

STREET-LEVEL BUREAUCRATS: THEORETICAL FRAMEWORK

Mihaela V. Carausan

Abstract: Public administration is called on to implement public policies which are more or less according to the citizens' needs. The implementation process takes place where the citizens are, even on the street. Sometimes, the public bureaucrats are the ultimate policy makers especially when they work in the welfare area e.g. police officers, firefighters or social workers. In this study we will present the complexity of the actions and decisions of the street-level bureaucrats. Starting with the theoretical framework and based on literature and documents review we will highlight the specificity of their discretionary decisions, the routine and simplification to ration services and how they develop and control situation for the good of people. The study focuses on street-level bureaucrats and seeks to understand how they can influence the future of public administration. The article proceeds by first reviewing the theoretical framework in this field and second to the discretion which characterized the debates in the legal studies. Moreover, we will present the street-level bureaucrats status in Romania and their role in keeping the rule of law.

Keywords: discretionary decisions, policy makers, administrative procedure, the rule of law, accountability, new technologies

JEL Classification: K23

1. INTRODUCTION

The study focuses on street-level bureaucrats and the influence of new technologies on their activity within public services. The article proceeds by first reviewing the theoretical framework in this area and record and second to the debates in legal studies on the “fear of discretion”. We will briefly describe how this two issues bear the influence of the new technologies. The study will differ from the traditional approaches promoting administrative law and oversight in response to the problem of discretion. We will use this approach in order to reconcile public administration performance with accountability and controls on the misuse of

discretion. After contrasting the variations of the theoretical models and the use of Lipsky's theory we will present the limits and the challenges of discretionary power in an era of ICT.

Finally, we outline some of the salient aspects of discretionary power, proposing in conclusion a general hypotheses about the necessary relation among different street-level bureaucracy. With this paper we start a comprehensive analysis of this professional group – street-level bureaucrats in Romania. Through these analyses we will present certain aspects of the governmental organizational behaviour and we will make more understandable certain problems of the Romanian bureaucratic structures.

2. PUBLIC ADMINISTRATION'S FRONT LINE DISCRETION

In 1980, Michael Lipsky gave the studies of public administration a useful definition of a significant group of public employees – namely those who interact directly with citizens and make decisions about services for clients. Furthermore, it identified similarities in their behaviour and gave us a handful of concepts to describe these behavioural similarities. 'Creaming', 'routinizing', 'controlling clients' and the all-over concept of 'coping mechanisms' became standard terms talking about street-level bureaucrats. Finally, by looking at similarities in working conditions, Lipsky gave us a way to understand street-level bureaucrat behaviour.

What are street-level bureaucrats? First, 'street-level' means they are working in direct contact with individual citizens. The latter include consumers, clients, pupils and their parents, and patients as well as car drivers, etc. Second, 'bureaucrats' implies that they are doing their work while in public service. They work directly with individual citizens, but may, in some cases, be employed by commercial corporations, such as private hospitals. Even then, however, it is decisive that they fulfil public tasks on behalf of the common good. Third, street-level bureaucrats have a specific occupation for which they have been trained in a sustained way. Because of these joint characteristics, street-level bureaucrats, by implication, have inherent discretion while functioning as policy co-makers. (Nielsen, 2006: 864)

Figure 1: The traditional explanatory model of street-level bureaucratic behaviour (Nielsen, 865)

Lipsky's idea that those who work on the front line of public services make a difference to policies and to the way in which they are experienced. Rather than view the world of policymaking from the perspective of centrally elected governments and their administrative elites, Lipsky suggests that the view from the street has something to tell us about policy and about policy failures. Also, he defined street-level bureaucrats as 'public service workers who interact with citizens in the course of their jobs, and who have substantial discretion in the execution of their work' (Lipsky, 1980: 3). Lipsky submits that 'decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out' (Lipsky, 1980: xii, emphasis in original). Instead of understanding the policy as written out in government statements and legislation, we need to examine the ways in which those statements shape the behaviours of public servants. In particular, the way these affect that first point of contact, between the citizen and the state, is central to Lipsky's understanding of policy. (Rowe, 2012:10-1) Lipsky's work generates discussions about the nature of discretion, especially because Lipsky's work is ambivalent. Street-level bureaucrats develop mechanisms to help them in their work and speed up decision making. For some, they are using their discretion to make rules (Taylor and Kelly, 2006). For others (Rowe, 2012:10-1), more interesting is the way in which street-level bureaucrats use and interpret those rules and constraints that are externally imposed upon them to achieve their preferred ends.

