

Neither the Magic Bullet Nor the Big Bad Wolf: A Systematic Review of Frontline Judges' Attitudes and Coping Regarding Managerialization

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Funding

This work was supported by the Belgian Fund for Scientific Research (Fonds De La Recherche Scientifique – FNRS), grants 1.A112.21 and T.0158.22.

Acknowledgments

An earlier draft of this paper was presented at the triennial conference 2021 of the Belgian French-speaking Association of Political Science. We are grateful to the participants for their useful insights.

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Abstract

How do frontline judges perceive managerial reforms, and how do they cope with them? We relied on concepts from street-level bureaucracy to systematically review the effects of managerial techniques on frontline judges in 35 studies. We find that judges' attitudes toward managerialization are more heterogeneous than could be anticipated. Beyond facing an increasing caseload, judges are pressed to reduce treatment times and costs as well as to play managerial roles. Judges' mechanisms to cope with pressures include rationing, prioritizing, and routinizing. While managerialization is a solution to the increasing caseload, it is suspected to affect the quality of justice.

Keywords

Coping mechanism, Discretion, Frontline judge, New public management, Street-level bureaucracy, Systematic review

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Introduction

Since the 1980s, the managerialization of many public services, that is, the introduction of management techniques inspired by the private sector in the public sector, has been ongoing around the world. This trend has reached the judicial sector, although later most of the time. While managerialization was initially designed to increase the efficiency and efficacy of public administrations and policies in the context of budget cuts, it has been increasingly suspected to miss its objectives, among other things, because it places multiple constraints on frontline public officials—for example, increased controls—without necessarily improving the quality or decreasing the costs of the public service they deliver. Scientific research suggests that this applies, currently, to the work of frontline judges, that is, those who interact with various citizens and handle a heavy caseload on a daily basis, most generally in lower courts. However, this research is less prolix and more scattered than the mainstream literature on managerialization. How do frontline judges perceive managerial reforms? What pressures actually result from these reforms? How do frontline judges concretely cope with these pressures? The purpose of this article is to address these questions on the basis of a systematic review of political and social science. We find that while many suspicions regarding managerialization are confirmed from the perspective of frontline judges' attitudes and behaviors, there are also reasons to believe that some dimensions and effects of managerialization effectively contribute to preserving public service while addressing the judicialization of society, which increases caseload.

For many years, public policy and administration research has been dominated by top-down approaches. In the early 1980s, many researchers questioned the preponderance of this approach and decided to adopt bottom-up perspectives (Sabatier, 1986). In this context, Lipsky (1980/2010) demonstrated and theorized the influence that “street-level bureaucrats” can exert on public

policies. Street-level bureaucrats are public officials who directly interact with various citizens-clients on a daily basis and hold, to the extent that they respect the rules, some discretionary power in making administrative decisions for citizens-clients, which shapes public policy on the ground (Evans, 2011; Hupe & Hill, 2007; Hupe et al., 2015).

In recent decades, frontline agents have faced changing managerial models and, in turn, increasing organizational pressures. The working conditions of public officials have been affected, among other factors, by the principles and practices of New Public Management (NPM) (Brodkin, 2011). The logic of governance by performance has major implications for the way in which street-level public agents carry out their tasks (Jacobsson et al., 2021): increased work standardization generates tension with the autonomy and discretion of street-level bureaucrats (Brodkin, 2011) and affects their personal relationships with citizens-clients (Mik-Meyer, 2018). Performance assessments and increased attention to agents' accountability (Brodkin, 2012) lead to informal practices meant to preserve their work conditions (e.g., bypassing lengthy controls) or the public service delivered to citizens-clients (Brodkin, 2011). Street-level bureaucrats defend their professional identity and values in the face of managerial principles and changes (Evans, 2011; Hendrikx, 2021).

In this article, we focus on a specific category of street-level bureaucrats: frontline judges, that is, those dispensing justice to many citizens on a daily basis, most generally at the lowest levels of jurisdiction. These judges can cover various matters (family, traffic, neighborhood disputes, youth, etc.) and typically deal with the most common disputes. Despite various legal studies about the spread of NPM in the justice sector (Bouhon & Pironnet, 2017; Nachtergaele & Piraux, 2017; Vigour, 2017), the way in which judges concretely deal with new managerial rationalities has been addressed mostly implicitly. Moreover, street-level approaches to judges and their practices remain quite rare in public administration research, although the relevance of this approach has

been supported by Lipsky (1980/2010) and reiterated by some recent studies (e.g., Biland & Steinmetz, 2017; Dallara & Lacchei, 2021).

How do frontline judges perceive managerial reforms, and how do they cope in practice with the pressures that these managerial reforms bring about? To address this research question, we present the results of a systematic review of peer-reviewed articles in social and political science based on the Preferred Reporting Items for Systematic Review and Meta-Analyses approach (PRISMA: Moher et al., 2009). In doing so, theoretically, we test the often stated but rarely substantiated critique related to the (negative) effects of managerialization on street-level public services (Brodkin, 2011) in the judicial sector. Empirically, we illuminate the relations between different dimensions of judiciary management and the attitudes and behaviors they do or do not trigger among frontline judges. In turn, we provide some perspective on the concrete impact of NPM on the delivery of public service in the judicial sector.

After an overview of the theoretical perspectives of the analysis as well as a presentation of the methods and scope of the literature review, the results focus on the influence of judiciary management on frontline judges. We start with judges' attitudes toward the evolution of judiciary management. Then, we examine the pressures resulting from these managerial evolutions that frontline judges must deal with. Third, we focus on how judges concretely adjust their work following these evolutions.

Managerialization of justice and frontline judges: Analytical framework

How do frontline judges perceive managerial reforms, and how do they cope in practice with the changes that these reforms bring about? This research question entails two levels of analysis. At the macro level, the managerialization of justice results from a rather top-down implementation of NPM (D. Osborne & Gaebler, 1993; Pollitt & Bouckaert, 2017), which suggests characterizing NPM and its basic consequences in the judicial sector. At the micro level, the theory of street-

level bureaucracy (SLB) prompts us to adopt a bottom-up perspective to analyze how frontline judges react to such managerial changes. Overall, we seek to highlight the interrelationships between these macro and micro levels, contributing to the classic debate between top-down and bottom-up perspectives in public administration and policy research.

New public management

Public administration research has identified several paradigms of public management, including the traditional public administration or Weberian bureaucracy, NPM and New Public Governance (S. P. Osborne, 2006; Pollitt & Bouckaert, 2017). Since the 1980s, NPM has been introduced in a growing number of public services, spreading first in the Anglo-Saxon countries, then in Western Europe and finally to many other countries in the world—a process that can be referred to as the “managerialization” of public administrations. At the end of the 1990s, the emergence of post-NPM approaches further increased the complexity of the public sector in searching for the “right” way of governing (market-oriented vs. collaborative). New public governance emerged in response to some criticisms of NPM, suggesting, among other things, that the relations of the state with society could be more cooperative than hierarchical (Christensen & Lægreid, 2010). Both paradigms are presented as alternatives to the neo-Weberian state for coping with the growing complexity of society (Pollitt & Bouckaert, 2017).

The NPM paradigm still provides a valid framework with which to analyze many recent judicial reforms. It justifies financial austerity in the public sector against a backdrop of neoliberal ideology (Van Gestel et al., 2019). The central idea is to improve cost effectiveness by using private-sector management techniques (D. Osborne & Gaebler, 1993). Driven by a concern for performance and efficiency, NPM emphasizes innovation, flexibility, accountability, and cost control (Pollitt & Bouckaert, 2017). The principles and instruments of NPM have been gradually anchored into legislation and reforms. While NPM has become prominent, it has been challenged

and criticized: a debate on the values conveyed by this model and on its consequences has emerged. A major criticism is the emphasis on performance, which leads to a neglect of the importance of other public values, such as equity and democratic standards. Whether NPM truly improves performance has also been debated (Pollitt & Bouckaert, 2017).

Justice has also been a concern of the NPM turn, although later. The managerialization of justice involves the transfer of managerial ideas and tools to the judicial sector (Rothmayr Allison, 2013). Similar to other public services, this raises questions about the effectivity, validity or legitimacy of such dynamics (Vigour, 2008). Performance measures—for example, the use of indicators for measuring the relationship between investments and results—and the implementation of quantitative tools—for example, statistical tables of workload to support the allocation of resources—present many challenges for courts (Frydman & Jeuland, 2011; Mouhanna, 2015). Cuts in human, material, and financial resources are also a cause of concern. According to some judges, there is a “mismatch” between the maximization of objectives—for example, the number of judgments—and the limitation of resources—for example, the amount of time to craft them or money to hire judicial staff—involved in NPM and what justice is by nature: case-specific and circumstantial (Visser et al., 2019).

