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"Fairness" in an unequal society: Welfare workers, labor inspectors and the embedded moralities of street-level bureaucracy in Argentina

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Abstract

This article advances a new argument on street-level bureaucrats' (SLBs) moral dilemmas in developing countries. Developing countries feature deeper and more pervasive social and economic inequalities than their developed counterparts. They also feature what I call a fragmented stateness: states whose legal and bureaucratic reach is functional and territorially unequal and that also have an ambiguous relationship with their own legality. This macro-level force shapes daily bureaucratic encounters and SLBs' moral dilemmas and practices in ways that the literature has not fully grasped. I found that the awareness of this fragmented stateness implies a kind of structural experience of arbitrariness in bureaucratic encounters that makes the exercise of fair judgments in the implementation of policies elusive. I ground my argument in an ethnographic account of bureaucratic encounters in different arenas of the Argentinean social protection system: welfare provision and labor inspection. By reconstructing the connections between fragmented stateness and state workers' moral dilemmas, this article presents a novel and empirically grounded theoretical argument on an often-overlooked dimension of collective regulation of conflicts and judgments at the state frontlines.

KEYWORDS

developing countries, institutional weakness, labor inspectors, social inequality, street-level bureaucracy, state moralities, welfare workers

1 | INTRODUCTION

The literature on street-level bureaucracies has theorized on how state agents exercise discretion and cope with conflicting demands in situations of policy implementation (Hill et al., 2015; Hupe, 2019). Against seated stereotypes, street-level bureaucrats (SLBs) seldom act with strict adherence to norms. Neither do they proceed according to a purely instrumental discretion (Piore, 2011; Pires, 2011). On the contrary, as Mynard-Moody & Musheno (2003, 2012) argue, when dealing with citizens' needs, SLBs routinely improvise and exercise pragmatic normative judgments. Moreover, SLBs' moralities,

and the ideas of fairness and unfairness that permeate state front-lines, are embedded in collective macro-factors, such as welfare regime type or political culture, that vary among societies (Jewell, 2007; Møller, 2019; Møller & Stensöta, 2019).

Drawing on this literature, this study explores the moral dilemmas and practical judgments that inform SLBs' daily work in the developing world. Both dimensions are crucially shaped by macrofactors that differ from those found in the advanced industrial countries. I argue that in developing countries like Argentina, SLBs' moral dilemmas are embedded in a macro factor I call *fragmented stateness*. Fragmented stateness is an attribute of social life in

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peripheral post-industrial capitalism, characterized by high levels of inequality, poverty and informality, and also by an uneven state presence in social and economic organization. This is a state with capacities and resources unequally distributed among populations and territories. But most importantly, a state that has an ambiguous relationship with its own legality. Indeed, it is a state featuring uneven law enforcement, frequent toleration of law infringement, and collusion with illegal actors. SLBs' judgments of what would be a fair decision are thus embedded in this 'broader context'.

The literature on Latin-American politics has identified and conceptualized these phenomena (Auyero & Sobering, 2019; Brinks et al., 2020; Holland, 2017; O'Donnell, 1993; among others) but their consequences for SLB's practices and bureaucratic encounters (Goodsell, 1981) have not been sufficiently explored and empirically examined. Recognizing the embeddedness of SLBs' moral dilemmas in a fragmented stateness matters: it helps us to better understand a specific feature of policy implementation and citizens-state relationships in developing countries. For SLBs and their citizens-clients, being aware of the fragmented stateness implies a kind of structural experience of arbitrariness that makes the exercise of fair judgments in the implementation of policies elusive. This is a condition and a component of street-level state work that is specific to societies with high levels of social inequality and institutional weakness.

Whereas fragmented stateness is a common experience for SLBs belonging to diverse policy areas in different state organizations, the way of 'resolving' or acting on conflicts and dilemmas this structural factor poses are rooted in specific bureaucratic cultures and organizational legacies. I ground this argument in the ethnographic description of bureaucratic encounters in two contrasting fieldwork settings. On the one hand, I focus on an episode of food delivery by welfare workers in northern Argentina, one of the poorest localities of the country. On the other hand, I reconstruct labor inspectors' routine activities in the city of Buenos Aires, seeking to detect unregistered work in the social security system and sanctioning noncompliant employers. Both are state protective actions that face important structural and institutional limitations when it comes to covering homogeneously all the population affected. This makes the characteristics and consequences of fragmented stateness visible in each setting. Furthermore, these interventions are located in national state agencies-the Ministry of Social Development (in Spanish, MDSN) and the Ministry of Labor and Social Security (in Spanish, MTSS)-with quite different histories and organizational backgrounds, whose activities differ both in nature (social assistance vs. labor law enforcement) and in the type of population targeted (informal poor vs. workers in the formal economy). This diversity helps us explore how bureaucratic cultures and organizational features impact the practical resolution of the dilemmas that fragmented stateness poses to both kinds of SLBs.