Furthermore, the administrative discretion takes centre stage in this discussion of frontline workers because discretion allows them freedom of action (Hupe and Hill, 2007:280-1). When rules are incomplete, inappropriate, or vague, other sources of influence may be crucial in shaping the discretionary behaviour (Handler, 1986; Vinzant and Crothers, 1998). Street-level bureaucracy lies at the intersection of rules, cultural expectations, and situational factors (Loyens and Maesschalck, 2010: 67). Rules influence the shape of behaviour, the organizational and occupational one (Isett, Morrissey, and Topping, 2006; Kelly, 1994; Sandfort, 2000; Riccucci, 2005), and extra-organizational (Gilboy, 1992; May and Winter, 2007). (Henderson and Pandey, 2013:9)

Frontline workers' discretion when delivering output is a multi-faceted phenomenon (Meyers and Vorsanger, 2003:245). Multiple accountabilities guide and constrain the street-level bureaucrats' use of discretion (Hupe and Hill, 2007). Street-level bureaucrats are faced with various demands from their environment (Hupe and Buffat, 2014).

Policies require street-level bureaucrats to perform output tasks; their organizations provide them with resources to do so; clients/citizens want them to take their situation into account; and professional peers establish good practices (Hupe and Hill, 2007).

Empirical studies suggest that this is particularly detrimental for output delivery when insufficient resources are coupled with a high workload, street-level bureaucrats are required to 'do more with less' (Brodkin, 944). Such a mismatch between resources and the demands of work has been conceptualized by Hupe and Buffat (2014) as a 'public service gap'. (Thomann, 2015:177-8)

Professional, 'ethical' values shape how the street-level bureaucrats conceive of their own role. Professional values are an important basis upon which street-level bureaucrats decide how to manage their work (Lipsky 1980:147).

Lipsky argues that 'public policy is not best understood as made in legislatures or top-floor suites of high-ranking administrators, because in important ways it is actually made in the crowded offices and daily encounters of street-level workers' (Lipsky, 1980: xii). Rather than formal laws and policy statutes it is 'the decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures (that) effectively become the public policies they carry out' (Lipsky, 1980:xii; original italics). In Lipsky's argument the policy-making roles of these functionaries are built upon two crucial characteristics of their work: (1) relatively high degrees of discretion; and (2) a relative autonomy from organizational authority. Lipsky observes that public employees who interact with citizens behave in ways that are unsanctioned, sometimes even contradicting official policy, because the structure of their jobs makes it impossible fully to achieve the expectations of their work. The individual solutions to the work pressures, Lipsky argues, 'add up' effectively to form public policy. (Hupe and Hill, 2007:280)

Figure 2. Bounded discretion (Rowe, 2012:15)

Street-level workers occupy a critical position in these interactions between individual citizens and large public management. They apply the regulations and administrative routines to concrete situations. Although the final decision is formally handed by the public administration (n.a.), it is the welfare workers, adjudicating officers, tax inspectors, and police officers who, in practice, decide to grant a benefit payment, lay down the conditions attaching to a permit, and determine the amount of an assessment of fine. (Bovens and Zouridis, 2002:175)

Street-level bureaucrats are public employee who interact directly with individual citizens and have substantial discretion in allocating and imposing sanctions (Lipsky, 1980). They must continuously make decisions about whether or not to apply the rules and how they should be interpreted in a specific case (Dunsire, 1978). Despite detailed the rules and regulation, reality

shown to be far more complex and varied than legislative had ever predicted. This creates the possibility for the street-level workers to give life in the daily practice to new policies. (Bovens and Zouridis, 2002:175)

In European Administrative culture the Constitutional ideal is legality. In the Continental countries legality requirement comprises three aspects: a) the administrative action must be founded on the law; b) the law must provide a standard for the content of the administrative action; and c) the administration must apply the law (Bovens and Zouridis, 2002:176).