Street-level bureaucracy

The SLB theory was originally developed by Lipsky (1980/2010) and has been used in numerous studies over the last two decades (Hupe, 2019; Nothdurfter & Hermans, 2018). Street-level bureaucrats are frontline public officials who interact directly with citizens while carrying out their duties and include social workers (e.g., Evans, 2011), healthcare service workers (e.g., Erasmus, 2014), teachers (e.g., Siciliano, 2015; Taylor, 2007), police officers (e.g., Cohen & Golan-Nadir, 2020) and correctional officers (e.g., Sabbe et al., 2021). To the extent that they work by the rules, they have a certain degree of discretionary power in their relationship with

citizens and in decision-making as well as some autonomy in organizing their work. The SLB theory defines this discretionary power as the ability to choose between different courses of action, that is, the power of agents to decide or act administratively according to their own judgment (Hupe et al., 2015; Lipsky, 1980/2010). Because of their centrality in the process of delivering various public services, street-level bureaucrats are key players in the day-to-day implementation of public policy on the ground.

Street-level bureaucrats also face pressures due to the large number of client requests and the limited individual and organizational resources available to address them (Lipsky, 1980/2010). In this context, these bureaucrats are forced to adjust their work to carry out their missions through “coping mechanisms,” that is, behaviors that frontline workers adopt when interacting with clients to control the demands and conflicts they face on a daily basis (Tummers et al., 2015). Indeed, frontline agents’ discretion provides them with some leeway to implement public services while coping with managerial (or other) pressures (Brodkin, 2012). The mechanisms that they employ when interacting with citizens thus enable them to cope with the cross-pressures of workload and managerialization. Without such mechanisms, the work of these agents would not be sustainable (Vedung, 2015). Different types of coping mechanisms have been distinguished by SLB research, such as routinizing some tasks, i.e., providing identical services to all citizens (Tummers et al., 2015); rationing some services, for example, by reducing the effort allocated to face-to-face interactions as well as the duration of meetings with citizens (Sabbe et al., 2021; Vedung, 2015); taking shortcuts to save time (Brodkin, 2011); or prioritizing the simplest and fastest cases (Tummers et al., 2015).

While multiple SLB studies have been conducted on low- and middle-level frontline civil servants, higher-status professions, such as judges (or doctors), have been less researched (Biland & Steinmetz, 2017; Hupe & Hill, 2007). Of course, judges hold more decision-making power than most frontline agents and may be presented as closer to intermediary actors such as lawyers or

presentence investigators than to citizens themselves (Maynard-Moody et al., 1990). However, Lipsky (1980/2010) does conceptualize frontline judges as street-level bureaucrats in his seminal work. According to Ham and Hill (1984), the study of street-level bureaucrats with higher professional status should be a subfield of SLB theory. Admittedly, judges are characterized by higher degrees of discretionary power and autonomy, yet these degrees are not unlimited—especially since the advent of the NPM reforms: frontline judges share with other street-level bureaucrats similar constraints resulting from performance assessment and the optimization of resources (Brodkin, 2012). In the same vein, the direct contacts between frontline judges and multiple parties during the hearings, in the lowest courts, are mostly comparable to citizen-agent interactions in other street-level public services: they are numerous and fast and require judges to make quick decisions on complex cases based on their professional interpretation of the law, whereas these decisions have a significant impact on the lives of litigants (Biland & Steinmetz, 2017). For these reasons, in line with existing research (e.g., Biland & Steinmetz, 2017; Cowan & Hitchings, 2007; Dallara & Lacchei, 2021), we conceptualize frontline judges as street-level bureaucrats as well.

The SLB approach is relevant in accounting for the impact of NPM-based reforms on frontline officers (for recent examples, see Hendriks, 2021; Jacobsson et al., 2021; Nothdurfter & Hermans, 2018; Sabbe et al., 2021). The SLB theory has been used to analyze how street-level bureaucrats from the Norwegian Welfare and Labor Organization have come to grips with digitalization (Hansen et al., 2018) or to document the importance of frontline officials in the implementation of the strategic environmental assessment policy in Denmark (Kørnøv et al., 2015). In line with this research, we conceptualize frontline judges as street-level bureaucrats to account for their attitudes and behaviors with respect to managerial reforms.

Methods and scope of the review

To conduct our systematic literature review, we relied on the PRISMA approach (Moher et al., 2009) which comes from the medical sciences. The approach provides several steps related, among other things, to the identification of relevant records, to the extraction of data from the selected studies, or to the synthesis of the results. This involves following a checklist to design a review and to present its results in an explicit and reproducible way while reducing potential biases (e.g., language bias or publication bias: Moher et al., 2009). This approach has been progressively adopted in diverse disciplines (Page et al., 2021). Public administration researchers have increasingly applied PRISMA to examine multiple topics, such as motivation (Ritz et al., 2016) or coping (Tummers et al., 2015) in public services (see also, e.g., van der Heijden & Kuhlmann, 2017; Voorberg et al., 2015). In this section, the search strategy, the eligibility and selection criteria, as well as the methods of analysis used for the selected records in the present review will be presented together with some of their characteristics.

Search, eligibility and selection of the records

The reviewed articles were obtained from SCOPUS and CAIRN—two databases covering a large set of social science journals—on December 1, 2021. With its strict quality criteria for indexing scientific journals, SCOPUS has been considered complete and reliable enough for other recent literature reviews (e.g., Dekker et al., 2020; Palomo et al., 2017). CAIRN focuses on social science studies written in French and is also mobilized in some literature reviews (e.g., Mathias et al., 2020). We noticed that a community of French-speaking researchers has taken a strong interest in judiciary management. But it is also true that looking at English- and French-written research is the best solution to expand the scope of the review considering the linguistic skills of the authors of this article, which does not remove possible linguistic biases to the detriment of research reported in other languages (Moher et al., 2009).

We combined two search rounds. First, we searched for records examining judiciary management in the judicial sector. To do so, records including at least one of the following keywords in their title, abstract or keywords—“judiciary management”, “judicial reform”, “new public management” or “managerialist approach” (on CAIRN: “management”, “managéria*”, “réforme judiciaire”, “réforme de la justice” and “gestion publique”)—together with at least one of the following—“judge”, “magistrate” or “court” (on CAIRN: “juge”, “magistrat*” or “justice”)—were identified. While the first group of keywords refers to the NPM lexicon, the second targets the actors and sector in which we are interested. As far as the formal eligibility criteria are concerned, we focused on peer-reviewed articles—rather than other research outputs such as nonpeer-reviewed articles, book chapters or conference papers—which is expected to increase the quality of the review results. From SCOPUS, we obtained 182 records from the “social sciences” category—which includes the field of law and public administration—while from CAIRN, we obtained 79 records within the fields of law, political science, and sociology—that is, 261 in total.

Second, we searched for records adopting an SLB approach to the judicial sector. To do so, records including at least one of the following keywords in their title, abstract or keywords—“street-level bureaucracy”, “frontline”, “coping mechanism”, “bureaucratic practice” or “sentencing practice” (on CAIRN: “street-level bureaucracy”, “première ligne”, “mécanisme* d’adaptation”, “discrétion” or “proximité”)—together with at least one of the following—“judge”, “magistrate” or “court” (on CAIRN: “juge”, “magistrat*” or “justice”)—were identified. This time, the first group of keywords refers to the SLB lexicon, while the second group still targets the actors or sector in which we are interested. In terms of formal eligibility criteria, we also focused on peer-reviewed articles from the same categories. From SCOPUS, we obtained 165 records, while from CAIRN, we obtained 112 records within the same search categories, that is, 277 in total. The development of the different keyword queries involved an iterative process building on the vocabulary of the most relevant articles resulting from each search, considering the particularities of the two languages.

The combination of the two searches resulted in the identification of 538 peer-reviewed articles. To refine the selection, the titles and abstracts of these records were screened by looking for articles that either explicitly dealt with the influence of managerialization on frontline judges and their practices (without necessarily adopting an SLB approach to do so) or with the evolution of the work of frontline judges conceptualized as street-level bureaucrats (without necessarily referring to managerialization explicitly). Based on these eligibility criteria, 35 articles were selected (see Figure 1)—17 from SCOPUS (in English) and 18 from CAIRN (in French). The delta between the number of eligible records (538) and the number of selected records (35) is admittedly important. This mainly results from the difference between a broad search of records examining the relations between judiciary management and judges in the first search round and our focus on frontline judges when screening the articles: we only selected articles examining judges serving in local courts or articles dealing with the judicial institution of a country in general, including frontline judges. For example, numerous articles concerning higher courts (e.g., Morin, 2011) or European courts (e.g., Mak, 2008) were not retained. To a lesser extent, there were articles adopting an SLB approach to courts resulting from the second search round that did not examine frontline judges—they looked at other categories of judicial staff, such as criminal justice social workers (e.g., Halliday et al., 2009).

