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**Master's Thesis of International Studies**

**Appraisal of the Discretion of Street-  
Level Leaders in China through the  
Lens of Leadership Theory**

지도자이론의 시각에서 본 중국  
“거리 지도자”의 결정권 평가

**August 2018**

**Graduate School of International Studies  
Seoul National University  
International Area Studies Major**

**Huang Ruimin**

# **Appraisal of the Discretion of Street-Level Leaders in China through the Lens of Leadership Theory**

Thesis by

**Huang Ruimin**

Graduate Program in International Area Studies  
In Fulfillment of the Requirements  
For the Degree of Master of International Studies

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**Graduate School of International Studies  
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# **Appraisal of the Discretion of Street-Level Leaders in China through the Lens of Leadership Theory**

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# 지도자이론의 시작에서 본 중국 “거리 지도자”의 결정권 평가

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## **ABSTRACT**

# **Appraisal of the Discretion of Street-Level Leaders in China through the Lens of Leadership Theory**

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China's street-level workers are irreplaceable and essential in providing public service for citizens' well-beings and national governance system development while there are surprisingly increasing misuse of discretion by street-level workers impairing public interests, crippling governments' authority and impeding service-oriented government transition. Lots of efforts from both theories and practice have been spent trying to figure out this urgent issue but mostly failed. So the main question is why these efforts failed? This article argues that it is because the role of street-level workers and the nature of discretion are not comprehensively understood. Hence, in order to solve the issue of street-level workers' misbehavior, it is necessary to reunderstand the role and discretion of street-level workers from the aspect of leadership theory as an important supplementary viewpoint.

**Keywords:** Street-level Workers, Discretion, Leadership, China

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# **Contents**

<b>Abstract .....</b>	<b>i</b>
<b>Contents.....</b>	<b>ii</b>
<b>List of Figures .....</b>	<b>iv</b>
<b>I. Background.....</b>	<b>1</b>
<b>II. Introduction .....</b>	<b>4</b>
1. Research Question and Purpose.....	4
2. Assumption .....	7
3. Research Methodology .....	8
4. Content.....	9
<b>III. Significance.....</b>	<b>10</b>
1. Why Street-level Workers as Leaders Matters .....	12
2. Practical Significance.....	12
3. Theoretical Significance .....	17
<b>IV. Literature Review.....</b>	<b>19</b>
1. Street-level Workers.....	19
2. Formation of Discretion.....	22
3. Exercise and Impact of Discretion .....	24
4. Variables and Control of Discretion.....	26
5. Evolution of Discretion.....	29
6. Discretion of Street-level Workers in China .....	29
7. Summary .....	31
<b>V. Discretion and Legitimacy .....</b>	<b>33</b>
1. The Nature of discretion .....	33
2. Legitimacy of Street-level Workers' Discretion .....	34
<b>VI. Failure of Practice .....</b>	<b>37</b>

<b>VII. Failure of Existing Theories.....</b>	<b>48</b>
1. Weakness of Bureaucracy .....	48
2. Weakness of Policy Implementation .....	52
3. Weakness of Politics .....	55
4. Weakness of Professionalism .....	58
<b>VIII. Why can Street-level Workers be Understood as Leadership....</b>	<b>61</b>
<b>IX. Street-level Leadership Model .....</b>	<b>69</b>
1. Situational Leadership and Process-Oriented Discretion.....	73
2. Transformational Leadership and Outcome-oriented Discretion .....	75
3. Street-level Leadership Model .....	78
<b>X. Street-level Leadership in China.....</b>	<b>81</b>
1. China's Street-level Workers .....	81
2. Complex Environment Surrounding Street-level Workers in China .....	82
3. Discretion Exercise of Street-level Workers in China.....	90
<b>XI. Street-level Leadership Model Applied in China .....</b>	<b>97</b>
1. Why Urban Management and Traffic Police in Guangdong as Representative	97
2. Case Selection.....	107
3. Follow Rules .....	123
4. Process-oriented (Situational) Leadership .....	126
5. Outcome-oriented (Transformational) Leadership.....	135
6. Situational and transformational Leadership .....	144
<b>XII. The Failure of Street-level Leadership .....</b>	<b>151</b>
<b>XIII. Conclusion.....</b>	<b>154</b>
<b>Limitation .....</b>	<b>155</b>
<b>Reference .....</b>	<b>157</b>
<b>Korean Abstract.....</b>	<b>166</b>

## **List of Figures**

Figure 1. Street-Level Leadership Model

Figure 2. Embedded Enforcement Structure

Figure 3. 2002 Dongguan Comprehensive Enforcement Bureau Reform

Figure 4. 2014 Dongguan Comprehensive Enforcement Bureau Reform

## I. Background

Street-level bureaucracy has always been a heated debate in public administration, public policy and bureaucracy fields. The extraordinary theoretical connotation and practical significance make it a powerful approach in describing, evaluating and improving public service and national governance.

Lipsky's book *Street-level Bureaucracy* in 1980 marks the starting point for street-level bureaucracy as a formal discipline in public administration field. Followed by Wilson, Moore and Scott's contribution, the researches on street-level bureaucracy have been highly developed in West with the tide of public policy implementation movement in America in 1970s to 1980s. With the development of public service theories, as the direct provider of public service, the status and impact of grass-root public servants have attracted numerous scholars' interests.

In China, since the 18<sup>th</sup> CPC National Congress, president Xi also addresses the issue of social governance as an important component of national governance system. In order to advance national governing capacity modernization, new ideas regarding social governance system have been established by president Xi.

CPC and government dominate in social governance but with the development of social governance innovation, diversifying governing subjects are encouraged to participate in social governance as jointly social force (Qing 2017), where street-level workers are positioned and their significance should be emphasized.

First, the core of social governance system is people. In 2014, president Xi claims that only when there is harmonious coexistence among people can the society be

stable and ordered, which relates to the significance of individual street-level workers in public service delivery to maintain social stability.

Second, social governance should concentrate on handling social conflicts. Currently China is at the prominent period of complex social conflicts. It is important to deeply investigate citizens' interests articulation and what benefits can social reforms bring to them. Therefore, in terms of origin, citizens' livelihood issues must be solved and consolidate the material foundation of social stability to fundamentally prevent and reduce social conflicts (Qing 2017). The responsibilities of street-level workers are supposed to protect citizens' public interests and deal with social problems by fulfilling daily enforcement tasks at the street level. So they are at the first front-line to handle social conflicts whose roles are directly intertwined with different social contradictions and how they accomplish their jobs significantly determines the quality of citizens' well-beings and social order. Moreover, the relationship between diverse social governance and order need to be balanced. Neither should social governance totally depend on fixed laws or rules nor governing approaches are too loose and out of control, where is the source of the inevitability of discretion by street-level workers to ensure social order.

Third, president Xi points out that the focus and difficulties of China's overall macro reform largely depend on grass-root levels so the responsible subjects of implementing public policies are at the primary level (Cao, Wan 2017). The focus of social governance must be realized at the town and community level, which are the foothold of all the macro reform (Xi 2014). The working environments of street-level workers are at these basic levels and they have burdened enormous essential tasks regarding China's macro comprehensive reform so how they have achieved the goals

largely determine the performance of CPC and governments' governing capacity.

Further, it is important to strengthen the normalization of city management since China has both entered the rapid urbanizing period and the prominent time of exploding social contradictions. Until 2016, the urbanization rate of China has reached 57.35%. Urbanization is the precondition of modernization with overwhelming challenges of city managements such as environment protection, social security and public transportation, which directly rely on street-level workers to solve in their daily enforcement. On the other hand, urbanization produces migrant workers, which calls for regular and effective management of floating population. There is 0.245 billion floating population in China until the end of 2016, whose majority is migrant workers with different and complex background without adequate investigation by governments. These migrant workers mostly participate in informal section and cause various unpredictable social problems. For example, some migrant workers rely on illegal street trading for basic survival because they are disqualified to be admitted in formal companies in cities, who produces one of the most challenging city management issue regarding city appearance and public order management to urban management. In order to achieve social governance innovation, president Xi requires this issue should be worked out by market-oriented and rule-by-law approaches as higher demands for city management (Qing 2017).

However, China's academia fields have not paid much attention to the issue of street-level bureaucracy with a few studies while China have a great number of street-level public servants playing essential roles in offering public service.

Even worse, much misbehavior by street-level public servants have caused negative

influence on the whole society such as the questioning of their quality and capability, officers-citizens conflicts, collective public security incidents, low efficiency of public service provision and the forth. For example, according to 2005 Social Blue Book issued by Chinese Academy of Social Science, the number of collective public security incidents(COPSI) raised extremely rapidly from 10000 to 60000 by 5 times from 1993 to 2003 and the participants increased from 730 thousand to 3.07 million. Based on 2010 Social Blue Book, social stability was achieved relatively but COPSI still took on a prone situation. COPSI is the result of long-term social conflicts accumulation, especially the conflicts between urban management and street venders. A single case of urban management dealing with violently resistant street venders was easily transformed into social mass disturbance when urban management failed to legitimately and properly exercise their discretion.

Under the macro circumstance of transformation towards service-oriented government, it is urgent for China's academia fields and governments to address the issue of misbehavior by street-level public servants and figure out effective solutions in order to refine public management and succeed in establishing service-oriented government by better constructing the street-level public servants.

## **II. Introduction**

### **1. Research Question and Purpose**

The research question is why existing solutions fail to figure out the issue of discretion misuse by street-level workers in China. This paper claims that because

these attempts are inadequate to comprehensively understand the nature of street-level worker's role and discretion and argues that street-level workers can also be considered as leaders and their discretion can be viewed as leadership analyzed within the street-level leadership model.

China's street-level workers are irreplaceable and essential in providing public service for citizens' well-beings and national governance system development while there are surprisingly increasing misuse of discretion by street-level workers impairing public interests, crippling governments' authority and impeding service-oriented government transition. Lots of efforts from both theories and practice have been spent trying to figure out this urgent issue but almost fail to establish effective solutions. So the main question is why these efforts failed? It is because the role of street-level workers and the nature of discretion are not comprehensively understood. Hence, in order to solve the issue of street-level workers' misbehavior, it is necessary to call out more effective and compelling approaches as supplementary ways and the street-level leadership model is helpful to reunderstand the issue. Accordingly, China's cases are well measured within the street-level leadership model and it unearths great significance for street-level workers, citizens, governments and national governance system further illustrated in the next section.

In China, street-level workers play a very essential and indispensable role in providing public service but there is much misbehavior caused by them. Plenty of street-level workers abuse their discretionary power in administrative enforcement. The failure to provide public service and cause social instability definitely hurts the citizens' well-being and impedes the improvement of national governance. As a result, the citizens are really unsatisfied with these street-level workers, who interact

with them directly in daily life, by expressing and articulating negative public opinion and non-cooperative or even violent actions in the interaction with street-level workers. The superior governments are also discontented as they believe the street-level workers fail to execute public policies and wage many officer-citizen conflicts during enforcement so the superior governments always impose severe punishments on the street-level workers. Moreover, the governments always view street-level workers as simple policy executors so they offer quite inadequate support of public resources to them imposing more unnecessary challenges to street-level workers. Under this circumstance, the street-level workers are strongly discouraged to provide better public service by exercising the discretion appropriately and legitimately, which reversely deteriorates the impression and response of citizens and superior governments to them as an unsolvable vicious cycle.

This is an enduring issue with lots of efforts but most are not workable to fundamentally control discretion misuse. Theoretically, many China's scholars have conducted researches on how to solve the misuse of discretion by street-level workers, but few are soluble. In practice, a lot of superior governments and related departments have established various legal or administrative punishments trying to control the misbehavior of street-level workers while the consequence is that the discretion misuse and the according social disturbance caused by the misbehavior keep occurring, which strongly impair the image and authority of government as well as produce much social instability.

Therefore, the question here is why most efforts fail to solve the problem of misbehavior of street-level workers? It is because they do not comprehensively understand the role and nature of street-level workers and their discretion so they

cannot figure out effective and proper solutions. It is all known that it is impossible to find out a solution to a problem unless the problem is thoroughly understood. So this paper tries to explain that in order to explore a new effective resolution to street-level workers' discretion misuse, it is necessary to change the traditional ways people think about them while they can also be defined as leaders and they actually wield their discretion as leadership power in providing public service as a supplementary approach, which is beneficial to unearth more useful implications to solve the problem mentioned above.

## **2. Assumption**

First, this model takes a worker-centered view, which is different from the existing studies about street-level workers. From the perspective of individual street-level workers, this model defines the challenges, the environment and the demands of their work from their own aspects. It takes the environments as given independent variables to shape the discretionary behaviors of street-level workers and illustrates how street-level workers consider these environments and how they act effectively and legitimately within these circumstances.

Second, the importance of discretion derived from its inevitability in public service delivery is combined with both benefits and abuse so there are questions about the legitimacy of street-level workers' discretionary actions. It is essential to develop an effective and useful mean by which the legitimacy of discretion can be established and measured, which is standard built within the model.

Third, though street-level workers are seen as the center in different environments,

they are also supposed to be combined with relevant legal, organizational, social, community and ethical constraints, which altogether make up the changing and complex environments surrounding street-level workers.

### **3. Research Methodology**

Janet Coble Vinzant and Lane Crothers have succeeded in utilizing leadership theories to evaluate the discretion and legitimacy of street-level workers by applying the leadership theories into U.S. street-level workers cases with compelling conclusions.

The street-level leadership model speaks to two types of discretion: discretion over outcome and discretion over process derived from situational leadership and transformational leadership theories. Street-level workers exercise discretion in deciding what to do or how to do it or both under different circumstances (Vinzant, Crothers 1998). And the model also provides specific criteria to measure the legitimacy of discretion exercise, which in-depth elaborates the appropriateness of their discretionary actions.

This paper is going to apply this street-level leadership model into China's cases. The case studies select the urban management and traffic police as the analytical objects because of their significant representativeness and importance in public service delivery.

The scope of case studies is within Guangdong Region since public service in Guangdong reflects the direction and trend of China's public service development.

Additionally, with the highly developed urbanization in Guangdong, there are many typical social conflicts resulted from imbalanced economic development in China's overall societal transition and the resolutions largely depend on street-level workers, which sufficiently and concentratedly indicate how street-level workers wield discretion to figure out these conflicts.

In general, the street-level leadership is grounded on the realities of street-level workers so the arguments and conclusions are drawn from several street-level workers' daily work by exercising discretion in diverse situations, where the real complex, fluid and difficult working environments to shape their decision makings are accurately described. In the case studies, the focus is on the complicated situations requiring street-level workers to make decisions by exercising discretionary power and describing the characteristics of different situations as external factors to constraint their behaviors as well as prescriptively analyzing the legitimacy and appropriateness of their discretionary decisions.

## 4. Content

First, the leadership theories and street-level leadership models will be discussed, which are already introduced to China's academic field. And then why the street-level workers can be understood as leaders is to be addressed. Accordingly, the street-level leadership models will be applied in China's case.

Moreover, based on the complicated composition of street-level bureaucrats in China as many of them are not factual public servants or have formal public servants establishments, the term "worker" will be used to avoid ambiguity.

And the case studies only focuses on the urban management and traffic police, which are the two most important and typical representatives of China's street-level workers within Guangdong province, in which the public service is highly developed as the most convincing and leading representative in China so the analysis will be more explanatory and consistent. And the importance of urban management and traffic police and the status of Guangdong in developing public service will also be illustrated.

Finally, the conclusion will be drawn that China's street-level workers can be analyzed within the street-level leadership model so they are virtually leaders exercising leadership in providing public service. Therefore, the government, the citizens, the street-level workers themselves and the national governance system should reconsider the role and impact of street-level workers from the aspect of leaders trying to figure out new effective and useful solutions to solve their problems of discretion misuse discussed in the implication.

### **III. Significance**

Street-level worker is a very special existence form of government staff in China. Their responsibility of implementing public policy directly determines the quality of citizens' well-beings and their irreplaceable position at the hierarchical structure for national governance construction makes it quite necessary and important to further understand their role, discretion and accountability, which is essential to the citizens, the governments, the street-level workers themselves and the national governance system.

There are 7.19 million public servants in China since 2016 and 92% of them are grass-root workers while all the implementation of public policies concerning public service largely depends on them. Their job fulfills the meaning of “citizens” and reflects the governing capacity, values, experts and images of governments as citizens only directly deal with them while citizens are in long distance with governments in everyday life. The street-level workers enjoy discretion in public service since Locke states there are a lot of things beyond the constraints of law and these things should be handled by those with discretion in accordance with public interests and welfare. In addition, due to the rapidly increasing complexity and uncertainty of public affairs resulted from the enlargement of government’s function and responsibility of social life, street-level workers possess more discretion in executing public policies. To some degree, discretion is the soul of modern public administration.

However, with the discretion advancing, there is also much misuse of discretion by street-level workers in China causing a good deal of seriously negative influence on the whole country.

With the rapid development of economy since 1978, China is at the turning point of political reform in a prominent period of social contradictions. The governments confront a strand of social conflicts to be solved, especially caused by street-level workers’ misbehavior, which deteriorates the difficulties in harmonization of various interests. Their misbehavior of discretion undermines the legitimacy and authority of Chinese government which impede the political reform, especially the transition of service-oriented government by many social mass disturbance severely threatening the societal stability. So there is emergency and necessity to reevaluate

and deeper understanding the role of street-level workers and their discretion in China in order to provide more useful solutions to figure out how their discretion can be controlled effectively.

## **1. Why Street-level Workers as Leaders Matters**

The central assumption of street-level leadership model is that the leader is positioned at the center of the matrix with various variables surrounding the leader, which shape the situation where the leader needs to exercise leadership power in charge of the whole process. In other words, China's street-level workers are leaders at the street level and definitely and greatly influenced by the complex and changing environment surrounding them to make decisions about how to exercise their discretion to provide public service. And the model also assumes that the discretion of street-level workers is inevitable and can be divided into two dimensions: what the street-level workers do (goal) and how they achieve the goal (approach). Besides, the model provides particular and more flexible standards to evaluate the legitimacy and appropriateness of discretion exercising supplementing the laws and department rules.

This new understanding has great significance to the superior governments, the citizens, the street-level workers themselves and the macro national governance system.

## **2. Practical Significance**

## **2-1. Government**

First, under the leadership model, the superior governments can understand the extreme difficulties which high constrain street-level workers when they confront in the situations and give more understanding and tolerance to the workers when they sometimes fail to provide good public service rather than roughly imposing rules or laws to punish them, which discourages street-level workers to improve their work.

Secondly, the governments will grant more public sources and legal power to the street-level workers helping them to better and easier fulfill the essential jobs as street-level workers in China today burden much more responsibilities than other administrative departments with deficient public sources and legal power relatively, which imposes more unnecessary challenges they are forced to face. Because of the serious imbalance of responsibility and public resources delegated to street-level workers, they always find it impossible job to fulfill their jobs. But if the superior governments reconsider the role of them as leaders and know better the complicated environments restraining them, the governments will attach great importance to the indispensable importance of street-level workers as leaders exercising inevitable discretionary power in charge of providing public service instead of neglecting them as pure policy executors with little impact to the society.

Thirdly, the rigid rewards and punishments mechanisms as well as inadequate incentive systems for street-level workers are quite ill-matched as infeasible approaches to control discretion in contrast to the reality of changing and

complicated situations in their work. The model provides more specific criteria in terms of the goals and approaches the street-level workers use in order to evaluate the legitimacy and appropriateness of discretionary power use. This new dimension offers useful implications for governments to set up more accurate and reasonable ways to measure the use of discretion rather than sitting at the office and imposing rewards or punishments according to paperwork, which will in turn give more motivations to the street-level workers as they can feel their superiors are fair and justice in assessing their performance and their proper compulsory discretionary actions are truly understood by their superiors.

## **2-2. Citizens**

Viewing the street-level workers as leaders help citizens deliver more understanding and support to the workers when they conduct use of force. For example, when facing violent illegal street occupation by restaurants in Shanghai, which strongly impedes people to walk on the pavement for a long time, it is understandable for the urban management to confiscate the tables and chairs coercively as urban management already persuaded the restaurants to clean away these legal occupations for several times. And the compulsory actions actually receive a lot of support and positive feedback from residents within the community as they observe and understand that what the urban management did is for their public interests and they witness how difficult and challenging the whole process of enforcement was. As street-level workers have to interact with citizens face to face in daily life, more understanding and cooperative actions from citizens definitely encourage street-level workers to

improve the quality of their work and avoid potential social conflicts as well as in turn advance public welfare.

## **2-3. Street-level Workers**

Understanding themselves as leaders helps street-level workers to gain sense of accomplishment and more incentives to properly control their discretionary behaviors as they better understand the importance of their jobs wielding discretion in public service exerting decisive impact on social welfare. In the past, they believe they only have to follow orders and conduct fixed enforcement actions without considering the actual significance of their work.

The street-level workers know they have numerous almost impossible jobs with a little support to do everyday and they have the power to decide what to do and how to do it. But they lack powerful language how to address this issue.

Moreover, due to the great challenges and difficulties they are forced to face, many street-level workers choose to only follow rules, implementing easier policies selectively or getting away from dangerous and complex scene, which are common characteristics of discretion misuse in China. This model uses worker-centered view to summarize the role and discretion of street-level workers, empowering them to overcome the challenges and further advance their jobs by properly and legitimately wield the discretionary power as no other studies in China try to explain the misuse of discretion from the perspective of street-level workers themselves.

Further, this new role as leaders with essential status help street-level workers gain

more power and support in the distribution of public service responsibility as they can not be the only one to be blamed and punished when they abuse discretion in providing public service since they are highly constrained by various situational variables, which should be contained in determining how to measure their performance.

## **2-4. National Governance System**

Last but not least, from the macro aspect of national governance system, as leaders, street-level workers are active members and participants involved in the governance system rather than inappreciable policy executors or troublemakers. The advancement of public service provision and effective control of discretion help solve the tension between market reform and social injustice. With the development of economy, the central government not only fails to realize transformation of public service towards education, medical health and social welfare with increasing public finance investment but also expands the social interests divergence even with the appearance of removal of the middle class in China. Most of them governments focus on projects of raising tax income and GDP advancement while ignores the refinement of public welfare. Considering street-level workers as leaders and in-depth understanding the significance of their jobs to the whole society and the national development by the central government, more public policies regarding livelihood will be initiated and since street-level workers are the only groups who best know the situation of citizens' daily life, they can provide more positive and useful advice in policy making, which is essential to realize a justice and harmonious

society by integrating the state into society again.

### **3. Theoretical Significance**

First, no studies discuss street-level workers from the aspect of leadership theory with a systemic framework in China while western countries have highly developed this theoretical issue so there is huge gap to be filled in China's academia field.

Second, street-level workers have to deal with changing, specific and personal issues in public service so it is infeasible to analyze the relation between street-level workers and citizens only in terms of legal or rule principle, organization, bureaucracy or policy implementation. With the reform of service-oriented governments, the discretion of street-level workers will gain more importance in public administration field. And the public service provision largely depends on individual workers' experience, ability, experts and values to make decisions. Therefore, addressing street-level workers as leaders in terms of worker-centered viewpoint with significant status and necessary discretionary power gives more important supplement to the development of public administration field.

Third, the trend of public administration development concentrates on delegation and empowerment instead of obedience and rule-dependency. Street-level workers need to meet the requirements of clients with effective public service provision. Street-level leadership model explains how street-level workers act as leaders considering various situational factors in order to fulfill the demand of citizens rather than simply following fixed rules or regulations only as policy executors.

Fourth, with the development of civil society, public values and spirits receive more attention from the central government. The construction of administration system emphasizes more on administrative values such as democracy, public interests and citizens' spirits. The street-level leadership theory helps evaluate positive examples of street-level workers, in which explaining how they achieve public goals considering various competing values, ideals and norms and the criteria against which the legitimacy and appropriateness of the discretion can be measured.

Fifth, in China's public administration field, public governance(公共治理) has gradually taken the place of public management. In public governance, public affairs should be more coherent to public interests and values with different governing subjects(治理主体). Street-level workers are actual governing subjects to promote public governance by concrete public service provision rather than passive policy executors obeying orders. The worker-centered viewpoint of street-level leadership theory focus on individual and micro discretionary actions in order to combine governing theories and practice for further guidance and refinement of public governance.

In short, understanding street-level workers as leaders and the discretion as leadership power, not only can they optimize the use of discretion more properly and legitimately in order to avoid misuse of discretion and social instability but also promotes the citizens' well-beings in better public service provision as well as figure out the challenges of the national governance system in China nowadays.

## **IV. Literature Review**

### **1. Street-level Workers**

There are various term for street-level workers according to different subjects including street-level workers or workers, street-level public servants, front-line workers or workers or servants. Before the formal definition of street-level bureaucracy in 1977 was put forward, many scholars have done researches on their behaviors.

The idea of street-level bureaucracy as an academic notion originates from M. Lipsky in his book *Toward a Theory of Street-level Bureaucracy* published in 1977 comprehensively introducing the theory of street-level bureaucracy, which laid a solid foundation for public policy and politics, and Lipsky is considered as the spokesman for top-down policy execution.