Legality, according to the British system, means the public authorities' actions according with the common law. Liberated from the deeply-held myth of hierarchy the British system helped us to understand better Lipsky's analysis.

As Lipsky's approach virtually reversed the normative premises of a policy hierarchy. The bureaucrats at the "bottom" of the ladder are regarded as "policymakers." According to Lipsky, lower-level bureaucrats effectively "make" policy when formal statutes are ambiguous or internally contradictory, policy implementation requires discretionary decision-making at the point of delivery, and the routine activities of front-line workers can be neither fully monitored nor controlled. (Brodkin, 2008:321)

Starting from the research of Michael Lipsky, Tony Evans (2010:2) defines discretion as the "extent of freedom a worker can exercise in a specific context and the factors that give rise to this freedom in that context".

Street-level scholarship (Brodkin, 2008) reveals that caseworkers and other lower-level service providers "do not do just what they want or just what they are told to want. They do what they can. "These studies show that casework practice is a function of capacity, which, in turn, depends on "professional skills, agency resources, and access to good training and employment opportunities for clients. Within that context, their practices are shaped by agency incentives and mechanisms that make staff accountable for clients and to the public." Perversely, those strategies based on imposing rules and regulations may produce undesirable effects, driving discretion beneath the radar where it becomes subject to the logic of street-level practice. Studies of street-level organizations show that discretion, in itself, is neither good nor bad but the wild card of policy delivery, likely to produce different results in different organizational contexts. (Brodkin, 2008:326-7) Street-level research offers a lens through which we can discover the unmeasured dimensions of administrative practice that are critical to accountability and achieving a better understanding policy outcomes.

Overall, a street-level approach to accountability has the potential to brighten the dimensions of policy delivery that other analytic strategies do not capture. By examining how policy is delivered at the "front lines" of public administration, it brings into view those discretionary practices that systematically shape the policy experience. This is an important issue to accountability as it extends to the capacity to assess practice and qualitative service delivery.

When the crucial dimensions of organizational practice cannot be discovered using standard evaluation techniques, street-level analysis provides an alternative. (Brodkin, 2008:326-7)

3. THE COMPLEXITY OF STREET-LEVEL BUREAUCRATS' DISCRETION

Lipsky (1969, 1980) identified street-level bureaucrats as people employed by government who:

- 1) are constantly called upon to interact with citizens in the regular course of their jobs;
- 2) have significant independence in job decision-making;
- 3) potentially have intensive impact on the lives of their clients.

The analysis focuses on Street-level Bureaucrats whose work experiences are relatively strongly affected by three conditions: 1) relative unavailability of resources, both personal and organizational; 2) existence of clear physical and/or psychological threat; and 3) ambiguous, contradictory and in some ways unattainable role expectations. The extent to which these defining characteristics and these work conditions are applicable to police, teachers and lower court judges, are elaborated in some detail.

As we could see, even from 1969, Lipsky understands street-level bureaucrats as those men and women who, in their face-to-face encounters with citizens: “represents government to the people”, meaning teachers, police officers, lower court judges, social workers, legal-aid lawyers, firefighters, health workers, librarians etc. Lipsky acknowledges the potential of street-level bureaucrats to exercise discretion in line with official policy, but maintains that his thesis is not threatened because ‘the line between formal and informal routines is often very uncertain’ and ‘often agencies will adopt as official procedure practices that workers previously adopted informally’ (Lipsky 1980: 86).

Lipsky largely discounted the possibility of value-based discretion, describing it as the ‘myth of altruism’ (Lipsky 1980: 71–3). Adler and Asquith point out, although professional decision making may be defined as judgement rather than discretion, bureau-professionals also exercised administrative discretion (Adler and Asquith 1981:13).