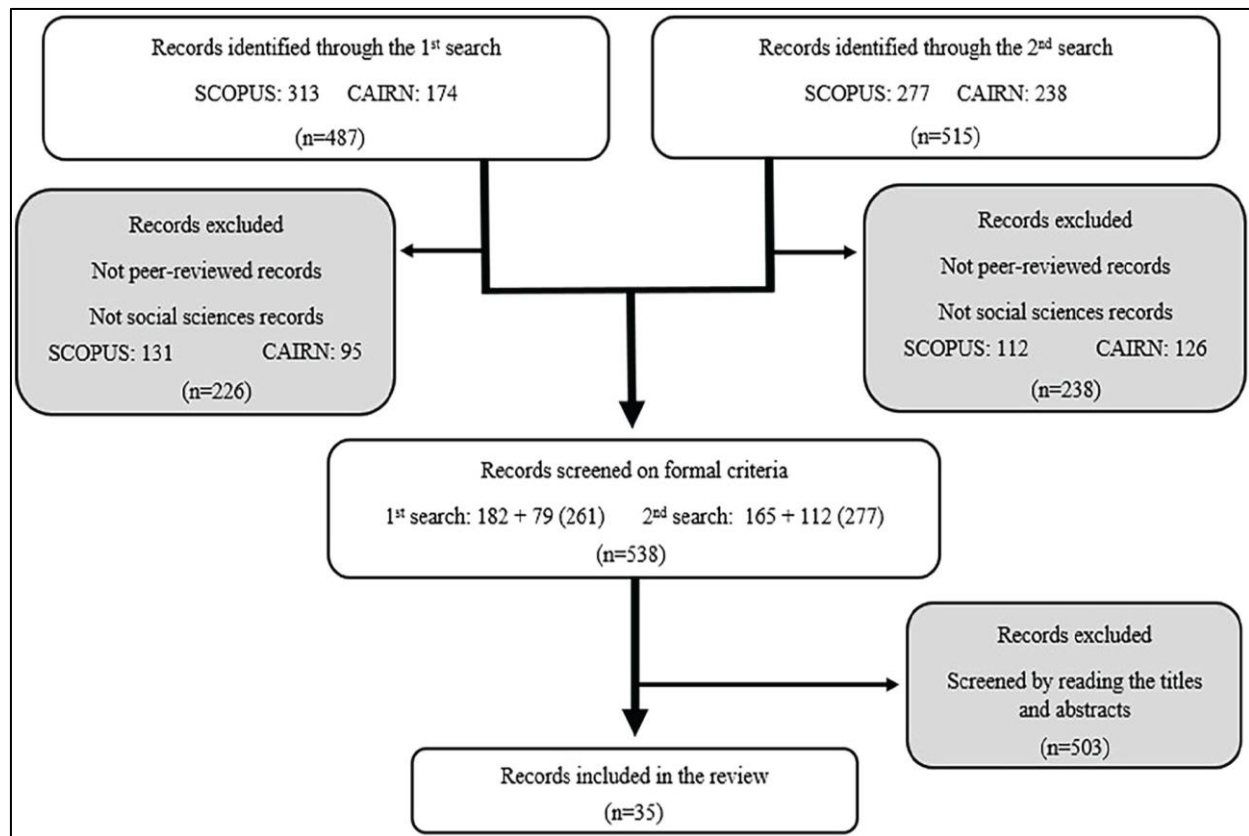


Figure 1. Flow diagram of the search strategy

Method of analysis

The aim of our analysis was to highlight, in the reviewed articles, themes that can address our research question based on the conceptual lenses presented above. To do so, we relied on the NVivo software (O'Neill et al., 2018), which is new in the social sciences to the best of our knowledge. Various segments of each article were grouped into different themes. The themes were classified, and some related themes were grouped together to form hierarchies of nodes. For example, we identified as recurrent themes the challenging workload of judges, the difficulties of time and cost constraints, and the managerial responsibilities imposed on judges. After analysis, these were grouped into a broader category labeled pressures on judges, forming a theme and subthemes.

NVivo allows for querying and visualizing data and provides tools to analyze the patterns emerging from codes: attention was given to the proximity and overlap of different codes, both within and between articles. In this way, we were able to highlight themes related to NPM that echo the concepts of the SLB approach. For example, we explored how, within the articles, the themes of pressure and coping mechanisms relate to each other. The coding involved an iterative process: we returned to the articles to confirm or modify the codes as they were developed. The results of the analysis of the 35 articles are detailed in the Supplemental Appendix.

Overview of the reviewed studies

The 35 reviewed articles are published in 18 different journals, especially in “Droit et société” (9), “Revue française d’administration publique” (4) and “Social and legal Studies” (4). In our selection, 15 articles are conceptual, while 20 are empirical. Among the empirical articles, 17 adopt a qualitative approach (most often based on observations and/or interviews), two use quantitative data (Eells & Showalter, 1994; Lienhard & Kettiger, 2018), and one relies on a mixed approach (Beyens & Scheirs, 2010).

Geographically, the reviewed articles report studies mainly conducted in continental Europe (21) and in Anglo-Saxon countries (10). Two studies were conducted in South America (Haddad, 2020; Hersant, 2017), one was conducted in a Middle Eastern country (Israel: Engel & Weinshall, 2020), and one involved a comparison between France and Canada (Biland & Steinmetz, 2017). Chronologically, the statistics suggest that the growth of scholarly interest in frontline judiciary management started only in approximately 2007 (see Figure 2), consistent with the delayed development of NPM in the judicial sector when compared to other public services (Van Haeperen, 2012).

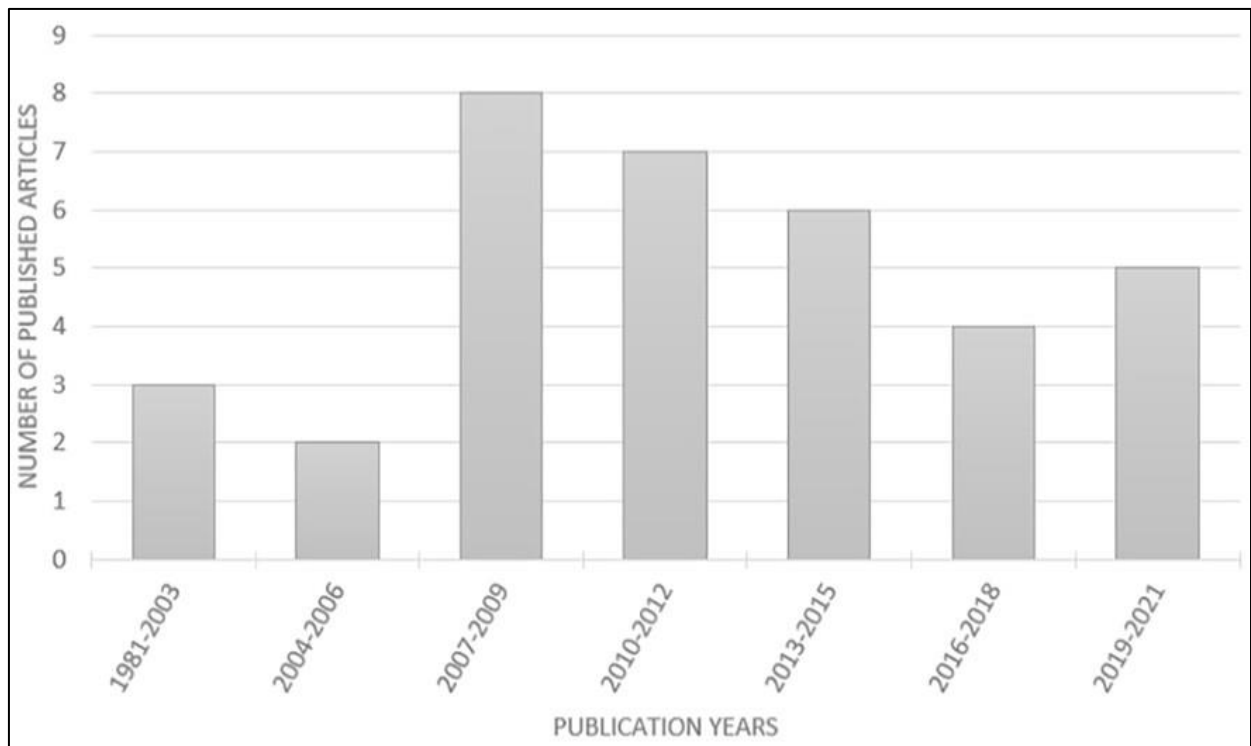


Figure 2. Number of published articles over time

Only two articles explicitly relate NPM to the work of frontline judges based on an SLB approach (Biland & Steinmetz, 2017; Dallara & Lacchei, 2021). Although, overall, only five articles directly refer to the SLB framework (e.g., Cowan & Hitchings, 2007; Hersant, 2017), some articles refer to similar notions, such as the discretion of judges (e.g., Beyens & Scheirs, 2010; Eells & Showalter, 1994) or their routinization of some tasks (e.g., Mouhanna & Bastard, 2010). As far as courts are concerned, 20 articles deal with the judicial system of a state as a whole, while 10 focus on criminal courts. The remaining seven articles focus on various other judicial low courts (family, district, peace, etc.).