In what follows, I first present my theoretical argument and framework drawing on the street-level bureaucracy literature. I then analyze bureaucratic encounters and dilemmas that welfare workers experienced during a food delivery in northern Argentina. I subsequently explore labor inspectors' moral dilemmas and conflictive

bureaucratic encounters in the city of Buenos Aires. In both cases, I show how SLB's moral dilemmas are shaped by fragmented stateness. The experiences of fragmented stateness erode state legitimacy not only in the eyes of citizens but also in the eyes of SLBs. They do find it difficult to build stories of fairness at the frontline. However, they act on this fragmentation differently. While MDSN's welfare workers tend to be more attentive to cases, MTSS's labor inspectors tend to follow the rules. I show the connections between these responses and the agencies' bureaucratic culture. I conclude by summarizing the implications of my findings for street-level bureaucracy research in contexts of institutional weakness and social inequality.

2 | LITERATURE REVIEW AND FRAMEWORK

Michael Lipsky's seminal work (1980 [2010]) was path-breaking in building a new object of analysis. Indeed, street-level bureaucracy theory provided a fresh way to look at state agents' dilemmas at the state frontline. Lipsky characterizes SLBs as rational actors interested in their self-preservation while working in complex and adverse conditions. Excessive demands, scarcity of resources, and ambiguous official goals and rules lead to uncertainties and dilemmas concerning how to proceed in their jobs. Usually working away from the view of authorities, SLBs use their margin of discretion to adjust rules to concrete situations. Hence, as the operative branch of the state, SLBs are re-makers of public policies and play a key role in citizens' experience of government.

This model provides a common analytical basis for describing various types of frontline state work, from teaching to policing. It also offers a theoretical ground to understand how and why the workings of the state frontlines matter in policy (Hill et al., 2015; Hupe, 2019). However, it does not entirely acknowledge the fact that SLBs are social actors, that is, members of diverse groups, organizations, and societies. The idea that discretion is individually driven does not allow us to ask about the social and cultural factors that produce and regulate SLBs' dilemmas and judgments (e.g., Lotta & Pires, 2019; Piore, 2011). Nor does it allow us to identify variations linked to these factors. Unpacking the black box of "discretion," then, requires going beyond the assumption that SLBs are autonomous decision-makers to engage a more relational notion of their actions (Silbey, 2011).

Understanding the SLBs' dilemmas also requires assuming that the ethical grounds for their actions are socially situated and produced. Sociologists have discussed the realism of a universal disentangled concept of justice or equity. Nancy Fraser (2010) contends that in contemporary politics there are diverse "scales of justice," which challenge both the classic problem of impartiality and the understanding of the *substance* of justice—which could be economic redistribution, cultural recognition, or political representation. The result is a radical heterogeneity of justice discourse that poses new moral dilemmas for both claimants and state authorities. Likewise, Boltanski and Thévenot (1999) offer a theory of "senses of justice" that accounts for a plurality of forms of evaluations and justifications in ordinary situations of dispute.

Within the street-level bureaucracy literature, Maynard-Moody

and Musheno's (2003, 2012) perspective on SLBs' normative judg-

ments also engages a pluralistic and pragmatic notion of equity.

Concrete stories about justice at state frontlines reveal the complex

character of fairness as a practical goal in interactions. As SLBs often

enforce cultural over legal abidance, their judgments enact their own

identities and moral scales of worth. Orientation toward "faces"

rather than "rules," thus, is for these authors a more accurate

description of street-level judgments (Maynard-Moody &

Musheno, 2003). Consequently, they contend that SLBs behave as

"moral" pragmatic improvisers rather than "rational" discretionary

decision-makers (Maynard-Moody & Musheno, 2012). My account of

moral dilemmas and conflicts in bureaucratic encounters are in line

with the plurality of equity goals and pragmatic improvisation at state

frontlines, as developed by these authors. However, I consider the culture that organizes moral pragmatic improvisations not to be

personal but rather collective. The idea that both SLBs and their

citizen-clients are members and practitioners of institutions and

moral worlds embedded in social and historical contexts establishes a

different starting point to make sense of their dilemmas

scholars explored how macro-factors—such as welfare regime type,

politico-administrative systems, legal and political culture-

shape microlevel statecraft (Jewell, 2007; Møller, 2019; Møller &

Stensöta, 2019). In this study, I take this analytical road to explore

how certain structural characteristics of Latin-American societies and

their states shape SLBs' moral dilemmas. This road is particularly

relevant to understanding SLBs' practices in the developing world as

the social and institutional settings in which SLBs work differ from

those usually studied in street-level bureaucracy literature. As I will

show, social inequality and institutional weakness seem to be inter-

twined at the micro-level, configuring a fragmented stateness that

only a potential result of state agents' unequal treatment of citizens

but also, and more decisively, a macro pre-condition for policy

implementation and therefore a constitutive feature of bureaucratic

encounters. This claim is valid, of course, for all contemporary soci-

eties. However, social inequality is pervasive in Latin America. It is an

As proposed by Lotta and Pires (2019), social inequality is not

shapes bureaucratic encounters in specific ways.

In line with the abovementioned, some street-level bureaucracy

(Dubois, 2010; Fassin, 2015; Haney, 1996).

the irregular extension, legitimacy, and effectiveness of the law are widespread in the region. Institutional weakness shapes politics and democracy (Auyero & Sobering, 2019; Brinks et al., 2020; Holland, 2017; Levitsky & Helmke, 2006), and so it does with SLBs' moralities and practices.