Street-level bureaucrats, a broad group of front-line workers made up of a range of occupational groups, are similarly treated as a uniform group, but one which, unlike managers, is unencumbered by concerns and commitments outside the self-interest needed to survive in ‘the

corrupted world of service'. The study suggests that 'management' is not an homogenous group and that managers themselves exercise significant discretion in a range of ways that directly influence street-level services. The study also suggests that the idea of professionalism argue plays a significant role in structuring discretion, but to different degrees in the different settings. Overall I will that there is a need to extend street-level bureaucracy theory and move beyond sweeping assumptions about the motivation and commitments of key actors in the analysis of the construction and uses of discretion in street-level bureaucracies. (Evans, 2009:1)

Lipsky identifies discretion as an inevitable and significant aspect of policy work within public bureaucracies. His analysis is a telling critique of the top-down view of policy implementation and its current manifestation in managerial approaches. Lipsky, though, is not an apologist for bottom-up policy implementation. In making judgements about how discretion should be used, Lipsky adopts a top-down perspective, seeing strategic policy intention as the measure of appropriate discretion. (Evans, 2009:2-3)

In Lipsky's analysis, the characteristics shared by street-level bureaucrats include: a focus on the need to 'process workloads expeditiously' (1980: 18); substantial autonomy in their individual interactions with clients, and an interest in maintaining and maximising that autonomy; conditions of work that include inadequate resources (both monetary and in terms of personnel and time), demand that will always exceed supply, ambiguous and multiple objectives, difficulties in defining or measuring good performance, a requirement that decisions should be taken rapidly and clients who are what Lipsky calls 'non-voluntary' (1980: 56) – i.e. they have limited (or non-existent) choice over whether, where or how they present to the service involved. (Checkland, 2004:955-6)

Weatherly (1979) and Prottas (1979), Lipsky's monograph became a classic and laid the foundations for what can be called a scholarly theme in the study of public administration. Since 1980, in other disciplines, on related themes, and beyond Lipsky's classic, further insights on street-level bureaucracy have been gained. These insights were grouped by Hupe and Hill (2007:280-92) around central concepts that, in turn, can be traced down to characteristics of street-level bureaucracy as, more or less explicitly, identified by Lipsky.

Feature 1: street-level bureaucrats necessarily have discretion and are forced to use it. Discretion and rules are interrelated: As rules specify the duties and obligations of officials, discretion allows them freedom of action. Davis' definition is wide: 'A public officer has discretion wherever the effective limits on his power leave him free to make a choice among possible courses of action and inaction' (Davis 1969:4).

Feature 2: street-level bureaucrats see themselves as professionals (Lipsky, 1980:147) and seek ways to manage their own work. The labour conditions under which civil servants at the street-level work have specific characteristics governed by 'occupational or professional' ideologies.

Feature 3: in their interaction with individual citizens in different roles, street-level-bureaucrats are civil servants. 'The essence of street-level bureaucracies is that they require people to make decisions about other people. Street-level bureaucrats have discretion because the nature of service provision calls for human judgement that cannot be programmed and for which machines cannot substitute' (Lipsky 1980:161). As Maynard-Moody and Musheno (2003:20) consider, street-level bureaucrats 'in their narratives (...) define their work and to a large extent themselves in terms of relationships more than rules'.

Feature 4: given the common denominator, there is a variety of types of street-level bureaucracies, of street-level functionaries, and of street-level tasks. There are differences between types of street-level bureaucrats and these may have consequences on the degree of uniformity in the performance, depending on category. In particular, there are differences in the nature of their tasks. These differences are visible between the work of the various types of street-level bureaucracy, but also within a single category, over time.

Feature 5: governance entails a set of clusters of activities practiced by various actors. The shift from government to governance has been identified stress the link with the concept of networks and ways of 'steering' that are other than hierarchical (John 2001; Rhodes 2003).