Results of the review

In this section, we present the results of the review. First, we explore frontline judges' attitudes toward the evolution of judiciary management. Second, we examine the pressures resulting from

the managerial evolutions that frontline judges must deal with. Third, we focus on how judges adapt their practices as a result of these evolutions.

Judges' attitudes toward the managerialization of justice

Three categories of attitudes, defined as positive or negative feelings in relation to an object (Fishbein & Ajzen, 2010), adopted by frontline judges toward managerialization can be distinguished for analytical purposes: opposition, acceptance, and support. First, frontline judges can express opposition or resistance toward managerialization, which is reported in 19 (54%) of the reviewed articles. Basically, they consider managerialization to be inconsistent with the values and traditions of the judicial sector. There is judicial activism among some judges, which is linked to their professional culture carrying values that favor resistance to external influences, particularly managerial ones (Fielding, 2011; Raine, 2005). Resistant judges are worried about the emphasis on quantitative evaluations, the focus on productivity and the use of statistics to manage the courts (Biland & Steinmetz, 2017; Vauchez, 2008). In Switzerland, for example, statistical analyses are used to assess judiciary performances: Lienhard and Kettiger (2018) report how judges set boundaries to ensure that they do not compromise their independence or privacy.

From this critical point of view, the managerialization of justice could also undermine the functional independence of justice (Ficet, 2011) through budget cuts or staff reductions and work standardization, which no longer allow judges to organize their work autonomously, or through a hierarchical organization (e.g., the introduction of heads of court) involving more control of judges (Mouhanna & Bastard, 2010, 2011). Even if the proponents of managerial standardization claim that it does not affect the content of decisions, some judges believe that this imposes a mode of reasoning and functioning and thus threatens its independence. The functional independence of judges, which is part of the judicial culture (d'Hervé, 2015), has no equivalent in other branches of the public sector to which managerialization is applied (Raine & Wilson, 1995). This explains

the challenge of imposing NPM on the judicial system. The opposition to managerialization is also collective: in France, for example, magistrates' unions (unsuccessfully) protested against a productivity bonus based on their "contribution to the operations of their services" and their "availability for their jurisdiction" (Chelle, 2011, p. 417).

Another concern is the impact of managerial reforms on the accessibility of justice (Chelle, 2011). Part of this concern is related to the centralization of frontline courts, which is meant to rationalize the costs; however, centralizing the Belgian justice of peace in the 1990s has been suspected to decrease judges' understanding of the litigants and their knowledge of the field, while as far as citizens are concerned, it has increased the geographical distance of the courts and the subjective impression that judges are remote officials (Truffin, 2007). Similarly, Jean (2008) reports on years of reforms opposing proponents of centralization, such as city representatives or national administrative elites, and proponents of judicial decentralization, such as countryside representatives or local judges.

The incompatibility between productivity imperatives and the quality of judicial work is also put forward (Guimarães et al., 2017). Danet (2020), for example, reports the tension experienced by French judges between the workload resulting in long proceedings, the managerial innovations meant to shorten them, and their willingness to protect the quality of justice. Given the significant consequences of judiciary decisions for litigants, the authors argue that these decisions must be carefully made to meet quality expectations, which seems difficult to reconcile with efficiency requirements (Colombet & Gouttefangeas, 2013; Mouhanna & Bastard, 2010). The Dutch judges interviewed in 2007 after the implementation of a new managerial organization of the judicial system in the early 2000s reported that they lacked time to examine the cases carefully (Langbroek, 2008). Moreover, the evaluation indicators (e.g., the number of cases handled) were blamed for not considering the quality of the legal work or even the effectiveness of the judgment (Rothmayr Allison, 2013).

Second, some judges simply accept the managerialization of justice, as reported in 13 (37%) of the reviewed articles. This type of attitude is encouraged by the executive: in France and Italy, for example, the ministries of justice or various professional and administrative networks help magistrates familiarize themselves with managerial constraints (Vigour, 2008). Despite the existing resistance expressed above, many judges also adhere to this model by default because they have no alternative to offer (Mouhanna, 2015; Mouhanna & Bastard, 2010). For example, 74% of the Dutch judges surveyed in 2007 after the implementation of the new managerial organization of the judicial system considered that they did not feel committed to the new orientations concerning the content and procedural aspects of the judgments—even if 60% reported that they respected these orientations most of the time (Langbroek, 2008). This passive attitude contributes to validating and legitimizing managerialization (Ficet, 2011).

However, judges are aware that major changes are underway, with a significant impact on their work conditions (Bastard et al., 2015; Jean, 2008). Although they do not resist, they implement ad hoc technical adjustment strategies that limit the effects of these reforms. In Portugal, for example, some judges question their new managerial roles and the new working relations they should have in this context with public officials subordinated to the Ministry of Justice (Guimarães et al., 2017). Some French judges refuse to rely on the recent “plead guilty” procedure—which is faster—if the charges relate to sexual crimes. Similarly, they can disagree with the classification of the offense proposed by the public prosecutor to avoid the single-judge procedure—which is faster than judging collegially but suspected to affect the quality of judgments and to limit the effect of the judicial ceremonial on offenders. In other words, acceptance can be and is often “conditional” (d’Hervé, 2015). Additionally, acceptance does not necessarily involve actual results: productivity gains in the Netherlands, for example, were very limited in the 2000s (Langbroek, 2008).

Third, the managerial reforms can be supported and promoted, which is documented in nine (26%) of the reviewed articles. Admittedly, managerial reforms can contribute to addressing problems related to excessive workload, resource allocation and the backlog of cases. From this point of view, performance, productivity, and time management are also indicators of the quality of justice (Rothmayr Allison, 2013; Vauchez, 2008). For example, proponents of judiciary management in the US highlight that the courts collecting and monitoring performance indicators (e.g., the settlement time of cases) are more able to improve their efficiency, meet deadlines and deal with caseloads (Kleiman et al., 2019). Higher support for NPM can be observed among the heads of court, whose managerial responsibilities are also more important (Commaille & Hurel, 2011; d'Hervé, 2015), perhaps because these responsibilities attract candidates who are more supportive of managerial evolutions.

The literature also reports that younger magistrates are more inclined to implement managerial reforms than their older colleagues (Mouhanna & Bastard, 2010). The way in which new generations of judges are trained may partly explain this. For example, in the state of Minas Gerais in Brazil (Haddad, 2020), judicial schools are training new generations of judges in court management to deal with increasing workloads with “managerial methods and strategies that have worked for the private sector” (Haddad, 2020, p. 2). That said, active support for managerialization, as such, is less reported by the literature. The empirical illustrations rather concern the day-to-day contribution of judges to the management of the courts: following the observation of 30 sessions of Australian lower courts from 2004 to 2005, for example, Mack and Roach Anleu (2007) report how magistrates exercise active judge craft to achieve time goals.

Overall, resistance to the managerialization of justice seems far more documented by the existing research than acceptance and support among frontline judges. That said, the reviewed articles also report various instances of acceptance—though conditional most of time—and, to a lesser extent, some illustrations of support for the managerialization of justice.

Pressures on judges resulting from the managerialization of justice

Beyond attitudes, judiciary management has concrete impacts on frontline judges' work conditions, which they have to deal with. In this respect, a distinction can be made between common and civil law systems. In general, common law systems consider judicial decisions to be the most important source of law, whereas civil law systems focus on codified legislation established by the government (Rambaud, 2014). The central feature of a common law system is that court decisions are enforceable, and judges have a central role in law creation (Booth, 2007). Among the reviewed articles, 23 studies (66%) were conducted on civil law systems (e.g., Langbroek, 2008; Vigour, 2006), while 11 (31%) records fall within the common law category (e.g., Cannon, 1982; Fielding, 2011). Biland and Steinmetz (2017) made a comparison between France—a civil law country—and Canada—with a legal tradition combining influences from civil and common law.