Because of the intertwined relation between social inequality and institutional weakness, bureaucratic encounters are embedded in what I call a fragmented stateness. This idea seeks to capture and integrate different dimensions of state unevenness just as they transpire in the state frontline experiences. It is a state that regulates society and economy unequally and also a state whose bureaucratic capacities are unevenly distributed among populations and territories. It is a state that even when it could, does not always choose to enforce the law, and also a state that sometimes colludes with illegal actors and activities. As I will show in the following sections, fragmented stateness is not just the potential result of SLBs' actionsalthough they can reproduce it. Rather, fragmented stateness is a structural condition under which they work and, most importantly, of which they are aware. Consequently, SLBs' moral dilemmas and judgments around what would be a fair decision in frontline work are embedded in this "broader context," and not just oriented by certain citizens' needs or the rules.

In this study, I show that the awareness of a fragmented stateness is a common experience for SLBs belonging to diverse policy areas. However, their moralities are also embedded in specific bureaucratic cultures and organizational legacies (Haney, 1996, 2002; Kelly, 1994; Thelen et al. 2018). I believe this dimension of sectoral embeddedness should be considered to understand variations when solving dilemmas in the context of fragmented stateness. The state is always a layered entity, composed of conflicting apparatuses and narratives, of "many hands" (Morgan & Orloff, 2017) and "many hearts" (Fassin, 2015). In developing countries like Argentina, street-level bureaucracies are also organizations "in process," with non-permanent staff and irregular routines. These bureaucracies are attached to sectoral specific government policies and politics in social welfare, education, labor policy, and so on. Thus, considering this dimension of embeddedness could allow us to bring specific bureaucratic cultures and traditions into focus as well as the politics of the historical context and settings in question.

In what follows, I present the empirical description of the moral dilemmas of welfare workers in northern Argentina and labor inspectors in the city of Buenos Aires. I show how fragmented stateness is perceived and experienced in each case and how SLBs' practices enact agency-specific organizational cultures to face it.

entrenched attribute of the region's peripheral post-industrial capitalism, characterized by widespread poverty and social marginalization, and also multiple forms of informal activities and labor status within the formal and informal economy (Benza & Kessler, 2020). This fragmentation of the economies of "the precarious" is a structural pre-condition that shapes policy and politics (Etchemendy, 2020; Vommaro, 2019). Certainly, societies with high levels of social inequality and informality are interwoven with certain kinds of states and institutions. The assumption that there is a high degree of ho-

inequality and informality are interwoven with certain kinds of states and institutions. The assumption that there is a high degree of homogeneity in the scope of the state, both territorial and functional, and of the social order it maintains might hold for some developed countries; however, it does not fit Latin-American countries (Dewey et al., 2017; O'Donnell, 1993). As have been studied in the literature,

3 | WELFARE WORKERS AND EXTREME POVERTY

In this section, I analyze bureaucratic encounters between welfare workers and clients in the north of Argentina, a region with extremely high levels of poverty and weak local state capacities. I draw on ethnographic data from participant observation of food

package deliveries carried out by the national state every month in this locality. Observations took place as part of a larger ethnographic project I undertook between 2006 and 2008 on the inner workings of Argentina's MDSN.¹ The policy implementation episode I will examine involves a modification of criteria for food delivery. Because of this change, SLBs had to make decisions about who could or could not receive the food, and who would receive it in future deliveries. The episode was thus methodologically auspicious to observing SLBs' moral dilemmas in action as well as how they were rooted in macrosocial, institutional, and sectoral factors. In the following pages, I first present the general historical and institutional context framing the situation analyzed and then focus on the moral dilemmas and criteria of justice put into play by the SLBs and their clients.

The MDSN was the national agency that delivered social programs to informal workers and the poor. During the period I studied it, the agency expanded its fiscal and infrastructural power, becoming the most important face of the state for persons living in poverty across the country. The background of this expansion was the aftermath of Argentina's 2001 financial crisis. After a protracted economic and fiscal crisis, the country devalued its currency threefold and defaulted on its external debt. In 2002, the economy plummeted by 11%, unemployment peaked at 25%, and almost 60% of the population fell under the poverty line (Maurizio, 2009). The crisis sparked intense mobilization, thus putting the political system and the state under urgent pressure to cater to social demands. It was in this context that the left-leaning administration of Néstor Kirchner (2003-2007) came to power. His was a period of a significant expansion of welfare policies aimed at workers in the formal economy as well as to the informal poor. Such measures were continued during Cristina Fernández's two presidencies (2007-2015) (Garay 2016).

As part of the government's strategy to confront the social collapse and the crisis of legitimacy of the state in the aftermath of 2001, the MDSN significantly expanded its agents' direct territorial presence during this period. Building social proximity was at the heart of the MDSN institutional narrative and style of work. Policy implementation strategies changed accordingly. Programs whose execution was previously delegated to local governments or social organizations started to include operations carried on by the national Ministry's staff in the territories (Perelmiter, 2016).