Feature 6: governance takes place at different administrative levels and in various action situations. Though Hill and Hupe (2003) conceive public policy as governance when they address what they call the multi-layer problem in the study of the policy process. Feature 7: in the practice of governance its multi-dimensional character leads to a range of political-administrative choices that may be congruent or incongruent, as well as more or less legitimate.

Feature 8: given the multi-dimensional character of governance, both public power and public accountability are exercised by various actors, on different scales, something that also applies at the street-level.

Feature 9: street-level bureaucrats do their work in a micro-network or 'web' of multiple, both vertical and horizontal, relations.

Feature 10: in the multi-dimensional micro-network of relations (web) street-level bureaucrats practice multiple accountability. Within the variety of relations in the network that surrounds an individual street-level bureaucrat, specific clusters of accountability relations can be identified as – ideal typically – linked with various types of settings. (Hill and Hupe, 2003:280-92)

The quest for accountability in organizations that deliver public policy has proved difficult to satisfy. The creation of better strategies for accountability continues to constitute a difficult challenge. (Brodkin, 2008:331) Accountability and discretion along with corruption, lack of resources and a better informed citizens constitute the risks (sometimes even challenges) of street-level bureaucracy.

New technology appears to challenge Lipsky’s arguments about the uncertainty of managerial sanctions under bureau-professionalism (Lipsky 1980: 49–50). Discretion is often considered a feature of the individual professional worker, who interprets, balances, or deviates from generic rules to make a decision.

The traditional literature describes how discretion raises concerns and needs constraining because its use is associated with variation between workers, which potentially has negative consequences on consistency and fairness. More recently, a growing literature suggests that discretion can be used to benefit both workers and the organization, as it increases responsiveness and flexibility to advance organizational purposes (Piore 2011; Silbey 2011). Workers’ uses of discretion are significantly affected by collective and organizational dynamics, which create constraints and incentives to follow possible courses of action. In the literature, discretion often figures as a broad term with multiple meanings. Hupe (2013) distinguishes between discretion and discretionary room. “Discretion” refers to the behaviour of the individual worker interpreting, balancing, and deviating from rules and “discretionary room” refers to the organized space that allows workers the freedom to make a choice among various courses of action (Hupe 2013).

The use of discretion occurs in a context of conflict between the organization and individual worker. While managers seek to limit their staff’s use of discretion to encourage workers to act consistently and “go by the book”, street-level bureaucrats oppose this control as they feel the need to be responsive to the specific case. Although interaction with others is necessary to make relational regulation work, the involvement of others is realized at the workers’ own initiative. (Rutz et al. 2015:2-3)

Table 1: The distinction between individual and collective work combined with the distinction of discretion and discretionary room, applied to the regulatory context (Rutz, 2015:4)

Discretion	Discretionary room
Interpreting, balancing, and deviating from rules to make a judgement and take action.	
Organized space which allows the freedom to make a judgement and take action.	
Individual	Individual discretion – individual behaviour of and civil servant interpreting, balancing and deviating from rules to reach judgements and take action.
	Individual discretionary room – degree of freedom formally granted to individual civil servants to reach judgements and take action.
Collective	Collective discretion – ways in which individual civil servants pragmatically involve others on their own initiative to interpret, balance, and deviate from rules

to reach judgements and take action. Collective discretionary room – degree of freedom formally granted to regulatory teams to reach judgements and take action.

In the literature, individual discretion and discretionary room have been described as individual resources for street-level bureaucrats to act responsively (Bardach and Kagan 2002; Hupe and Buffat 2014). We found that discretion is used collectively meaning – organizing others' involvement and a shared space to act flexibly – allowing responsiveness and consistency at the same time. (Rutz et al. 2015:11)

Discretion is inevitable for the street-level bureaucrats. As Lipski (1980:23) pointed out, “Discretion provides opportunity to intervene on behalf of clients as well as to discriminate among them”. Discretion can provide flexibility for bureaucrats, and limiting discretion can create as many problems as it solves.