Based on the reviewed articles, frontline judges seem to be less confronted with managerial pressures in common law systems, or at least these pressures appear less in the literature on these countries. According to Cowan and Hitchings (2007), for example, district judges in England are “largely free of the influence of New Public Management techniques” (p. 379). In our analysis, only four studies on common law contexts identify pressures from judiciary management (Engel & Weinshall, 2020; Fielding, 2011; Raine, 2005; Raine & Wilson, 1995). For example, Fielding (2011) suggests that judges in the UK and US are obliged to be vigilant in the face of poorly drafted legislation that requires overinterpretation to be enforceable but also in the face of an executive, which reduces the resources necessary for their work. In the UK, Raine (2005) argues that local judges have to cope with heavier workloads resulting from years of budget cuts.

In civil law countries, the impact of managerial logics on judges has been more clearly identified, such as in Portugal (Guimarães et al., 2017), Chile (Hersant, 2017), France (Danet, 2020;

Mouhanna, 2015; Vigour, 2006), Switzerland (Lienhard & Kettiger, 2018), the Netherlands (Langbroek, 2008), Italy (Dallara & Lacchei, 2021), and Belgium (Beyens & Scheirs, 2010; Vigour, 2008). Typically, the evaluation of judges based on efficiency indicators appears in the literature studying civil law systems as a source of managerial pressure on frontline judges (e.g., Bastard et al., 2015; Jean, 2008; Vigour, 2006). Pressures can also be exerted on judges' salaries. In France, for example, reforms to adjust judges' salaries according to performance, efficiency, and merit have been considered (Chelle, 2011). In Portugal, the salaries of frontline judges and other public officials are decreasing, while their workloads are increasing (Guimarães et al., 2017).

Before addressing the pressures that the managerialization of justice may entail for frontline courts and judges, it is worth noting that the issue of workload is prominent in the reviewed literature on both civil and common law contexts. The actual caseload of the courts has increased over time, involving pressure on judicial actors, according to 25 (71%) of the reviewed articles (e.g., Engel & Weinshall, 2020; Voet, 2014). For example, according to statistics from the Brazilian National Council of Justice, 60.7 million cases were pending in superior and district courts in 2009: this number increased to 80.1 million in 2017 (Haddad, 2020). This trend is also significantly observed in the local courts, in which most frontline judges are active. Similarly, family court judges in France have been issuing an increasing number of decisions, from 322,000 in 2004 to 380,000 in 2014. These judges deal with 885 new family cases annually, which leaves them little time for each case: 18 minutes per hearing on average for the 330 hearings analyzed by Biland and Steinmetz (2017).

The pressure of the caseload is a source of stress for judges and impacts the quality of courts' responses (Raine & Willson, 1995). According to Eells and Showalter (1994), judges are highly exposed to stress in their work environment: they identify "the incompatibility between the ideal of individualized justice and the reality of massive caseloads" (p. 72) as a major source of anxiety.

In addition, from a quasinatural experiment on the effect of caseload in the Israeli judiciary, Engel and Weinshall (2020) demonstrate that “judges working in courts with reduced caseload invested more resources in resolving each case. The effect (was) mostly to the advantage of plaintiffs, who were more likely to win, recover a larger fraction of their claims, and be reimbursed for litigation costs” (p. 722).

As such, the managerialization of justice, which has been presented as a response to the growing caseload (Kleiman et al., 2019), also conveys three types of pressures that may be distinguished based on the reviewed articles. First, frontline judges are prompted to reduce treatment times (Mouhanna, 2015; Mouhanna & Bastard, 2011) through quick decision-making (Beyens & Scheirs, 2010). Pressures induced by this output-oriented model of justice are documented by 15 (43%) of the reviewed articles. This can be achieved, for example, by quantifying and evaluating the work of judges (Guimarães et al., 2017; Lienhard & Kettiger, 2018), by setting up contracts of objectives (Jean, 2008) or by encouraging judges to work faster with performance incentives (Chelle, 2011). In the context of Italian frontline justice dealing with immigration issues, Dallara and Lacchei (2021), for example, report NPM-driven time constraints and increased pressure on individual performance among Italian frontline judges dealing with immigration issues.

While time management can shorten delays and absorb backlog (Kleiman et al., 2019), it also involves multiple impacts on the work of judges. For example, in Belgian criminal justice, judges no longer have the time to gather and process the required information about the defendant during court hearings (e.g., social reports of judicial assistants, which provide valuable background information on the credibility and motivation of defendants) (Beyens & Scheirs, 2010). In the same vein, efficiency requirements no longer allow for taking the specificities of each case into account (Bastard et al., 2015), for example, when experts are needed for a judgment (Colombet & Gouttefangeas, 2013).

Second, pressures toward cost reduction are reported by eight (23%) of the reviewed studies. Public authorities seek to control public expenditure, and the more rational and efficient use of resources has been encouraged in the judicial sector (Bastard et al., 2015). In the Netherlands, for example, Langbroek (2008) reports not only savings but also profound changes in the organizational culture resulting from the integration of small frontline courts (*kanton*) into larger regional courts. Quantitative performance indicators have also been developed to better define resource allocation (Commaille & Hurel, 2011; Mouhanna, 2015), such as in Italy (Law No. 142 and Decree No. 29 of 1990), Belgium (Corpernic plan, launched in February 2000) and France (organic law relating to the finance laws of 1 August 2001). Volumes of court activity provide a basis for the assignment of magistrates and other human resources (Vigour, 2008). This type of indicator has already been set in the US in the context of the Trial Courts Performance Standards program (Vigour, 2006).

However, setting quantitative performance indicators is challenging because, beyond obvious measures such as the number of cases or the time and staff required to treat them, not everything can be quantified in justice, such as the quality of judgments (Colombet & Gouttefangeas, 2013; Danet, 2020). In addition, rationalization policies have a direct influence on judges (Vigour, 2008). For example, the mobility of magistrates among courts has been implemented in various European countries rather than hiring new magistrates to reinforce some jurisdiction (Voet, 2014). However, while this generates savings (Ficet, 2011), reinforcing one jurisdiction often weakens another one.

Third, seven (20%) of the reviewed articles illustrate that judges are pushed to become more accountable as well as take on administrative and managerial roles (e.g., Ficet, 2011). The figure of the manager, among judges, is currently very pervasive (Danet, 2020), but the emergence of this new role and the expectations that come with it can generate some challenges: the management of judicial departments and the resources available in these units, for example, can

be complicated for actors who are not trained in these tasks. Survey respondents in Portugal (Guimarães et al., 2017), for example, reported tensions related to the process of court planning and the resulting deficiencies. Frontline judges should no longer be good lawyers; they also have to be effective managers (d'Hervé, 2015).

But there is a difference between the managerial tasks of individual judges, which can be a source of pressure, and the managerial positions that some judges assume voluntarily based on reforms. Indeed, in both countries with a common law tradition (Cannon, 1982) and those with a civil law tradition (Langbroek, 2008; Vigour, 2008), the leadership and management functions within the courts have been strengthened as vectors of managerial injunctions from the public administration. The heads of court are responsible for human resources and financial management, logistics and equipment issues, etc. This system is based on the postulate of a link between efficiency and the transfer of managerial roles from the central public administration to local heads of court (Ficet, 2011)—a role that is not necessarily assigned to judges. In Chile, for example, court administrators have been created: rather than a law degree, they may have training or professional experience in civil service or management (Hersant, 2017).

Overall, frontline judges have been pressured by an increasing caseload over time and prompted to reduce the time necessary to treat cases, to dispense justice more cheaply and to take on managerial roles in their courts. Of course, while these pressures are clearly related to the managerialization of justice, the increase in caseload, as such, is more related to the judicialization of society (Rothmayr Allison, 2013). In addition, the pressures have been distinguished for analytical purposes, but they are related: time management has been a (managerial) response to the growth of workload, and the tension between both has been exacerbated by the requests for cost reductions.

Addressing pressure: frontline judges' discretion and coping mechanisms

We rely on two key SLB concepts to examine how frontline parties dispense justice while dealing with managerial pressures: their discretion and their coping mechanisms. Judge's discretion is discussed in 12 (34%) of the reviewed articles. Five (14%) of these articles explicitly refer to the SLB theory. The first of the two dimensions of frontline judges' discretion that emerge from the literature is their specific prerogative to interpret and change the law, which is particularly marked in the common law tradition (Biland & Steinmetz, 2017): frontline judges, similar to other judges, can interpret the law when it lacks precision and can give it an effective meaning (Barak & Pfersmann, 2017).

