

Dismantling the Weberian Orthodoxy: Bureaucratic Discretion, Street-Level Sovereignty, and the Reconfiguration of Administrative Legitimacy in Post-NPM Governance Regimes

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Abstract. Contemporary public administration scholarship has long operated under the normative primacy of Weberian hierarchical rationality, yet mounting empirical evidence from multi-level governance systems challenges the internal coherence of this framework. This study examines the structural tensions between formalized procedural compliance and discretionary decision-making among frontline public servants across four OECD jurisdictions, employing a comparative institutional analysis grounded in 847 semi-structured interviews and administrative process-tracing data. Drawing on neo-institutionalist theory and Lipsky's street-level bureaucracy paradigm, the findings demonstrate that post-New Public Management governance architectures systematically expand informal administrative sovereignty while simultaneously suppressing its normative recognition. These contradictions erode vertical accountability mechanisms and reconstitute legitimacy through horizontal, networked forms of inter-agency deliberation. The paper proposes a revised analytical framework—Discretionary Legitimacy Governance—that reconciles procedural fidelity with adaptive administrative agency in complex policy environments.

Keywords: street-level bureaucracy, administrative discretion, post-NPM governance, bureaucratic legitimacy, Weberian rationality, neo-institutionalism, accountability mechanisms, comparative public administration, discretionary legitimacy governance

Introduction

The organizational architecture of modern democratic states rests upon a foundational epistemic assumption: that public bureaucracies derive their legitimacy from hierarchical procedural compliance, rule-bound rationality, and the subordination of individual administrative judgment to formally codified mandates. This Weberian orthodoxy, institutionalized across generations of public administration theory and practice, has shaped the design of civil service systems, accountability frameworks, and policy implementation mechanisms throughout the twentieth and early twenty-first centuries. Yet, as governance systems worldwide confront the compounding pressures of polycrisis—including climate-induced service disruptions, post-pandemic fiscal recalibration, digital transformation of public service delivery, and the erosion of institutional trust documented extensively in the 2024 OECD Government at a Glance report—the internal consistency of this paradigm is increasingly subject to fundamental scrutiny. The problem is not merely theoretical. In practice, frontline public administrators—those occupying what Michael Lipsky (1980) termed the "street level" of bureaucratic operation—routinely exercise discretionary judgment that departs, often necessarily, from procedural prescription. This divergence is neither anomalous nor incidental; it is structurally embedded in the information asymmetries, resource constraints, and citizen-facing complexity that characterize contemporary service delivery environments. What remains unresolved, however, is whether such discretionary sovereignty constitutes a pathological deviation from legitimate governance or, alternatively, an adaptive institutional response that existing normative frameworks are systematically ill-equipped to recognize or incorporate. This tension has acquired renewed urgency in the context of post-New Public Management (post-NPM) governance reforms, which have partially dismantled the contractualist performance architectures of the 1990s in favour of collaborative, networked, and whole-of-government coordination models. Rather than resolving the discretion-legitimacy paradox, post-NPM reforms have, paradoxically, amplified it: they expand the operational space for administrative agency while simultaneously failing to construct the normative and institutional scaffolding necessary to legitimize it. The result is a governance condition characterized by what this article terms "submerged sovereignty"—wherein substantial administrative authority is exercised without corresponding legitimacy recognition or accountability infrastructure. Drawing on comparative institutional data from four OECD member states, this article interrogates the foundational assumptions of hierarchical administrative legitimacy and advances a reconceptualized analytical framework—Discretionary Legitimacy Governance (DLG)—designed to map, evaluate, and normatively reground the role of administrative discretion in contemporary governance regimes. The article proceeds as follows: Section 2 critically reviews the Weberian and neo-institutionalist literatures on bureaucratic legitimacy; Section 3 presents the comparative methodological design and data architecture; Section 4 reports empirical findings on discretionary practice patterns across jurisdictions; Section 5 develops the DLG framework

and its theoretical implications; and Section 6 discusses policy design recommendations and avenues for future empirical validation.

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