From the perspective of Lipsky, street-level bureaucracy refers to those public service workers who directly interact with citizens and possess strong discretion, such as the employees in school, police station and welfare department.

Lipsky's idea of street-level workers is further developed. Moore(1983) argues that Lipsky's method to study the inventive and behaviors of street-level workers is consistent with bureaucracy theory, in which the techniques, cognition and morality of street-level workers are considered as negative. But Lipsky does not provide a overall decision-making process by weakening the political factors involved. So Moore(1983) puts forward a Political Discourse theory to assess the decisions and behaviors of street-level workers. In this theory, workers are treated as politicians so

it is necessary to distinguish different street-level workers institutions and their decision-making is formed in a strategy of contingency, learning and sequence-oriented instead of simply pursing the logic outcome of utility maximization.

Due to its inseparable relation with the status of public administration, the discretion of street-level bureaucracy has always been the heated debate topic. Scott(1997) believes that the discretion of bureaucracy is an essential issue in public administration as it is combined with the goal of Good Government, effective public service and people's satisfaction. Ye and Ma (2003) supposes that the discretion of bureaucracy should be analyzed through the lens of macro and micro aspects. In terms of macro analysis, public servants own powerful discretion in policy execution conducted by legislative. In views of micro research, the discretion of bureaucracy is a series of choices determined by a whole string of constrains and those individuals as public service supplier. The former is relevant to legislative, judiciary and civic engagement while the latter is involved in the regulation and institutionalization of organizations.

Street-level workers have great discretion defined by laws and public policies where there are grey zones for them to have access to legitimate discretion because regardless of the degree of accuracy of public policies and rules, the complexity and divergence in reality is beyond the capacity of decision makers. Therefore, it is neither necessary nor possible to specifically stipulate each detail for policy execution. On the other hand, discretion derives from interaction between street-level workers and citizens confined by information asymmetry, which indicates the discretion of street-level workers is inevitable during the interaction as they incline to adopt some measures spontaneously resulted from resources deficiency, self-

protections or other reasons. Though these behaviors are not recognized by legislative and their superiors, it is difficult to detect as street-level workers are positioned at the end of information superiority. As a result, it is more likely for them to get rid of the restraint of organization authority in order to achieve autonomy space.

Because of large amount of discretion and autonomy, the process of policy execution by street-level workers also reflects how they make decisions and how they select different options. Lipksy claims that the decisions, procedures and institutions responding to uncertainty in execution made by street-level workers are successfully transformed to a new public policy which they actually execute. Hence, they are both executors and decision makers at the grass-root level with significant influence on citizen's daily life,

Many scholars focus on workers with discretion in terms of policy making and execution but few of them concentrate on the discretion of street-level workers before Lipsky.

The existing mainstream researches about bureaucracy theory center on policy execution and discretion. In terms of discretion of street-level workers determines its particular 'Boundary Actor' in organizations, which accounts for the origin of power of grass-root workers, as the intermediary between organization and community. The bureaucracy's dependence on its street-level workers for the efficacious translation of its environmental inputs (citizens) into processable units (clients) provides the workers with the leverage to interfere in the organization's "enforcement sequence."(Prottas 1978). These researches also give rise to a new mode of leadership under which public servants are capable of understanding what they do,

how they do and how they evaluate the quantitative settings.(Vinzant Crothers, 1998)

Though it has been widely accepted that street-level workers tend to utilize their discretion to serve their own interests, Moody and Leland(2000) find out that street-level workers are responsible administrators under some circumstances. Lack of guidance and backing, street-level workers only rely on their personal expertise, experience and belief to make decisions. It's true that some street-level workers use their discretion to make their work easier and more secure but others make it tougher and more stressful via wielding discretion. These responsible street-level workers take care of their community and in terms of the principal-agency theories, agents are their clients rather than superiors, which significantly enriches our understanding of street-level workers.

It is a factual outcome that discretion is a very critical particularity of street-level workers but it is urgent to answer how discretion affect our daily life and what factors have impact on their discretion and how we can effectively control the misbehavior of discretion of them rather than respond to whether street-level workers should have discretion.

## **2. Formation of Discretion**

Lipsky carefully examines the hidden pressure, restraints from different organization and grass-root staff's logic response to these settings.(Jewell Glaser, 2006) Lipsky argues that compared with most low-level employees in other organizations, street-level workers from government possess substantial discretion when determining the quality, quantity and nature of benefits and penalties delegated by organizations. And

they confront very special working conditions. First, they lack of enough recourse to accomplish the tasks relatively. And uniquely, the better public service they offer, the more resources are deficient. Thirdly, the expectation for street-level workers is always vague or controversial from their superiors. Besides, it is virtually tough to conduct their performance evaluation. Last but not least, citizens are forced to be the clients due to the monopoly of public service supply by government (Ma Ye,2004). Based on this exceptional working settings, Lipsky holds three reasons to support that discretion are impossible to eliminate or weaken as it is merely possible to routinized the work of street-level workers as people instead of substance are involved in their work, which needs more subjective observation and judgment. Furthermore, discretion has given more confidence and self-esteem for grass-root public servants and makes clients believe that their welfare is tightly connected with these street-level workers (Lipsky, 1980).

As mentioned above, discretion is impossible to be eliminated. First, Vinzant and Crothers suppose that the work of street-level workers is determined by their decision-making conditions, where they have to make a choice and figure out the solutions, which are quite challenging as both curses and opportunities. And their unique and only role in policy execution has profound influence.(Meyer Vorsanger, 2003) May and Winter (2009) finds out that in order to provide more specific and convincing explanations of the paths to transform policy designed by top political leaders to grass-root execution, it is better to analyze how politicians, administrators and street-level workers affect policy execution. Secondly, street-level workers must utilize discretion to respond to various situations by each person pertinently. Third, Lipsky (1980) suggests discretion motivates government staff to seek for self-

protection. And their independence in policy execution results in difficulties for direct monitor or other forms of control leading to more real discretion (Brehm Gates, 1997).

### **3. Exercise and Impact of Discretion**

Discretion control is an essential issue in Politics and Public Administration, which is deteriorated with the appearance of street-level workers. They believe their design of working settings and procedures are effective but from the perspective of clients, their discretion brings about rigidity and non-response to policy execution, where the cost is transferred to citizens, which forces citizens give up turning to street-level workers for help. Hence, governments have to assure street-level workers must be responsible for both superiors and citizens (Bovens Zouridis,2002).

But Lipsky exposes that it is easy for street-level workers to overthrow the control imposed on them so their responsibility is of little reliability because all the information their superior can depend on is provided by street-level workers themselves.

So it is almost impossible to conduct effective performance evaluation for street-level workers without their cooperation. Though many governments struggle for clarifying the goal of street-level workers, not all the goals can be clear and it will undermine their power so street-level workers are unwilling to cooperate. In addition to the problem of supervision, street-level workers are also under the protection of public servants system so administrators are unable to exploit bonus-penalty mechanism to constrain street-level workers.

Lipsky uncovers two basic conditions confining the discretion of street-level workers.

First, the fundamental factor is the long-term resources deficiency as the demand for public service inevitably matches the level of supply (Lipsky, 1980). The second condition is that no clear regulations or guidance are available for resources distribution. Plus, the goals of organizations are always ambiguous, which forces street-level workers fail to work out the priority of their tasks (Lipsky, 1980).

Therefore, the discretion of street-level workers is revealed in two aspects, the distribution of limited resources and direction of policy execution. To be more concrete about their behaviors, there are demands for adapting to uncertain and intricate working environments, requirements to maintain flexibility and subjective emotions when interacting with clients and their needs for self-care (Lipsky, 1980)

Davis (1969) also argues that the discretion of public servants is certain liberty where their discretion is effectively regulated and is authorized to make options within proper scope. In a nutshell, on the one hand, the discretion of street-level workers lies on effective policy execution in order to achieve the organizational goals. On the other hand, street-level workers are obliged to accomplish justice and equity by means of discretion in policy execution.

Other academic fields also put much emphasis on discretion of street-level workers.

Loyen and Maesschalck (2010) divide the research into six specific approaches including modes of monitor, principle-agency theory, ethical decision-making and criminal justice systems. In view of public administration practice, Jewell and Glaser (2006) create regulation-driven and service provision types to classify street-level workers. The former refers to police and the latter points to employees in social welfare projects and these two groups have different modes of discretion. The main

research objects of street-level workers contain two parts, social workers and law enforcement officers. Isett Morrissey and Topping (2006) do research on medical health staff. Maynard-Moody and Musheno analyze the street-level workers in school and social welfare agencies exploring that few formal laws or regulations imposed on their distribution of time and benefits to clients.(Meyers Vorsanger,2003)

Kroeger(1975) claims that workers in sympathetic cases tend to offer more benefits to clients compared with regulation-driven staff.

The significance of street-level workers is not only about their front-line position but also relates to whether and how their discretion are able to achieve justice and fairness in public execution as the key factor. Street-level workers are considered as creative political strategists pursuing refinement and advancement of their technical, social and moral capacities and realizing strategic success in vague working circumstances (Moore, 1987). The judgement and knowledge of justice by street-level workers are decisive factors in people's daily life, which is determined by the variables of discretion of them. So it is also essential to explore their degree and direction of even judgement as in policy execution research (Kelly,1994)

Again, the discretion of street-level workers is inevitable and significant (Meyers Vorsanger, 2003) And what should be done currently is to control discretion within certain sphere by studying the nature of discretion, how it is formed and its impact on policy execution instead of roughly eradicate it (Loyer Maesschalck, 2010).

#### **4. Variables and Control of Discretion**

Street-level leaders combine discretion, power and legitimacy (Vinzant Crothers,

1998). The discretion of street-level workers stems from its legitimacy bestowed by citizens, legislative, administrator, political leaders and justice or otherwise they will fail to utilize discretion (Rutkowski, 2001). Discretion is a factual outcome so that its variables and control are viewed as the core of street-level workers theory. Lipsky persuasively argues that street-level workers in public service department have inherent flaws due to lack of resources and guidance (Goldner, 1982). Lipsky puts much emphasis on the research of constraints of discretion and he proposes the reform to improve public service but it is disconnected with his analysis with the current problems in street-level workers (Goldner, 1982) and he also claims most of the reforms won't work out without cooperation among administrators, clients and street-level workers (Lipsky, 1980).

A number of scholars strive for searching for more convincing approaches to control street-level workers' discretion. Millter (1967) finds out that there is correlation between professionalism and regulations of organizations. Brehm and Gates (1997) further explores that street-level workers tend to realize self-adjustment and they are more susceptible to clients and peers instead of their superiors. Maynard-moody and Musheno (2003) asserts that the decision-making and actions of street-level workers rely more on norms and belief rather than follow rules or procedures. Meyers and Vorsanger (2003) contribute that the decision-making of street-level workers is determined by personal interests, codes and constructivism in routine work. Kelly (1994) proposes that the organizational culture has impacts as those of their recognition of justice and equity on their decision-making. Scott (1997) reveals that the degree to control discretion by organizations, the characteristics of clients and expertise have influence on resources distribution and public service provision.

Kagan (1994) focuses on how to explain some specific execution by street-level workers with four variables, legitimacy, task description, political environment and leaders. Hawkins (1984) and Loyen and Maesschalck (2010) supplement other factors including organizational structure, pressure, training or staff's experience. Jewell and Glaser (2006) concentrates on how organizations serve as intermediate between policy execution and policy making by analyzing authority, client contact, role expectations, workload, knowledge and expertise, incentives as variables.

In general, Scott (1997) summarizes that the existing research focus on the impact of organizations, individual street-level workers and clients on the application of discretion. The variables of organization tend to organizational control, the variable of clients prefer the notion of sympathy and the individual street-level workers lead to altruism, norm, belief and professionalism. Han (2008) believes the control of discretion is supposed to be conducted by means of administrative, legal, political and moral approaches.

Maupin (1993) suggests that improvement of project design and execution helps reduce the negative impact of discretion. Maynardmoodye, Musheno and Palmbo (1990) argues it is necessary to decentralize and consider street-level workers as decision-makers in policy execution in order to decrease the harm caused by misbehavior of discretion. However, some street-level workers are faithful to political leaders but fail to successfully execute the policy because of lack of enough resources and expertise (Meyers Vorsanger, 2003). Winter also agrees that the information asymmetry between street-level workers and superiors is the essential reason why their front-line work is beyond administrative control.

All these controversial and competing researches on street-level workers and their discretion indicates the enormous complexity and divergence in policy execution, which calls for a more comprehensive and intricate model to assess stratification of institutional control, organizational constrain and individual excitation mechanism (Meyers Vorsanger, 2003). Jewell and Glaser (2006) the discretion of street-level workers should be attributed to account for the difficulties of transforming organizational behaviors.

## **5. Evolution of Discretion**

Bovens and Zouridis (2002) raise System-Level Bureaucracies Theory in late 1990s that with rapid development of information technology, street-level workers evolve to screen workers and then to system-level workers. The fundamental factor is the alteration of their working settings leading to discretion transferring, which brings new challenges. Discretion is not weakened or eliminated but transferred to system-design programmers. So street-level workers still own strong discretion in a new form. And too much dependence on information technology is likely to cause rigidity (Ye Ma, 2003).

## **6. Discretion of Street-level Workers in China**

This issue is another picture in China's case. Ye and Ma are the first to import street-level bureaucracy theory in public administration field to China and Han is the most authoritative professor on street-level bureaucracy theory, where he addresses the

importance of the nature of spatiality(空间性) in the theory, such as the notions of street-level, front-line, grass-root and scene (现场). On the basis of the characteristics of space, Han(2010) classifies three types of spatiality for actions of street-level workers including window, street-level and community space.

China's studies of street-level workers only center on introducing and analyzing existing western literature. So there is no comprehensive or systemic research framework of China's street-level workers. There is only six research paper of this topic on Chinese periodical full text database and the earliest one only dates back to 2003. Most of the researches in recent years concentrate on discretion, incentive institution, performance evaluation and capacity building of street-level workers. But the existing field researches about grass-root public servants do not fit in well with street-level bureaucracy theories without clear and accurate definition of research object and the topic is too macro relating to the role of state and state-society relationship lack of systematicness and coherence (Han, 2008). Though much paper involves street-level public servants, they are merely analyzed or described in terms of western theories without establishing their own theories to form the academic dialogue between China and West. In other words, valid application of street-level workers in China is not available yet.

Furthermore, there are some gaps between China and western street-level workers theory. The mainstream of western theories considers discretion of street-level workers is inevitable and legal, where they in-depth discuss the variables of the issue. But in China, most scholars focus illegal behavior of street-level workers in terms of administrative rules and laws. Yan and Liu (2007) argues the administrative setting for street-level workers in China lags behind West as there are fundamental flaws in

the administrative institutions and policy thought. For instance, the institution of penalty should only be the superior's responsibility and power. And a lot of front-line workers in China do not have identities of public servants but are delegated to serve as street-level leaders, which add more pressures to government budget and control on them.

The precondition of discretion analysis is to define discretion of street-level workers as legitimate and within this scope can other factors be considered, which means the research of discretion of street-level workers is all about its effectiveness as legitimate administrative action but China's studies are ambiguous about this prerequisite. In China, all the grass-root government staff are assessed by street-level workers theory without specific classification and definition and the scholars try to expand the research of street-level workers to understand the role of government, governance by law and state-society issues through more macro views, which is virtually different from those researches in West to discuss the validity of policy execution and public service provision. More particularly, China's street-level workers are viewed as front-line level executors of state sovereignty rather than public service suppliers.

## 7. Summary

Though many scholars have found out valuable explanations of how organizational conditions have influence on front-line behaviors, their individual cases always lead to specific rather than a comprehensive and general conclusion. So it is necessary to find out a more systematic approach to appraise the projects and solutions for street-

level workers' discretion (Jewell Glaser, 2006). There is a apparent loophole that no common points of various street-level workers have been discovered to identify their working approaches in macro political, societal and economic institutions (Meyers Vorsanger, 2003). Researches on street-level workers include their discretion and their ethical decision-making in organizations, which are both independent studies and can be integrated into qualitative research for street-level workers' decision-makings (Loyer Maesschanck, 2010).

The variables affecting discretion of street-level workers are clients, organizations and public service suppliers but their internal relations are often ignored and few of their conclusions are based on empirical verification so there are only limited knowledge about the nature of discretion done by factor researches rather than process research (Loyer Maesschalck,2010).

Lack of a comprehensive model to study street-level workers makes it impossible to fully evaluate their performance (Meyers Vorsanger, 2003). New researches still provide new element instead of a complete model to analyze. As a result, a more integrated theory or model is necessary to figure out how politics, organizations and individuals use policy design, organizational functions, professional norms and organizational culture to transform the discretion of street-level workers to personal discretion (Meyers Vorsanger,2003) and different competing parties in the process of street-level workers' discretion application.

The existing researches consider discretion as static power to assess its composition and variables but Wang (2011) assumes that the discretion of street-level workers is a formation process of how state power is realized in terms of policy execution

determined by street-level workers through workers' organizations. How workers possess discretion is still vague based on independent cases. Jewell and Glaser(2006) attempt to solve this issue and Loyen and Maesschalck (2010) believe their decision-making process is another black box.

Moreover, it is still not clear to what extent discretion is available to be used within the boundary of legitimacy. And as a matter of fact, Lipksy assumes that the liberal application of discretion of street-level workers is natural. In other words, the discretion is not delegated or authorized by organizations so the traditional bureaucracy theory explaining its control institutions on individual behavior is not convincing enough.

## **V. Discretion and Legitimacy**

### **1. The Nature of discretion**

There is no consensus on the definition of discretion as a enduring debate in public administration field. Sayre(1958) claims that the responsibility and responsiveness of the administrative agencies is of central importance in a government based increasingly on the exercise of discretionary power by the agencies of administration. And Morrow(1980) also argues that politics is the struggle for control of policy. If administrative agencies possess policy-making power through the exercise of discretion, they become targets and participants in that political struggle.

As mentioned above, discretion in this article is understood from the standpoint of individual street-level workers. So the discretion is defined as the ability to make

responsible decisions and the power of free decision or latitude of choice within certain legal bounds (Merriam Webster, Inc 1996). This definition offers a new starting point to explore different dimensions of street-level workers in public service.

The definition of discretion indicates the concept of choice. The key factor of discretionary action is making choices among alternatives. The street-level workers enjoy great latitude in decision making in the sense that no one factor can force the selection of certain alternative against others. And it is the judgment of decision makers rather than mechanic process to account for why one particular decision is selected.

The language of legal bound suggests that though street-level workers exercise great discretion, it is constrained by external factors. Discretion is not made in a vacuum as autonomous decision-makings, rather, it is involved within certain legal bounds or responsible criteria. The range of discretionary decision is bound by external factors. In short, the discretionary choice is not made with complete freedom but limited by certain external variables.

The discretion here also indicates that there is variation among external factors which influence and constrain the discretion. For example, there are no specific laws or criteria by which responsible choices or compulsory actions can be evaluated in all situations. In contrast, there are plenty of differences among individuals, organizations, society, clients, communities and other variables in different particular cases in terms of how they constrain the discretion.

## **2. Legitimacy of Street-level Workers' Discretion**

Within the street-level leadership model, the appropriateness of discretionary choice can be evaluated, which is defined as legitimacy here. Jackman(1993) suggests that legitimacy reflects the degree to which those who seek to rule and exercise power are accepted by the rules, which identifies the nature of relationship between rulers and ruled.

Street-level workers are supposed to make decisions which are in accordance with various or contradictory laws, rules, values and norms, which indicates the complex nature of legitimacy.

The concept of legitimacy claims that there are external criteria against which specific discretionary actions can be assessed. So the legitimacy of choice derive from outside sources such as laws, community belief or universal values. Moreover, legitimacy is contingent in each particular circumstance where it is tested and analyzed (Jackman 1993). And the legitimacy have multiple and changing grounds to be evaluated so there is no fixed criteria by which the legitimacy can be challenged or proved.

With the various grounds for evaluating legitimacy, the legitimacy is not an all-or-nothing concept (Jackman 1993) as different people have varying standards about which values, norms, rules or laws should be concentrated. Based on these differing judgments, the discretionary choices can be considered as more or less legitimate as a relative concept rather than there is or no legitimacy.

In general, discretion and legitimacy are intertwined in public service. Discretion is inevitable up to the questions of legitimacy. The legitimacy of discretion must be established through reference to external variables which shape the environment

where the decision is made. And the street-level leadership model is a comprehensive and useful framework to consider both discretion and legitimacy in different situations.

In China, politicians make public policy but they have to rely on street-level bureaucrats to implement public policy. Public policy is the authoritative distribution of social values with imbalanced benefits and costs. Beneficial policies are always welcomed but policies on penalty and sanction produce social conflicts. Nonetheless, decision-makers do not have to execute these policies by themselves shifting the accountability to street-level workers. However, the negative impact of public policy should not always be all attributed to execution but street-level bureaucrats always confront resistance from citizens due to their direct interaction. This is a common phenomenon in all the bureaucracy systems, where street-level bureaucrats are stuck between superiors and citizens responsible for immense thankless tasks every day.

As a result, it is necessary and inevitable for street-level bureaucrats to enjoy strong discretion in order to achieve balance of demands among each party in their daily work as much as possible. Their discretion is not absolute power but a spatial variable of the working interface. They are obliged to follow the policies made by superiors who are far away from them while they are forced to face unpredictable and complex situations when implementing policies without obvious possibility of routinization so their discretion is legitimate and essential. Therefore, the superiors need to delegate and encourage them to wield discretion when necessary.

The nature of spatiality has decisive influence on the distribution of power and domination. In the case of street-level space, street-level bureaucrats dominate the

space with advantage of information and recourse to determine the distribution of benefits and costs to citizens, accounting for their aggressive attitude and compulsory actions in this situation.

Nonetheless, it is currently a serious political and social issue that the discretion of street-level bureaucrats lacks effective and appropriate oversight mechanism as the abuse of discretion has widely spread causing rapidly increasing social disturbance. As a result, the quality of public service is questioned and the public authority of government has been weakened dramatically. What's more, with the development of awareness of civil rights and civil society, citizens are more and more capable of defending their legal rights and challenging checks and balance of the bureaucracy system and that's why there is a significant rising number of collective public security incidences(群体性事件) in China in recent years. In response to the bottom-up challenge without enough supervision from the top, street-level bureaucrats incline to cautiously exercise their discretion and meanwhile seek self-protection under rules and regulations, which deteriorates the situation and produces more problems instead.

## VI. Failure of Practice

China has spent great efforts on controlling street-level workers' discretion to improve public service delivery but mostly failed. These reforms both misunderstood the role of street-level workers and the importance of inevitable discretion to public service development and ignored the complex environments constraining their decisions.

With the rapid development of urbanization and the numerous social instabilities caused by street-level workers' improper enforcement (执法不当) and violent enforcement, the Central Government has realized the importance to improving enforcement capacity in public service delivery and refining the enforcement system of street-level workers according to the Decision of the CPC Central Committee on Comprehensively Advancing Several Major Issues of Governing by Law(中共中央关于全面推进依法治国若干重大问题的决定) in the fourth Plenary Session of the 18th CPC Central Committee(十八届四中全会). It is the first time to address the issue of city management by street-level workers' enforcement reform at national level.

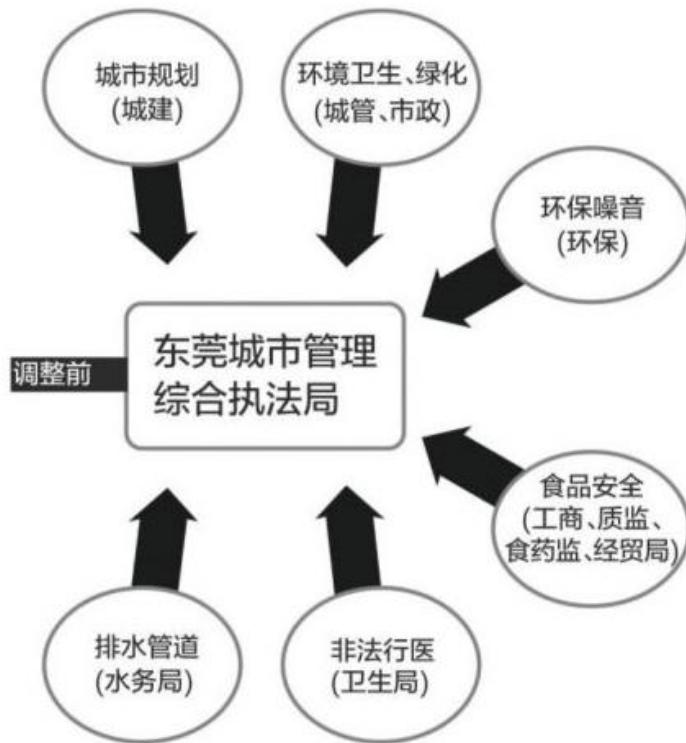
And actually since 1994, many cities had already discovered various approaches to achieve city management enforcement reform concentrating on jointly enforcement, comprehensive enforcement and central authority of administrative penalty but most failed.