The second dimension of frontline judges' discretion concerns the leeway they share with other public agents. Faced with many disputes and dealing with all litigants under severe time constraints, they tend to use their discretion in a way that is familiar to most street-level bureaucrats. For example, family judges in France "use discretion when departing from a case treatment perceived as impersonal, for example, implemented in the same way whatever the judge and whoever the litigants" (Biland & Steinmetz, 2017, p. 301). Hersant (2017) distinguishes "judicial discretion" and "administrative discretion," that is, when actors deviate from the established rules concerning the concrete organization of work and administration within the court.

One of the most visible effects of frontline judges' "discretion-as-used" is the application of coping mechanisms (Dallara & Lacchei, 2021). Of course, frontline judges' discretion power and use vary from one context to another: in this research, we do not try to account for these variations, but rather for the expression of discretion into coping mechanisms. Three of these mechanisms are identified in 11 (31%) of the reviewed articles, although the concepts are not always explicitly mentioned: rationing, prioritizing, and routinizing. First, the strategy of rationing services to cope with high caseloads and lack of time (Lipsky, 1980/2010) is identified in seven articles. This mechanism involves a reduction in the volume of services, energy or time provided to each citizen

by street-level bureaucrats (Tummers et al., 2015). Generally, hearings are increasingly crowded, and frontline judges have to adapt by reducing the time available for examining cases, interacting with litigants, or making decisions (Bastard et al., 2015). In a study of Italian asylum courts, for example, Dallara and Lacchei (2021) find that judges reduce the number of interviews held with asylum seekers to save time. In Chile's lower criminal courts, Hersant (2017) describes how judges curtail judicial rituals to address efficiency injunctions from the court administrators. A high workload may also encourage judges to rely on doctrines to dismiss cases or discourage them from writing complex decisions (Engel & Weinshall, 2020).

In the same vein, criminal Belgian judges willing to address managerial recommendations and to avoid backlog no longer wait for the social reports of judicial assistants to individualize sentences: judicial assistants themselves are slowed by a lack of means to do so (Beyens & Scheirs, 2010). Otherwise, while Quebec judges still seem more inclined to adopt "case-by-case treatment" (Biland & Steinmetz, 2017, p. 312), French family judges "cut short litigants, and even lawyers, when they take too long to present their arguments" (p. 315), which could be related to different managerial pressures.

Second, prioritization (or creaming: Lipsky, 1980/2010) appears in five of the reviewed articles. Prioritization involves allocating more time and resources to a limited number of cases in the delivery of public services (Tummers, 2017). Frontline judges may prioritize the most troubling cases or those for which a positive benefit can be expected (Cowan & Hitchings, 2007). Quantitative targets may lead them to devote most of their work to expediting mundane cases. For example, French family judges prioritize the setting of alimony: the amounts at stake are less significant, and judgments are made rather quickly (Biland & Steinmetz, 2017). Similarly, Israeli judges respond to a high caseload by filtering cases and reducing the number of cases that go to full trial (Engel & Weinshall, 2020). Judges in Australian lower criminal courts show considerable discernment to achieve practical time management objectives and to create space for more

engaged and legitimate decision-making, for example, by proceeding cases only when conditions are favorable to do so (Mack & Roach Anleu, 2007).

Third, routinization is perceptible in five articles. Routinization, which refers to the standardization of public service delivery irrespective of the specificities of the citizens and their situations (Lipsky, 1980/2010), clearly deviates from the individualization of sentences that characterizes judicial culture (Tata, 2007). For example, in consensual divorce hearings in French courts, Biland and Steinmetz (2017) observe that family judges tend to approve divorces automatically and illustrate the impact of this attitude on the content of judgments. The range of possible decisions and the workload require English district judges to develop structures of simplification and routines for the most common cases by Cowan and Hitchings (2007), for example, approving preset judgments from social landlords without making significant changes, which is equivalent to “rubber stamping” (Lipsky, 1980/2010).

Interestingly, Dallara and Lacchei (2021) distinguish individual coping mechanisms and coping strategies adopted at the organizational level. The authors report on guidelines formulated in asylum courts about work planning and coordination processes to address asylum seekers’ applications. Discussions and meetings between judges and heads of court are the basis for these collective strategies. For example, some tasks can be delegated to other professionals (e.g., honorary judges and specialized civil servants) to reduce the workload of the judges.

Overall, coping mechanisms enable frontline judges to cope with workload and efficiency imperatives despite limited resources. In practice, rationing, prioritizing, and routinizing are often related to each other: rationing and routinizing mean less individualization of sentences, and the prioritization of certain cases often occurs at the expense of others. The usefulness of such mechanisms is quite tangible, as some judges who choose not to adapt to managerial realities see problems arising in their courts: hearings become too long, the work of lawyers is negatively influenced, and litigants are confronted with postponements and delays (Biland & Steinmetz,

2017). However, there are also negative effects of coping: a diagonal reading of cases, a lack of listening to the arguments of both offenders and victims, limited consideration of mitigating circumstances, etc. (Mouhanna & Bastard, 2010, 2011).

Discussion

Three main findings emerge from the results of the literature review: they are discussed in this section together with some limitations of the study. First, regarding judges' attitudes, various articles report that some judges are clearly opposed to managerialization. However, many studies—sometimes the same ones—also highlight that such managerial reforms can be simply accepted or even supported by other judges. This heterogeneity reflects different understandings of the quality of justice. Colombet and Gouttefangeas (2013) distinguish a managerial understanding from a substantial understanding of the quality of justice. Those who promote managerialization focus on quickness and efficiency: admittedly, we could expect public services to have a reasonable cost and to be delivered in a timely manner. Those who resist managerialization also argue that they campaign for the quality of justice but relate quality to procedural dimensions—for example, respect of the law or time to conduct thorough research, if necessary—as well as to the content of the judgment—for example, the quality of the ruling. To a certain extent, slowness and precaution would guarantee the quality of case processing (Bastard et al., 2015). Additionally, resistant judges are concerned with the projects of court centralization resulting from cost reduction, which affects the accessibility of justice—another dimension of its quality.

Second, the reviewed literature documents the pressures on frontline judges resulting from the managerialization of justice in civil law countries more than in common law countries, despite similar increases in caseloads (Cowan & Hitchings, 2007). It could be that in common law countries, the management model was built by the judiciary to gain more independence from the

executive, whereas in civil law countries, the centralization and power of the public administration on judges has increased (Jeuland, 2018). Three categories of managerial pressures have been identified in addition to the increase in caseload: pressure to reduce treatment times, pressure to reduce costs, and pressure to take on managerial roles in courts. Of course, these managerial pressures are meant to address the increase in caseload in a world of finite resources, all of which come with judicial issues that have been illustrated in the results.

Third, faced with these pressures, frontline judges set informal mechanisms and strategies to adapt their practices and change their work organization as a concrete manifestation of their frontline discretion (Dallara & Lacchei, 2021). Consistent with SLB research, three categories of coping mechanisms have been identified: rationing, prioritizing, and routinizing (Lipsky, 1980/2010; Tummers et al., 2015). Of course, these coping mechanisms allow frontline judges to make decisions while meeting the performance targets imposed on them. However, inevitably, they also have negative impacts. Rationing can cause judges to set aside certain practices and give less time to each case, routinizing can lead to an impersonal treatment of cases, and prioritizing involves selecting cases at the expense of others. At the end of the day, the judges adapt, but the actual costs of these managerial logics are perhaps to be found on the side of the litigants.

These results should not be interpreted from a statistical point of view. Admittedly, some attitudes (e.g., resistance), pressures (e.g., time management), and coping mechanisms (e.g., routinization) have been more commonly documented by the reviewed literature. That said, these variations could be the consequence of our choices in searching and selecting the reviewed records—for example, with a publication bias favorable to North America and Europe—or a stronger interest of researchers in cases where managerialization did generate resistance could also exist.

The other limitation of these results is chronological and geographical. On the one hand, the organization of justice changes over time. What was published about the relations between NPM and justice in the early 2000s can no longer be completely true. Criticisms that were made at that

time can have been addressed. On the other hand, we synthesized existing research without special consideration of geographical contexts. For example, the implementation of NPM has been qualitatively different and quantitatively more advanced in the Netherlands than in Belgium (Langbroek, 2008; Vigour, 2008), which can explain, in turn, the different attitudes of the judges, different managerial pressures and different ways to cope with them. That said, most of the research reviewed in this article is relatively recent: 65% of the review articles were published after 2010. In addition, we have carefully illustrated our arguments with examples situated in time and space. In doing so, we believe that we have provided a fair depiction of what the managerialization of justice can involve and of what judges' attitudes and behaviors can show.

