ABSTRACT
The realization that the implementation of the law impacts heavily on the achievement of the policy goals turned the scientific interest to the study of Bureaucracy. Till today numerous competing theories have been developed to explain the motives of bureaucratic behavior. The purpose of this paper is to combine non contradictory tenets of these theories in order to create an explanatory theoretical framework for the study of implementation of immigration law in Greece. The way street-level bureaucrats deliver services depends on the way they perceive their role and mission, a perception that is formed by a set of factors inside and outside the workplace. Therefore, bureaucrats implement immigration law in a rather restrictive way when they consider that their main role is to defend national interests and protect their country from unwanted immigrants.

I. INTRODUCTION

Traditional approaches to the study of Bureaucracy, under the influence of the Weberian model, treated Public Administration as a mechanism that applied the law in a neutral and uniform way. Policy success or failure was attributed to the design of the policy. Implementation Research emerged only in the 1970’s, when scholars started to show an interest in the relationship between the law and the way it was executed, looking for the causal effects of implementation on the effectiveness of the policy.

Nowadays there is a broad scientific consensus that the interests, preferences and values of the bureaucrats affect their daily work, sometimes up to the point of disregarding the law. The term ‘implementation gap’ is used to describe the discrepancy between the imperatives of the law and its implementation in practice.

Even though a great volume of literature has examined bureaucratic behavior, there seems to be more controversy than agreement between researchers who disagree on the factors that motivate action, use different methodology and examine different dependent variables. Till today no general implementation theory has been developed.

Drawing on the notion of Winter (2003) that implementation studies should focus on the causes of delivery behavior, this study aims to create a theoretical framework with a view to examining the way immigration law is being implemented in Greece, by synthesizing the tenets from more than one theory. The basic idea is that implementation of immigration law depends on bureaucrats’ perception of their role. In the subsequent paragraphs, the basic literature on implementation is being presented at first and the theory-building part follows.
II. LITERATURE REVIEW

Top-down and Bottom-up Approaches

The top-down approach on implementation research highlights the importance of policy design and the law itself as the keys for policy success, by assuming that, after policy objectives are being set by the law, implementation will be linear (Schofield 2001: 250). Top-down researchers (e.g. Mazmanian & Sabatier 1983), in their quest to provide a framework for implementation from above that meets the purpose of the law, declare the politicians, who set the policy goals, as the dominant actors of the implementation process. Successful implementation depends on the existence of a hierarchy which communicates these goals as well as on mechanisms that ensure the compliance of the staff.

The “bottom-up” approach criticizes the inability of the top-downers to capture and explain the role of the field workers, who are conceived to be the actual implementers of the policy. Lipsky (1980) studied the behavior of the front-line staff of Public Services who interact directly with the public and enjoy substantial autonomy (discretion) in the execution of their work. He argued that ‘street-level’ bureaucrats face increased demands for their services, yet limited resources; for that reason and in order to manage the negative aspects of their job, they use their discretion and develop coping strategies that eventually impede the accomplishment of policy objectives.

Lipsky provided a useful insight into the behavior of street-level bureaucrats and its causes. His explanatory framework has certain weaknesses, as not all the factors that affect bureaucratic behavior were adequately explained, such as political ideology and attitude towards the implemented policy and the target-group. Lipsky’s theory has been used by some scholars as a starting point to be expanded. Nielsen (2006), for example, argues that street-level bureaucrats develop coping strategies not only to minimize the negative aspects of their work but also to maximize the positive aspects and the satisfaction they gain from the job.

Economic-related Approaches

Public Choice scholars tried to explain bureaucratic behavior under the assumption of “homo economicus” who acts rationally to maximize utility. W. Niskanen (1971) argued that the interests of bureaucrats are inextricably correlated with the size of the agency and, therefore, budgetary maximization motivates bureaucratic behavior. The underlying idea is that ‘the agency is equivalent to a firm in which the bureaucrats are shareholders, and the better the firm (agency) does, the better-off the shareholders (bureaucrats) will be’ (Rockman 2001: 15). Given that this thesis limits the meaning of utility bureaucrats want to maximize, Niskanen (1975; 1991) himself expanded later this meaning to include non–monetary benefits such as prestige, leisure, business travels, support of the staff etc.