In 2002, the State Council selected Dongguan and Chongqing as the pilot cities to initiate city management comprehensive enforcement and Guangdong Province established Dongguan Comprehensive Enforcement Bureau (DCEB) in 2007. At that time, DCEB burdened more than 110 enforcement duties including over 80 overlapping duties of city construction bureau, urban management bureau, environment bureau, health bureau, Administration of Industry and Commerce, quality supervision bureau, food and drug supervision bureau and economy and trade bureau.

The original purpose of this reform was to separate examination approval authority

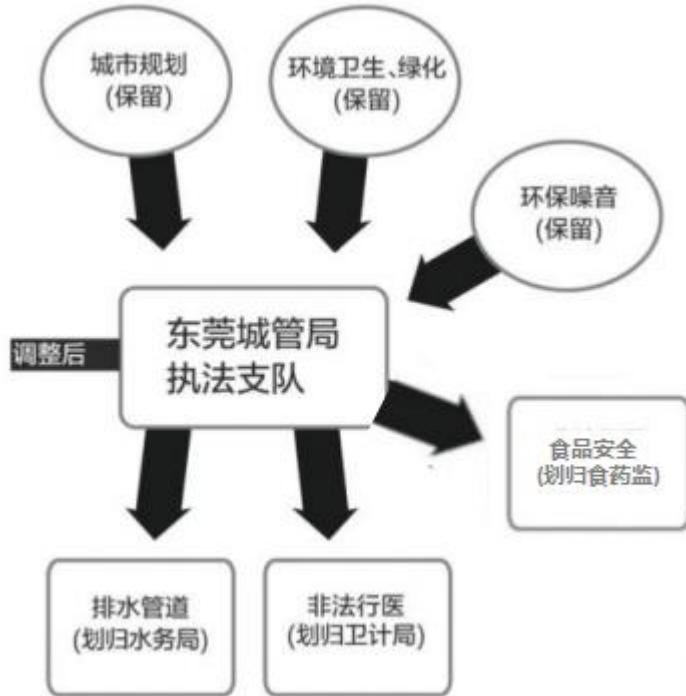
and enforcement authority since there were increasing corruptions and dereliction of duties as street-level workers' discretion abuse in daily enforcement, which strongly harmed the authority of governments and caused lots of social instabilities. And too many enforcement subjects in one case led to crossing and repeating enforcement to produce more unnecessary social conflicts by enforcement objects so these administrative departments acted as both referees and players easily producing corruption and deficient supervision. And the government believed central enforcement by one department to exercise central authority of administrative penalty(集中行政处罚权) would better improve enforcement efficiency and prevent corruption.

Figure 3. 2002 Dongguan Comprehensive Enforcement Bureau Reform



Source: Wangyi News. <http://news.163.com/14/0716/06/A18LGVMG0001124J.html>

Figure 4. 2014 Dongguan Comprehensive Enforcement Bureau Reform



Source: Wangyi News. <http://news.163.com/14/0716/06/A18LGVMG0001124J.html>

However, in 2014, Guangdong provincial government decided to revoke DCEB by combining executive approval authority and enforcement authority(谁审批谁监管) in order to achieve government's function transformation by streamlining governmental organs , which was back to the origin before the 2002 comprehensive enforcement reform. Each administrative department regains the power to both approve and conduct enforcement.

Actually before the second reform in 2014, Dongguan Comprehensive Enforcement Bureau had been degraded as administrative enforcement unit(执法支队) under

Dongguan Urban Management Bureau from an individual department to a part of urban management bureau combining approval and enforcement authorities to improve efficiency by merging because DCEB and the Urban Management Bureau have plenty of overlapping duties. However, the degradation of DCEB greatly weakened its enforcement authority as it was no longer independent enforcement subject but received delegation from other administrative departments. Therefore, its legitimacy of enforcement was strongly questioned. And since this degradation, superior governments further neglected the importance of DCEB (“Dongguan Comprehensive Enforcement Bureau was Revoked”, 2014).

The original purpose of 2002 reform was correct to separate approval and enforcement authority to prevent corruption and deficient supervision. Instead of revoking DCEB, the numerous duties of DCEB need to be modified and properly distributed with other relevant departments to improve efficiency.

It is an obvious failure that the second reform aims at overturning the first reform’s goal regarding city management comprehensive enforcement. In the first reform, Guangdong government simply believes that administrative departments should focus on examination and approval authority and all the enforcement is DCEB’s duties. Even though the titles are different, actually DCEB is considered the same as Dongguan Urban Management Bureau, which is repeating administrative waste.

Because Guangdong government consider street-level urban managements of DCEB are just policy executors and the only thing they need to do is to follow superior departments’ orders with as little deviation as possible while they ignore how challenging and heavy burdens these street-level urban managements have to assume

and what their work means to citizens well-beings in the practical enforcement. Corruption may be reduced by separating approval and enforcement authorities but it is also impossible for DCEB to fulfill all the tasks of city management due to limited number of staff, time and energy resulted from deficient public resources support so this reform reversely weakens the quality of public service and deteriorate discretion misuse situations. For example, when urban managements confront countless jobs to deal with street venders every day, they always choose to violently attack street venders and confiscate their belongings to finish the job as soon as possible. This common violent enforcement produces a great number of social instability and does harm to governmental image.

Further, from the aspect of bureaucracy, Guangdong government considers street-level workers as grass-root bureaucrats positioned at the bottom of the hierarchical pyramid and their job is to faithfully obey the laws and rules so the superior government neglects the importance of street-level workers in public service delivery and underestimates the complexity and uncertainty of their working environments so not much public resources and authorities are granted to DCEB. And no particular law or regulations can anticipate the changing and unpredictable challenges happen in each situation so it is necessary for street-level workers to exercise discretion while they sometimes fail to control the degree and scope of discretion as there is lack of supervision and legal stipulation. In a word, the duties and the resources in DCEB enforcement is extremely imbalanced.

When DCEB was degraded, more unnecessary pressure was imposed on DCEB as the urban managements still had to face the same large number of daily enforcement jobs while the public resources and authorities they possessed decreased sharply.

And the cost of improper enforcement is little that they are simply fired from this position and will be re-recruited by other departments because there is a large demand of street-level workers in China today.

In this situation, these street-level workers are discouraged to fulfill their jobs and tend to abuse their discretion to achieve the predetermined goal regardless of how improper and illegal the approaches are. Or they choose to avoid as many duties as possible lack of supervision.

In general, these two reforms only focus on the interests of governments as Guangdong government does not integrate street-level workers as an essential component of governmental governance. The reforms fail to recognize the role and importance of street-level workers in service-oriented government transition and public service delivery and underestimate the complexity and uncertainty of their working environments by simply assigning too much work with too little support from the aspect of policy executors and bureaucracy to reversely encourage higher possibility of discretion misuse.

Many cities initiate jointly enforcement reform because these governments believe jointly departments' cooperation will offer mutual assistance with more public resources and mutual supervision in enforcement. Fujian government promotes jointly enforcement normalization reform including urban management bureau, traffic police bureau and market supervision bureau to improve enforcement efficiency and realize discretion control ("Jointly Enforcement Reform Normalization to Improve City Management" , 2018).

Guangdong Zhaoqing government promotes urban management and traffic police

jointly enforcement pattern by establishing city management reward and punishment system and digital city management platform so the performance of street-level workers can be measured by computers to control their discretion and improve public service quality (“Zhaoqing Urban Management and Traffic Police Jointly Enforcement Pattern Reform”, 2017). Jiangxi Government also promotes urban management and traffic police jointly enforcement to renovate the failure of city management enforcement and advance city management enforcement system reform (“Jiangxi Government Promotes City Management Enforcement System Reform”, 2017).

However, with all these reforms aimed at reforming city management enforcement institution in order to control the discretion misuse, the reality is that illegal acts are not reduced or eliminated while discretion abuse still happens.

Why does jointly enforcement reform have little progress? First, considering street-level workers as policy executors, the government only concentrates on the negative outcome caused by street-level workers to discount the image and authority of government without considering how difficult and heavy burdens the urban management and traffic polices have to confront in different changing and complex working environments. So actually the existing reforms do not reveal the fundamental cause of discretion misuse from the concrete aspect of street-level workers themselves to alleviate their excessive burdens while taking external reforms at organizational and national level to assign more abundant jointly enforcement tasks to their daily work, which is mismatching problems and solutions.

And urban management plus traffic police jointly enforcement are easily

misunderstood by enforcement objects that urban management's enforcement receives more hard power support from police authority to produce stronger resistance from street venders and reversely encourages urban management and traffic police to abuse violent discretion in response. Moreover, there are no specific regulations to clearly clarify the distribution of duties between urban management and traffic police in jointly enforcement so it tends to cause unnecessary internal conflicts by further confusing them how to properly use their discretionary power in enforcement ("Haikou Traffic Police and Urban Management's Jointly Enforcement Misunderstanding", 2016).

Therefore, the existing reforms stipulated by fix and pre-established laws and rules do not meet the requirements of raising social problems of city management derived from economy and urbanization development. In addition, once there is discretion misuse causing social conflicts, the solution is to simply fire the street-level workers without any other attempts, which has nothing to do with the discretion in and of itself.

Secondly, to take urban management bureau as an example, the governments believe the urban management bureau is just an administrative emergency tool to deal with various insoluble jobs derived from other relevant departments' dereliction of duties(Xu 2014) rather than an equal independent administrative department to maintain city management order. The urban management bureau is in disadvantaged position so many other administrative departments shift their own duties to urban management bureau and the superior government fails to reasonably distribute the overlapping responsibilities of city management among relevant administrative departments (Zang 2017). Additionally, the government does not give adequate

financial support and incentive mechanism to urban management bureau while they have to confront increasingly heavy enforcement burdens. However, when social conflicts happen due to discretion misuse, the urban management bureau is the only one to receive administrative sanction. In this situation, the urban managements gain the sense of injustice and insignificance of their work, which conversely encourage them to misuse discretion because the result is the same that their work will not be appreciated no matter how successful or dissatisfactory they accomplish so they choose to selectively finish jobs or just roughly finish as many jobs as possible.

The existing reforms aim to improve the authority and image of government resulted from social conflicts caused by street-level workers' discretion misuse. On the surface, the comprehensive enforcement reform and jointly enforcement actions seem to improve the administrative efficiency because more institutions and enforcement projects are established while they actually put the cart before the horse because these reforms actually encourages discretion misuse by imposing too many burdens to street-level workers rather than directly and fundamentally control the discretion misuse.

And the only countermeasure directly related to discretion misuse is that more strict regulations and norms of enforcement behaviors are established and to simply fire those street-level workers with improper enforcement but they will be soon employed to other administrative departments because of a large demand of street-level workers in public service delivery or send to prison if their violent enforcement violates the Criminal Law.

Strict regulations on enforcement acts as rule-by-law governing construction do not

offer specific guidance to street-level workers how to react in each unpredictable and challenging environment but roughly stipulate that under no circumstance are street-level workers allowed to take any compulsory actions in enforcement but it produces more negative externality. On the one hand, discretion misuse can be controlled to some degree as there is accurate legal regulation. On the other hand, now many enforcement objects such as street venders dare to actively attack urban managements because urban managements are not permitted to take counterattack(打不还口骂不还手). For example, an urban management found out an illegal street food booth and decided to investigate. But the booth owner actively rushed to the urban managements with hot scoop violently attacking their head and shouting loudly “the urban managements attack us!”(城管打人啦) and kept hitting them while urban managements did nothing wrong in the whole process. And the owners only stopped fighting until police arrived. As a result, this team received “Grievance Award” issued by the urban management bureau because they faithfully followed the regulations not to take countermeasures against enforcement objects. This measure puts enforcement subject and object at a more imbalanced position and definitely harms the basic legal rights of street-level workers and deteriorates more social problems impeding city management development since street-level workers feel greatly discouraged to fulfill their jobs or selectively avoid dangerous tasks and in turn further undermine citizen’s well-being in public service (“Urban Management Received Grievance Award”, 2016).

And sometimes the government claim that these street-level workers are not formal governmental staff but temporary worker in order to protect government’s reputation and authority by passing the responsibility to individual workers. But it is impossible

to only rely on these post-solutions to figure out the fundamental cause of discretion misuse.

In general, the government never considers the street-level workers as leaders in charge of the process of enforcement while believe that they are only subordinates at the bottom of the hierarchical system to follow laws and rules or implement policies. So all these reforms are established from the top-level design such as service-oriented government transition and super ministry reform(大部制改革).

From this perspective, the governments are unable to understand the importance of street-level workers' daily work to public service delivery in each different complicated and unpredictable working environment with little supervision and financial support because they always sit in office far away from the scene and they seldom try to investigate the situation themselves.

In addition, negative incentive system like administrative sanction or legal sentence to control discretion misuse prove to be unsuccessful so it is necessary to work out positive incentive as alternative approach to solve the issue and the street-level leadership to understand the role and discretion of street-level workers will offer more useful implications.

## **VII. Failure of Existing Theories**

### **1. Weakness of Bureaucracy**

Bureaucracy is a very traditional and compelling theory to explain the behavior and legitimacy of bureaucrats. But it only considers street-level workers as neutral and

efficient or not bureaucrats following established laws and rules as well as routinized procedures without any values, ideals or norms and there is no necessity for discretion. Street-level workers here are more of bank clerks instead of leaders in charge of the whole process of enforcement.

Under the bureaucracy model, street-level workers are defined as neutral governmental bureaucrats and their actions need to embody a direct application of laws and departmental rules. For example, according to City Road Management Regulations (城市道路管理条例) and City Appearance and Environment Sanitation Management Regulations(城市市容和环境卫生管理条例), urban managements should have been able to detect those illegal street venders and confiscate their occupied actions as well as imposed penalties. The decision whether to deal with street venders or not are beyond their control. Their actions are based on whether doing so or not is in accordance with laws and departmental rules. Legitimacy is established only on whether urban managements strictly follow the laws and regulations. Urban managements are defined as neutral bureaucrats without considering any values or norms related to their actions. As long as they accomplish their jobs according to laws and rules, they are evaluated as efficient bureaucrats in light of the outcome of their enforcements.

However, in reality, there are many emergent situations occur, which are excluded in laws or regulations. Some street venders refuse to cooperate with urban management by physically fighting with urban management. Other poor street venders choose to beg the urban management for not confiscating and expelling them as they rely on this little-income street trading for survival. No rules or regulations accurately give guidance or regulations to urban managements on how to deal with these

unpredictable situations and how their personal values, experts or experience exert influence on the scene. There are numerous contingencies in urban management's daily enforcement and it is impossible for policy makers to take all of them into consideration. Therefore, the laws and rules lack comprehensive considerations to cover all these cases in need of further development. In this model, street-level workers are not an independent actor and the authority of decision-making lies within the laws and rules. As result, the bureaucracy model fails to adapt to the changing and complex reality of street-level workers' jobs with fixed and established laws and rules.

Frank Goodnow and Woodrow Wilson proposed Politics-administration dichotomy theory to define the role of public administrators, emphasizing the neutral and effective executions of general will defined by elected officials. Wilson(1987) believes policy will have no taint of officialism about it. It will not be the creation of permanent officials, but of statesmen whose responsibility to public opinion will be direct and inevitable. Under this context, there is no possibility for the appearance of discretion of street-level bureaucracy as the politicians make policies and the administrators just need to implement the decisions.

This view of separation of politics and administration is consistent with Weber's theory of bureaucracy as an organization which could achieve predictability and control through a hierarchical ordering of authority relationships, rules and procedures (Weber, 1988). Weber attached great importance to the strength of the bureaucratic system for democratic systems in terms of efficiency, neutrality and obedience of laws (Weber, 1988). Legitimacy is not a problem since bureaucrats' actions are measured in accordance with principles and rules set up by elected

officials. The decisive reason for the advance of bureaucratic organization has always been its purely technical superiority over any other form of organization (Weber, 1988).

It is widely recognized that bureaucracy has negative individual, organizational and societal consequences but Weber was correct that bureaucratic structures and the values they reflect have remained the standard. This orthodox values have left an impression on the field of study that even the most radically modern scholars have not been able to escape (McCurdy, 1986). Besides the importance of ramifications of bureaucratic form, the most pertinent questions for the issues is what the strengths and weakness of the bureaucratic model in analyzing contemporary practice in street-level public service (Vinzant, Crothers 1998).

It is clear that the role of public servants in contemporary governance must be understood by the bureaucracy model. And the bureaucratic values of efficiency and neutrality remain essential both within the field of public administration and in the expectations of citizens and their elected representative. But it fails to accommodate the reality of discretion by street-level public servants (Vinzant, Crothers 1998).

The bureaucratic view of role of public servants highlights the continuing importance of the orthodox values and the extent to which discretion is limited by public expectations (Vinzant, Crothers 1998). But the problem of this theory is that it cannot sufficiently accommodate the exercise of discretion by street-level workers. This theory eliminates street-level workers as decision makers by strictly obeying laws are rules, which is too simple and rough without involving the changing and complicated environments surrounding street-level workers to shape their behaviors

in the certain scene. Additionally, this theory fails to offer in terms of applying how these values can be reconciled with the need to exercise the level of discretion by street-level bureaucrats (Vinzant, Crothers 1998).

## **2. Weakness of Policy Implementation**

Policy implementation theories also offer implications to analyze street-level workers and have some overlapping assumptions with bureaucracy theories. This theory assumes that street-level workers are expected to be faithful policy implementer and defines the inevitability of discretion without evaluating the legitimacy of street-level workers' work.

In terms of top-down theory, street-level workers are supposed to translate the policies with as little deviation as possible. So they are not granted to exercise discretion and legitimacy to be assessed. Again, take the urban management and street venders case as an example, when urban management find out that there is violent resistance from street venders but no rules or laws teach them how to deal with this emergent situations. And the first priority of them is to implement the policy of maintaining city management so they fight back against street venders in order to expel them causing serious injury. But in this model, according to the outcome, the urban managements successfully obey the laws and departmental rules to clear away illegal street venders without exercising discretion to confront the certain circumstance. So they are qualified policy implementer. If this theory is applied, a great number of social conflicts will grow rapidly since no standards are adopted to measure the legitimacy of their violent actions and no matter what approaches are

taken, the urban managements' work are identified as successful as long as they obey the policy to expel street venders without any deviation. What's worse, though the purpose of policy does not serve public interests, street-level workers just have to implement the policy without deviation and their performances are appreciated, which is harmful for social benefits and citizens' well-beings. For example, in the past, people were required to submit the hukou certificate(户籍证明) issued by local police stations even though they had formal hukou ben (户口本) in order to buy houses stipulated by the local housing management departments(房管局). This was an obvious unreasonable and redundant stipulation and the frontline departmental staffs were well aware that this policy would bring unnecessary pressure for citizens. However, in this model, they were considered as faithfully fulfill their duties by strictly following the policy directives with little discretion regardless of the legitimacy and appropriate of this policy and the negative outcome to citizens.

When it comes to bottom-up approach, this model assumes that the actions and goals of street-level workers need to be taken into consideration in understanding policy implementations. In other words, any suggestions the street-level workers provide are seen as reasonable adaptations to the present circumstance where the existing rules or laws lack adequate stipulations no matter the suggestion is appropriate or not. On the one hand, since street-level workers are the only group who comprehensively understand the certain situations where they implement policies, their advice will be beneficial to contain more variables in making policies sufficient and effective. On the other hand, they can also take this chance to reduce their burden in enforcement by offering partial opinions to policy makers, which eventually distorts the original purpose of public policy to serve public interests.

Policy implementation is also a strong alternative to explain the role of public servants, relying heavily on the bureaucratic idea of organizations and arguing that the role of public administration consisted of the efficient implementation of politically determined goals (Vinzant, Crothers 1996). Nonetheless, later research explores increasing complexity and divergence of policy implementation.

Pressman and Wildavsky (1973) studied the failed implementation of a federal employment program in Oakland. Since then, policy implementation theory has evolved with regard to the assumed nature of the policy process and the role of public administration in the process. Pressman and Wildavsky (1973) proposed a top-down linear policy making process driven by the language of the statute and the intent of elected officials. This top-down model assumes that decision-making must be transformed to program activities with as little deviation as possible. In other words, only politicians made the important policy and grass-root staff only served to obey the implementation faithfully.

With critics of the top-down model, some bottom-up approaches were put forward. Lipsky (1980) introduced how the decisions of street-level bureaucrats define public policy in many spheres. Linder and Peters (1987) also asserted that project design need to take the needs and values of the executors into consideration for effective policy execution. Bottom-up models assumes the existence of a network of executors whose actions and goals ought to be considered in assessing implementation. The executors responsible for implementation play a positive and essential role in redefining and refocusing policy in light of organizational-level facts (Vinzant, Crothers 1996).

These policy implementation models are convincing by their capacity to explain the importance and inevitability of decision-making by those in charge with the public policy implementation and the significance of their choices for policy outcomes. But they fail to provide instruction regarding how to evaluate the discretion by street-level workers themselves. And they fail to consider the inevitability of discretion and provide standards to evaluate its legitimacy. Discretion is either considered a failure under top-down models, or success in bottom-up models, or merely a phenomenon that should be recognized.

### **3. Weakness of Politics**

Some scholars argue that bureaucrats should be viewed as legitimate and active political actors in governing process. Public administration has progressively admitted that it is part of the governing process, of deciding what is to be done and who shall carry the burden (Vinzant, Crothers 1996). The field has returned to the mainstream and with it to the recognition that administration in the public sector ultimately must be viewed as a part of the governing process (McCurdy, 1986). Goodsell(1990) also claimed that an essential issue in the field is relevant to the development of a new role of public administration as a teacher of governance. He asserted that public administration possesses a capacity to instruct society with respect to both the substantive knowledge and normative ideals of governance (Goodsell 1990). Moreover, in the book Refounding Public Administration stated that public administration needs to assert the value and legitimacy of the Public Administrators as an actor in the governing process, and the distinctiveness and

worth of his or her role-competence directed to the maintenance of the broadest possible understanding of public interests, and the constitutional governance process (Wamsley, 1990).

Spicer and Terry (1993) have argued that administrative discretion is beneficial for constraining the discretion of political leaders. This new role of public servants has also been expressed as being a matter of organizational citizenship (Golemviewsk, 1989). From this aspect, public servants obtain the rights and responsibilities of citizenship in participating with clients in formulating and implementing public policy (Golemviewsk, 1989). In addition, proponents of the new public administration claim that public administrators must consciously embody social equity and democratic and constitutional values (Frederickson, 1987). The necessity for public administration to safeguard and uphold these values originates from the fact that pluralistic government systematically discriminates in favor of established stable bureaucracies and against those minorities who lack political and economic resources (Frederickson, 1987), which is a valuable but unabashedly political agenda.

For example, it is common in Guangzhou that street-level traffic polices always receive many accidents reports simultaneously. Once my father's car was crashed by a taxi with a little damage and all people were fine and we called the traffic police to handle this case by judging responsibility. However, after receiving our report, the traffic police responded that we had to wait as he was dealing with another more serious traffic accidents with people hurt. After 1 hour when the traffic police came, he detected that there was no serious damage of my father's car and the taxi driver showed very sincere attitude to apologize to us and cooperate with traffic police's investigation. Based on this situation, the traffic police asked us to call insurance

company for further compensation and imposed administrative penalty to the taxi driver at the scene. And then they quickly went for handling next several traffic accidents. In this model, the traffic polices have considered what they should do within a larger community and political context. Due to the limited number of traffic police within the community with various traffic accidents occur at the same time, they had to take action in terms of priority based on the degree of each traffic accidents report and the influence on citizens' life and property safety as well as public traffic order. Since my father's car was only a little damaged with no one hurt and we drove the car along the road without disturbing traffic order when waiting for the traffic polices, the traffic polices chose to deal with another more serious accidents first. And when they arrived and evaluated the situation, the traffic polices decided to conduct minor traffic accident approach to us and immediately left for next several traffic accidents.

Nonetheless, the flaw of this theory still lied in accountability. This model can figure out the issue of expanding role of bureaucratic actors in policy-making process but it fails to explain how their efforts defend democratic and constitutional values and provide standards against which make it practicable to appraise street-level bureaucrats' decisions (Vinzant, Crothers 1998). Since street-level workers are not elected officials, citizens have no direct control of their actions. Additionally, this model offers no implication that why street-level workers are supposed to make decisions among various competing values but just simply describe how they make judgement between different competing values, which neglects the inevitability of discretion. In general, the policy implementation theory neither answers how street-level workers exercise discretion responsibly and effectively nor sets up standards to

evaluate the legitimacy of street-level workers' choices.

## 4. Weakness of Professionalism

Professionalism is also a persuasive notion to understand the discretion and accountability of bureaucrats. Street-level workers are defined as professional bureaucrats and the legitimacy of their actions depends on the degree of their professional capability. A great number of scholars have recognized the importance of professionalism in controlling and influencing the options of public servants (Vinzant, Crothers 1998). Mosher (1968) suggested that professionalism in public service is the key to manage the tension between unelected bureaucrats and democratic process. Educational institutions play a critical role in delivering democratic values and ethical conscience to expert public servants.