Finally, this study has aimed at accounting for common themes and trends about the managerialization of judicial courts (e.g., accountability, resource reductions, workload increase, etc.) and coping by frontline judges. That said, we are aware that further differentiation could have been made according to the jurisdiction of the courts, the subject matters or the cases they deal with, etc.

Conclusion and research agenda

NPM has spread in most public services around the world since the 1980s. It has now penetrated the judicial branches of many countries as well (Visser et al., 2019). Inspired by private-sector management techniques, this managerialization of public services has come together with incentives for individual and organizational performance as well as cost reductions (Van Haeperen, 2012), while the number of cases handled by judges has generally increased over time, especially in lower courts (e.g., Colombet & Gouttefangeas, 2013; Danet, 2020). How do frontline judges perceive managerial reforms, and how do they cope in practice with the pressures that such reforms bring about? Although frontline judges can be conceptualized as street-level bureaucrats (Biland & Steinmetz, 2017; Lipsky, 1980/2010), they have received little attention from SLB

research thus far. In this article, theoretically, we have relied on a depiction of NPM and on key SLB concepts to address our research question. Methodologically, based on the PRISMA approach (Moher et al., 2009), we systematically reviewed 35 peer-reviewed articles from the social sciences written in English or French. We have examined how frontline judges perceive managerialization, what pressures result from this managerialization, and how frontline judges cope with these pressures. We have found that frontline judges' attitudes toward managerialization are more heterogeneous than could be expected at first sight, that the pressures on judges resulting from this managerialization are diverse, and that judges' mechanisms to cope with these pressures are as well.

Theoretically speaking, a next step of the research agenda on the managerialization of justice could be to relate managerialization, pressures and coping mechanisms more precisely. What dimensions of NPM trigger pressures prompting judges to mitigate (or extend) public service? It is our belief that future empirical research adopting an SLB approach would help address this question. For example, Biland and Steinmetz (2017) and Dallara and Lacchei (2021) have shown the added value of an SLB approach to the work of judges, particularly in a context of limited resources. The reviewed literature should be completed with new empirical research about the relations between managerialization and frontline justice.

There are also SLB concepts that could still fruitfully be applied to the study of frontline judges. In particular, a "state-agent" narrative and a "citizen-agent" narrative of frontline public officials have been distinguished: they result from two corresponding agency logics that are, in practice, not mutually exclusive (Harrits & Møller, 2014; Maynard-Moody & Musheno, 2000, 2012). Under the "state-agent narrative," street-level bureaucrats look for solutions that facilitate the attainment of policy objectives or the achievement of rule compliance. In contrast, under the "citizen-agent narrative," such bureaucrats make decisions that are rooted in social and cultural norms. While there are indications that parallels can be drawn between state- versus citizen-agent

narratives and managerial versus substantial understandings of justice, more research is needed about the conditions and effects of narratives (e.g., Borrelli & Lindberg, 2018; Tummers, 2017) on judge-citizen relations because part of the substantial understanding of justice is to play by the rules.

In the future, the theory of social regulation (Reynaud, 1997, 2003) could complement SLB to account for judges' adaptation to managerialization. Indeed, our results suggest that accountability—a major feature of managerialization—is regularly enforced through the appointment of local managers at the head of the courts. The theory of social regulation provides a relevant approach to characterize the vertical relations between those managers and frontline judges and, in doing so, to situate the latter in an organizational context beyond their individual practices. In this perspective, frontlines judges' attitudes and behaviors would result from formal rules stemming from managers with the authority to compel and supported by specific control mechanisms ("control regulation": Reynaud, 2003); from informal rules related to the autonomy of the judges over whom control is exerted ("autonomous regulation": Taskin & Gomez, 2015); and from compromises between these two forms of regulation, following negotiations between those actors with different legitimacies ("joint regulation": de Terssac, 2012; Reynaud, 2003).

Empirically speaking, despite strong efforts to review existing science with SLB conceptual lenses, there are categories of discretionary practices and types of coping mechanisms that we did not find in the reviewed studies, whereas they do exist in other sectors (e.g., rule breaking and the use of personal resources). It is likely that these discretionary practices have not been evidenced because they were not searched for. We call for more empirical research exploring the attitudes and behaviors of frontline judges with a systematic application of the SLB conceptual framework.

In a similar vein, 89% of the reviewed studies were conducted in Europe or North America. Admittedly, this percentage may result from the eligibility and selection criteria used to collect the reviewed records. Nevertheless, this suggests that published articles on NPM-judge relations

in Africa, South America, Asia and Oceania are lacking. Most importantly, only one comparative study on different continents has been conducted (Biland & Steinmetz, 2017), which is needed to understand what pressures result from the different types of managerial reforms and how judges cope with these reforms. More knowledge on the managerial reforms and their effects according to the legal system—civil law or common law—in different countries is also needed.

Finally, while the methodological characteristics of the studies fall beyond the scope of this review, we call for more quantification in future research. How many judges actually resist, accept or support managerial reforms in the different countries and legal systems? What proportion of judges work extra hours to address the workload? How often are procedures or research required to make judgments affected by managerial pressures? In what ways does this occur? With some exceptions (e.g., Engel & Weinshall, 2020), few existing studies address these questions.

Practically speaking, this review has demonstrated that NPM is nor the magic bullet nor the big bad wolf, in the justice sector. For example, time management techniques are one means to address the increase in caseloads. However, if IT resources are insufficient, these techniques are implemented at the expense of procedural and research quality. Similarly, accountability in assuming managerial roles allows judges to regulate managerial pressures but takes time at the expense of case treatment and assigns the judges a role for which they are not always trained. Finally, cost and infrastructure reductions have been multifaceted in their nature and magnitude around the world (e.g., European Commission for the Efficiency of Justice [CEPEJ], 2020), sometimes depriving some citizens of access to courts, even though they are supposed to deliver “proximity justice” (e.g., Waxweiler, 2017). However, at least, they address the constraints of a world of finite resources.

The new tensions implied by managerial rationality between performance and integrity also highlight the role of judges’ ethics in delivering justice. Fair trials, procedural loyalty and intellectual honesty are necessary for judges to position themselves and define new balances in

the way they deliver justice. Further, law and reforms should provide judges with means for resisting the excesses of managerialization. We have faith in the creativity of frontline judges, other justice professionals, as well as civil servants and politicians to identify managerial responses dealing with societal constraints while preserving the quality of justice. We also call for more research looking at these responses and believe that the literature review presented in this article is a decent step in so doing.

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Supplementary material – Appendix Table : Results of the literature review

N°	General information					Data				Themes			
	Author(s)	Title of the article	Source	Pub. year	Disciplinary field of the journal	Source of data*	Type of article	Jurisdictions	Legal system	Pressure	Attitudes	Mechanisms	Discretion
1	Bastard, B., Delvaux, D., Mouhanna, C., & Schoenaers, F.	Vitesse ou précipitation? La question du temps dans le traitement des affaires pénales en France et en Belgique	Droit et société, 90(2), 271-286	2015	Law, Sociology, Political Science	France	Empirical (qualitative)	Criminal courts	Civil law	Treatment times; cost reduction; workload	Resistance; acceptance	Prioritizing; rationing	
2	Beyens, K., & Scheirs, V.	Encounters of a different kind: Social inquiry and sentencing in Belgium	Punishment & Society, 12(3), 309-328	2010	Law	Belgium	Empirical (mixed)	Criminal courts	Civil law	Treatment times; workload	Resistance	Rationing	Interpret the law
3	Biland, E., & Steinmetz H.	Are judges street-level bureaucrats? Evidence from French and Canadian family courts	Law & Social Inquiry, 42(2), 298-324	2017	Law	France - Canada (Quebec)	Empirical (qualitative)	Family courts	Civil law - Common law	Treatment times; workload		Routinizing; prioritizing; rationing	Frontline discretion; interpret the law
4	Cannon, M.W.	Innovation in the administration of justice, 1969-1981: an overview	Policy Studies Journal, 10(4), 668-679	1982	Sociology, Political Science (public administration)	United-States	Conceptual	Judicial institution	Common law	Workload			
5	Chelle, É.	Une politique de récompense dans la haute magistrature : Le cas de la prime de rendement	Droit et société, 78(2), 407-427	2011	Law, Sociology, Political Science	France	Empirical (qualitative)	Judicial institution	Civil law	Treatment times; accountability	Resistance; acceptance		
6	Colombet, H., & Gouttefangeas, A.	La qualité des décisions de justice. Quels critères ?	Droit et société, 83(1), 155-176	2013	Law, Sociology, Political Science	France	Conceptual	Judicial institution	Civil law	Treatment times; workload			
7	Commaille, J. & Hurel, B.	La réforme de la justice française. Un enjeu entre	Droit et société, 78(2), 391-404	2011	Law, Sociology, Political Science	France	Conceptual	Judicial institution	Civil law	Cost reduction; workload	Support		