These initiatives were accompanied by, and called upon, a renewal of *evitism* as a welfare tradition. This tradition is part of Peronism as a political culture in Argentina (Auyero, 2000).² It alludes to a specific way of delivering goods to the poor, characterized by staging a sensitive connection with their suffering that goes hand

in hand with a discursive emphasis on political and cultural recognition as an essential part of progressive welfare policy. In that sense, evitism establishes parameters for welfare performances at the micro-level that differ from both charity and legally grounded social policy (Barry et al., 2008). Social assistance is not conceived as an act of charity from the rich (or powerful) to the poor, but rather as a kind of intra-class solidarity. And, although vindicated as a matter of rights, what justifies its actions is a feeling of empathy rather than adherence to legal norms and procedures. This configures a welfare dramaturgy rooted in grassroots social activism, but also pervasive among professionalized street-level bureaucracies, especially social workers (Auyero, 2000; Grassi, 1989). During my fieldwork, I often observed this dramaturgy enacted and constantly heard references to evitism and how it oriented "a renewed commitment to the poor." As a graphic symbol of this process, in 2011 an iron sculpture of Evita was forged covering the facade of the Ministry building. To be sensitive was indeed an imperative that informed the MDSN daily workings and whose more immediate consequence was a statecraft attentive to individual cases and singular situations of suffering (Perelmiter, 2016).

The National Food Security Plan was one of the ministry's most important program I studied and provided the institutional frame for the episodes of food delivery I analyze here. Its strategies of implementation were diverse. The bulk of its budget was executed through cash transfers to provinces and municipalities, NGOs, and school and soup kitchens (MDSN, 2009, pp. 126–36). However, in areas with limited bureaucratic and economic infrastructure, the MDSN (with the help of the Army) delivered food directly to communities. Such was the case of the "food operation" I observe in the *Impenetrable Chaqueño*, an extremely poor locality in northern Argentina.⁴

To address high levels of malnutrition among the Qom indigenous population living in that area, the MDSN had to carry out a census and draw up a register of beneficiaries from scratch. Each month, a group of approximately 25 MDSN welfare workers traveled thousands of miles from Buenos Aires to stay for a week in the *Impenetrable Chaqueño* and distribute food packages. Distribution conditions were very rudimentary. Each day, welfare workers would go with paper lists and mobile desks to almost deserted spots. There, army trucks would be waiting for them with the packages of food. The enlisted people would arrive and line up to receive the food and then leave, either on foot or in horse-drawn carts.

By the time I conducted participant observations of the "operation," in August 2008, a year of monthly visits had already taken place. Until that time, distribution criteria had been flexible. Food packages were assigned to anyone who showed up at the sites and stood in line. However, this would change. The project's next aim was

¹This fieldwork was motivated by a larger question about the bureaucratic culture of social welfare in Argentina. It included 80 in-deep interviews with program coordinators and midlevel bureaucrats whose jobs involve direct contact with beneficiaries. I also carried out participant observations of policy implementation across the country.

²During Juan Perón's presidency (1945–1955) the welfare state was laid in Argentina, through a legal structure that instituted social rights for formal workers. This institutional construction was accompanied by Eva Perón's initiatives for the poor channeled through the mythical Eva Perón Foundation, which functioned as a para-state welfare bureaucracy in this period, financed by unions and the state (Barry et al., 2008).

³The law established a percentage of resources for each province and municipality using an index that considered various social and fiscal indicators. These criteria gave the Ministry of Social Development food policy a national scope and an unprecedented distributional institutionalization.

⁴Chaco is one of the poorest provinces of Argentina. It is also one of the examples of institutional weakness or 'brown zone' of the state, usually referred to in the literature. On state capacities in Chaco see the work of Mariana Chudnovsky (2014).

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to transfer the task of implementation to the provincial welfare bureaucracy. To do this, authorities said that they had to "clean the registry," that is, produce a stable and predictable list of beneficiaries that corresponded to the effective residents of that area. Managing food supplies and deliveries by using clients' legal addresses as an eligibility criterion was an administrative and logistical necessity. Authorities explained this to welfare workers many times. There was no way to plan the distribution, they said, if the official list of beneficiaries was not cleaned up.

However, this logistic necessity was opaque to both welfare workers and beneficiaries, who found it difficult to understand why "legal residence" was a reasonable criterion to decide to deliver or not deliver food to people in need. Welfare workers discussed the fairness of the new criterion with intensity. They talked about this in their free time, after dinner, or in casual conversations during deliveries. Clients also disputed the criteria, defending their right (or their necessity) to receive the packages if it was called into question, or intervening in favor or to the detriment of other clients. Clients' demands for equal treatment or modification of the official criteria in favor of criteria that they perceived as fairer, generated huge tensions between welfare workers and clients, between welfare workers themselves, and between clients themselves.

Social inequality pervaded conflicts. Some clients claimed loudly that it was unfair that welfare workers did not "give" food to people with legal addresses in other municipalities if they needed it, but did "give" to "owners of small business, teachers and the police" just because they had the required address. At the same time, other women shouted: 'everything [is] for the Indians and they throw the food and leave the furniture in the rain; the criollos also need these thing's. 5 Certainly, extreme poverty made any regulation to exclude people from receiving packages of food difficult to justify. Nevertheless, making exceptions was also morally risky. When exceptions were made in front of other clients, particularly after prolonged conflictive situations, the agents could be accused of discriminatory practices or arbitrariness by others waiting in line. One woman shouted to a welfare worker during a delivery: 'Why did they tell me I couldn't get the box? Why does she get the box with another ID? Of course, screw this Indian⁶!' Conflicts revolved around local social groupings, that is, the ethnic or socioeconomic attributes that, according to the locals' points of view, made them "deserve" or "not deserve" assistance. People simply imagined an explanation for welfare workers' decisions that sounded plausible in terms of social inequalities or unfairness they experienced daily. The administrative allocation criterion was not credible and was far away from local social cleavages.