For example, investigating drunk driving is one of the most important duties of traffic police, which happen most frequently during Spring Festival when Chinese people love drinking alcohol to celebrate the festival. Based on the rich experience of traffic polices do handle this kind of case, they are well aware that some drunk drivers would try to play tricks in order to avoid investigation because the highly serious administrative penalties of being caught. Therefore, the accurate judgment innate to their profession helps them determine to set up investigation spots in front of each famous restaurants, bars and hotels, which are all the first scene of drunk driving so it was almost impossible for drunk drivers to escape from their enforcement (Sohu News, 2018) and they can collectively investigate a great number of drunk drivers at once to save limited time and energy. In the professional model, the legitimacy of

their discretionary decisions relies on the norms of their professions. Not only does the traffic police fulfills their jobs to arrest drunk drivers and prevent potential traffic accidents but they also realizes the governmental goals of maintaining social stability and public order by securing citizen's life and property safety.

Another example is that Guangdong province has addressed the widespread issue of improper enforcement by street-level workers and initiated city management and administrative enforcement training program in cooperation with Guangdong Public Security College and South China Agricultural University since 2016 (Guangdong Housing and Urban and Rural Construction Bureau, 2017). More than 140 urban managements from different levels of governments participated this 5-day training. The training clarifies the strategic goal, organizational establishment, administrative responsibility, enforcement sphere, incentive mechanism and so forth, aimed at improving the enforcement capacity and constructing a more professional team of urban managements.

However, such training are common in Guangdong but few of them have practical significance. City management is a broad and abstract goal where environment departments, hosing management departments, traffic departments all have overlapping functions with urban management departments but these professionalism training fails to specifically distribute the accurate duties among relevant departments, which lead to unnecessary conflicts of buck passing among them in practical enforcement. In addition, though promoting city management is the nominally common norm of governments, each department only focus on their departmental values, which is more related to their personal reward and penalty interests and realizing the city management advancement goal is too far and abstract

for them with nothing to do with their vital benefits. Urban management department focus on illegal street trading, traffic police department concentrates on drunk driving, environment departments addresses illegal hosing construction. In the model, only relying on professionalism as the criteria to judge the legitimacy of actions is too simple to adapt to the specific and complex environment surrounding street-level workers.

Professionalism in public service is considered as democracy's "greatest hope". Kearney and Sinha (1988) argues that professionalism offers the critical bridge between science and politics in a democracy. And researches have indicated that professionalism was a more significant predictor of behavior than bureaucratic factors in at least some areas of public service (Hodges Durant, 1989). However, it is not feasible to solely depend on the idea of professionalism as the criteria to judge the exercise of discretion.

First, the basic problem is determining to which profession public servants belong (Vinzant, Crothers 1996). Police, immigration office staff, urban managements have their own professions with various standards and even public administration has become an independent profession, which makes the relative influence of socialization in both a specific service sphere and as public servants ambiguous (Vinzant, Crothers 1996). Therefore, it is hard to generalize the professionalism of all street-level workers groups and simply define their role as professional public servants. And since each administrative department has their own values and norms, there is no consistent criteria to measure the legitimacy of their discretionary actions.

Furthermore, there is no consensus on which values need be addressed within public

administration profession. Newland (1980) asserted that public administrators are obliged to contribute to democratic ideals and constitutional values as their ethical foundation. While Lipsky(1980) argued that professionalism should emphasize idealism, client autonomy and a commitment to social change. Green, Keller and Wamsley (1993) believe that professionalism of public administration need to be based on political foundations and demand normative, constitutional and rhetorical competence.

Moreover, Lipksy (1980) pointed out that the value of professionalism in emphasizing the tension between bureaucracy and democracy is limited to the degree that professionals are accountable only to their peers and their norms are resistant to change.

In a nutshell, it is apparent that professionalism is able to explain the exercise of discretion but it is not a comprehensive theory to analyze discretion, accountability and responsiveness in a macro aspect of democratic governance and politics.

## **VIII. Why can Street-level Workers be Understood as Leadership**

In China, the mainstream believes that street-level workers are neutral bureaucrats or governmental staff serving at the end of hierarchical system and their jobs mostly require them to follow laws, rules and public polices with as little deviation as possible. Hence, few think they can be viewed as leaders. However, these opinions do not overall consider the changing and complex environments which constrain

street-level workers' actions and street-level workers relations with other subjects in public service delivery, which are very essential independent variables to determine the leader roles for street-level workers.

The working nature of street-level workers makes it reasonable to consider them as leaders. The definition of leaders here does not refer to hierarchy but points out that street-level workers possess discretionary power to remake laws, rules and public polices at executive street level and highly control public resources distribution. All the policy implementations rely on individual's decisions so what they do directly determines the quality of citizen's well-beings and reflects national governance system development. Therefore, they are actual leaders without formal delegation or election at the street level.

Locke believes many things cannot be stipulated by laws, which should be handled by executive subjects to make discretionary choices based on public interests. With the enlargement of governmental organizations and social living functions, the complexity and unpredictability of public affairs also increase rapidly. Accordingly, there is stronger demand for discretionary power (Locke 1964). Wilson argues that discretion is objective because administrative officers should and indeed have their own will rather than being passive executive tools in public service (Wilson 1997). Nigro claims that discretion needs value selection, which is the unique and strengthening function of executive officers and bureaucrats (Nigro 1997). Lipsky also agrees that under the highly complicated working environments, street-level workers fulfilling their jobs independently have to make decisions immediately at the scene so it is necessary to reduce routinized procedures in order to endow adequate discretion to them (Lipsky 1980).

First, execution is street-level workers' major responsibility, where they are obliged to execute laws, rules and public polices, which all depend on street-level workers proper and legitimate use of discretionary power to implement at the bottom of hierarchical structure. Therefore, this characteristic makes street-level workers monopolize the provision of public goods and public services (Han 2008). In addition, general laws, rules or polices cannot anticipate all the working environments accurately so street-level workers must make personal judgments to fit certain laws, rules or public polices with certain situations. Therefore, the execution process is actually a decision-making process to remake and rejudge corresponding to different situations. Under changing and dynamic situations, individual street-level workers have to make own decisions based on personal values, experience, experts and so forth. Accordingly, they are leaders at the street level to eventually decide public resources distribution with monopoly power on public service and public goods by making personal decisions. It is unnecessary and rare for neutral bureaucrats or policy implementers to monopolize public resources and enjoy great discretionary power to conduct decision-makings while decision-making is a natural and essential power of leaders. Therefore, it is legitimate to consider street-level workers as street-level leaders from this aspect.

Second, the working environments for street-level workers are highly complex, changing and unpredictable. As mentioned above, it is impossible for established laws or rules to routinize and indexize all their jobs so the discretion is inevitable. Lipsky claims that street-level workers' personal decisions cannot be anticipated and replaced by machines during the process of public service delivery (Lipsky 1980). Therefore, street-level workers are not trained machines to effectively and neutrally

follow laws or rules or faithfully implement public polices while they significantly exert political influence by conducting decision-makings in response to different situations at the street-level, which is the responsibility and authority of leaders. In addition, their personal choices greatly impact the quality, quantity and nature of public welfare. For example, if they dislike clients, they choose to conceal some important information or set artificial obstacles for citizens. If they get along well with some clients, these clients can get more advantages due to their personal networking (Han 2008). Hence, people tend to offer bribe for street-level workers because their decisions directly determine people's public interests. For example, if people have personal relations with traffic polices, it is possible for drunk drivers to avoid serious administrative punishment. This situation is quite similar to higher politicians bribe case. Many businessmen offer attractive bribe to politicians in high position in exchange of commercial interests. This imbalanced relation between street-level workers and citizens apparently reflect the potential role of leaders.

Third, information asymmetry is both a characteristic and a serious issue in street-level workers' enforcement. Their superiors mainly focus on realizing organizational targets and improving performance without enough monitor and supervision to them. While street-level workers incline to finish their jobs based on personal interests and experts. Since superiors are in long distance and seldom present at the scene, street-level workers are the only who are comprehensively aware of what decisions they make, how they make decisions and the impact of their decisions. So actually this is personal decision-makings. It is hard for superiors to know the details of their work, how they wield discretion or whether they abuse discretion. Only when news or public opinions arise can superiors know there is discretion misuse. While street-

level workers can report what they want superiors to know by their information advantages of what they do in public service delivery, which strongly resist superiors' control. This information asymmetry power is much higher than other governmental staff because of highly inadequate supervision and great discretionary power. In other words, street-level workers enjoy effective approaches and sufficient resources for self-protection when abusing discretion under deficient supervision, which is similar to politicians when they utilize public authority and resources to protect themselves in bribe cases.

Fourth, from the aspect of citizens, citizens serving as clients in public service delivery have administrative boundaries (Han 2008). The monopoly of public service by street-level workers determines that citizens are not actively willing to become clients of street-level workers. This imbalanced power relation indicates that it is impossible for citizens to withdraw from this relation at their own will no matter whether they are satisfied with street-level workers' jobs or not because of public service provision monopoly. Further, street-level workers possess legal authority and information strengths as advantageous approaches to independently decide administrative awards or punishments for citizens. Many people choose to give up complaining because the opportunity cost is higher if they follow legal or administrative procedures to lodge complaints to street-level workers due to underdeveloped rule-by-law establishment in China currently, which encourages stronger discretion misuse resulted from inadequate check and balance from public and superiors. Accordingly, street-level workers are factual leaders at street level because they dominate in the relation with citizens to determine their well-beings in public service while other grass-root governmental bureaucrats maintain equal or

even lower position with citizens because of enough supervision and law stipulation.

Further, the central concept of leadership here addresses the relation that leaders have with followers. It is natural that leaders cannot be defined without reference to followers. Followers are not only those whom the leader seeks to influence but also those to whom the leader is accountable. It is based on their values, wants and preferences that leadership is established and legitimated (Vinzant, Crothers 1998). On the one hand, citizens' attitude influences street-level workers' performance. What street-level workers do determines citizens' well-beings. Laws provide parameters for street-level workers' actions and street-level workers' jobs decide the final realization of laws and lawmakers are impacted by street-level workers to adjust the laws according to street-level workers' experience in order to improve the quality of public service delivery. Superiors give orders to street-level workers and street-level workers' performance reflects governmental governing capacity and public authority. On the other hand, street-level workers must be accountable for their jobs by making decisions among competing values and interests. Therefore, in the process of making discretionary choices, street-level workers effectively lead followers and they are also influenced and accountable to followers (Vinzant, Crothers 1998). This mutual relation with influence and accountability deeply proves the leader role of street-level workers in public service delivery.

Leadership theories are helpful to establish a compelling and useful framework to understand the challenges and opportunities of street-level workers in public service.

First, the concept of leadership encompasses a variety of behaviors. In order to realize the goal in public service, they have to utilize unilateral authority or cooperate

with other participants and they can also empower and inspire others to articulate the goal themselves or offer assistance to them. In short, street-level workers are delegated and expected to adopt various approaches in response to constantly changing environment to accomplishing public objectives, this capability to accommodate a great number and wide range of actions and strategies is quite important.

Second, the concept of leadership indicates the connotation of values. This is a huge gap which the existing theories fail to consider and offers the bridge between the street-level workers' wield of power and the legitimacy of their actions in the broader context of governance. Denhardt (1984) claims that public administration is concerned with managing change processes in pursuit of publicly defined societal values. The idea of leadership provides a way to consider these values in the context of bureaucracy, accountability and governance. Therefore, it can be used to establish strengths of existing theories and point out the weakness of them, which fail to discuss the accountability and the role of values in understanding discretion of street-level workers in governance process (Denhardt 1984).

In addition, street-level leadership model provides criteria and concepts by which the legitimacy and effectiveness of specific discretionary actions can be evaluated. China's existing theories mostly concentrate on descriptive analysis on the discretionary behaviors of street-level workers without a comprehensive and compelling theoretical framework. In the leadership model, Street-level workers can be considered as more or less legitimate and effective in achieving public goals. In short, both legitimacy and effectiveness of discretionary actions can be judged in reference to criteria embodied in the leadership model.

Moreover, leadership model provides new factors to define the role of street-level workers in macro context of governance. Leaders do not operate in a vacuum while they are accountable to both superiors and followers within a larger circumstance of values, norms, expectations, laws and rules (Vinzant, Crothers 1998). This is the position of street-level workers in public service, they work in environments which are always highly conflictual and intricate and they are force to balance various competing values, demands, laws, department rules, personal values and experts and so forth at the scene. And due to the nature of their job, they have to do all these things simultaneously and independently, which seems to appear to be an “impossible job”(Hargrove Glidewell,1990). In order words, they must control the whole course of the highly complicated and contradictory situation at hand on their own, which strongly demands a unique form of leadership at the street.

Further, leadership theories discuss the discretion of street-level workers by dividing it into two dimensions: what to do and how to do it, respectively referring to transformational leadership and situational leadership within the model. Hence, they can act as different types of leaders and exercise various kinds of discretionary power in different context.

Last but not least, the leadership model adopts a “worker-centered” approach to understand the nature of street-level workers in China. Most of the studies on this issue are analyzed from the viewpoints of organizations so the problems and solutions are drawn at the organizational level. However, leadership model discusses public service, identifies the environment they are surrounded, the challenges and opportunities of their work from the aspect of the street-level workers themselves. It is assumed in this article that the environment of public service is given and the

leadership model tries to illustrate how street-level workers identify the environment and how they work with effectiveness and legitimacy towards the goals within the complex environment.

## **IX. Street-level Leadership Model**

An overall conceptual framework accounting for street-level workers' discretionary actions and providing analyzable criteria by which those behaviors should be judged and shaped is essential to understand the nature of discretion of street-level bureaucrats and the role of street-level bureaucrats in democratic governance. The context of administrative actions are always profoundly unclear and even to an extent that denies interpretation. Leadership model provides an effective alternative theoretical basis for integrating the notion of discretion, its legitimacy and accountability into the model of street-level public servants within the context (Vinzant, Crothers 1998). This leadership model tries to understand the discretion within the street-level bureaucracy model containing the significance of values, norms and accountability in the macro context of democratic governance.

Leadership is a highly valuable notion to understand and interpret the legitimacy and values of discretionary behavior by street-level public servants for several reasons.

First, leadership theory contains a variety of behavior by street-level bureaucrats. Leaders can exercise unilateral authority and power to achieve goals. In addition, they can utilize power to inspire and empower individuals and teams to articulate and achieve goals by themselves. This capacity to accommodate a wide range of

actions and strategies is essential as street-level public servants are expected to employ numerous and targeted approaches to accomplish public objectives.

Second, the idea of leadership indicates the consideration of values. From this perspective, this is the missing gap in existing models by focusing on values which leadership model provides to bridge between the norms of professionalism within the context of democratic governance (Vinzant, Crothers 1996).

Denhardt (1984) argues that public administration is concerned with managing change processes in pursuit of publicly defined societal values. The notion of leadership offers the means to evaluate values in the context of bureaucracy and accountability under the macro circumstance of democratic governance and politics.

Street-level public servants should not act in isolation to clarify values and determine desired outcomes of public policy. Reversely, as leaders, they are obliged to contribute to facilitating value clarification, helping to draw norms and preferences from the community in charge and to enact them within the boundaries of law, rules, regulations and professional ethics (Vinzant, Crothers 1998). Under this precondition, it is necessary to use the concept of leadership to build on the strengths of existing theories and to emphasize their primary weakness, the failure to consider accountability and the role of values in understanding administrative discretion in governance (Vinzant, Crothers 1998).

Third, leadership model provides theoretical notions and standards by which we can evaluate the legitimacy and appropriateness of discretionary actions. Street-level leaders can be successful or not in achieving the goals which the community, organization and society and the law expect them to realize. This relative success or

failure can be assessed in reference to criteria included in leadership model.

Fourth, leadership model is a powerful convincing approach to express the positive and key role of street-level bureaucrats in both micro context of policy implementation in community and macro context of democratic governance. Leaders are accountable to both their superiors and followers within the larger context of values, norms and expectations (Vinzant, Crothers 1998). And importantly, this is specifically the position of what are so-called “street-level” leaders in the public service. They work in the intricate and always unpredictable environments which are often highly conflictual and where they have to negotiate and balance competing demands and values of community, politicians, organizations and their personal and professional values, and the dictates they can use in the situations at hand. What's more, street-level leaders have to make their own choices largely independently due to the nature of “street-level” position (Vinzant, Crothers 1998). To portray the tough challenges and divergent demands of these as being a matter of morality, ethics, institutional and regime values as well as efficiency, the existing models are deficient as all of these factors have impact on discretion of street-level leaders simultaneously (Vinzant, Crothers 1998). As a result, this may make street-level public servants appear to be an “impossible job” (Hargrove Glidewell, 1990), it can also be analyzed as demanding a special form of leadership.

Fifth, leadership theory helps understand the role of street-level public servants in national governance system because it combines with two types of discretion they are called upon to wield: discretion over process and discretion over outcomes (Vinzant, Crothers 1998). Despite recent researches on the results, street-level workers can exercise discretion in deciding both what to do (outcome) and how to

do it (process). Crothers and Vinzant argue (1998) that though the distinction between means and ends are artificial terms , it has been proved to be an analytically effective way to study the choices which street-level public servants are required to make. Barth (1992) also points out that serving the public interest in a democracy requires ongoing concern with not only what is done but also how it is done. Therefore, street-level public servants can be considered to make choices about process and outcomes.

In general, process discretion refers to how street-level leaders achieve organizational goal. Police enjoys process discretion on how to evacuate people in social disturbance to ensure safety. Social welfare workers exercise process discretion deciding how to figure out domestic violence in their community.

Outcome discretion exists when street-level public servants have the power to determine what outcomes they should seek in a given condition. Traffic polices wield outcome discretion when they decide whether to arrest a suspected drunk driver or not. Social welfare workers exercise outcome discretion when deciding whether they should intervene with a domestic violence case. This kind of discretion is difficult to be eliminated and there may be several different outcomes which can be acceptable under the law, community values and departmental regulations.

It should be noted that in this paper, I do not argue that all the discretion of street-level bureaucrats can be understood as leadership. But a significant portion of what they do and how they achieve goals are routinized and prescribed by rules and procedures. The emphasis here is to address those representative situations where street-level public servants are obliged to exercise powerful discretion over process

and outcomes.

## **1. Situational Leadership and Process-Oriented Discretion**

Certain selected areas of leadership theory can be referred to understand discretionary behaviors of street-level bureaucrats involving both their choices about process and outcomes. In terms of discretion over process, situational leadership theory is powerful in describing and prescribing what leaders do when they try to achieve a specific goal and provide standards by which the legitimacy and appropriateness of leader actions can be measured.

Hersey and Blanchard (1988) study a representative case of the situational leadership model. The basic principle of this model is easily understood. To be effective and successful, leaders must adjust their leadership behaviors to the situation's characteristics. The function of leaders is to provide what is missing or needed in the situation, to be the direction or support (Vinzant, Crothers 1998). The implicit goal is to reduce the followers' dependence on the leaders. Hersey and Blanchard's model (1988) claims that in the situations where followers are unwilling and unable to perform a task, leaders have to be directive and guide followers what to do, offering targeted instructions and supervising followers' performance attentively. At the other end of the continuum, in the cases where followers are cooperative and capable of accomplishing the tasks, the leaders should substantially delegate the tasks to the followers. In combined situations, when the followers are disqualified but willing to do, the leader need to provide guidance and instruction. When followers are able to but unwilling to complete the task, leaders and followers can work together in

formulating goals and setting policies.

Options about how to achieve the specific goal are made within a larger and more intricate context including departmental procedures and rules, organizational culture, community norms and political values. Situational leadership model provide useful criteria by which the effectiveness and legitimacy of the leaders' discretion can be judged within the context. Hersey and Blanchard's model argue that the leader is obliged to provide the level of guidance, direction and supportiveness necessary to empower the individual or group to complete the task. followers refer to individuals or groups which interact with street-level bureaucrats directly in realizing public objectives. And the approaches of the street-level leaders should alter according to the willingness and ability of the followers. The delegation of responsibility to those unwilling and unable to achieve goals is virtually guaranteed to cause failure. Highly directive leading behaviors may be improper in the opposing situations. These improper discretion can be judged as illegitimate exercise of authority (Vinzant, Crothers 1998).

In general, the situational leadership model corresponds properly with the concept of discretion over process. Leaders make choices over the process they will employ to achieve a particular goal, on the basis of their assessment of the situation. And the appropriateness and legitimacy of these processes can be understood and analyzed within the model. If individuals fail to evaluate the nature of the situation or are unable to adjust their approaches accordingly, their choices must be lack of effectiveness and illegitimacy. For instance, police sometimes abuse their authority by using highly forceful directive behaviors when the situation does not require it. Situational leadership model is beneficial for judging these common misbehavior of

discretion as improper, illegitimate and ineffective in providing long-term public service. So situational decisions and actions can be considered as legitimate acts of leadership or illegitimate utilizations\ of public authority.

## **2. Transformational Leadership and Outcome-oriented Discretion**

Situational leadership model is helpful in describing and analyzing discretion power over process, but it fails explain how leaders formulate goals and choose among competing values in determining desirable outcomes. In this sense, situational leadership model is value-neutral without assuming that leaders should act to provide what followers lack in terms of knowledge and commitment to goals within other contexts. So situational leadership model is deficient to contract a comprehensive model of legitimate discretionary behaviors of street-level leaders (Vinzant, Crothers 1998).

In order to understand how street-level leaders make choices about outcomes, normative and value-based leadership model is necessary. And there are various existing widely-accepted leadership models emphasizing these normative dimensions. James MacGregor Burns in Leadership (1978) builds the transformational leadership model as fundamentally grounded in a societal or organization's values, ideas and goals. Burns (1978) believes that transformational leaders are individuals who make efforts to shift the purposes and ends of the organizations, groups and communities which they lead to another higher set of goals and values. This is different from transactional leadership theory where leaders give

followers what they want in exchange for their performance and support.

Transformational leaders make choices according to the goals, values and ideals towards which they discern the organization, group or community ought to move. They help followers articulate the goals and they take actions to help them achieve these ends. The appropriateness and legitimacy of these actions are judged through reference to these values, goals and ideals (Vinzant, Crothers 1998). Therefore, when the leader is committing to advancing an agenda following these values, their actions are considered to be legitimate. On the other hand, when the leader pushes the projects which do not derive from conditional values or even run counter to a organization's ideals and goals, this action is illegitimate. So the exercise of leading power can be a component of changing an organization's course but the power is legitimated only when it is inherent to the underlying goals, values of the group, organization and community (Burns 1978).

Terry's (1990) idea of conservatorship and Kass's (1990) model of stewardship are powerful alternative models in understanding the demands of street-level public service when making choices of outcome. These two models depend heavily on the ability of public servants to understand and act on a combination of organizational, cultural, political, constitutional and regime values (Rohr 1978). Kuhnert and Lewis (1987) argue that leadership behavior is based on personal value system such as belief in justice and integrity. These are internalized professional and regime values which street-level public servants are expected to act upon. Nonetheless, other scholars view this argument as unrealistically heavy burden to impose on street-level public servants, which is a more complicated picture and precisely the challenges that they confront (Crothers Vinzant, 1996).

It is impossible for street-level public servants to be exactly the type of leaders envisioned in these value-based models as some of them are more convincing while others are not. But Lipsky (1980) changed the level of analysis and adapted the concept of policy making when describing the job of street-level public servants, so the notion of leadership can be adapted to offer insights into these jobs as leaders are entitled to make public policy. (leader & policy making, responsibility/power)

Burns (1978) argued that transformational leaders would be at the hierarchical peak of the organizations, capable of using moral exhortation to transform collective goals and aspirations. Terry and Kass (1990) concentrated on the analysis of discretion mostly at the administrative and executive level. Although these models usefully highlight how street-level leaders draw values from their organizations, communities, their profession, constitutional norms, and the needs of people they interact with. Both leaders at the top of organizations and front-line bureaucrats can be called upon to decide which values and goals are most important in a certain situation. This will cause them to act in ways counter to the values of citizens in response to these general interests and values sometimes.

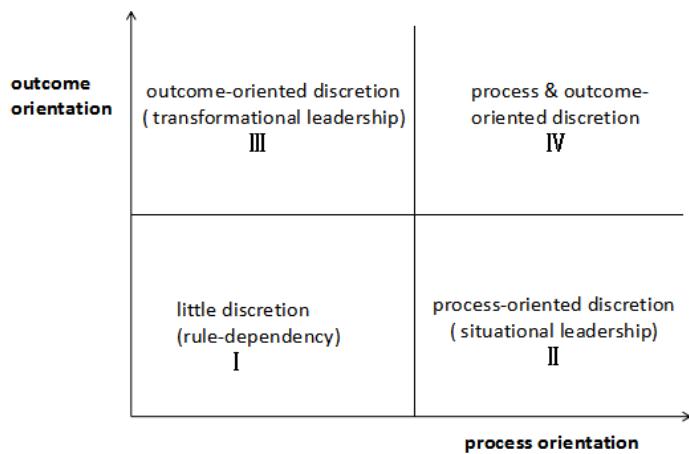
Under transformational leadership model, street-level public servants can make meaningful choices among competing values which shape the delivery of public services (Vinzant, Crothers 1998). What's more, these street-level decisions matter greatly to citizens and influence their views of government's public authority. Consequently, it is appropriate to apply value-based leadership models in assessing discretionary behaviors of street-level bureaucrats.

