On why every public manager needs to focus on

Purposeful Judgment not Bureaucratic Rules

Nothing hurts the credibility of government more than the formal but silly application of a legally defensible but hardly helpful bureaucratic rule. Yet the personal incentives under which public officials labor often push them to enforce a formal rule in a situation for which the rule is at best inappropriate, at worst silly.

Unfortunately, by enforcing the rule, a public official invites both organizational and personal ridicule. Although I know of no example of this, those who have been subjected to the rule’s sanction can easily retaliate by leaking to the press this example of bureaucratic absurdity.

That may be what happened when the U.S. Food and Drug Administration sent a “warning letter” to the Nashoba Brook Bakery in Concord, Massachusetts.

In the category of “Adulterated Foods,” the FDA found a number of violations. For example: “Your firm failed to maintain buildings, fixtures, and other physical facilities in a sanitary condition and keep [them] in sufficient repair to prevent food from becoming adulterated.”

This violation sounds serious. I think I’ll avoid buying my sourdough bread or granola from this bakery.

These unsanitary conditions were not, however, what inspired National Public Radio, Bloomberg News, USA Today, the BBC, and the Australian News Service to cover FDA’s letter. These unsanitary conditions were not, however, what inspired National Public Radio, Bloomberg News, USA Today, the BBC, and the Australian News Service to cover FDA’s letter.

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In the private sector, a bureaucrat who enforces the firm’s own rules may—but doesn’t have to—behave the same way. Yes, some people (as a colleague once observed) like to “play office.” But a thoughtful person could recognize that the rule doesn’t make sense in this particular situation and ask a superior for support in ignoring it. And the superior, recognizing that the rule accomplishes nothing, could authorize a waiver. Even if this violation is reported to superiors and two employees are reprimanded, customers won’t boycott the firm’s products or services.

Nashoba’s “misbranding” of its granola actually helped the bakery. FDA gave it a lot of free—and positive—publicity. What’s not to love about a bakery that lists “love” as one of its ingredients?

In government, however, the incentives are different. The rules rule. They cannot be challenged. Even when the formal implementation of a rule clearly fails to accomplish its underlying public purpose, even when it exposes the organization to ridicule, it cannot be ignored.

Was FDA legally obligated to call out Nashoba Bakery for misbranding its granola? Maybe. But it didn’t help FDA accomplish its mission. If anything, it undermined it.