Albeit these demands, the experience of fragmented stateness was at the core of welfare workers' moral dilemmas. This factor explained why welfare workers questioned the meaning and the very

reality behind the idea of "legal residence." Welfare workers insisted that the legal addresses could be out of date. But most importantly. they said that addresses could have been manipulated by local political elites or other community leaders so that people can vote in local elections. Furthermore, they said that people living in nearby towns could be also excluded from receiving food benefits in their municipalities for political reasons: "that's why they [the clients] might prefer to come here," another welfare worker explained.⁷ The suspicion of local political manipulation made it difficult to justify any criteria for exclusion. Despite this perception, social workers were also aware that, if the aim were to delegate the food distribution to the local state, the need to clean up the list of beneficiaries was justifiable. The same institutional weakness that explained the direct presence of the MDSN in the Impenetrable Chaqueño made this course of action reasonable and, in a way, fair. As the authorities told during the food delivery: MDSN welfare workers should contribute to build local state capacities instead of sabotaging them.

Yet, welfare workers did not only perceive the fragmentation and arbitrariness of the local state, but also the uneven functioning of the MDSN itself. Besides the conflictive interactions at the food reception line or the situational reasons for questioning the rules, any general criteria collided with the perception that the MDSN did not distribute resources based on the same procedures in other parts of the country. Based on this perception, the agents understood that being flexible was an act of territorial justice: "in the *conurbano* [bonaerense poor suburbs] they deliver without any requirements, people are not asked for anything... so we think, why not here?".8

Welfare workers' moral dilemmas were also embedded in the bureaucratic culture, the *evitism*, that characterized the MDSN. For them, having to strike people in need from the registry was a huge distortion of the emphatical approach to problems of poverty at the frontline. Because of that, avoiding or enforcing the official allocation criteria in situ, when delivering food, became a way to dispute moral status among welfare workers themselves. How sensitive or insensitive state workers were in particular situations became a recurrent topic of conversation. Enforcing the rules could lead to the moral burden of "denying food" to people in need and receiving accusations of heartlessness from peers and clients.

To avoid conflicts, several welfare workers made exceptions in silence. At times, they simply avoided marking the names in the official list, without much fuss. "Denying" boxes of food and deregistering family groups from the official list of recipients were actions that contradicted the moralities of welfare workers. "I am removing a lot of Qoms from the list because they have their address in another town, what do we do? I do not know if they are going to be registered again... I should have taken note of their names, but I did not. I have all the cancelation," one of the welfare workers grumbled to another. Serving justice or fulfilling the mandate of empathy that the

⁵Field note, Delivery at Bermejito River, 08-18-2008. The cleavage between 'indios/criollos' is highly relevant in the social life of northern Argentina. 'Indians' is used to refer to native people, in this area belonging to the Qom tribe. Criollos, here, refers to 'non Qom' people. ⁶Field note, Impenetrable Chaqueño, 08-19-2008.

⁷Field note, Impenetrable Chaqueño, 08-19-2008.

[®]Field note, Impenetrable Chaqueño, 08-19-2008. 'Conurbano bonaerense' refers to the poorest metropolitan area of Buenos Aires and it is usually considered as an area of concentration of 'clientelism' and other informal forms of state practices (Auyero, 2007). [®]Field note, delivery at River Bermeiito, 08-18-2008.

MDSN narrative constructed, to this worker, was the exercise of a kind of affirmative discretion in benefit of the Qoms, the most vulnerable group of the locality.

In short, "denying poor people food" or declaring them ineligible because they lacked a legal address or did not present documentation, was not easy. *Evitism*, as a culture of welfare provision, promoted attachment to situationally empathetic decisions and actions. But even when welfare workers accepted the logistical need to apply the official criteria, the awareness of fragmented stateness, made it difficult to assess the fairness of their practices in each situation. Both welfare workers and clients relied on the fact that, for several reasons, norms did not apply equally in all cases, places, and situations. Moral dilemmas were, thus, embedded in these structural factors, they were not understandable in terms of individual preferences, either instrumental or cultural.

4 | LABOR INSPECTORS AND INFORMALITY

The second fieldwork setting is located within the National Ministry of Labor and Social Security, more precisely, at the National Directorate of Federal Inspection (in Spanish, DFI). While the MDSN implements policies to assist the poor and informal workers of the lowest strata, the Ministry of Labor regulates labor relations in the formal economy. Its policies and officials arbitrate on labor conflicts, interact with unions and business organizations, and speak the language of labor law institutions.

The job of labor inspectors belonging to the DFI is to ensure that employees of small and medium-sized businesses are registered in the social security system. This is the only labor norm they enforce. It is an important norm, though, because this registry enables the exercise of labor and social security rights: health insurance, retirement, paid vacations, annual bonus, and family allowances. Both employers and employees contribute to the social security system to sustain these rights. I conducted ethnographic fieldwork for 6 months, between August 2015 and March 2016. The fieldwork included participant observations of a variety of activities of this office in the city of Buenos Aires: inspections at textile workshops and transport companies; routine street inspections of small businesses, and training activities in office. I also carried out about twenty in-depth interviews with labor inspectors belonging to the office and senior officials or technicians linked to the inspection policy in different areas of the Ministry.