Hupe and Buffat (2014:557) identified three public service gaps that occur when:

- the number and/or nature of action prescriptions increase while action resources are decreasing at the same time (‘Doing more with less’);
- the number and/or nature of action prescriptions stay stable and the action resources are diminished (‘Doing the same with less’); or
- the number and/or nature of action prescriptions increase without a corresponding adaptation/increase of action resources (‘Doing more with the same’).

For Lipsky, managers play the key role in managing street-level discretion. In his view they make their judgment on the basis of organisational priorities. However, we consider that ICT will enhance the role of managers in building discretionary power of public administration.

Discretion arose from the organisation’s recognition that professionals would fill in the gaps left in policy — e.g. it didn’t define risk; it left that to professional staff. (Evans, 2009:9-10)

4. A NEW ISSUE: INFORMATION AND COMMUNICATIONS TECHNOLOGY

Throughout the last few decades, the emergence of information technology (IT) has led to a gradual change in the working conditions of street-level bureaucrats, and thus how citizens come to meet the public sector. This change is known as e-government and incorporates a wide array of initiatives for developing public organizations with the help of IT, both within organizations as well as vis-à-vis the citizen and other stakeholders. Consequently, public information and services are increasingly provided electronically, particularly via the Internet, ranging from everything such as information on Web sites and e-mail correspondence, to

applications for public services via the Web and more interactive communication through chat or various types of Web forums (Bekkers & Homburg, 2005:6).

Each element that influences public administration (laws, professionalism, information and communication technology (ICT), etc.), depending on its temporal evolution, in empirical reality, may take the form of an action prescription – having constraining effects. (Hupe and Buffat, 2014: 559-60)

As Inbar (1979) predicted the decision making process has been routinized. Nowadays, street-level bureaucrats are directly in contact with clients/citizens, these contact always run through or in the presence of new technologies. Knowledge-management systems and digital decision are no longer made on the street-level by the worker handling the case: rather, then have been programmed into the computer in the design of the software. In a short period of time street-level bureaucracy has changed into what we can call as screen level bureaucracy. (Bovens and Zouridis, 2002:177)

Contact with citizens no longer take place in the streets, in meeting rooms, or from behind windows, but through cameras, modems, and Web sites. ICT has come to play a decisive role in the organizations' operations. It is not of automation, but also to execute and control the whole administrative process. Routine cases are handled without human interference. Expert systems replace the professional work. The process of issuing decisions is carried out – virtually from beginning to end – by computer systems. Only if the citizens emits some kind of signal (such as a complaint or notice of objection) a specialized official will enter into the picture. (Bovens and Zouridis, 2002:178)

In a comparison among street-, screen- and system-level bureaucracy we can observe a shift in the public administration layers from case responsible to prediction managers and IT designers. Once the system changed the centre of gravity changed from data registration to case assessment and virtual assembly and in the end to execution, control and external communication.

Because of this transformation, the concept of policy execution has acquired a wholly different character. Execution no longer relates to the application of rules to individual cases but to the design of separate processes and information systems. The system designers, legal policy staff, and IT experts in particular are regarded as the new equivalents for the former street-level bureaucrats. They have the discretionary power to convert legal frameworks into concrete algorithms, decision trees, and modules. They are constantly making choices, which definition should be used, how should vague terms be defined, how the processes are interlinked etc. (Bovens and Zouridis, 2002:176-8)

As we mentioned, the system-level bureaucracy is passing from the street workers to three groups of employees:

1. those active in the data-processing process, such as system designers and the legislative specialists, legal policy staff, and system managers associated with these processes;
2. management and those controlling the production process;
3. the “interfaces” between citizens and the information system, such as public information officers, help desk members, and the legal staff charged with handling complaints and objection notices on behalf of the organization. Individual case managers have all vanished and their role in public administration has been taken by systems and process designers. (Bovens and Zouridis, 2002:176-8)

The Internet has replaced many street-level bureaucracies. Therefore, any remaining discretion has shifted to the back room of information system departments.

