derrida, J. (1992). Force of law: “Mystical Foundation of Authority”. In D. Cornell, M. Rosenfeld, & D. G. Carlson (Eds.), *Deconstruction and the possibility of justice* (pp. 3–67). New York: Routledge.
- Downs, A. (1967). *Inside bureaucracy*. Boston: Little, Brown.
- Du Gay, P. (2008). ‘Without Affection or Enthusiasm’ problems of involvement and attachment in ‘Responsive’ public management. *Organization*, 15(3), 335–353. <https://doi.org/10.1177/1350508408088533>.
- Dubois, V. (2010). *The bureaucrat and the poor. Encounters in French welfare offices*. Farnham: Ashgate.
- Eggebo, H. (2012). ‘With a Heavy Heart’: Ethics, emotions and rationality in Norwegian immigration administration. *Sociology*, 301. <https://doi.org/10.1177/0038038512437895>.
- Eule, T. G. (2014). *Inside immigration law: Migration management and policy application in Germany*. Farnham: Ashgate Publishing Ltd.

- Fassin, D. (2015). *At the heart of the state: The moral world of institutions*. London: Pluto Press.
- Geuras, D., & Garofalo, C. (2011). *Practical ethics in public administration*. Vienna: Management Concepts, London.
- Graham, M. (2002). Emotional bureaucracies: Emotions civil servants, and immigrants in the Swedish welfare state. *Ethos*, 30(3), 199–226. <https://doi.org/10.1525/eth.2002.30.3.199>.
- Guy, M. E., Newman, M. A., Mastracci, S. H., & Maynard-Moody, S. (2010). Emotional labor in the human service organization. In Y. Hasenfeld (Ed.), *Human services as complex organizations* (2nd ed., pp. 291–309). Los Angeles: SAGE.
- Hall, A. (2010). ‘These People Could Be Anyone’: Fear, contempt (and empathy) in a British immigration removal centre. *Journal of Ethnic and Migration Studies*, 36(6), 881–898. <https://doi.org/10.1080/13691831003643330>.
- Kobelinsky, C. (2015). In search of truth: How asylum applications are adjudicated. In D. Fassin (Ed.), *At the heart of the state: The moral world of institutions* (pp. 67–90). London: Pluto Press.
- Martinez, J. M. (2009). *Public administration ethics for the 21st century*. Santa Barbara: Praeger.
- McMurray, R., Pullen, A., & Rhodes, C. (2011). Ethical subjectivity and politics in organizations: A case of health care tendering. *Organization*, 18(4), 541–561. <https://doi.org/10.1177/1350508410388336>.
- Morris, L. (2010). *Asylum, welfare and the cosmopolitan ideal: A sociology of rights*. Abingdon: Routledge.
- Nussbaum, M. C. (1998). Morality and emotions. In *Routledge encyclopedia of philosophy online*. Retrieved from <https://www.rep.routledge.com/articles/morality-and-emotions>
- Ortmann, G. (2010). *Organisation und Moral: Die dunkle Seite*. Weilerswist: Velbrück.
- Parsons, T. (1951). *The social system*. Glencoe: Free Press.
- Penz, O., Sauer, B., Gaitsch, M., Hofbauer, J., & Glinsner, B. (2017). Post-bureaucratic encounters: Affective labour in public employment services. *Critical Social Policy*, 540. <https://doi.org/10.1177/0261018316681286>.
- Pretterebner, G. (2009). Die Außenstelle Wien. *Öffentliche Sicherheit*, 11–12/09.
- Sheeran, P. J. (1993). *Ethics in public administration: A philosophical approach*. Westport: Greenwood Publishing Group.
- Sjoberg, G., Gill, E. A., & Williams, N. (2001). A sociology of human rights. *Social Problems*, 48(1), 11–47.
- Sossin, L. (2005). From neutrality to compassion: The place of civil service values and legal norms in the exercise of administrative discretion. *University of Toronto Law Journal*, 55(3), 427–447. <https://doi.org/10.1353/tlj.2005.0028>.
- Souter, J. (2011, July 29). “Bogus” asylum seekers? The ethics of truth-telling in the asylum system. *openDemocracy*. Retrieved from <http://www.opendemocracy.net/5050/james-souter/bogus-asylum-seekers-ethics-of-truth-telling-in-asylum-system>
- Thedieck, F., & Banke, B. (2011). Verwaltungsethik. In J. Kegelmann, G. Stephan, & E. Meurer (Eds.), *Rechnungswesen und Controlling in der öffentlichen Verwaltung* (pp. 455–472). Freiburg: Haufe. Retrieved from [http://www.verwaltungmodern.de/wp-content/uploads/2011/12/Thedieck\\_Banke\\_Verwaltungsethik.pdf](http://www.verwaltungmodern.de/wp-content/uploads/2011/12/Thedieck_Banke_Verwaltungsethik.pdf).
- Tyler, T. R. (2003). Procedural justice, legitimacy, and the effective rule of law. *Crime and Justice*, 30, 283–357.
- Vigoda-Gadot, E., & Meisler, G. (2010). Emotions in management and the management of emotions: The impact of emotional intelligence and organizational politics on public sector employees. *Public Administration Review*, 70(1), 72. <https://doi.org/10.1111/j.1540-6210.2009.02112.x>.
- Weber, M. (1978). *Economy and society: An outline of interpretive sociology*. Berkeley: University of California Press.
- Weiler, J. H. (1992). Thou shalt not oppress a stranger: On the judicial protection of the human rights of non-EC nationals—a critique. *European Journal of International Law*, 3, 65.

- Weiskopf, R., & Willmott, H. (2013). Ethics as critical practice: The “Pentagon Papers,” deciding responsibly, truth-telling, and the unsettling of organizational morality. *Organization Studies*, 34(4), 469–493. <https://doi.org/10.1177/0170840612470256>.
- Weller, J.-M. (2002). La relation de service et l’indifférence morale de l’agent public. L’épreuve de l’arbitraire. In F. Hubault (Ed.), *La relation de service, opportunités et questions nouvelles pour l’ergonomie*. Octarès: Toulouse.

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