The labor inspectorate is a centennial institution in Argentina and has played a critical role in regulating labor relations since the early 20th century (Soprano, 2010). Although it was originally associated with unions and socialist activism, at least at the DFI it lost its politicized narrative. During my fieldwork, I rarely heard stories about the quasi-mystical political mission of labor inspection, as I had about the MDSN and welfare work. There is nothing equivalent to evitism, although of course, as I will show, this does not mean that there is no bureaucratic culture.

The recent evolution of the national labor inspectorate is important to understand this culture. In the mid-1990s, economic reforms delegated most inspection functions to provincial governments. The national labor inspectorate was then retrenched and came to have a minor role. This change deepened the fragmentation of the system and the inequalities in the enforcement of labor law across the country, as provincial governments did not have the same state capacities and incentives to favor it (Amengual, 2016; Ronconi, 2010). In 2004, however, the role of the national government changed. The national state did not recover the full power of enforcement, but it significantly expanded its inspection bureaucracies (Peretti, 2016). The "National Plan for the Regularization of Labor" and law 25877 created the "Integral System of Inspection of Labor and Social Security" within the scope of the Ministry of Labor. Because the national tax collection agency, the Federal Administration of Public Income (AFIP), has jurisdiction over social security contributions, the national government claimed concurrent jurisdiction through the Ministry of Labor and restored that ministry's legal right to supervise the registration of employment relationships. That is why, by 2015, this was the only norm enforced by the nearly 400 labor inspectors in the 40 Ministry of Labor regional delegations across Argentina.

Unlike welfare workers, who apply official but changing and fragmented assignment criteria, DFI labor inspectors enforce a norm that is part of labor law and is universal in scope: it is illegal to employ somebody without registering him or her in the social security system. The procedure is also much simpler than that of welfare workers' deliveries. The central offices give inspectors lists of addresses to be audited and weekly goals. The inspectors walk the streets, entering these listed shops and businesses. Carrying a netbook, they request basic data from the employees, such as their IDs' numbers, and the system detects who is registered and who is not. If they spot unregistered workers, they write a violation report and instruct employers on how to regularize their employees and avoid paying high penalties. Unless a novice inspector is being trained, inspectors in general work alone.

The existence of several heterogeneous economic worlds is pivotal to understanding inspectors' moralities and conflictive interactions with employers. As in the case of welfare work, fragmented stateness is a structural condition of labor inspectors' jobs and moral dilemmas. Since the late-1970s, the Argentine labor market has been persistently composed of non-registered workers, that is, workers whose labor activities are not regulated and protected by law. This trend has increased over the last decades: ever since the 1990s, an average of 40% of wage earners is in these circumstances. Even in periods of improvement, informality never dropped below 35% (Schleser, 2007). Massive informality is indeed a regular trait of peripheral post-industrial capitalism. However, informality is itself heterogeneous, combined, and intertwined with different economies and labor statuses unevenly regulated by the state. As in any modern society, there is the official formal economy, whose units (from the smallest shop to the largest company) are routinely subject to law enforcement precisely because of their formality. But informality

work in the informal economy.

within the formal economy is just a small part of the big picture. According to 2011 data, 65% of informal workers are salaried, but only 23.6% work in productive units with some degree of formality and, therefore, subject to inspection (Contartese et al., 2015). These non-registered workers and their employers are the ones that usually interact with DFI labor inspectors. The rest of the informal workers

Certainly, within the informal economy, there are sub-worlds: the "household economy," where domestic workers are habitually informally employed; the "family economy," where labor relationships are intertwined with intimate relationships; the "subsistence economy," comprised of fragile and volatile enterprises; the so-called "popular economy," intertwined with social movements and welfare policies; the "illegal economy" composed of illegal activities and forms of labor exploitation that border on slavery; and so on. These economies and their workers have diverse links to labor regulations and social security rights. Although they are segmented, they usually coexist in the streets. These economies are "the context" in which inspections on informal labor within the official economy are embedded. The awareness of this fragmented stateness of economic life is, here again, an ineludible source of SLBs' moral dilemmas and conflicts.

One of the most frequent dilemmas for inspectors results from the perception that they usually audit fragile businesses. Several inspectors narrated the moral burden of writing violation reports for "small" businesses, some located in the poorest or most peripheral urban neighborhoods: "I see the shop, is this a business to pay social taxes or not? they can only pay the rent." 10 In training workshops, authorities suggest that inspections do not aim to attack the "subsistence economy." Even so, what counts as "subsistence" is not clear. From the inspectors' point of view, their task is to exercise police power over the employer and a protective power for the employee. However, should the employer be perceived to be socioeconomically fragile, the lines become blurred. When inspectors decide not to penalize the employer, because they think that the employment relationship is part of a fragile economic enterprise, are they fulfilling their duty of protecting the employee? This question does not seem to have an obvious answer in all cases. The problem, inspectors recognize, is that the largest proportion of unregistered employment corresponds, precisely, to small businesses, so there is some logic in concentrating inspection there.11