Informational e-citizens are very prevalent, while transaction-based e-citizens are not common. Even, we are in the 21st Century and we discuss about the influence of new technologies, in Romania the citizens still want to keep a face to face connection with bureaucracy (in this sense we interviewed 208 citizens from 7 different counties out of 42). Presently, citizens frequent government Web sites to search for information such as tourism and recreational information. Transactional-based e-government is done less frequently.

With regard to policy implementation, Bovens and Zouridis (2002) believe that the transition toward e-government risks making the implementation of public policy increasingly mechanical through the excessive cementing of rules and routines in standardized software (see also Lips, Taylor, & Organ, 2009; Taylor & Lips, 2008). The risk is that the public sector could shrink its possibilities to situational adaption to the specific circumstances of individual cases. The very fact that street-level bureaucrats have discretion is a result of the nature of public services, which have proven difficult to formalize entirely into rules and regulations (Lipsky, 1980:161).

Lipsky (1980) thus sees the exercise of discretion by street-level bureaucrats as a basic prerequisite for creating legitimacy for the welfare state. Stivers (1994) argues in a similar way when she emphasizes the need for a “listening bureaucrat” in public administration. (Jansson and Erlingsson, 2014: 294)

In Romania for 25 years, one-stop offices have had a prominent role in the contact between the residents and local officials and politicians. They have shaped a tradition where the needs of the heterogeneous demography define the supply and scope of service and information. The offices have not only inhabited a role as service providers, but also as local meeting places to gather questions and map the needs and preferences from a very heterogeneous population—a channel for democratic participation and a link between local residents and the wider community. (Jansson and Erlingsson, 2014: 303)

The technological interface, in its present form, assumes certain prerequisites. It thereby places greater responsibility on individuals to themselves acquire the necessary knowledge or skills and, not least, the interest, to communicate with the public administration. However, technology itself, or simply improving transparency and availability, does not necessarily facilitate participation. It also requires the knowledge (including technical and contextual knowledge) and willingness of the citizen, as well as sometimes personal guidance, to make effective use of these channels. (Jansson and Erlingsson, 2014: 305-6)

5. DISCUSSION AND CONCLUSION

The core dilemma of street-level bureaucrats is that they are supposed to help people or make decisions about them on the basis of individual cases, yet the structure of their jobs makes this impossible. Instead, they are forced to adopt practices such as rationing resources, screening applicants for qualities their organizations favour, “rubberstamping” applications, and routinizing client interactions by imposing the uniformities of mass processing on situations requiring human responsiveness. Occasionally, such strategies work out in favour of the client. But the cumulative effect of street-level decisions made on the basis of routines and simplifications about clients can reroute the intended direction of policy, undermining citizens’ expectations of even-handed treatment. (Lipsky, 1980)

The rule of law not only relates to the actual application of the formal rules and to individual situations, as well as to the transparent, identifiable, and accountable manner in which this is to occur. Constitutionality is more than the strict execution of the law; it also refers to the ongoing obligation of the public administration to provide a satisfactory answer to the question of why the law and its application should be considered just.

Our analysis suggests (although not conclusively) that it would be appropriate, in Romanian reform proposals, to concentrate attention on organizational structure and behaviour in organizations at “lowest” hierarchical levels, rather than on recruitment and training. Finally, the ways in which street-level bureaucrats are able to avoid responsiveness to clients has formed a critical part of this analysis. The paper suggests the desirability of continuing and expanding research on the Romanian interaction between street-level, screen-level and system-level bureaucracy and the relationship with the clientele.

The study investigated the theoretical framework of street-level bureaucrats, the discretion and their accountability. In our quest on finding who they are and what they are doing, we find out that the new technologies majorly influenced their activity and brought in front lines new ways of expressing the discretionary executive power.

The empirical material also provides supportive evidence for the claim that improving bureaucratic accountability is not only about defining it but also about the “fear of discretion”. Therefore, for a deeper understanding of how system level bureaucracy works and how street-level officers incorporate the new practices in their routines it is an indispensable aspect of our quest for explaining their behaviour and outcomes.

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