The notion that utility maximization guides bureaucratic behavior has been used as the basis for the development of numerous principal-agent models to explain the relations between the front-line staff (agents) and their superiors (principals). The core idea is the supposed conflict between the principal and the agent and the use of information
asymmetry by the agent as a means of utility maximization (e.g. Bendor et al. 1987). However, the assumption of conflict is arbitrary and unproven. Furthermore, such an approach underestimates any possibility of loyalty to the policy objectives and sees any deviation from the legal framework as an attempt of the bureaucrat to shirk, even though he may simply try to manage the problems that arise.

**Institutional Approaches**

Some scholars studied the implementation of immigration law in particular under the theoretical framework of neo-institutionalism. Without further elaboration, as it would exceed the scope of this study, they concluded that informal practices have been developed in the Civil Services that allow bureaucrats to disregard the law and expand the rights of immigrants (Boswell 2007: 83). V. Guiraudon (2002) analyzed the bureaucratic expansion of social rights of immigrants in European countries during the 1970’s as a tactic that led to a lower organizational cost for the agency.

**III. EMBRACING DIVERSITY**

As Winter (2003) points out, the embracement of this theoretical diversity can provide a comprehensive understanding of implementation. He argues that scholars should turn their attention to the development of partial theories examining specific factors affecting implementation. The creation of a general theory is a task as challenging as unwelcome, considering that ‘generality inhibits precise specification of variables and causal mechanisms’ (Winter 2003: 217). He suggests that there is a scientific interest in the research of the causes of bureaucratic delivery behavior and the explanation of any differences in this behavior, using implementation output as the dependent variable.

Drawing on the idea of Winter on the research of policy output and using findings from the whole spectrum of the literature, this paper will build a theoretical framework adequate for the research of the causes of street-level bureaucrats’ behavior while implementing immigration policy, by examining the preferences of the actors, the factors that form these preferences and the way they affect bureaucratic action.

**IV. BUREAUCRATIC BEHAVIOR AND THE IMPLEMENTATION OF IMMIGRATION LAW**

Many studies on implementation indicate that some of the factors affecting bureaucratic behavior are i) political ideology and opinion about the target group of the policy, ii) the public opinion and iii) the institutional environment. All the aforementioned factors are crucial in the formation of bureaucrats’ role perception.

**Political Ideology**

As street-level bureaucrats are called each and every day to implement the general law to specific cases, they face situations related to values and principles. Thus, it is
inevitable to make ‘normative judgments’ about what is right or wrong as well as about
the adequacy of the policy to protect what they perceive to be right (Maynard-Moody &
Musheno 2012). These judgments are formed by the political ideology of the bureaucrats
and by their attitudes towards their clients/target group of the policy. Political ideology
and client assessment affect the way bureaucrats deliver their services (Keiser 2010).

Conservative political ideology is strongly correlated with a negative stance towards
immigration. Furthermore, attitudes towards immigrants may be dominated either by
anti-immigration feelings and prejudice (aversion) or tolerance (Gaasholt & Togeby,
1995).

Accordingly, conservative political ideology and negative perceptions on immigrants
result in a restrictive implementation of immigration policy.

Public Opinion

Bureaucrats are not elected, yet their behavior impacts heavily on the lives of the public
as they are charged to put into practice the law and bring about the results of the policy
they implement. Even though street-level bureaucrats, through their interaction with the
public, actually shape the knowledge, the understanding and, ultimately, the perception
the public has of the law and its consequences, they are not directly accountable to the
society. The legitimacy of the Public Administration lies in the pursuit and

Public opinion defines to a great extent what is considered to be public interest. As
bureaucrats want their actions to enjoy legitimacy, they take into consideration the
general public opinion on the policy and on the target group. This does not mean the
bureaucrats consult and follow the polls. As political creatures who live in a society, they
know the prevailing public attitudes.

The preferences of the public related to immigration issues are usually restrictionist
(Ellerman 2006; Fetzer 2000). If that is the case, bureaucrats also apply the policy in a
restrictive way.