In general, the transformational leadership theory fits nicely with the expectations of

street-level bureaucrats in the exercise of discretion over outcomes. Street-level leaders behave within a context of competing pressures, values, goals and ideals. They apply social, organizational and moral criteria in making options about what should be done. When wielding the discretion over outcomes, their discretionary behaviors can be judged by drawing standards from transformational models (Vinzant, Crothers 1998).

### 3. Street-level Leadership Model

**Figure 1. Street-Level Leadership Model**



Source: Janet Vinzant, Lane Crothers. Street-level Leadership: Rethinking the role of Public Servants in Contemporary Governance [J]. SAGE Social Science Collections. 1996

### **3-1. Little Discretion**

In the first quadrant, the street-level bureaucrats wield little discretion either in the process or outcome-oriented dimensions because the law, rules and regulations completely restrict their actions. Lipsky (1980) terms that the variables in the human dimensions are minimal and the expected behaviors are predictable and basic. Therefore, the actions of individual street-level bureaucrats here can be reduced to programmatic formats. Typical cases include social-welfare department staff distribute monthly dibao (basic living allowances) to people or migration officers issue visa to applicants following explicit regulations.

### **3-2. Process-oriented Discretion and Situational Leader**

In the second quadrant, the street-level bureaucrats exercise discretion over how to deal with certain situations but the accurate goals they are about to achieve are given and clear. In other words, they know the predictable outcome but they have options how to attain the goals. According to the situational leadership theory, if the clients have little incentives to comply with the street-level bureaucrats, they can wield more discretion (compulsory means). Reversely, if the clients are more cooperative and compliant with the street-level bureaucrats, it is illegal and unreasonable to exercise mandatory measures (guardian service by social welfare staffs ). So the criteria of the legitimacy and effectiveness are based on the interaction between the bureaucrats and clients in terms of the extent of cooperation of clients.

### **3-3. Outcome-oriented Discretion and Transformational Leader**

In the third quadrant, the street-level bureaucrats have strong discretion to determine what outcome is going to be realized but possess little power over the process by which to achieve the goal. On the basis of the transformational leadership theory, for example, the traffic police can decide whether to arrest a suspected drunk driver or not because traffic police has a great number of issues to handle every day and their attention (distribution of attention) and resources are limited so their decision is based on the social values. They have to make a decision whether it is worth to utilize public resources to arrest the drunk driver according to their evaluation whether drunk driving will cause harm to the society with incomplete information. If they decide to arrest the drunk drivers, it is impossible for them to deal with other coincident occurring simultaneously and under this circumstance \, their discretion is limited as they have to obey the rules to arrest the drunk driver. If they decide to let the drunk drivers go as they think the driver is not intoxicated, they can handle other incidents at the same time. In doing so, the traffic polices are making decisions based on the values of the community, balancing the need to protect the community from intoxicated drivers and at the same time not improperly utilizing departmental resources or detaining a citizen if he is not drunk. Furthermore, while the subject of arrest may not desire to be arrested, if larger social goals and safety can be evaluated to supersede the individual street-level bureaucrats' desires, the decision to arrest is considered to be legitimate. In contrast, if the decision to arrest is based on personal judgement like racial bias or personal hostility instead of macro and general shared social values, this decision should be viewed as illegal (Vinzant, Crothers 1998).

## **3-4. Process & Outcome-oriented Discretion and Situational & Transformational Leader**

In the fourth quadrant, the street-level bureaucrats exercise discretion over making choice about both goals to be achieve and the means used to reach them. Police officers are capable of deciding whether to arrest the suspects in domestic violence, which can be defended or criticized through reference to social, organizational and moral criteria, and which level of force or collaboration to adopt in figuring out the situation, which can be interpreted through a model of situational leadership (Vinzant, Crothers 1998). Both decisions regarding what to do and how to do it can be measured through reference to models of transformational and situational leadership model. As a result, both the goals and processes can be evaluated in the leadership model together.

## **X. Street-level Leadership in China**

### **1. China's Street-level Workers**

The definition of street-level bureaucrat is a ongoing debate and ambiguous notion in China's politics academia. Han (2008) is the most authoritative scholar on the research of street-level bureaucrat in China. Through reference to his study, this paper argues that the definition of street-level bureaucrats in China refers to those who are government employees supported by public finance and responsible for implementing public policy by which they need to interact with citizens directly at the first front-line unnecessarily with formal public servant establishment(编制).

Lipsky also emphasizes that the definition of street-level bureaucrats should analytic so it is essential to focus on the characteristic of their work rather than their position to draw a correct definition.

This paper only concentrates on the Urban Management(城管) and traffic police in Guangdong, as the two most representative of street-level bureaucrats in one of the most developed city with leading public service in China.

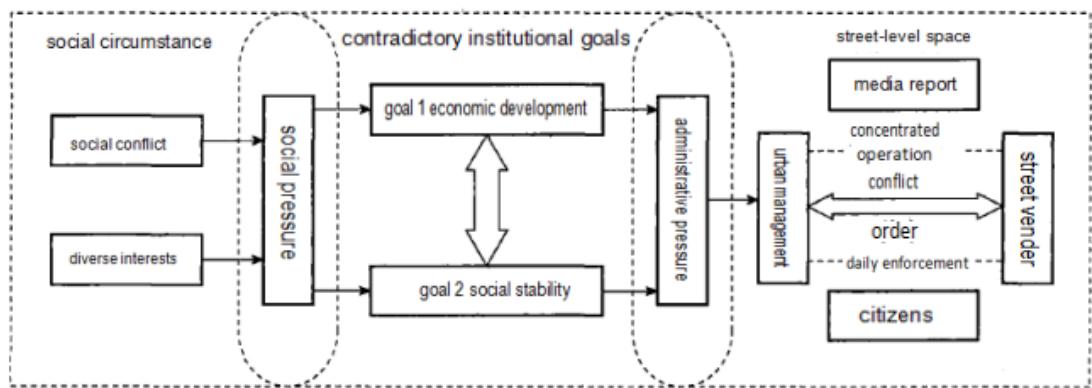
The street-level bureaucrats in China's bureaucracy system have typical characteristics. First, they are positioned at the bottom of pyramid without much power and subordinates and make up the majority of government staff. Second, because of the direct interaction with citizens, their work is equal to the output of government. Third, they stand at the first front-line to implement polices and conduct enforcement to citizens. Fourth, they enjoy discretion with rich experience, expertise and personal values to remake the public policy determining the distribution and reward and penalty to citizens. Finally, they work at the interface between state and society, state capacity and civil rights so the quality of their performance has decisive impact on the governments' administrative ability, authoritative image and official-citizen relation.

## **2. Complex Environment Surrounding Street-level Workers in China**

In China, because of the great diversity and divergence of the society, street-level workers confront highly complicated and changing environments influencing their

discretionary choices. To take urban management as example, changing city management order gives increasing challenges to China's city comprehensive management enforcement system(城市管理综合执法体制). In recent years, numerous medias have reported urban managements' violent enforcement, improper enforcement, dereliction of duty, internal mismanagement and violation of law and disciplines. The most common and typical duties of urban managements is do handle street venders among their numerous responsibilities. But the enforcement process contains high degree of contradiction constrained by various factors. Liu(2015) argues that there are contradictions between urban management and street venders, between urban management departments and other administrative departments, and of superior governments' various goals. And he summarizes the logic of urban managements' enforcement dilemma as "Embedded Enforcement Structure" illustrated in Figure 2.

**Figure 2 Embedded Enforcement Structure**



Source: Liu Lei. The Formation of Street-level Politics: Analysis of Urban Management Enforcement Dilemma [J]. Lawyers, 2015 Vol 4.

Street-level working space is open and anarchic and the order is not determined by personal willingness. Urban managements' interactions with street venders obviously reflect the tension between national power and survival of people living at the bottom of the society. Urban managements have to interact with numerous people of different and complicated backgrounds. And since the street-level space is non-excludable, it is easy to gather onlookers in enforcement and impose more unnecessary challenges. Therefore, there is high possibility of social conflicts like COPSI if urban managements fail to select proper approaches to deal with street venders.

The street-level space is also political and societal. There are various interests subjects but there is no specific distribution of their interests with lots of grey zones. So each subjective try their best to serve their own interests in their interactions. The ruling-ruled relationship between urban managements and street venders are unstable and the boundary of their actions is ambiguous without accurate laws or rules, which need to be remade repeatedly during their interaction. The discretion misuse and consequent violent enforcement as well as social contradiction reveal their competing interests. So actually urban managements' enforcement is involved in national governance system with political characteristics.

In addition, street-level enforcement is face-to-face interaction and it is hard to standardize and generalize fixed regulations of enforcement but the approaches must adapt to the changing personal interaction mode by applying medicine according to indications. The urban managements' personal experience, communication skills, ways to do things, values and beliefs all influence how they adopt certain approaches.

Many rich-experienced managements believe “behave(做人)” and “enforcement” should be combined in enforcement. And an urban management said even a single improper sentence can provoke conflicts (Liu 2015).

There is high uncertainty in street-level space. With large number and various backgrounds’ street venders, it is really hard for urban managements to predict the next step taken by street venders and violence is likely to happen anytime.

Major enforcement objects of urban managements are poor people such as migrant workers or laid-off workers resulted from market economy reform and plenty of consequent social conflicts have rapidly risen since China has become market society since 2000 (Wang 2008). And a great number of redundant rural labor pour to cities but they fail to be employed so they decide to do street trading for basic survival. With limited city infrastructure, it is impossible to provide all street venders with legal trading booth. Under this situation, urban managements mostly face these disadvantaged groups(弱势群体). The basic appeals of them are derived from survival so they fight for survival rights instead of legal rights in enforcement. Street-level space is essential for people living at the bottom of the society for survival.

China’s central government uses centralization mechanism in national governing by delivering policy intentions to each level of governments through bureaucratic hierarchical structure and local governments copy this centralization mechanism and also send their policy intentions to subordinating governments or administrative departments. Urban management departments are highly embedded and constrained in local governments’ operational system. The establishment and implementation of expected enforcement objectives are restrained by local governments’ institutional

goals. So the first frontline urban managements are greatly influenced by superior governments. The local governments expect to beautify the environments, promote city economic development and maintain social stability. So in concrete enforcement process, different administrative departments have divergent goals and even a single department has different conflictual objectives at different time. As a result, the contradiction and violence in street-level enforcement are directly derived from these competing institutional objectives (O'Toole Jr. 1989).

For example, under pressure system, many local governments set GDP as first priority in governance and nearly all city management affairs are related to economic development. In order to promote local economic development by improving environment protection, many cities apply for establishing “civilized city(文明城市)”. Civilized city establishment is a comprehensive activity in need of different administrative departments’ cooperation. The basic logic of civilized city establishment is to promote economic development via pressure system and political tournament(政治锦标赛). Specific index is set as criteria so measure individual officer and relevant departments’ performance and the tasks are transmitted to lower level one by one. Even though urban management department is not directly responsible for economic development, their duties are strongly relevant with economic development and they assume heavy responsibilities of protecting environment and maintaining social stability. And there is temporary specific coordination institution established to coordinate daily work of different departments’ cooperation by integrating departmental resources, assuming supervision duty to promote civilized city establishment. Mass media and public opinions on Internet are also important index to evaluate urban managements’ performance. Therefore,

the urban managements' enforcement is strongly influenced by superior governments' demands, relevant departments' cooperation, media report and public responses. On the other hand, maintaining social stability is another essential institutional goal of local officers.

Urban management is leading in fulfilling city management duty while development and stability are dual priorities to them. Under the widely-spreading negative opinion of urban managements, the urban management leaders focus more on maintaining social stability than economic development. They try to prevent provoking any instability resulted from enforcement. As they said, "the first priority is no accident happen and ensuring our own safety" (Liu 2013).

Therefore, it is significant that the street-level workers confront highly changing and complex environment to constrain their discretionary actions including street-level workers themselves, laws or rules stipulations, enforcement objects, unpredictable situational variables, relevant administrative departments and onlookers.

Leadership model emphasizes the importance of the external environments to street-level workers, which exert great influence to shape their work. The model assumes that street-level workers are positioned at the center surrounded by the complex environments. This worker-centered view of the model is quite different from other existing studies regarding street-level workers, which neglected the determined influence of the external environment.

This article selects partial but the most important external factors shaping the workers' decisions including the street-level workers themselves, client, organization, law, community and situational variables in China. The street-level workers are at

the center of the matrix of influences, in which some have straightforward influence while others exercise indirect impact on workers. And these factors can have cross-impact among each other. These factors regularly account for the reasons and approaches of the street-level workers' decisions and different factors have various weights in different situations.

Street-level workers as the individual government staff who make discretionary decisions at the first frontline street level in a particular situation is an important factor. They are directly responsible for public service delivery and exercise significant level of discretion to carry out their duties. Individual workers bring to the job a particular mix of factors and characteristics which may influence how they perceive situations and react to them (Kroeger 1975; Stone 1981; Delattre 1989; Pugh 1986). these factors include personal values and experts, experience, capacity, regional difference, educational background, culture and so forth. For example, an urban management from a migrant family may deliver moderate approach to illegal street venders.

Organization indicates the department for which the street-level workers work. Organizational constraints and characteristics including agency rules, goals, evaluation mechanisms, authority relationships and training guidelines have been argued to exert a significant level for influence over the exercise of worker discretion (Peyrot 1982, Franz and Jones 1987, Scott 1997). A department's strict regulation on overtime can discourage the police to arrest more criminals due to limited energy. Organizational culture as the embodiment of an organization's generally held norms and values also exerts an important influence on worker discretion (Kelly 1994). Organizational culture shapes workers' choice by impacting their underlying

predispositions and preferences about their roles and purposes in their jobs (Schein 1992, Kaufman 1960). And workers who violate the organization's constraints are subject to sanction, criticism or administrative punishment.

Clients are individuals with whom the street-level workers have to interact directly in everyday life with statutory or administrative responsibility for them. The most common clients are citizens in the society. They have direct and indirect influence on workers' choice (Goodsell 1980, Scott 1997) their demands or rejection of public service, values, expectations and demeanor and the like can be considered to affect the workers' discretionary actions. A cooperative client with feasible demand can motivate workers to better fulfill their responsibility than a belligerent one do. And the identity, social status, race or gentle also have influence on workers' response to them.

Law is the fundamental factor granting the statutory authority under which the workers operate. It defines the goals and frames the structure of an organization providing budgets to support the organization's capability to perform. Law directly influences street-level worker's choice by stipulation, authorizing or curtailing their behaviors. Law also have indirect impact on workers through performance evaluation system, organization's goals and community expectations.

With the rise of middle class and development of civil society, the status and importance of community have grown rapidly in China. Community here refers to the local environment where the street-level workers do their jobs, containing the residents, neighborhoods, cities and towns with different influence on workers. Residents in big cities have high expectation on street-level workers to maintain the

street order by clearing street venders and illegal occupation on the street. People living in towns want more polices regular patrol to ensure safety while resident in big cities ask for more privacy and autonomy within the community without too much public service intruding personal lives. The dominant culture of community is important as well as the culture contains various shared ideas, values, concepts and stories which orient people within their social environment, helping account for how and what the workers do within a given community (Douglas 1982, Wildavsky 1990) In other words, if the street-level workers fail to work in accordance with the community values and ideas, they may confront objections and repercussions.

Vinzant and Crothers (1998) point out that situational variables refer to whatever other unpredictable factors influence street-level workers in each particular circumstance, which exert significant impact on their behaviors (Worden 1989). This category includes such as the weather, the traffic order, how busy the workers are on that day, how many onlookers present and whether they are hostile or supportive. These factors can influence workers' decisions directly or indirectly.

### **3. Discretion Exercise of Street-level Workers in China**

Theoretically, discretion is required to apply rules in specific cases because street-level bureaucrats often work in situations too complicated to reduce to programmatic formats (Lipsky 1980).it is impossible to establish objective criteria for accurately how much they have achieved and how much they have failed. Their discretionary decisions are fundamentally immediate calls which cannot follow established bureaucratic routines.

Most of the situations in China require street-level workers make decisions about people. Street-level bureaucrats work in situations which often require responses to the human dimensions of situations (Lipsky 1980). so the judgement is unpredictable without predetermined procedures and no formula can remove these personal judgments from the process.

Street-level discretion promotes workers' self-regard and encourages clients to believe that workers hold the key to their well-being so the practice of discretion is reinforced (Lipsky 1980). This dimension offers the leader-follower relationship between street-level workers and citizens. Street-level workers feel they are able to make decisions which are necessary both to their job and to their clients, which are always intractable and depressing in the complicated environment so the control and freedom of choice gives them a sense of empowerment to cope with the situations they face. In terms of citizens, they truly understand that their private benefits are almost dependent on the street-level workers' discretionary choices so they are willing to support the discretion and help them if necessary.

And Lipsky discovers that street-level workers can operate almost independently from their direct supervisors when carrying out tasks. As the supervisors working at the office cannot make it to the scene every time and oversee all the decisions, which rely on the street-level workers to do. So simply, the absence of direct supervision give much room for discretion of street-level workers.

In short, Lipsky's accurately summarizes the inevitability of discretion. The supervisors far away, few predetermined bureaucratic routine, human dynamics of certain situation and the worker-citizens' relationship all prove that the discretion of

street-level workers is inevitable.

In China's situation, the inevitability of discretion and the complex environments constraining street-level workers lead to special form of discretion exercise.

In terms of hierarchical structure, politicians and street-level workers have a long distance without consistent goal. Top-level workers concentrate on realizing organizational goal and advance their performance while street-level workers tend to carry out the tasks according to their personal preference. Under the changing and intricate working environment full of uncertainty, street-level workers learn to adapt to it and report to their superiors what they want the leaders to see, a serious problem of information asymmetry. In general, street-level workers make personal decisions and only themselves who know the detail and influence. They substantially control the final process of policy making and successfully resist control and restrain from their superiors. Without effective oversight mechanism, superiors are unable to measure their misbehavior of discretion.

When it comes to citizens, the clients of street-level workers, they are confined within the administrative scope where their relation comes into existence. However, the monopoly of public service forces the clients to receive passively. Due to the imbalanced power relation between citizens and street-level workers, citizens are unable to withdraw from this relation as they wish regardless of the quality of public service provision. Citizens either need help from or are constrained by street-level workers without spontaneity. This imbalanced relation further encourages more misbehavior of discretion without effective control harming civil rights and social stability.

Street-level workers' exercise of discretion have particular action logic originating from their role, position and work, which are the preconditions to understand how to control their discretion.

First, deficient incentive mechanism is a serious problem in China's bureaucracy system. Political leaders tend to motivate followers through promotion and reward for their contribution. But compared with the great number of street-level workers, the available positions for promotion are extremely rare. There are over 5 million public servants in China and 92% are below Ke level (科级) and 58% are county workers but only 5.5% are positioned at Chu level(处级) as well we 0.4% Si Ju level (司局级) leaders. Numerous street-level workers demands for promotion and largely limited position for promotion produce the fundamental contradiction. According to the Civil Servant Law, there is a dual course for promotion including position(职务) and rank(职级) promotions. Nonetheless, under the rigidly stratified and power-oriented hierarchical bureaucracy system, the incentive for street-level workers virtually depends on position promotion.

In addition, the Civil Servant Law stipulates that it is hard to advance payment and benefits with position promotion simultaneously. Furthermore, with the impossibility of routinization and indexation for their performance, the incentive for street-level workers significantly receives huge discounts.

Second, rule-dependency is a common strategy utilized by street-level workers. In the era of further establishment of rule-by-law and widely spreading civil rights, street-level workers confront numerous constrains and risks, resulting in various social disturbance or even legal proceedings. Due to the deficient incentive

mechanism resulted from scarce organizational resources and a lot of negative outcomes from making mistakes at work, street-level workers are more likely to seek the haven by strictly obeying rules, regulations and laws in the bureaucracy system for self-protection. The organizational rules and regulations provide nominal instruction for the content and criteria of actions to ensure the bottom line of legitimate behaviors and serve as disclaimers to resist external pressure and avoid penalty.

In this way, rule-dependency realizes justice and fairness in accordance with rule-by-law and serve as an effective approach for street-level workers to get rid of mistakes and free of responsibility. However, this logic of action produces negative externality. The flooding rule-dependency eliminates rule itself and redundant rules give birth to the basis of workers' power, conservatism and formalism. In contrast, the public interests in need of the discretion of street-level workers to actively realize are obliterated in the name of following procedures. This is the result of rule-dependency rather than outcome-dependency as formalism outweighs substantialism.

Third, constrained by the imbalanced relation between unlimited demand and limited resource of public goods, it is reasonable for street-level workers to conduct selective execution in order to reduce immense pressure. With numerous ambiguous and contradictory goals of public policies and competing interests from different parties, street-level workers have to make appropriate sequence of policy execution according to priority of values to achieve utility maximization. They tend to pay attention to more important goals and urgent needs with maximum reward among all the demands in terms of rational distribution of limited public resource. Moreover, they always choose easier jobs and give up basic and stressful tasks with little

benefits for themselves though the latter will receive more satisfaction from citizens.

David also believes that street-level workers work to serve private interests instead of fulfilling public interests by working for easier work for better performance evaluation. This is a rational choice between public and private interests of value for street-level workers taking into consideration of the dilemma and challenges they confront.

The personnel performance appraisal motives more selective execution. The fundamental weakness of this performance appraisal is that people can always adapt to the criteria and index which they evaluate in order to meet the requirements and gain rewards. Though it is really tough to routinize the discretion street-level workers, Chinese government still builds up post responsibility system, target management system and one-veto system to control the misbehavior of street-level workers. In response, street-level workers concentrate more on these quantized hard index such as attendance rate, tax collection, number of collective public security incidences and detection rate. While other vague and subjective soft index such as awareness of rule-by-law and service, respect for citizens and care for the masses are always ignored because of difficult measurement. However, these social values are the key to control and improve the proper exercise of discretion of street-level workers. Wilson summarized this situation as measurable tasks expelling non-measurable tasks. The general phenomenon of Gresham's Law deteriorates the unilateral and planarized administrative responsibility impeding democratic governance.

Finally, as street-level workers always have to confront dangerous situations such as police chasing criminals or urban management expelling street vendors. According to the assumption of economic man, people always try to maximize personal interest

and avoid any possible harm rationally, which is revealed by the phenomenon of front-line waiver among street-level workers critically described by Christopher Hood. For example, police sometimes deliberately play for time and arrive after the conflicts end as they are unwilling to get hurt during enforcement. Wilson also argued that due to the difficulty of surveillance, it is hard to measure the quality of the performance of street-level workers afterwards. The urban management team does not arrest any street vendor. It can be explained as no street vendors appear or the urban management fail to control the illegal behaviors of street-level workers as they do not wish to do it, which produces more social instability and negative feedback towards the image of government.

Street-level workers only pursue easy and safe tasks while intentionally omitting other dangerous and tough work concerning individual and societal benefits. In this way, they have become quite capable of evading the responsibility, energy and time spent on some complicated and dangerous front-line work by various tricks.

China's central government has realized this serious misbehavior of street-level workers. In 2006, Ministry of Public Security announced that social issues concerning livelihood mostly rely on the public service at the grass-root level. But the distribution of police strength does not conform to the reality with quite inadequate number of police at the grass-root level while too many unreasonable numbers of police sitting at the office. So Ministry of Public Security spent efforts on assigning more than 85% of the total number of police China to grass-root level in order to achieve social stability and safeguard people. This reform indicates another urgent problem to be solved in China's street-level bureaucracy system where too many stay at the office while others are forced to face front-line

unpredictable challenges every day. This reform also marks the path and direction for optimizing China's street-level bureaucracy system. In short, front-line waiver is a kind of malfeasance of street-level workers in China.

In general, the action logic of street-level workers are inevitable results from rigidly sticking to rules in bureaucracy system combined with direct interaction with citizens and necessary discretion. Additionally, ambiguous goals and non-measurable performance, unpredictable tasks without guidance and objective laws as well as asymmetric relation between street-level workers and citizens deeply deteriorate misuse of discretion.

## **XI. Street-level Leadership Model Applied in China**

### **1. Why Urban Management and Traffic Police in Guangdong as Representative**

The case studies of street-level workers focus on urban management and traffic police in Guangdong province.

In general, urban management and traffic police are the two most representative of China's street-level workers because of their indispensable functions and irreplaceable positions to provide public service ensuring the safety of people's life and property, determining the quality of citizen's daily life as well as promoting the development of urbanization and modernization at China's overall transition period.

In addition, the greatly complicated and difficult challenges they confront fully reflect the changing and complex environments with various variables which street-

level workers have to face in different situations assumed in the leadership model.

And Guangdong province has always been leading the innovation and advancement of public service in China. The structural reform of public service in terms of equalization, rule by law and performance in Guangdong's 13rd Five Year Plan reflects the trend and direction of public service refinement in China. Hence, it is essential and typical to learn the cases of Guangdong.