		instrumentalisation et démocratie											
8	Cowan, D., & Hitchings, E.	'Pretty boring stuff': District judges and housing possession proceedings	Social & Legal Studies, 16(3), 363-382	2007	Law, Sociology, Political Science	England	Empirical (qualitative)	District courts	Common law	Workload		Routinizing; prioritizing	Frontline discretion
9	Dallara, C., & Lacchei, A.	Street-level bureaucrats and coping mechanisms. The unexpected role of Italian judges in asylum policy implementation	South European Society and Politics, 26(1), 83-108	2021	Law, Sociology, Political Science	Italy	Empirical (qualitative)	Civil courts	Civil law	Treatment times; workload		Rationing; organizational coping strategies	Frontline discretion; interpret the law
10	Danet, J.	La prudence du juge à l'épreuve des organisations judiciaires	Les Cahiers de la Justice, 4(4), 705-722	2020	Law, Sociology, Political Science	France	Conceptual	Judicial institution	Civil law	Accountability; workload	Resistance		
11	d'Hervé, N.	La magistrature face au management judiciaire	Revue de science criminelle et de droit pénal comparé, 1(1), 49-66	2015	Law, Sociology	France	Conceptual	Criminal courts	Civil law	Accountability; workload	Resistance; acceptance; support		
12	Eells, T.D., & Showalter, C.R.	Work-related stress in American trial judges	Bull Am Acad Psychiatry Law, 22(1), 71-83	1994	Law, Psychology	United-States	Empirical (quantitative)	Judicial institution	Common law	Workload			Interpret the law
13	Engel, C., & Weinshall, K.	Manna from heaven for judges : Judges' reaction to a quasi-random reduction	Caseload. Journal of Empirical Legal Studies, 17(4), 722-751	2020	Law	Israel	Empirical (quantitative)	District courts	Common law	Treatment times; workload		Rationing; prioritizing	
14	Ficet, J.	Trajectoires de réforme de la carte judiciaire et managérialisation de l'Etat. Analyse comparée des politiques de territorialisation de la justice en	Revue internationale de politique comparée, 18(4), 91-118	2011	Political Science	France - Belgium	Empirical (qualitative)	Judicial institution	Civil law	Accountability; workload	Resistance; acceptance		

		France et en Belgique											
15	Fielding, N.	Judges and their work	Social & Legal Studies, 20(1), 97-115	2011	Law, Sociology, Political Science	United-States - England	Empirical (qualitative)	Judicial institution	Common law	Cost reduction	Resistance		Frontline discretion; interpret the law
16	Guimarães, T. A., Gomes, A. O., Correia, P. M. A. R., Oliveira, I., & Piazzentin, T.	Role conflict and role ambiguity in the work of judges: the perceptions of Portuguese judges	Revista de Administração Pública, 51(6), 927-946	2017	Political science (public administration)	Portugal	Empirical (qualitative)	Judicial institution	Civil law	Treatment times; accountability; workload	Resistance; acceptance		
17	Haddad, C.H.B.	Developing management skills for judges	International Journal for Court Administration, 11(1), 1-9	2020	Law	Brazil	Conceptual	Judicial institution	Civil law	Workload	Support		
18	Hersant, J.	Patronage and rationalization : Reform to criminal procedure and the lower courts in Chile	Law & Social Inquiry, 42(2), 423-449	2017	Law	Chile	Empirical (qualitative)	Criminal courts	Civil law	Workload,	Resistance	Rationing	Frontline discretion
19	Jean, J.-P.	Le chantier ouvert des réformes de la justice	Revue française d'administration publique, 125(1), 7-19	2008	Sociology, Political Science (public administration)	France	Conceptual	Judicial institution	Civil law	Treatment times; Workload	Acceptance		
20	Kleiman, M., Schaufli, R. Y., Ostrom, B. J., & Lee C. G.	Weighted caseload : A critical element of modern court administration	International Journal of the Legal Profession, 26(1), 21-32	2019	Law	United-States	Conceptual	Judicial institution	Common law	Workload	Support		
21	Langbroek, P.	Entre responsabilisation et indépendance des magistrats : La réorganisation du système judiciaire des Pays-Bas	Revue française d'administration publique, 125(1), 67-79	2008	Political science (public administration)	The Netherlands	Empirical (qualitative)	Judicial institution	Civil law	Treatment times; cost reduction; accountability	Resistance; acceptance		
22	Lienhard, A., & Kettiger, D.	Vers un management adéquat pour la justice	Les Cahiers de la Justice, 1(1), 163-181	2018	Law, Sociology, Political Science	Switzerland	Empirical (qualitative)	Judicial institution	Civil law	Treatment times; Workload	Resistance; acceptance		

23	Mack, K. & Roach Anleu, S.	'Getting through the list': Judgecraft and legitimacy in the lower courts	Social & Legal Studies, 16(3), 341-361	2007	Law, Sociology, Political Science	Australia	Empirical (qualitative)	Criminal courts	Common Law	Workload	Support	Prioritizing	
24	Mouhanna, C.	Le New Public Management et ses limites dans les politiques publiques de justice pénale. Le cas de l'exécution des peines en France	Droit et société, 90(2), 317-332	2015	Law, Sociology, Political Science	France	Empirical (qualitative)	Criminal courts	Civil law	Treatment times; cost reduction	Resistance; acceptance		Interpret the law
25	Mouhanna, C., & Bastard, B.	Procureurs et substituts : L'évolution du système de production des décisions pénales	Droit et société, 74(1), 35-53	2010	Law, Sociology, Political Science	France	Empirical (qualitative)	Criminal courts	Civil law	Treatment times; accountability; workload	Resistance; acceptance; support	Routinizing; rationing	
26	Mouhanna, C., & Bastard, B.	Deux justices au banc d'essai : Comparer les mondes judiciaires pour analyser l'évolution des modèles de justice	Déviance et Société, 35(2), 239-260	2011	Sociology, Psychology, Political Science	France	Empirical (qualitative)	Judicial institution	Civil law	Treatment times; cost reduction	Resistance; acceptance	Routinizing	
27	Raine, J.W.	Courts, sentencing and justice in a changing political and managerial context	Public Money and Management, 25(5), 290-298	2005	Sociology, Political Science	England	Conceptual	Criminal courts	Common Law	Workload	Resistance; acceptance		
28	Raine, J.W., & Willson, M.J.	New public management and criminal justice	Public Money & Management, 15(1), 35-40	1995	Sociology, Political Science (public administration), Economy	England	Conceptual	Criminal courts	Common Law	Treatment times			Frontline discretion; interpret the law
29	Rothmayr Allison, C.	Le droit et l'administration de la justice face aux instruments managériaux	Droit et société, 84(2), 275-289	2013	Law, Sociology, Political Science	Canada	Conceptual	Judicial institution	Common Law		Resistance; support		

30	Tata, C.	Sentencing as Craftwork and the Binary Epistemologies of the Discretionary Decision Process	Social & Legal Studies, 16(3), 425-447	2007	Law, Sociology, Political Science	England	Conceptual	Criminal courts	Common Law	Workload		Routinizing	Frontline discretion; interpret the law
31	Truffin, B.	Les juges de paix belges et la mutation des modèles de justice civile	Droit et société, 66(2), 295-326	2007	Law, Sociology, Political Science	Belgium	Empirical	Civil courts	Civil law		Resistance		Frontline discretion
32	Vachez, A.	Le chiffre dans le « gouvernement » de la justice	Revue française d'administration publique, 125(1), 111-120	2008	Political science (public administration)	France	Conceptual	Judicial institution	Civil law		Support		
33	Vigour, C.	Justice : L'introduction d'une rationalité managériale comme euphémisation des enjeux politiques	Droit et société, 63-64-(2-3), 425-455	2006	Law, Sociology, Political Science	France	Conceptual	Judicial institution	Civil Law	Cost reduction	Resistance		Interpret the law
34	Vigour, C.	Politiques et magistrats face aux réformes de la justice en Belgique, France et Italie	Revue française d'administration publique, 125(1), 21-31	2008	Political science (public administration)	France - Italy - Belgium	Empirical (qualitative)	Judicial institution	Civil law	Workload; cost reduction	Resistance; acceptance; support		
35	Voet, S.	Belgium's new specialized judiciary	Russian Law Journal, 2(4), 129-145	2014	Law	Belgium	Conceptual	Judicial institution	Civil law	Workload			

* For the conceptual articles, we relied on the institutional affiliation of the first author.