Inspectors sometimes symbolically "solve" these kinds of dilemmas by questioning the Ministry's planning criteria, shifting responsibility for "unreasonable" or "unfair" decisions to the planning areas. Indeed, labor inspectors' lack of autonomy in deciding which shops or businesses to inspect was part of an organizational strategy to control them. In my interviews with MTSS' officials, the idea that many inspectors are corrupted was recurrent. Indeed, several inspectors mention this fact. Regardless of how true or generalized this

suspicion may be, inspectors' fear of being accused of corruption is a major driver of their activities and decisions in bureaucratic encounters (Perelmiter, 2020). These narratives and controls were absent in the MDSN. If welfare workers tended to make accommodations when potentially accused of insensitivity, labor inspectors reacted by more rigidly following regulations when suspected of corruption. For this reason, inspectors did not often resolve dilemmas by bypassing law enforcement. Although they make their moral dilemmas explicit in bureaucratic encounters and casual conversations, and they also do not feel that their decisions are "fair," they tend to follow the rules and be less attentive to situational contexts: "playing dumb is not easy. The worker can go and file a complaint... that you were there, this hour, this day; that you took his data and... that's when you have the problem." 12

Inspectors face another dilemma when they consider the effects that sanctions can have on certain types of employees: retirees who make money to supplement income, undocumented people, people who receive welfare benefits, and so on. When they consider the employee's situation, inspectors activate a protective role, weighing whether a sanction is worth the risk of harming the worker: 'A retired person, for example... they will not register him, because if they have to register someone, they would prefer to take a younger person, and you know that a retired person [works] because he needs it, because just a pension is not enough. Something like that could happen to my dad... you know what I mean?'.¹³

Unlike welfare workers, who tend to occupy social positions that are quite distant from the poor citizens with whom they interact, labor inspectors can share social class and status with both the workers and the small employers they audit. Labor inspectors' perspective is thus mediated by social identification. During street work, between inspections, inspectors usually commented on the reasons that might justify informal employment. During interviews, they usually give me examples of relatives, friends, and even husbands or wives in situations similar to those they were sanctioning. In most cases, penalties were not high and if employers registered their non-registered workers within a settled period, they were not penalized. However, the protective spirit of the task was often elusive for employees, employers, and inspectors themselves.

Even though according to the law family ties (except for a spouse or children) do not exempt the employer from obligations, many employers justify informality with kinship relationships. Indeed, a typical trick used by employers that face an inspection is to explain that relatives are working "just for today," and therefore without registration. It is often effective. The credibility of such a situation for a small family business whose sanction is perceived as formalistic, without connection to the substantive objective of the labor law enforcement, pervades bureaucratic encounters and conversations among inspectors. One such exchange occurred during an inspection at the International Tourism Fair, an important event for that sector that takes place annually in Buenos Aires.

¹⁰Manuel, inspector DIF, interview with author, 09-15-2015.

¹¹The informality rate is diverse when considering the size of the establishments; in small production units with less than five employees, it is markedly higher (62.1%) than in units with more than 40 employees (8.3%) (Contartese et al., 2015).

¹²José, inspector DIF, interview with author, 11-02-2015.

¹³Pablo, Inspector DIF, interview with author, 09-12-2015.

I was working with Norberto and Mario, a new inspector. It was the third stand we inspected, this time promoting a hotel company looking for resellers. We were received by a young guy. He was wearing a tag on his shirt that read 'exhibitor'. "Are you working here? I'll take some data," Norberto told him. "I'm helping my uncle, who is the one with the stand, I'm not workingworking, I'm just helping." "Oh... Is your uncle around here?" We waited a few minutes until the uncle appeared. "Good morning, no... he is my nephew, I have not registered him because he has come to help; he is finishing high school." "I help with translations, as I know English..." added the nephew. "Can you tell me your name and your ID?" Norberto ignored the nephew. "Are you going to write a violation for my nephew? You must have some common sense!" The uncle raised his voice, impatiently. "If someone passes a red light at 3 A.M. when no one is around, no one will say anything," the uncle pointed out. "It is not ill will, but you cannot have your nephew working without registering," Norberto continued somewhat nervously. But the uncle insisted, "I had to pay a lot of penalties years before for not having registered employees, I did not know I had to register them when they stay for a day. Besides, he is my nephew who has come to help. I wish you were this strict with the biggest businesses in this country, half of the people work 'en negro' [not registered]. "They sent us, we did not choose to inspect you," said Mario. "Do your duty," the uncle concluded, annoyed and withdrew.

When the uncle had walked away, Mario asked quietly: did we pass him? It is clear he's the nephew... -Yes, -Norberto answered-, I distrust everyone, I have no mercy, you can only not register your spouse and children. If it were a small business, I would let it go. But to have a stand here, even if it is the smallest, you must have some money. He clicked on the notebook, wrote down the infraction, brought the form to the uncle and we left. 14

The appeal to "common sense" and the question of whether the law was as rigorous for those "truly" responsible for informal employment brought up the same questions that arose for inspectors during interviews. To the novice inspector, who lacked knowledge and street experience, letting the infraction pass seemed reasonable. For the seasoned inspector, an exception would be justified if he perceived the business to be financially fragile.