The importance of urban management and traffic police to the whole society and governance system is further illustrated in this section.

## **1-1. Urban Management**

The existence of urban management is essential for China's overall administrative reform and city management for citizen's well-beings. And urban management is a very unique existence as governmental staff in China without much reference from western developed countries so their role and legitimacy of their discretion have been questioned for a long time, which is a quite interesting research subject.

First, urban management enforcement responds to the promotion of rule-by-law and administrative management system reform. The significance for public governance lies on not only alters the subjects of exercising administrative punishments but also breaks up departmental autocracy, which paves the way for further specific distribution and collaboration of administrative power as a very important sample for Giant Department Reform(大部制改革). The rapidly increasing demands for urban management in China's deepening urbanization reflect its importance for

economic and societal development as well as the direction of comprehensive administrative system reform.

Secondly, China's urbanization rate has reached over 50% imposing numerous challenges for city management to ensure public order and social interests. And urban management is the first frontline executor to maintain city management. The main functions of urban management include environment protection, which is necessary for building inhabitable cities and promote the strategy of sustainable development. And they are responsible for reconciling social conflict and strengthening society management innovation as there are exploding social contradictions resulted from market economy development producing unpredictable negative outcome on the whole society such as collective public security incidents and many social conflicts are even caused by the misuse of discretion by urban management themselves. Social stability is one of most essential goals of city management.

Third, urban management is essential for constructing service-oriented government transition. Since they directly interact with citizens in everyday life in providing public service, the discretionary actions directly determines the qualities of citizens' rights and obligations. And citizens measure the governing capacity and authority through the specific enforcement behaviors of urban management. Therefore, in addition to the rich experience of highly developed city management, urban management is the indispensable components of establishing service-oriented governments with citizens' satisfaction.

With the advancement of modernization, the interrelations among social participants

tend to be more diversified and complicated. City management is the prerequisite of the existence and development of cities. And the enforcement of urban management is an inevitable and particular approach derived from city management and of great importance in building harmonious socialist society, which is one of CCP strategic goals of society development since 2005 announced by President Hu. The administrative enforcement of urban management is a greatly complex area concerning various aspects of the whole society exerting broad influence. To better assess the concrete discretionary actions of urban managements is beneficial to understand the challenges they face and how to control their discretionary power in city management.

Urban management is indispensable and essential in city management, in which they burden countless public responsibilities with mismatching public resources support. To better adapt to urbanization development, more and more people need to transform themselves from peasants to citizens and follow the rules of city management in China, where urban management plays a vital role in establishing suitable environment for them and assisting them to become real citizens.

As the biggest and most developed province with 0.1 billion population, it is extremely essential and challenging for citizens in Guangdong to act in accordance with the objective rules of city managements and adapt to the requirements of politics, economy, society and culture development in order to construct highly modernized and inhabitable cities, in which the administrative enforcement of urban management is of far-reaching significance and inevitable. Taking Guangzhou, the capital of Guangdong province as an example, until 2017, there are over 10000 urban management staff in Guangzhou City Management Committee(广州城市管理委员

会) and they have 2300 specific functions concerning nearly all the aspects of city managements including environments protection, gas management, garbage classification, city appearance and so forth with 150 million population and over 500 thousand street venders, in which there are a lot of overlapping administrative functions with other governmental departments. While Guangzhou City Management Committee received much less public finance budget compared with other governmental departments and these related governmental departments seldom offer assistance to urban management in enforcement and always shift their own burden to urban management departments. And urban management have to burden particular cases authorized by superior governments. All their work are closely relevant to citizens' daily life and whether they properly use discretion to fulfill their job directly determines the quality of citizen's life.

In short, the existence and development of urban management is vital for China's overall administrative management system reform in public governance and citizens' well beings in China's further urbanization and modernization era. Meanwhile, there are countless challenges making up "impossible jobs" for them.

## 1-2. Traffic Police

Traffic police is another typical representative of China's street-level workers to maintain public transportation order and security concerning people's safety of life and property. With China's further construction of urbanization and modernization, traffic transportation plays an essential role in promoting economic development so it is important to maintain public transportation order as it relates to macro national

development strategies and individual citizen's safety of life and property, in which traffic police is positioned at the directly first frontline since F Ratzel states that public transportation is the driving force of city formation connecting inter-cities channels by transporting production factors and exerting decisive influence on urbanization development.

However, at the societal transformation era of China, people still lack adequate legal consciousness neglecting the traffic laws. And with the further improvement of urbanization, tremendous people pour to cities imposing immense pressure on public transportation. What's worse, the deficient construction and unreasonable planning of public transportation infrastructures make their jobs more challenging.

Like urban management, traffic police have to assume tremendous tensions between a great number of responsibilities and highly deficient public resources assistance. Guangdong, the largest population of China and the most developed urbanized region, brings immense pressure to traffic police departments including traffic accident, vehicles and drivers management, road construction, vehicle safety monitoring, driving license examination and issue, traffic control and guard duty and so forth.

Guangdong Public Security/Traffic Management Bureau has over 250000 traffic police accounting for 1/4 of the total number of China's traffic police while there are 20 million vehicles and each citizen has 4 car averagely in Guangdong until 2016 with 110 thousand more vehicles increasing per year. Guangdong's expressway mileage makes up 1/14 of the total expressway mileages in China and the total traffic accidents fatalities of Guangdong accounts for 1/9 of the total number in China.

While the 2018 public budget for Guangzhou's public traffic security is 0.52 billion, just 9% of the total public security budget. Therefore, it is apparent that there is serious imbalance between traffic polices' responsibilities and public resources support.

In short, China's street-level traffic police have to deal with various diversified objectives, increasing functions and more intensive challenges.

### **1-3. Guangdong Province**

Guangdong, the most developed urbanizing region in China, has been the pioneer in the development of public service as positive examples for other provinces. Studying Guangdong's street-level workers reflects the trend and direction of China's public governance reform and urbanization development. As argued above, the role and significance of street-level workers in providing public service and the consequences of discretion misuse must be emphasized meanwhile more new solutions need to be explored in order to figure out the social conflicts caused by improper and illegal discretion exercise. And Guangdong is the leading region in adopting countermeasures to these issues.

First, on the one hand, Guangdong has paid great attention to the importance of street-level workers in determining the quality public service and representing governing capacity of superior governments. In order to give more support to street-level workers to accomplish their jobs in providing public services, Guangdong has

achieved major reforms regarding improving the quality of urban management administrative enforcement and advancing treatment for traffic police. On the other hand, Guangdong has addressed the negative outcome to the whole society caused by discretion misuse with great efforts trying to solve the issue.

For example, Guangzhou, the capital of Guangdong, is one of the experimental cities to conduct overall city management administrative enforcement reform. Six central ministries have issued jointly declaration to carry out administrative penalties authorities reform in order to promote comprehensive administrative enforcement of city managements based on *Suggestions of the CPC Central Committee and the State Council on deepening the reform of city administrative enforcement system and improving city management*. This significant reform is committed to exploring an overall city management system of exercising administrative enforcement authorities and succeeded in handling problems derived from discretion exercise. The experiences are expected to be generalized to all the cities in order to promote national public governance reform in terms of city management.

This reform aims at clarifying specific boundaries of duties in city management among relevant administrative departments, promoting cooperation and coordination, strengthening the power of administrative enforcement and better dealing with citizens' responses. What's important here, administrative enforcement departments are encouraged to exercise proper and legitimate discretion within the laws including business administration, public transportation management, environment protection and food and drug supervision. All the procedures, accurate steps and schedules of enforcement must be clarified and reported as the standards to evaluate the legitimacy and appropriateness of discretion exercise. Overlapping duties must be

properly distributed and the quality of conducting enforcement should be ensured by improving the capability to deal with citizens' response.

Additionally, Guangdong also has accomplished traffic police incentive reform in terms of decompression for street-level traffic polices, raising salary, advancing career promotion and constructing professional traffic police teams according to 2018 Guangdong Public Security Incentive Mechanism Measures. The specific duties of street-level traffic police will be reduced while more expert training will be provided to improve their enforcement capacity and help de-stress. Due to the deficient incentive mechanisms, Guangdong Public Security Bureau is going to advance the salary, position allowance and performance bonus for traffic police. And street-level traffic polices with excellent performance will have more access to be promoted to Guangdong Public Security Bureau in order to encourage traffic police for better administrative enforcement. The family members of traffic police have more privileges in education, medical health and other social welfare.

These reforms as examples are leading and representative compared with other major cities in China in terms of public service promotion and control of discretion exercise by street-level workers, which are fundamental problems in China's overall public administration reform and public governance capacity advancement.

Guangdong has realized the serious challenges the street-level workers face and attempted to give them more support by advancing their treatment as well as reduce their burdens by properly distributing duties among relevant administrative departments. In addition, Guangdong province government is well aware of the negative outcome resulted from discretion misuse so in this reform, all the specific

discretionary actions need to be recorded as a reasonable criteria to measure their discretion exercise performance instead of following pre-established laws or regulations as street-level workers are forced to finish their jobs in certain changing and complex circumstances, which is a pioneer step in China.

Secondly, with the highly developed urbanization in Guangdong, there are many typical social conflicts resulted from imbalanced economic development between justice and efficiency as apparent characteristics of China's macro societal transition and the resolutions of these social conflicts largely depend on street-level workers, which sufficiently and concentratedly reflect how street-level workers wield discretion to figure out these conflicts, where they are strongly constrained by highly complex environments such as large population and diverse demographic compositions, numerous unreasonable city infrastructure construction, countless administrative duties, strict supervision from superior governments and citizens and etc in Guangdong.

For example, on the one hand, there are numerous social conflicts produced by street-level workers, especially the urban management. According to 2014 China's rule-by-law report (2014 中国法治发展报告) issued by Chinese Academy of Social Science (中国社科院), there are 871 collective public security incidents (群体性事件) with strong regional characteristics from 2004 to 2014 and Guangdong ranks first accounting for 30.7 % including the famous Wukan incident and Lufeng Incident. In terms of origin, discretion misuse as improper administrative enforcement (执法不当) takes up 20% producing COPSI(群体性事件). In terms of subjects, officer-citizens conflicts (官民冲突) account for 40%. Considering

over 10000 people scale's COPSI, environment protection, one of the key goals of administrative enforcement, is the main cause. All these accurate index indicates that the discretion misuse of street-level workers play a major and essential part in causing social instability in Guangdong region.

On the other hand, Guangdong province has been implementing professional training and establishing more specific regulations on how street-level workers should wield their discretion properly and legitimately to solve social contradictions. Based on the issues mentioned above, Guangdong has accomplished several major reforms succeeding in reducing the total number of COPSI from 4000 per year to 1800 per year since 2009.

In general, compared with other regions in China, Guangdong is leading in addressing the role and duties of street-level workers in public service and national governance system development by improving incentive mechanisms and promoting discretion control. Because of the first economic and urbanized development status, Guangdong has to deal with tremendous COPSI, which reflect how the social conflicts are caused by street-level workers and how they can appropriately and legitimately wield discretion to solve social conflicts correspondingly.

## 2. Case Selection

All cases are closely related to citizen's everyday life and the main duties of urban management and traffic police in providing public service. Conducting deeper studies of these cases from worker-centered viewpoint both illustrates the common characteristics of street-level workers' discretion exercise and its significance to

citizens' well-beings.

## 2-1. Quadrant 1

Quadrant 1 deals with little discretion cases.

Administrative enforcement to DUI(driving under influence) and DD(drunk driving) is one of the most important strategic goals of maintaining public traffic security and protecting people's safety of life and property in China. The duty of preventing and reducing traffic accidents ranks first in PRC Vehicular Traffic Laws as the most important and common responsibilities of traffic police.

Whether traffic police properly and legitimately control their discretion and strictly follow Criminal Law and Vehicular Traffic Laws directly determines the traffic accidents death rates. DUI and DD ranks fourth as the origin of traffic accidents causing death. More than 2500 people died every year since 2009 to 2010. According to national traffic accidents observation information system of Public Security Ministry, the death rates caused by drunk driving was reduced by 37.8% and the total number of China's drunk driving cases was 2038, reduced by 35% since 2011 when drunk driving (醉驾) was identified as criminal offence, which reflects the importance proper and legitimate use of traffic polices' little discretion to prevent potential traffic accidents.

According to the Threshold and Test of Alcohol Content in Blood and Breath of Vehicle Drivers issued by China's General Administration of Quality Supervision, Inspection and Quarantine (AQSIO), DUI refers to vehicle drivers whose blood

contain alcohol more than 20mg out of 100ml and less than 80mg out of 100ml. And DD regulates vehicle drivers whose alcohol content in blood is more than 80mg out of 100ml. Based on Road Traffic Safety Law of the People's Republic of China, DUI vehicle drivers must pay 1000-2000 RMB penalty and receive 12 credits deduction (12 credits in total per year for each driver) with license detained for six months. DD vehicle drivers' license must be revoked and cannot be obtained within five years. DD vehicle drivers must be taken into custody according to the court decision and face punitive civil penalty. DUI vehicle drivers who repeat the DUI offence again will be detained within 10 days and pay 1000-2000 RMB penalty with driving license revoked perpetually.

And considering the large abuse of discretion utilized by traffic police in the past, Code for Law Enforcement of Traffic Police on Duty issued by Ministry of Public Security stipulates the detail requirement for code of behavior of traffic polices in enforcement and especially claims in Article 25 that the whole course of enforcement should be recorded by camera as empirical evidence for evaluating the appropriateness of polices' behaviors and effectively controlling their abuse of discretion. The code of law even accurately regulates the proper language which the traffic police need to use in enforcement. Besides, the alcohol tester must be used to detect the exact content of alcohol in drivers' breath and if the result indicates highly possibility of DUI or DD, drivers must be taken to hospital for blood testing to further consolidate the legitimacy and effectiveness of enforcement by traffic police.

The first case is that the traffic polices centrally investigate drunk drivers during Spring Festival period. In Chinese tradition, people love gathering and drinking a lot to celebrate the family reunion in Spring Festival so this is a special period when

there are plenty of drunk drivers and many potential traffic accidents caused by drunk driving than any other normal periods and it is urgent for traffic polices to centrally investigate drunk driving. By studying the drunk driving case during Spring Festival, it is more prominent to identify how traffic polices repeatedly follow laws and rules to deal with drunk drivers as they have to handle much more drunk driving cases than in their routine work, which fully reflects how little discretion they obtain in different situations. Moreover, centrally investigating drunk drivers imposing strict administrative punishments reported by mass media will give stronger lessons to other drivers to prevent potential drunk driving and numerous traffic polices handling these cases in accordance with rule-by-law strengthens the justice and responsible image of service-oriented governments with advancing governing capacity represented by traffic polices. While in other ordinary days, a few single and scattered cases hardly reflect the overall process of traffic polices conducting administrative enforcement to drunk driving with little discretion and have less influence as warning to other drivers. During 2018 Spring Festival, Guangdong traffic police have investigated 1282 DD cases and 3976 DUI cases (“Guangzhou Traffic Police Investigating Over 4000 Drunk Driving Cases”,2018).

Another case is that Shunde traffic police decided to conduct a live broadcast on the Internet recording their administrative enforcement with drunk driving (“Guangdong Traffic Polices Live Broadcasting Drunk Driving”, 2017). Again, the ultimate goal of traffic police handling this case is to prevent more drunk driving traffic accidents and protect citizen’s life and property by warning drivers. This new approach of live broadcast on Internet can attract more attention from public and deliver warnings to as many drivers as possible based on tension between the numerous drunk driving

cases and limited number of traffic polices compared with other single cases where traffic polices could only deal with individual drivers at each time having much less impact on public transportation order. And under the live broadcast, how traffic polices conduct routinized procedures following rules and laws to handle drunk driving cases will be specifically and overall amplified for public to know that traffic polices actually burden strong responsibilities and how the complex and challenging environment constrains their enforcement. This way helps citizens understand more about the role of traffic police as responsible workers instead of trouble makers or contradicting public interests based on former negative impression from improper enforcement cases. Further, using Internet in governance is a very essential tool in China's e-government development to improve the efficiency and influence of administrative enforcement.

## 2-2. Quadrant 2

Quadrant 2 analyzes discretion as situational (process-oriented) power in which street-level workers enjoy great discretion on how to achieve the goal while the goal is predetermined by laws, rules, values or norms beyond their control.

The first case is about Shenzhen urban managements take flexible approach to successfully deal with a large number of minor ethnic street venders ("Properly Deal with Minor Ethnic Illegal Trading", n.d.).

Investigating illegal street venders trading is urban managements' major responsibility in terms of maintaining city management order. And how urban managements wield discretionary power in response to street venders' reaction

directly determines the outcome either succeeding in clearing the illegal trading or causing more serious officer-citizens conflicts or even social mass disturbance threatening social stability, which exerts strongly negative influence on the whole society attracting lots of public debates and media reports. As mentioned above, there are 871 collective public security incidents (群体性事件) from 2004 to 2014. In terms of origin, discretion misuse as improper administrative enforcement (执法不当) takes up 20% producing COPSI(群体性事件). In terms of subjects, officer-citizens conflicts (官民冲突) account for 40%. Considering over 10000 people scale's COPSI, environment protection, one of the key goals of administrative enforcement, is the main cause. All these accurate index indicates that the discretion misuse of street-level workers play a major and essential part in causing social instability. Therefore, reviewing this case represents the most typical job of urban managements and reveals its significance in maintaining social stability and city management order by properly and legitimately exercising discretion or not.

According to Food Safety Law, City Appearance and Environment and Sanitation Regulation(城市市容和环境卫生管理条例), Prohibition of Unlicensed Business Regulation (无照经营查处取缔办法) and several rules concerning tax management and local specific administrative rules, it is clear that the illegal street trading by venders must be banned. But due to the changing and various unpredictable situations in the interactions between urban management and street venders without superiors at the scene, there is much room for exercising discretion on how to achieve the outcome by urban management without feasible and particular regulations or rules. So it is typical to discuss the cases of urban management and street vender

interaction to prove situational leadership quadrant.

Guangdong urban managements have to exercise stronger discretion over the process to deal with street venders as the backgrounds and reactions of street-venders are highly complicated and unpredictable so it is necessary for urban managements to wield greater discretion on how to handle different complex situations. Because of the highly developing urbanization, many migrant workers pour to Guangdong for better jobs but most of them are disqualified so many choose to do illegal street trading with low cost. But since they come from different rural areas and various ethnic groups, their backgrounds are quite complex and their personal information are not fully controlled by local police stations. So there are many unpredictable acts happen in the enforcement. For example, some street venders are really poor and they only rely on street trading for survival so they violently resist urban managements' enforcement and cause mass disturbance. Other street venders may suffered from unemployment and a long-term poverty life so they take the chance to release their anger and misery by fighting with urban managements in enforcement. And once there were many minor ethnic groups doing illegal street trading in Guangzhou and due to the cultural divergence, these street venders held hostile attitudes to urban managements in advance of enforcement and urban managements found it challenging to deal with minor ethnic groups limited by some minor ethnic groups protection policies but they still had to fulfill their duties to expel illegal street trading.

In short, Guangdong urban managements have to burden higher enforcement difficulties with various street venders in each different, unpredictable and changing situations, which highly constrain their actions so these situations comprehensively

indicate how they respond to each certain circumstance by discretion over process.

The second case is about the traffic polices stopped a motorbike without licence plate by throwing traffic cone to the motorbike (“Is There Violent Enforcement by Traffic Police?”, 2017). This incident was recorded partially by onlookers only recording the part when traffic polices threw traffic cone and left negative impression on public opinion as violent enforcement. However, after official announcement by the local traffic police bureau, actually the traffic police team conducted central investigation of nighttime illegal driving. And the motorbike without license plate violently resisted cooperation with traffic polices in order to escape from administrative punishment so polices decided to take compulsory actions according to the degree of violent resistance and the detailed interaction will be illustrated in the next chapter.

This is a very typical case to understand the role and situational discretion of traffic polices because at first it was misunderstood as violent enforcement with partial evidence but when the whole process was clarified, it is considered as proper and legitimate decisions made by traffic polices to handle this case.

## 2-3. Quadrant 3

Quadrant 3 studies transformational (outcome-oriented) leadership in which street-level workers have discretionary power on determining the outcomes while the approaches on how to realize the goal is established with two cases concerning vehicle overloading by traffic police and shared bicycles occupation by urban management.

Vehicle overloading is a very common phenomenon producing immense destruction to people's life safety and economic development in China. Over 70% traffic accidents are caused by overloading and more than 50% mass death and injury extremely serious traffic accidents(群死群伤性特大交通安全事故) are directly related to vehicles overloading. There are 1425 traffic accidents caused by vehicles overloading leading to 1094 death and 1145 injury from 2013 to 2017. It also makes a great deal of destruction to highway infrastructure and it cost more than 30 billion every year to repair the damaged highway infrastructure.

Therefore, it is apparent that vehicles overloading is extremely harmful to public transportation security and citizens' life and property safety. More than 7 provinces put forward strict policies dealing with vehicles overloading and Guangdong issued regulations prohibiting overloading trucks entering expressway in 2017.

The first case is that a traffic police team was supposed to centrally conduct drunk driving enforcement while they detected a suspect overloading passenger bus without drunk driving passing by the checkpoint ("Serious Overloading Bus in Dongguan," 2018). Due to limited time and the number of traffic polices, it is impossible to take care of all the cases at the scene. If the traffic polices investigated the overloading trunk, perhaps more drunk drivers could escape and potential accidents would occur. But if they released the overloading bus full of passengers in the bustling strict with many people, potential traffic accidents may also happen causing casualty and injury. So they confronted important competing values bearing heavy burdens to make decisions.

This case significantly reveal how traffic polices make discretionary decisions in

determining whether to investigate vehicle overloading in a dangerous working environment assuming other heavy duties simultaneously weighing various competing values.

Prevention and investigation of vehicle overloading largely depends on traffic police's administrative enforcement. On the one hand, many traffic polices choose to ignore this issue if the degree of overload is modest. For example, some traffic police believe an overloading car with two more children is not a big deal. And some traffic polices do not investigate overloading bus carefully because many overloading buses hide overloading passengers at the back of the car or even inside the luggage rack below the car. On the other hand, due to the rich experience in enforcement of traffic polices, a lot of traffic polices are well aware that if the overload reaches certain degree, there will be serious traffic accidents and there are 1229 traffic accidents caused by vehicle overload in 2016 China. Therefore, the traffic police enjoy great discretion in determining whether to handle overload cases based on the degree of overload.

Why do traffic police possess great discretion in handling vehicle overloading cases?

First, The suddenness of vehicle overloading, the serious negative outcome, the dangerous and complex working environment and the highly heavy burden make up the changing and complicated circumstances and numerous competing interests, which strongly shape traffic polices' decision-making and sufficiently reflect how outcome-oriented discretionary power is exercised.

Secondly, even though traffic police enforcement can not be the only factor to blame as the cause of overloading, but their enforcement directly determines whether the

potential traffic accidents would occur or not to a large degree regarding people's life and property safety as well as public traffic order. And they confront extremely heavy burden to investigate suspect overloading vehicles due to limited time and energy. Additionally, the most frequent scene of overloading vehicles are located at expressway, which imposes more danger and difficulties on their enforcement environment. Moreover, as their superiors are always far away from the scene lacking enough supervision, it is difficult for public or superiors to unearth their neglected moves of duties unless it produces traffic accidents.

Further, traffic polices possess much discretion on deciding if they are going to investigate the passenger vehicles and freight vehicles due to the limited number of 1.5 million traffic police but over 0.3 billion vehicles in China so it is almost impossible for traffic polices to investigate each suspect vehicle. As a matter of fact, some traffic polices just simply observe the exterior without further inspection at the checkpoint while others will carefully inspect the inside of the car and inquire drivers and passengers. Most of the overloading buses are detected when traffic polices seriously search the back and the luggage compartment where overloading passengers are hidden to avoid investigation. If traffic polices release overloading vehicles without serious investigation, there will be immense negative outcome. For example, a passenger bus with 50 people overloading turned over at the express way causing 19 death and 31 injury and 30.1 million economic loss in Huizhou ("Guangdong Traffic Accident with 19 Death and 31 Injury," 2018). According to the post-accident survey, the neglect acted of investigation by traffic polices are identified as the third main cause and 4 leaders of traffic police department received serious administrative punishments. In general, they have to make choices based on

various competing values, ideals and norms including people's life and property safety, superiors' demands, public traffic infrastructure property cost, personal interests and values and so forth.

However, once they have set the goal, there are established and specific routinized procedures regarding how they should cope with these cases on the basis of Criminal Law(刑法), Road Safety Vehicular Traffic Laws(道路安全交通法) and Application and Use of Motor Vehicle License Regulation(机动车驾驶证申领和使用规定).

In short, whether traffic polices establish the goal of investigating suspects overloading vehicles significantly reflect how discretionary power over outcome is exercised constrained by competing values and norms in a relatively more danger and complex context and its great importance to be accountable to the law, the citizens, the department and themselves.