Institutional Factors

The institutional environment where bureaucrats work can be of decisive importance
for the implementation process. First of all, in every Agency there has been developed a
set of norms and informal practices regarding the delivery of the policy, which often
diverge from the substantive and procedural legal rules. Consistency with the law is not
of particular importance for the bureaucrats who treat the law as one of their many
professional norms. According to Feldman (2003: 279) ‘law is special in the eyes of
lawyers and legislators, but it would probably be wrong to assume that it offers a
decisive way of influencing administrative behavior’. Bureaucrats prefer to comply with
the established norms and practices, rather than the law, as they ensure quick and,
sometimes, effective resolution of the emerging work-related situations on the one hand
and homogeneity in the implementation of the policy on the other.

Moreover, civil servants function in a framework of both horizontal (colleagues at the
same rank of hierarchy) and vertical (political and administrative hierarchy) relations.
Street-level bureaucrats work in the same environment, face the same challenges with
which they try to deal, have the same experiences and, consequently, they develop shared beliefs (Sandfort 2000). Bureaucrats, especially the newly appointed, prefer to appeal to their colleagues and consult them in order to learn from their experience, rather than acquiring a good knowledge about the law and the relevant procedural rules. The interaction with their peers not only forms anew the opinions and attitudes of the bureaucrats (resocialization effect) but also creates a sense of accountability towards their co-workers (Hupe & Hill 2007) that pushes them to follow the predominant trend within their institution.

Immigration law can be seen as having a regulatory (defending national interests and protecting the country from unwanted immigrants) or service-oriented (allocating rights to immigrants) mission. When immigration control dominates administrative culture and prejudice towards immigrants prevails in the agency, the norms that are developed and channel bureaucratic behavior lead to a restrictive and discriminatory implementation of the law (Alpes & Spire 2014). As Psimmenos & Kassimati (2003: 368) point out ‘the official [...] is concerned not with what is legal, but rather with what is the desired framework for immigration control’.

V. CONCLUSION

Bureaucracies are crucial for the realization of policy goals. The existence of the so-called ‘implementation gap’ illustrates the need for studies on bureaucratic behavior. An interesting research agenda includes the study of the motives underneath the actions of the bureaucrats and their causal effects on the implementation and, finally, on the effectiveness of the policy. For this type of research and in order to avoid a one-sided approach of the matter it is necessary to create a theoretical framework that combines non-contradictory elements from more than one theory and uses insights from the whole body of the literature.

The policy output is strongly correlated with the perception the street-level bureaucrat has of his role and mission, a perception that is shaped by numerous factors inside and outside the agency. These factors include the political ideology of the bureaucrat and his opinion about the target group of the policy, the stance of the public towards the policy and the institutional environment. Bureaucrats want to implement policies in a way congruent to their political views. They also want to feel that their work enjoys legitimacy and, therefore, they seek for the approval of the public. Finally, the institutional environment is of great importance as it has potentially a twofold impact on bureaucratic behavior. At first, interaction with colleagues may form anew the opinions and attitudes of the bureaucrat in a way consistent to the prevailing culture within their institution. Secondly, the informal practices and norms may result in allowing the bureaucrat to act according to his own preferences (wherever and however these preferences have been formed) and role perception.

The delivery behavior of bureaucrats who implement immigration law in particular is also affected by the aforementioned factors. Bureaucrats who have a conservative political ideology and a negative stance towards immigrants want to implement the law in a restrictive way. This is further reinforced when the general stance of the society is anti-immigrant, as consistency with public opinion provides bureaucratic actions with
legitimacy. An institutional environment that is dominated by prejudice towards immigrants also cultivates anti-immigration feelings and allows bureaucrats to act on these feelings. In general, bureaucrats who think their basic role is to serve the public by defending national interests and protecting their country from unwanted immigrants are more likely to use their discretion in order to implement immigration law in a rather restrictive way.

The research of bureaucratic behavior in relation to the role perception of the bureaucrat may provide a useful insight to the implementation of immigration law. However there is a need for more studies examining other factors affecting delivery behavior, for an in depth understanding of the implementation of immigration law. The importance of this matter is crucial for a country like Greece that needs to manage a significant immigration flow and stock.

References