Another common dilemma and conflictive bureaucratic encounter occurred in situations where economic informality was

visible and contiguous to the inspection scene, but not punishablestreet vending, for example, on the sidewalk of an inspected small business.

> You have to require all personnel to be registered when there is unfair competition, at the door of their own business... they are usurping a public space, without paying taxes,... the street vendor is probably organized and employed by another person (but) you cannot know... and it makes it very difficult for you... because they tell you, "why don't you go raise the one on the street who doesn't even pay taxes or rent?" And then we tell them, "sir, you are right, but just because that person is there, which is illegal, it does not mean you do not have to register an employee... I am sure you are not going to throw yourself on a blanket in the streets all day. And so... they are two different worlds. 15

The unfairness perceived by an observed employer who, in turn, is a "victim of unfair competition" posed by street vending, involved confronting the existence of inequalities and social segmentation. "They are two different worlds," said the inspector to the employer. As in the scenes of food distribution in the Impenetrable Chaqueño, the conflicts between SLBs and clients addressed the fragmented stateness.

In short, in bureaucratic encounters, employers and inspectors problematize the fairness of sanctions. Inspectors' moral dilemmas are embedded in the social inequality and fragmented stateness that constitute it, blurring any global justification for sanctions. However, their judgments are also embedded in the sectorial institutional setting that organized their practices. The multiplication of controls and narratives that make inspectors "suspicious" of corruption make their practices more formalistic. But the reasons for this formalism or standoffishness are also rooted in the structural conditions in which they carry out their work. For a state that intervenes very unevenly in a segmented economic world that is, in turn, very unevenly regulated by law, there is widespread suspicion of arbitrariness. As much as they reflected on the moral dilemmas that certain situations generated for them, and despite even occupying social positions close to those of the small employers they inspected, they rarely stopped working on infractions.

CONCLUDING REMARKS

Inequality pervades all contemporary societies. However, some societies are more unequal than others. In this article, I argued that high levels of structural social inequality and institutional weakness shape the moral dilemmas faced by SLBs on the frontlines. In countries like

¹⁴Field note, inspection in La Rural, 09-29-2015.

¹⁵Pablo, National Directorate of Federal Inspection inspector, interview with author, 03-05-2016.

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Argentina, social inequality is a structural phenomenon that involves not only high levels of poverty or deprivation but also what I call a fragmented stateness. Peripheral post-industrial capitalism is composed of a high degree of informality, with many social groups living and working outside of state regulations and protections. The institutional correlate of social inequality is thus a state with capacities and resources unevenly distributed among populations, social relationships, and territories. It is also a state that has an ambivalent relationship with legality: sometimes, if it can, it enforces the law; sometimes it tolerates non-compliance, and sometimes it collides with illegal actors. This reality has been identified in the literature on Latin-America politics, but it has not been considered as a condition and a component of street-level state work. In this article. I have shown how bureaucratic encounters and state workers' moral dilemmas are embedded in fragmented stateness. By this, I seek to illuminate a new factor of relevance in the configuration and variations of conflicts and judgments at the state frontlines.

My ethnographic description of the moral dilemmas faced by welfare workers and labor inspectors in bureaucratic encounters showed how social inequality and its fragmented stateness look at the micro-level of statecraft. State agents and citizens experience them daily. During a food operative in the Impenetrable Chaqueño, welfare workers dealt with misunderstandings and claims rooted in inequality. The very need to "clean up the registry" to be able to delegate the implementation to the local bureaucracy, as well as how both state agents and clients talked about the edges that made those criteria situationally unfair, accounted for this fragmentation. Welfare workers were aware of the potential local political manipulations. They also were aware of the fact that, within the MDSN itself, adherence to the rules was not always the norm. Why be legalistic here? Why with them?-they asked themselves. Extreme poverty made these questions all the more dramatic. Something similar occurred with labor inspectors. Employers' claims and how the inspectors talked about their moral dilemmas also account for the fragmented stateness of economic activities and labor relationships. The fragmented stateness assumed here another physiognomy. The informal and segmented economies that make up peripheral social inequality are a concrete reality in bureaucratic interactions. It is a constitutive macro context of labor law enforcement and the moralities that organize its statecraft.

This article also elucidated the sectorial institutional embeddedness of state agents' moralities. Normative judgments were structured by something more than personal identities. Bureaucratic cultures provided the institutional setting for welfare workers and labor inspectors' moralities and notions of fairness. These institutional settings explained why welfare workers feared the accusation of being insensitive, while labor inspectors feared the accusation of being corrupt. They explain why welfare workers were more attentive to cases and labor inspectors were more inclined to follow the rules. These potential accusations were not simply on state agents' minds, they were a public cultural product of the bureaucracies in question and the social politics of the period.

The conflictive interactions at the state frontlines illustrate the micro-level dimension of a daily erosion of state legitimacy, precisely where it is most needed: the social protection system. Social inequality and the fragmented stateness of developing countries configure, in that sense, "troubled hearts" of the state, to use Fassin (2015)'s metaphor, where social protective activities often lack a "sense of justice" for both SLBs and citizens.

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CONFLICT OF INTEREST

None declared

DATA AVAILABILITY STATEMENT

Due to the nature of this research, participants of this study did not agree for their data to be shared publicly, so supporting data is not available.

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