The second case is about road occupation by shared bicycles in Guangdong. This kind of case share common characteristics in China while Guangdong has the largest population, most developed serious traffic police situation and rising middle class so Guangdong case will reflect more typical characteristics regarding street-level workers exercising outcome-oriented discretionary power.

Shared bicycle aims at providing more convenience for citizen's life as many pavements or roads are too narrow for vehicles to enter and public subway and buses cannot cover all the communities, where people have to walk a little bit long, which is an essential livelihood issue in urbanization development. And shared bicycle placed at each spot is beneficial for people to save time and energy by riding and the cost is really cheap. At first, this new creation receives numerous supports from

public to improve the quality of travelling. In addition, using shared bicycles is beneficial for environment protection by discouraging people to drive vehicles, which is main source of releasing carbon. And take OFO shared bicycles as an example, 540 thousand carbon emission was reduced according to *2017 Shared Bicycles and City Development White Paper*. Moreover, shared economy is a new strategy of China's economic development since 2008 and China is leading in shared economy in the world. Based on *2017 China shared economy development report*, China's shared economy will increase by 40 % in the coming years and shared bicycle is the most important engine.

However, without administrative or legal constrains as shared bicycle is new creation in China and it was blank in laws or rules at the beginning, many shared bicycles are placed randomly on the pavements and roads, which seriously impede people walking and vehicle driving threatening public security. 4 million shared bicycle are used and 9 thousand abandoned shared bicycles are disposed in Guangzhou per day and many shared bicycles are placed along the two sides of the pavement or at the front of subway and bus stop exit. What's worse, a lot of shared bicycles are placed along the driveway and impede the public bus speed to cause more serious traffic jam, which impose tremendous pressure on road management and public order. So eventually the original purpose of shared bicycles to bring more convenience to people's daily traveling and help alleviate congestion actually causes much more inconvenience for people's daily travelling and further blocking public traffic operation.

Moreover, with the rising of China's middle class, citizens now attach great importance to their personal life quality and convenient travelling as well as safe

driving are their primary concern in daily life. With increasing public complaints, the urban management started investigation as road management is more relevant to their main responsibility compared with other administrative departments. Hence, what the ultimate goal is to do with the mismanagement of shared bicycles by wielding their discretion largely determines citizen's living qualify, the amount of carbon emission to environment and the further development of China's shared economy.

However, since there were no laws or rules, the urban management could actually omit this issue. But after considering competing values, public interest and ideals, the urban management decided to deal with this serious issue in cooperation relevant departments and superior governments.

Once they have made the decision, how to deal with road occupation items have specific regulations and they have little discretion in terms of approaches according to PRC Administrative Punishment Law(中华人民共和国行政处罚法), Regulation on City Management Administrative Enforcement(城市管理行政执法条例), City Appearance and Sanitation Environment Regulation(城市市容和环境卫生管理条例), Regulations on the Administration of Urban Roads(城市道路管理条例). Further, there are rapidly increasing laws and regulations concerning shared bicycles management in many provinces in response to the serious negative outcome to the whole society and granting legal authorities and standards to assist urban management figure out this issue.

## 2-4. Quadrant 4

Quadrant 4 combines situational and transformational leadership where street-level workers have great discretion in determining both what to do and how to do it. Since the misuse of discretion by street-level workers have been addressed, China has spent efforts on improving and innovating public service by humanized and civilized enforcement, especially for guiding and regulating urban management's enforcement, as one of the primary goals of service-oriented government reform and public governance construction.

The first case is about an urban management took humanized and flexible approach to help a poor man working at a car wash (“Urban Management’s Humanized Enforcement Approach”, 2012). Again, because of the large number of disadvantaged migrant workers with complex backgrounds in Guangdong, whether imposing administrative punishments and how to solve their personal issues related to the case strongly depend on urban managements’ decision makings by exercising discretionary power both over outcome and process. And the enforcement object in the case is a disable man from poor family struggling for survival in need of more specific countermeasures to handle by urban managements, which reflect the situational and transformational leadership power more prominently.

The second case is about the traffic police saving a kid and an old woman out of a lockeed car in the expressway (“Traffic Police Broke Windows to Save A Kid and A Old Woman in A Closed Car”). All these cases have shared the same characteristics that traffic polices actively decided to save children locked in cars by breaking the windows so analyzing one case can reflect the overall features remarkably.

Most of the legal and administrative responsibilities of traffic polices are stipulated

but this case does not fall into the category of traffic polices' duties while it has essential importance to citizens' lives. Hence, what the goal is and how traffic polices handle this case reveal the discretionary power both over outcome and process more strikingly.

This is an increasing phenomenon in China that many parents leave their children in the car lockeed and window closed with different excuses. China does not pay great attention to this issue but actually this is a very serious problem harming children's rights to life, which is almost blank in China's law that parents do not have to assume legal liability if children get injured or die but western countries identity it as crime because locking children in the car with closed windows definitely cause oxygen deficiency or even asphyxia death. In Florida, it is illegal to leave children alone without supervision in cars more than 15 minutes and Tennessee stipulates that children alone inside cars for more than 5 minutes is identifies as crime. In Michigan, if there is no harm to children after staying inside cars alone, supervisors will be sentenced no more than 93 days or 500 dollars penalty as misdemeanor. If there is serious injury, supervisors are sentenced no more than 10 years or 5000 dollars penalties as felony. If children die, supervisors will be imprisoned for no more than 15 years or 10000 dollars penalty as felony.

Moreover, in China, actually this is considered as personal affair without falling into the boundary of any laws or rules. But this act can lead to serious result that children could die in the closed room with a lot of cases happening in China. And since the accidents occur at roads, even though there is no laws or regulations stipulating that this is traffic polices' duties and guiding them how to react in this situation, many traffic polices decide to save the children as their first priority out of sense of

responsibility by breaking the car and they believe the children's life safety must outweigh potential economic loss or assuming administrative responsibility to them. Therefore, under this circumstance, the traffic polices' decisions and approaches to save the children significantly reflect their situational and transformational power.

Even though this is not a granted or stipulated duty, protecting people's life is government's predetermined goal and responsibility, which can be interpreted as traffic police's responsibility in this way. And the legitimacy of their discretionary power are measured against the competing values among life and property safety, personal values and experience, public traffic security, statutory and department interests.

### **3. Follow Rules**

In this area, street-level workers enjoy little discretion as the law, the administrative regulations, the supervisors' demands and the like have fully anticipated almost the issues at the scene in a given circumstance and have prescribed routinized procedures which require street-level workers to obey. Consequently, street-level workers actually do not act as real leaders as discussed in quadrant 1 of the model.

While completing paperwork and proceeding administrative procedures are the most common responsibility of street-level workers in China, these situations in need of little discretion does not indicate that their discretion is meaningless as the public service provided by street-level workers is tightly concerned with citizen's well-being.

One night during the Spring Festival, Guangzhou traffic police set up checkpoints in several busy intersections surrounding most restaurants, pubs, KTV and hotels with most traffic accidents occurring on the basis of past record and they investigated 30 drunk driving cases at that night (“Guangzhou Traffic Police Investigating Drunk Driving Scene”, 2015). All the traffic police wore uniform and equipped with alcohol testers, enforcement recording camera, communication meters, handcuffs and guns according to the Code for Law Enforcement of Traffic Police on Duty. When they detected a suspicious car driving towards them, the police immediately stopped the car by the traffic signal in front of the car. And then the traffic police actively showed up their identification cards to the drivers and asked the driver to stall and get out of the car in proper language stipulated by administrative regulations. When the driver got out, the police politely asked him to submit his identification card and driving license for administrative record. And then the traffic police took the alcohol tester and asked the driver to take a deep breath with the tester with patient since the driver was also cooperative all the time. When the tester indicated the result met the standard of DUI as the alcohol content was 49mg out of 100ml as drunk driving, the traffic police immediately wrote down the result on the infringement tickets and enforced 1500 RMB penalty to him with 12 credits deducted. And the traffic police showed the result of tester to the driver and asked him the whole story of drinking that night. At last, the driver was taken to the police station for detention for 5 days. The whole process was videoed by the site enforcement recorder (执法记录仪) to ensure reality, openness and justice. So far, this is the most representative and common case of traffic police handling DUI cases in China nowadays.

On April 5<sup>th</sup> from 10:30 pm to 12:00pm, Shunde traffic police made a live broadcast

of handling drunk driving cases with over 100000 audiences. At 11:00 pm, a drunk driver entered the investigation area and tried to run. According to the law, the traffic polices decided to chase him. After arresting him, the traffic police showed their identification and clarified the situation that they were investigating drunk driving in this area with live broadcast. And the police asked the driver to breathe through the alcohol tester. At first the driver refused to cooperate. But according to the Illegal acts of road traffic regulations, suspect drunk drivers must take the alcohol tester as factual evidence at first step to prove drunk driving act. Therefore, the traffic polices communicated with him with patience and the alcohol tester succeeded in detecting the driver's alcohol content as 78ml out of 100ml after 10 times negotiation, which met the boundary of drunk driving. Then the traffic polices formally informed the driver of this result with the tester and explaining relevant regulations according to Criminal Law and the Threshold and Test of Alcohol Content in Blood and Breath of Vehicle Drivers. The drunk driver admitted his drunk driving behaviors and was cooperative with the administrative punishments by traffic police to enforce 2000 RMB penalties and detain his driving licence for 6 months with 12 credit deduction. With this influential enforcement way to handle drunk driving, the traffic accidents rate declined rapidly in the strict.

All of the actions of traffic polices were in accordance with laws and rules with little discretion. Though the drunk driver resisted to cooperate with police, the polices did not simply take violent actions to force him but patiently communicated with the driver. And eventually the process and outcome of the case were all coherent to laws and rules. Even there is only a little bit discretion, the discretion still has great significance both ensures the traffic police to act based on laws and rules and helps

them succeed in solving many drunk driving crimes to protect citizens' life and property safety.

The laws and department rules had accurately anticipated the relevant variables under these circumstances and had established programmatic responses to them. Consequently, the traffic polices in China do not actually exercise leadership power but rather serve as bureaucrat governmental staffs at the street-level, implementing laws and rules with little personal interpretation or private intervention. The highly limited discretion in this quadrant both reflects the legitimacy of their actions by constraining the possibility of misbehavior and ensure the effectiveness of the enforcement. Therefore, though they do not act as real leaders, their exercise of little discretion maintain the public security order at the street and protect people's life and property, which is extraordinarily essential to citizens' daily life.

#### **4. Process-oriented (Situational) Leadership**

This quadrant analyzes the situations where outcomes or goals to be realized are structured or set in advance by the law, organizational rules and so forth but the approaches to achieve the goals depend on the individual workers. Consequently, the street-level workers here exercise discretion on how they can realize the set goal within the boundary of laws. So they are considered as situational leaders and their discretionary actions can be assessed within this model. The legitimacy and efficiency of discretionary acts are judged based on how street-level workers respond to the certain requirement of different situations with the boundary of laws.

Shenzhen is full of diversity and some areas are filled with a great number of

complex minor ethnic groups. Most of them made a living by illegal street retail trading without administrative permission against the law. And some of them even sold controlled knifes and wild animal products, seriously challenging the law. These street venders occupied most of the pavements bringing much inconvenience to other citizens and the illegal trading at the street caused more complexity and danger in the community and residents were really mad with these situations. In the past, these street venders even fought against with other urban managements and strongly resisted to retreat their illegal street trading.

Shenzhen urban managements discovered a new approach to handle this tough problem(“Ethnic-Oriented Enforcement Approach to Solve Ethnic Issues”, 2008). They comprehensively evaluated the complicated circumstance with several variables involved. First, considering the particularity of minor ethnic groups in China, these groups have different culture and living styles. So in order to respect the belief of minor ethnic groups and uphold ethnic unity in the broader system of governance, the urban management made a specific minor-ethnic-group-oriented plan according to the characteristics of these ethnic groups with humanized means. And they accurately classify different steps in the whole process of the enforcement on the basis on the street venders' reaction at the scene. Second, according to the law, the organizational regulations and their supervisors' demand, the urban management had to ensure each step must be taken within the boundary of law and administrative rules especially never use violent force to achieve expected goals. Thirdly, since other residents in the community were negatively influenced by the illegal street trading, the urban management must figure out an effective way to solve the problem in order to serve broader public interests and maintain peace and order in the

community.

Under these highly intricate circumstances, the urban management adopted a variety of strategies in response to the changing circumstances. They made a gradual approach including persuasion, meeting and compulsory enforcement in order. First, they assigned three teams to talk with the minor ethnic street venders in patience regarding the laws and regulations of city management and the negative outcome of illegal street trading in the whole society. But the street venders were reluctant to accept this approach at the start and just neglected them. The urban management did not simply give up and took compulsory actions but still insisted on persuading and at the same time, they cooperated with the community workstation to investigate these minor ethnic groups more and asked the community social-service workers to give them instructions about the related laws and regulations as well as do more research on their living conditions. When the urban management found out there were some street venders went through much difficulties in making living, they reported the situation to the street office(街道办) and civil affairs department to help solve the problem. After a period of face-to-face communication and other sources of assistance, some minor ethnic street venders were touched by the urban management's humanized approach and sincere care for them, as a result, most of them decided to retreat spontaneously without any unnecessary conflicts with the urban management and found other jobs for living.

However, there were still many venders reluctant to obey the rules. In this condition, the urban management also did not adopt compulsory actions at first. While they unearthed that there were several leaders in charge of the whole street trading so the urban management invited the leaders and some representatives among the venders

to attend a meeting in peaceful talk, persuading them in terms of the need of city construction development and personal career choice to give them reasonable guidance attempting to achieve harmonious coexistence rather than directly and roughly requiring them to leave away like teachers giving lessons.

The urban management decided to take compulsory enforcement to those venders who still resisted to follow the rules after a series of talk and persuasion. Nonetheless, given the identity of minor ethnic group in China, they chose a more cautious option combining collecting adequate objective evidence and conducting joint enforcement based on the law and administrative regulations. One the one hand, they used camera to record the scene and voices on the spot at each compulsory enforcement to avoid denial. Besides, they particularly had several team members to record the whole process of seizing trading items and clearing the street from different dimensions for overall record preventing the street venders from inciting onlookers to repel their enforcement or even producing more serious disturbance. On the hand, they took actions of joint enforcement cooperating with local police station, street office, street emergency unit(街道应急分队) and other relevant departments to conduct joint enforcement to ensure efficiency and create a high-handed punishing atmosphere. Moreover, the urban management actively showed their identification card, provided instruction, sealed the items by legal notice and the forth, in which all the legal procedures were recorded. Meanwhile, according to the organizational norms, the urban management paid attention to their proper language in persuasion and explanation to the street venders to realize civilized enforcement leaving no excuses to the street venders.

As a result, nearly all the street venders gave up their illegal street trading and had

other better jobs. This innovative and humanized approach by the local urban management team earned understanding and support from the street venders and appreciation from residents in the community as well as encouragement from their supervisors as they succeeded in maintaining street order and serve public interests.

How can we understand the street-level workers' discretion as leadership here? It should be noted here that in China, there are no exact department regulations about how the urban management should cope with the reluctant street venders in detail. And the urban management are not trained to handle each type of street venders in a particular way. They receive training largely on how to deal with paperwork appropriately. Therefore, they are always expected to handle these cases on their own. This is the precondition to understand the urban management and their discretion in China. Hence, to the question of how what they did is leadership, the answers can be developed in two dimensions. First, according to the situational leadership model, leaders are those who can influence others and take actions in order to achieve legitimate goals. In this quadrant, the urban management in charge clearly made decisions intended to realize the expected goals established by the law, the organizational rules and norms. They were at the center of the matrix of complex environment shaping their decision-making. They succeeded in obeying the laws and regulations in their enforcement with the street venders reacting to their enforcement, the residents expecting them to conduct effective enforcement and their supervisors demanding them to follow department rules into consideration, which altogether shaped street-level workers' behaviors. Functionally, they were the leaders at the scene.

Secondly, the urban management can be viewed as exercising leadership when

making choices on how the outcome of maintaining city management order could be realized. In the leadership model, leaders engage in a variety of strategies responding to the changing and complex circumstances. The urban management took a specific plan based on the complex minor ethnic structure in the area instead of taking one-size-fits-all compulsory actions in order to avoid unnecessary conflicts. And they took gradual approach since they knew it was impossible for all the street venders to cooperate with them at once, especially they confronted minor ethnic groups, who hold different perception towards Han people when born. Besides, they also adopted different countermeasures to different groups according to their degree of cooperation, which was more targeted and effective. And they adjusted their plans to the changing situations as they did not choose to fight alone when they found out that some street venders had difficulties in making livings, the urban management asked relevant departments for assistance to solve the problems, gaining more understanding and support from the street venders. Each of the steps was a typical example of situational leadership where street-level workers took different strategies on the basis of the circumstances at hand in order to achieve their goals.

Furthermore, how can the legitimacy of their discretion be evaluated within the situational leadership quadrant? In the situational leadership model, it claims that leaders' effectiveness depends on understanding the needs and preferences of the constituencies to which they are accountable. On the one hand, it indicates that when the client is cooperative, highly use of force is inappropriate and illegitimate to achieve the goals. If the clients is reluctant and even violent, it is necessary and legitimate to adopt forceful actions. On the other hand, the model assumes that the leader-follower relationship needs to be maintained and enhanced by the leaders'

actions. In short, the legitimacy of discretion is based on engaging in actions and making choices which are consistent with the requirements of the changing circumstances. The urban management took three different measures: persuasion, jointly meeting and compulsory actions. When most of the street venders were compliant, they kept on persuading and talking with them in patience regarding the laws, regulations and the negative influence on society by their illegal street trading. When it comes to those who were reluctant to cooperate, the urban management chose to hold a meeting with the leaders among the venders as it was more useful to persuade the street venders by their own leaders with stronger authority and trust among them. Finally, when there are still some strongly resisting venders, the urban management decided to take compulsory actions granted by the law but they handled it quite reasonably. They took cameras to record the whole process of enforcement to ensure justice and openness and carefully used proper language stipulated by the laws and regulations to realize civilized enforcement, providing adequate empirical evidence and leaving no excuses for the venders to consolidate their legitimacy of discretionary actions. It is impossible to anticipate these present situations pre-established by laws or rules as they are unpredictable and changing, which largely depend on street-level workers' process-oriented discretionary power.

Further, the workers' innovative working approaches and styles is beneficial to enhance the broader relationship among the street-level workers, the street venders, the department and the community. This humanized and legitimate use of discretion by street-level workers significantly improves the image of local government than a more directive and argumentative mean would, which serves the broader system of social governance in China and as a positive example of city management. In terms

of the individual street-level workers, this case helps enhance the workers' reputation as a responsible, effective and serious officer, which is likely to enhance the possibility of cooperation by other enforcement objects in the future. To consider the expected goal itself, the urban management succeeded in clearing the illegal street trading, realizing harmonious city management and safeguarding the security of residents in the community, which again suggests the legitimacy and effectiveness of their discretion.

On night at 12 pm, a traffic police team initiated central investigation of nighttime illegal driving in Shantou. Two man riding a red motorbike without licence plate passed the checkpoint and the traffic polices delivered signal asking them to stop and receive investigation due to the absence of licence plate. However, the driver ignored them and crashing several checkpoints but the traffic polices insisted on requiring him to stop with oral persuasion. The driver then even crashed down a traffic police severely. At this time, the traffic polices decided to take compulsory actions to stop it by throwing traffic cone to the motorbike in order to avoid more injury and potential traffic accidents. Finally, the motorbike was stopped by the traffic cone and the suspects received administration detention. The traffic police got serious injury on hands, legs and backs ("Did Traffic Police Take Violent Enforcement?" 2017).

What makes the traffic polices situational leaders instead of a typical case of applying administrative rules and laws? First, the traffic polices on the scene were clearly leading the whole process of investigating illegal driving deciding which vehicle to be investigated, how to confront unpredictable reaction from enforcement objects and how best they could accomplish this task, which cannot be anticipated by Traffic Law in advance. It was their discretionary choice over process derived from Vehicle

Law and superior government' demand to maintain nighttime traffic order, which shaped all the events on the scene. They were the only group in charge of the whole course deciding the direction and process. Functionally, all of these put the traffic police in the central position of leadership surrounding by various variables highly constraining their discretionary actions aimed at achieving the established goal set by the law, departmental rules and citizens' expectation.

Second, the traffic polices did apply a series of departmental rules and administrative routinized procedures at hand. They set up checkpoints and asked each vehicle passing to stop and receive investigation by showing traffic warning signals. And the steps and languages they took in investigation were consistent with Vehicle Laws, departmental rules and norms. but it doesn't mean their leadership was separate from the laws, policies and rules. Therefore, it was their approach utilized in the case and the terms through which their discretion can be legitimated that established their discretionary actions as situational leaders. In other words, the laws and rules they applied served as approach and reference to legitimate their discretionary choices.

Further, their choices of application of laws and administrative rules were adjusted to the changing conditions. When they saw the motorbike passing towards the checkpoint, the traffic polices properly showed the traffic warning signal asking it to stop but the motorbike did not slow down. At this time, the traffic polices still chose to give oral persuasion and warning because nothing serious happened temporarily. Nonetheless, when the driver crashed several checkpoints and a traffic police violently, other traffic polices immediately decided to compulsively stopped the motorbike depending on on their analysis at the instant deteriorating situation that one traffic police got hurt and the checkpoints were destroyed and even more serious

traffic accidents would happen. And they chose to stop the motorbike by throwing the traffic cone because they could get the traffic cone easily at hand and it would not cause serious harm to the drivers as the traffic polices knew they had to ensure the safety of the driver as well even though he already violated the law. These dangerous and emergent situations can not be accurately established by the Traffic Law giving proper guidance to traffic police in specific enforcement actions.

After evaluating the whole picture, it is obvious that the traffic polices both followed the Vehicle Laws and departmental rules and use their discretion properly and legitimately to take countermeasures in response to the degree of resistance from the motorbike driver, potential threat to traffic order and citizens' life safety at the scene and finalized a eclectic and legitimate choice, reflecting an attempt to match their approach with changing circumstance and achieved the predetermined goal to maintain nighttime traffic order.

## **5. Outcome-oriented (Transformational) Leadership**

In this quadrant, street-level workers make discretionary decisions about what goals to be achieved in a complex circumstance and they act as transformational leaders (Vinzant, Crothers 1998). They take discretionary actions to advance the goals, values and attitudes in a given condition which may be inconsistent with their immediate interests and desires but can be legitimated through reference to broader context of values and ideals within the case (Vinzant, Crothers 1998).

Dongguan traffic polices launched a drunk driving rectification enforcement at a busy crossroad with checkpoints. When a big-scale and long-distance passenger bus

with no obvious drunk driving characteristic entered the road, the traffic polices also stopped the car based on their rich experience that there was high possibility of overloading in terms of these passenger vehicles. There was no suspicion when the traffic polices finished checking the former part of the car, while they still decided to thoroughly inspect the whole car. When they moved to the back of car, they found that many passengers sat at the ground squeezing each other. After counting the total number of passengers, there were 38 overloading passengers in the car. And the traffic polices decided to handle this case as suspect overloading. Consequently, they arrested the driver and detained the car as well as collecting adequate empirical evidence for next administrative enforcement procedures. As a result, the bus was allowed to carry 44 people while there were 82 passengers actually, which was identified as serious overloading. And the three drivers were placed in criminal detention as dangerous driving crime (“Serious Overloading Bus in Dongguan,” 2018).

This is a representative case of traffic police in China exercising great discretion on outcomes to be sought. At first, the purpose of investigation was drunk driving and the bus indicated no signs of drunk driving but the traffic polices still decided to inspect the car according to their personal experts and experience sceptical of the possibility of overloading and they were well aware of the potential traffic accidents caused by overloading harming citizen’s life safety and distorting public traffic order. When they confirmed there was no drunk drivers, they still decided to investigate the whole bus as they knew overloading passengers always hid at the back because of their personal responsibility and rich experience in dealing with such cases. And when they found out the actual existing passengers as objective evidence, they

finalized the decision to handle this case as vehicle overloading. Once the decision was made, how the overloading crime should be confirmed and how they should deal with the drivers, the bus and passengers were strictly and accurately stipulated by Highway Act (公路法) and Highway Management of Overloading Vehicles Regulations (超限车辆行驶公路管理规定) where they possess little discretion with predetermined routinized administrative procedures.

Apparently, the traffic polices kept making different decisions over outcome by exercising transformational discretionary power to shape the whole event based on their personal responsibility, experts and experience, public citizens' interests and traffic orders to balance these competing claims. And it should be noted that there are no laws or departmental rules accurately and particularly covering this specific situation that whether or not traffic polices should both handle drunk driving and overloading simultaneously because the target of this enforcement is to detect drunk driving. And due to the limited number of a few traffic polices with hundreds of vehicles passing by at the same time, it is acceptable and reasonable that they can release some cars without obvious signs of drunk driving as if they decided to inspect this bus, it was impossible for them to inspect next several suspect drunk driving cases simultaneously. But according to their personal responsibility to their jobs, citizens and public traffic order with rich experience, they weighed different competing values and decided to investigate the bus as the best outcome, which fully reflected a consideration of the need to be accountable to the citizens, the community, the laws and departmental rules.

The legitimacy of this transformational discretionary leadership power can be assessed against various standards in this case. If they let the bus go, there may be

serious traffic accidents but they can investigate more suspect drunk driving. If they decide to investigate the car, perhaps some drunk drivers can escape from investigation and also cause traffic accidents. They assume heavy burdens to conduct this enforcement with insufficient staff and limited energy and releasing suspect overloading bus wouldn't be a serious issue regarding their performance as it is not the predetermined goal of this operation. But since they are highly responsible, they feel it quite necessary to inspect this bus. All these considerations indicate the legitimacy according to the legal, social, community and moral standards relevant to the case. Therefore, they act as transformational leaders by exercising outcome-oriented discretionary power and the standards for evaluating the legitimacy of their choices can be derived from the leadership morel.

However, this decision actually significantly reflects the legitimacy and unique importance of street-level workers' discretion over outcome. Based on the traffic polices' rich experience on dealing with this kind of overloading cases, they have seen too many terrible and tragic consequences caused by overloading car, in which no one else can better understanding the situation comprehensively without being at the position as street-level workers. Therefore, the traffic polices were responsible to spend time and energy handling this case and they acted towards a set of goals which were inherent to the broader community including people's lives security, traffic safety, public order and spreading the awareness of safe driving, even though these values were not immediately shared by the community or quickly transformed into visible benefits to people. This decision indicated a consideration of the need to be accountable to the law, the department, the individuals and the whole society.

Another typical example of China's street-level workers exercise transformational

leadership is that Guangdong urban managements deal with the occupation of shared bicycles at the street. How urban management handle the shared bicycles occupation share the common characteristics in China but because of the large population, rising middle class and highly developed transportation, Guangdong urban managements possess more remarkable discretion over outcome to handle.

Unlike other responsibilities of urban managements stipulated by laws and rules, shared bicycles are newly created by China in 2017 and relevant laws or rules was a total blank at the beginning. However, the occupation of shared bicycles exerted highly negative influence on citizen's daily travelling and distorted public traffic order. Lack of laws and rules, no administrative departments or governments actively intervene in this case but since road management was more related to urban managements' duty, they have received a lot of complaints from public. And the rapidly growing dissatisfying public opinion and media reports ("More Complaints on Shared Bicycles Occupation", 2017) gradually attracted the attention from governments. The traffic departments also addressed the shared bicycles have produced severer traffic jam ("Traffic Police and Urban Management Jointly Enforcement on Shared Bicycles," 2017) ("Guangzhou Traffic Polices Investigating Illegal Shared Bicycles Riding," 2017). And some responsible urban managements already took actions to clear those abandoned shared bicycles without superiors' order. Eventually the urban management decided to intervene in handling this case after balancing various competing community, moral, departmental, business and statutory interests at stake. Under the condition lacking authority and obligation granted, the urban managements still made decisions after weighing different claims to deal with the issue, which is compelling to reflect outcome-oriented discretion in

the case representing unique characteristics of China's new social problem arisen from economic development.

People only need to download the shared bicycles apps and registered an account. Since the shared bicycles are put randomly at the street by the companies, people can take the bicycle whenever and wherever they saw one by using the app to scan the QR code on the bicycle to unlock and pay a little each time via mobile phone, which is quite convenient and simple for citizens ("Shared Bicycle Guidelines," 2017). And given the situation that the public transportation does not cover the whole community, people still need to walk for a while within the community. And the creation of shared bicycle solves the problem of "have to walk the last kilometer home" so many people rely heavily on the shared bicycles ("Shared Bicycles Solve the Last Kilometer," 2017).

However, since there are no laws or administrative regulations to stipulate where and how people ought to place the bicycles, nearly all the pavements and even along the roads are occupied by a great number of shared bicycles, which greatly impedes people to walk as they need to spend twice time on walking the same street with shared bicycles standing in the way. And many cars have to avoid crashing the shared bicycles along the roads, which causes more traffic jam and accidents, especially during the rush hour ("Too Many Shared Bicycles in Guangzhou," 2017). But due to the absence of laws, people find it helpless to tackle the problem. After receiving plenty of complaints ("Citizens' Complaint Call to Urban Management Director," 2017), the urban management in Guangdong initiated investigation on the occupation of shared bicycles in several communities within the central district ("Shenzhen Urban Managements Clear Shared Bicycles," 2017) ("Finally Urban

Management Took Actions on Shared Bicycles Occupation,” 2017). They found out that each pavement was occupied by at least 10 shared bicycles. And they gathered the information that these shared bicycles companies kept releasing hundreds of new shared bicycles each month for more benefits (“Shenzhen Urban Managements Clear Shared Bicycles,” 2017). In addition, some property managements companies(物业管理公司) already enforced prohibition of shared bicycles entry within their own residential areas (“Property Management Companies Prohibit Shared Bicycles Entry”, 2017). But the urban managements felt helpless because they were not delegated and authorized to impose administrative punishments due to absence of laws and rules while this phenomenon seriously occupied roads with numerous public complaints (“Urban Management were Helpless with Shared Bicycles Occupation”, 2017).

After going through these situations, the urban management believed the loose regulation on shared bicycles have exerted strongly negative influence on citizens' daily life and produced great potential threat to public traffic security, so they decided to impose administrative enforcement to the shared bicycles. With adequate objective evidence collection, they withheld the shared bicycles and sent them to their department. They reported this situations to the government and were delegated by local governments to take actions (“Tianhe District Urban Management Cleared Shared Bicycles,” 2017). Meanwhile, the municipal government and local procuratorate scheduled meetings with the shared bicycles companies requiring them to strengthen the management of shared bicycles and the government also issued regulations targeting the management of shared bicycles (“Shenzhen Regulated Shared Bicycles Mismanagement”, 2017). With the support and delegation from the

government and new regulations in nearly all Guangdong cities, the urban managements were able to make regular management of the illegal placement of the shared bicycles. They first took pictures of random parking as empirical evidence and then helped place the shared bicycles to a certain areas temporarily before the company staff came to handle them. And if there were too many shared bicycles, according to their department rules, they withheld and took them back to their departments. And they would notify the companies to come and solve the problem (“Guangzhou Urban Management Cleared Abandoned Shared Bicycles Massively,” 2018). Moreover, in cooperation with the government and traffic police department, there were many legal parking lots for the shared bicycles regulated by local government and traffic departments, which provided a new standard for the urban management to deal with illegal parking (“Distribute Legal Parking Lots for Shared Bicycles,” 2017).

In this complicated circumstance involving several parties, the urban management exercised transformational leadership at the center of the matrix dominating the whole process as real leaders. They had to balance competing claims of legal interests, moral responsibility and governing authority. From the aspect of citizens, there were contradictory interests. Some relied heavily on shared bicycles so they could tolerate the occupation. While others believed the negative impact of shared bicycles outweighed its convenience by impeding people walking and causing more traffic jams or even accidents. According to Kurun Data survey and their daily enforcement observation, the urban management unearthed that 63.8% people objected the shared bicycles or thought it was unnecessary and seriously occupied the pavements. 35.6% people thought the existing number of shared bicycles has

reached the peak and over 70% people believed the issue occupation needed to be solved immediately (“People’s Attitude towards Shared Bicycles,” 2017). And the urban management decided to protect most of the people's interests in this situation as respecting and protecting people's rights to walk at the public pavement and help safeguard the public traffic safety. In terms of the traffic police department, they also argued that the shared bicycles produced more challenges for them to maintain existing intricate issues of traffic security (“Shenzhen Traffic Police Rectified Shared Bicycles Centrally,” 2017). For example, 11 people died because of riding shared bicycles in Shenzhen 2017. Under the common goal of safeguarding city management for both the urban management department and the traffic police department, the urban management further confirmed their decision to remove these illegal parking shared bicycles. In view of the government, the widely-spread occupation of shared bicycles also brought a new issue to them along with other countless societal problems awaited to be solved. And the government's attitude and action towards this issue directly determined citizens' trust and support to the effectiveness and legitimacy of service-oriented government construction (“Governments should both Support and Regulate Shared Bicycles,” 2017) (“Governments’ Responsibility to Manage Shared Bicycles,” 2017) (“Government’s Role in Shared Bicycles Management”, 2017). Therefore, the government gave much help and support to the urban management department on this issue, which consolidated the legitimacy of their discretionary choice (“No More New Shared Bicycles in Guangzhou,” 2017). Additionally, it was virtually the companies' major responsibility to regulate the shared bicycles and the administrative enforcement wouldn't do harm to their commercial benefits, which weighed little in this case

determined by the urban management (“Collective Managements on Shared Bicycles,” 2017).

And once they made the decision to remove the shared bicycles, how they removed the occupied items at the street was stipulated by the law and department rules according to City Appearance and Environmental Sanitation Regulation, in which their procedural discretion was almost limited.

In short, the urban management who handle this case had to weigh competing values of citizens’ rights to walk or riding, the public traffic security, the image and authority of government, the benefits of the company in determining what the best outcome was for this case. Most importantly, as a result, most of the shared bicycles are placed at the legal areas set by the government, which significantly reduces the conflicts between walking and riding people. And drivers do not need to avoid the bicycles placed along the roads. Based on the public opinion on the internet, most people deliver their support to this decision. And now there are more and more cities issuing regulations regarding the proper management of shared bicycles. This is relatively the best outcome so far, considering all the interested parties involved in the complicated circumstance, this discretionary choice is legitimate according to the legal, social, community and moral standards related to the case. Hence, the urban management here act as transformational leaders and criteria for assessing the legitimacy of their choices can be derived both from the concept and the outcome.

## **6. Situational and transformational Leadership**

This quadrant discusses street-level workers act as both situational and

transformational leaders where they have to make decisions on what to do and how best to achieve the outcome.

According to the laws and department rules, the pavement occupation by the car wash needed to be dealt with and many residents expressed their complaints but one of the staff was a very poor man with disability. Considering his special condition, the urban managements had to decide whether to deal with the disable man. After learning his basic background that his mum was badly ill and his life was unemployed, the urban managements decided to deal with his issue of road occupation by a more humanized approach. According to his difficulty, the urban managements first persuaded him to quit the illegal car wash job and visited his home bringing daily goods and donations to help him. And the urban managements understood that the fundamental solution was having a formal job with stable income to make a living and they knew it was hard to find a job himself so they actively cooperated with local street office and offered a booth in a legal food market with discounted cost for him as stable income. In this way, not only did the urban managements fulfill their duty to clear illegal road occupation but also assisted disable people's survival issue ("Urban Management's Humanized Enforcement," 2012).

The City Appearance and Environmental Sanitation Regulation stipulates that the urban management should handle illegal road occupation case but it does not clarify whether to deal with each person involved in the case and how to deal with them with different backgrounds. So actually the urban managements could just simply impose administrative penalty to all the staff in the car wash. But after learning his poverty condition, with high responsibility and kindness, the urban managements

decided to persuade him instead of imposing penalty roughly and not imposing administrative punishment on him would not harm residents' interests and public order based on the urban managements' balance of competing claims including personal responsibility and values, public interests and statutory authority at stake. When they made the decision, how they could cope with his issue remained unclear in the laws or rules. Under this circumstance, according to the man's poverty background, the urban managements took his survival issue as the first priority so they offered financial assistance at first to ensure his basic life temporarily. And it was necessary for him to have a proper job with stable income but its was hard for him due to his disability. Accordingly, the urban managements determined to help him a get a stable job in cooperation with local street office as this office had more resources and understanding of the community.

Further, as situational leaders, the urban management engaged a variety of strategies based on the circumstances at hand in order to achieve the goal. And the legitimacy of their action is quite obvious to be judged within the model in which their effectiveness and legitimacy depends on understanding the needs of the clients to which they are accountable. Due to man's poverty and survival difficulty issue, it was appropriate and legitimate to adopt supportive and participatory strategies.

Moreover, since the urban management confronted complicated situation behind the illegal road occupation by the man washing cars, accomplishing this goal required them to take several particular steps according to the changing circumstance. All these steps abovementioned not only were appropriate from a procedural standpoint, but also helped them to establish the legitimacy of their action to help the man find a stable and legal job as well as clear the illegal road occupation eventually. These

approaches reflect their awareness of the multiple points of their accountability including the law, the department rules, the basic human rights of the man, moral responsibility and the community interests. Once they gained adequate information and weighed all these factors, they made the decision. In short, the urban management work as both situational and transformational leaders according to that the substantive values they drew on to support their decision was based on the broadly shared values and the steps they took to realize the goal were both procedurally effective and legitimate.

In general, whether to deal with the poor man with administrative punishment and how to handle his individual case significantly reflects both outcome and process-oriented discretion. And this discretion exercise is beneficial for strengthening government's service-oriented image and humanized governing capacity to take more care of disadvantaged groups represented by urban management as with the enlarging divergence of economic development, the number of disadvantaged groups keeps growing quickly and seriously imposes more challenges to city management.

The second case is that the traffic police actively broke the window to save a kid and an old woman who were left alone in a locked and closed car. A expressway traffic police team received a report that a car was locked and parked at the rest areas with two passengers while the driver was absent. When several traffic polices arrived, they found an old woman and a kid in the car and since it was summer, the temperature was over 30 degree centigrade and was much higher in the car. Without open window and water, the two passengers confronted serious possibility of getting dehydration and they already felt it hard to breathe. So the traffic police immediately contacted the driver, information provided by the old woman-the driver's mother. But

the driver refused to come back and she said it was their family's privacy.

Under this situation, the traffic police could choose to notify the driver to come back right now and left because the family conflict happening in the car was not their responsibility as long as the car did not violate any traffic laws or regulations. However, given the sense of great responsibility and the emergent situation, the traffic polices decided to handle this case outside the boundary of their legal responsibility regardless of receiving administrative sanction if they failed to save the passengers. Since the driver rejected to cooperate, the traffic polices shouted loudly through the window to talk with the old woman and she provided the driver's sister's contactable number. The traffic police discussed with her to save them by breaking the windows. Meanwhile, they asked her to persuade the driver back to figure out the emergent issue at hand. After gaining her permission to save them out by breaking the window, the traffic polices immediately took some stones to break the windows. When the passengers were rescued, the traffic polices asked some onlookers to give them some water and food at once to ensure their physical health. Finally, with the help of the sister, the driver came back and received oral education by the traffic police that what she did actually threaten people's life and traffic order at expressway. Eventually, the driver expressed her apology and gratefulness to the traffic polices for actively handling this urgent case. When the news released, a great number of people delivered their appreciations and encouragements to the traffic polices' actions ("Expressway Traffic Polices Saved an Old Woman and a Kid locked in a car", 2017).

In this case, the traffic police acted as situational leaders. They initiated, established and controlled the scene and the possible negative outcome in charge. They flexibly

utilized the driver's family member and onlookers' assistance in achieving a resolution to the emergency because they had to ask for permission of the drivers' family due to the private ownership of the car and worked with the sibling to obtain their participation in overcoming the problem due to the strong resistance of the driver and the increasing high temperature harm to the kid and the old woman. Under the complicated circumstance in which the two passengers faced life-threatening emergency, the driver's incompliance, the sibling's help and the onlookers' support, the traffic polices adopted a series of coercive and forceful tactics and approaches which worked towards their goal.

The legitimacy of their discretionary approach can be set up within the broader framework of the actual outcome of their choice. They did not just notify the driver and left. Rather, they decided to handle the whole case by saving the passengers and delivering education to the driver. They first observed and got adequate information of the complex situations considering all the factors shaping the event, intervened, established goals, set priorities and worked in cooperation with other participants in a variety of ways to achieve their goal. All the actions were legitimate and effective within the broader context of social norms, department rules and authority, and the support of witnesses at the scene since the passengers were saved and the medical diagnosis indicated serious dehydration of them afterwards. Even the driver herself eventually appreciated the approach and decision made by the traffic polices as saving her family.

The traffic polices here also exercised significant transformational leadership. From the micro aspect, family affairs are not taken into consideration within the scope of laws or any other administrative or department rules. And with the development of

civil society in China, people are unwilling to see governments intervene in family privacy and invest public resources. And if the traffic polices spent much time here, it was possible for them to miss other traffic accidents occurring simultaneously, perhaps bringing much more serious outcome. And the car was luxurious so the traffic polices might face economic compensation by breaking the car. And there was possibility that the traffic polices would face serious administrative sanction if they failed to rescue because this was not their stipulated duties. However, the choice the traffic polices made was informed by their sense of what the most important values at hand. Based on their rich experience, they have handled a lot of traffic accidents caused by conflicts happening in the car so they could confirm that there could be danger to the two passengers. Even though they might have to assume civil compensation responsibility by breaking the window as violation of property rights and receive administrative sanction if they failed to solve the emergency, the traffic polices weighed the life security much higher than the economic loss and personal interests. In addition, this kind of cases are relative new challenge to the traffic police department so there were no particular laws or regulations or training related to it but according to the discretionary action by the traffic police in the particular and urgent situation as well as the positive public opinion, the government believed that the traffic polices actually fulfilled their responsibility to save people's lives, which is the common responsibility of all governmental staff to legitimate their discretionary choices, so traffic polices are exempted from bearing legal liability by breaking the car in this type of situation.

In general, they acted as transformational leaders with legitimacy in which how best they chose to achieve the goal was coherent to the broader context of social values,

moral responsibility, government's image and legal liability proved by the sibling's support, the onlookers' assistance, the driver's appreciation, their supervisors' encouragement and the public opinion's recognition.

Cumulatively, the traffic polices in this case serve as both situational and transformational leaders, assessing and responding to situational factors and pursuing goals on the basis of various contradictory values. They exercise effective leadership where they clearly and flexibly respond to the needs of the passengers and their family, in which at the time enhance the leader-follower relationship as gaining the support and appreciation from the family and onlookers at the scene and eventually achieve their goal of protecting their lives security and preventing a possible traffic tragedy.

## **XII. The Failure of Street-level Leadership**

Though the model assumes that the street-level workers are not leaders if they fail to properly and legitimately exercise discretion, the criteria of this model still provides useful standards to analyze discretion misuse within the model.

According to the model, discretion is inevitable and street-level workers are the only groups who are in the best position to make discretionary decisions on the street based on the changing and complex environment. And their failure should be categorized as the failure of goal and the failure of approach.

On the one hand, the failure of goal refers to those street-level workers who adopt legitimate and effective approach in response to the expected legal, department and

valuable goals while the outcome still fails everyone. When a driver was investigated by traffic police for drunk driving test, he immediately left his car and ran away. Two traffic polices chased him but the driver suddenly jumped over a high bridge and died. Consequently, the traffic polices just left without doing anything (“A Driver Avoid Investigation by Jumping over A Bridge and Died Chased by Traffic Polices,” 2017).

In this case, it is the traffic polices’ responsibility to investigate suspect drunk drivers and they are granted with administrative power to chase suspects. However, to everyone’s surprise, the driver jumped over a bridge all of a sudden and died. It is a very typical dilemma in street-level workers’ working situations that it is almost impossible to predict what the next step the object is going to take so there are no specific laws or rules to anticipate such situations and stipulate particular approaches to deal with. The traffic police must take responsibility for the driver’s death directly caused by their chasing and they did not do remedial measures. But the failure of exercising discretion here is partial because street-level workers are always constrained by numerous unpredictable external factors. The traffic police here is only one factor in a matrix of different influences to shape this event. The changing and complex environment determines that street-level workers cannot always make things right and the best thing they can do is to make decisions after balancing various competing variables. According to the laws and administrative rules, they were supposed to investigate suspect drunk drivers and they were delegated to chase them if the driver was resistant to the enforcement as they thought the suspect drunk driver might lead to potential traffic accidents threatening citizens’ lives and traffic order. The driver did not cooperate with traffic polices’ legal enforcement and took

impulse action to jump from the bridge. The onlookers at the scene witnessed the whole process and questioned why the traffic police did not do anything to handle the situation when the driver was in danger to impose additional pressure on the traffic polices. All these variables need to be considered to evaluate the legitimacy and appropriateness of discretion use objectively and comprehensively instead of centrally addressing the result of driver's death before implementing administrative or legal punishments to the traffic polices by local public security bureau and procuratorate.

On the other hand, the failure of outcome happens when street-level workers choose illegitimate objectives against the criteria of laws, rules, values and norms. Though they have great discretionary power in determining what should be done, their decision is based on ineffective and inappropriate standards.

The failure of approach occurs when street-level workers choose improper, ineffective or even illegal approach to achieve the established goal. In this situation, the outcome is clear and the street-level workers are supposed to adopt specific steps to accomplish their jobs. However, the actions they take do not help them achieve the goals and are improper in the certain circumstances.

It is common in China that the urban management take highly use of force to expel street venders without considering any factors involved in the situation and always cause a series of tragic accidents such as violent fighting or even leading to collective public security incidents or casualties. For example, a man saw several urban managements violently attacked a street vender lying on the ground and they still kept kicking him. And the man asked them to stop violent actions but got hit seriously

as well (“A Man Passing by and Persuade Urban Managements’ Violence but Got Hit,” 2016).

In this case, according to laws, departmental rules and values, the urban managements obviously abuse their discretion in enforcement by attacking street vender and innocent onlooker. They tried to establish authority in enforcement so they could succeeded in fulfilling their duty of expelling illegal street trading. However, they chose an illegal, improper and illegitimate approach by abusing discretion when the onlooker was innocent, the street vender did not fight back but they reacted illegally and illegitimately.

Even though discretion misuse is not identified as leadership, the factors which shape their discretionary actions can be illustrated and the standards to measure the legitimacy and appropriateness are established within the model.

### **XIII. Conclusion**

This article argues a new leadership model to analyze street-level workers in China by integrating the model into China's academic fields and applying the model to evaluate China's case. The key components are street-level workers, discretion and legitimacy derived from the real experience and challenges in public service which the workers confront in everyday life. It is assumed that the street-level workers regularly exercise great discretion and the discretion is inevitable given the complicated and conflictual circumstances where they work and workers have to make decisions largely independently. Street-level workers have to interpret and

balance various competing laws, rules, values expectations in their choices at the street.

As leaders, street-level workers are part of a system of laws, rules, values, norms, experts and interests. Discretion is a leadership act of politics, organization and society. What street-level workers do makes politics real for citizens to put street-level workers at the central position of governance system (Vinzant, Crothers 1998). Their discretionary actions either advance or undermine citizens' trust and support to the political system, which is essential for service-oriented government reform. Therefore, the street-level leadership is beneficial to enlighten useful implications for controlling discretion misuse by comprehensively learning individual workers' discretion use over process and outcome.

## **Limitation**

First, not all work of street-level workers can be understood as leadership. In quadrant 1, street-level workers have to completely follow the laws and rules with much discretion constrained. And the discretion misuse is not leadership as well. But the model is able to provide useful standards to evaluate the legitimacy and appropriateness of little discretion and misusing discretion within the model. While this difference need to be addressed when applying the leadership model to discuss street-level workers and discretion.

Second, the methodology of leadership model is case-by-case studies and it does not

generalize the common characteristics of discretion and street-level workers.

Generalization is not the point here while leadership theory helps change the traditional way people think about street-level workers and actually the case-by-case analysis corresponds to the unpredictable and changing working environments surrounding street-level workers to discover the fundamental problems of their discretionary more accurately and objectively. And there are general and useful standards within the model to evaluate the performance of discretion exercise so the conclusions drawn from each case will be logical and consistent.

The street-level leadership model does not aim at directly providing a complete answer to figure out all the problems in public service. But it offers a new supplementary way to reunderstand the role and discretion of street-level workers compared with traditional approaches, which still fail to fundamentally solve the problem of controlling discretion. Comprehensively studying a issue is the basis to figure out the solutions to it.

In addition, social problems will not be simply solved just because the street-level workers work properly and legitimately towards the goal as leaders, who are just one factor in a matrix of complex environment. In contrast, the model changes the way people think about the role and discretion of street-level workers in a broader context of community, society and governance system. So that's why the central assumption is that street-level workers exercise discretion constrained in changing and complex situations to influence their decision makings. And ways to measure the legitimacy and accountability of their discretionary actions change to reflect values, norms, goals and motives which are manifested in their work compared with the existing standards simply addressing the results of their actions.

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## Korean Abstract

중국 거리 노동자들은 반드시 대체, 공공 서비스, 국민 복지 국가 제도  
발전 비록 놀랍게도 남용 한번 더 길가에 노동자 공공 이익에 큰 영향을,  
정부권위 있는 정부 및 막을 서비스 바꿔고 있다. 많은 노력을 이론과  
실천을 꽂아 모두 이미 했다. 그러나 이 문제를 많이 실패했다. 그래서  
주요 문제는 아직 이 일을 왜?이 글은 그 때문에 역할, 길가에 노동자  
성질 한번 전면 이해할 수 없다. 그래서 그 문제를 해결하기 위해 길가에  
노동자 컨택트, 꼭 다시 만난 역할, 길가에 노동자 한번 방면에서 중요한  
보충 관점을 지도 이론.

**주요어 :** 길가에 노동자, 한번, 지도, 중국

**학 번 :** 2016-24584