



Welcome to McDenmark

OÑATI SOCIO-LEGAL SERIES VOLUME 13, ISSUE 4 (2023), 1281–1297: ACCESS TO JUSTICE FROM A MULTI-DISCIPLINARY AND SOCIO-LEGAL PERSPECTIVE: BARRIERS AND FACILITATORS

DOI LINK: [HTTPS://DOI.ORG/10.35295/OSLS.IISL/0000-0000-0000-1353](https://doi.org/10.35295/OSLS.IISL/0000-0000-0000-1353)

RECEIVED 3 DECEMBER 2021, ACCEPTED 20 FEBRUARY 2023, FIRST-ONLINE PUBLISHED 4 APRIL 2023, VERSION OF RECORD PUBLISHED 28 JULY 2023

BETTINA LEMANN KRISTIANSEN* 

Abstract

Denmark is a pioneering country regarding digitalization. The Danish public administration is a clear frontrunner and has been submitted to significant changes. Contact between the administrative authorities and the citizens is predominantly digitalized and digital self-service solutions and automated decisions are increasingly used. Theoretically the point of departure is George Ritzer's theory that societies worldwide are subject to a far-reaching process of McDonaldization, which leads to the implementation of the modes of organisation and production found in fast-food restaurants in other sectors in society. The theory of McDonaldization is applied to the digitalization of the public administration in Denmark. The article further explains the findings from a sample survey on specific digital solutions in Denmark and how the citizens perceive these solutions.

Key words

Digitalization; public administration; citizen participation; access to justice

Resumen

Dinamarca es un país pionero en materia de digitalización. La administración pública danesa es una clara pionera y se ha visto sometida a cambios significativos. El contacto entre las autoridades administrativas y los ciudadanos se realiza, de forma predominante, digitalmente, y cada vez se utilizan más las soluciones digitales de autoservicio y las decisiones automatizadas. Teóricamente, el punto de partida es la teoría de George Ritzer según la cual las sociedades de todo el mundo están sometidas a un proceso de McDonaldización de gran alcance, que conduce a la implantación de los modos de organización y producción que se encuentran en los restaurantes de comida rápida en otros sectores de la sociedad. La teoría de la McDonaldización se aplica a la digitalización de la administración pública en Dinamarca. El artículo explica además los

* Bettina Lemann Kristiansen. Professor, PhD, University of Aarhus, Denmark. Email address: blk@law.au.dk

resultados de una encuesta por muestreo sobre soluciones digitales específicas en Dinamarca y cómo perciben los ciudadanos estas soluciones.

Palabras clave

Digitalización; administración pública; participación ciudadana; acceso a la justicia

Table of contents

1. Introduction	1284
2. The very ambitious Danish digitalization strategy	1284
2.1. McDonaldization	1287
2.2. Digitalization of the public administration in Denmark as a form of McDonaldization?.....	1289
3. A citizen perspective on the digitalized public administration.....	1290
3.1. Possible consequences of a McDonaldized public administration.....	1292
4. The Weberian iron cage and the people inside of it.....	1294
5. Concluding remarks	1295
References.....	1296

1. Introduction

Denmark is a pioneering country regarding digitalization. The government and the public authorities are big supporters of this trend and the many benefits connected to digitalization are highlighted. The public sector has been a clear frontrunner in this respect and much of the public administration is digitalized and automated.

However, various forms of criticisms have also been made. The Danish Data Protection Agency (Datatilsynet) and the Danish Parliamentary Ombudsman have pointed out a lack of or inadequate compliance with even basic administrative law rules and principles. Administrative law researchers have contributed to this criticism and also pointed to further consequences for society caused by digitalization, including a polarisation in the population.

In this article, the point of departure is the theory put forward by George Ritzer that societies worldwide are subject to a far-reaching process of McDonaldization, which leads to the implementation of the modes of organisation and production found in fast-food restaurants in other sectors in society.

The theory of McDonaldization is applied to the digitalization of the public administration in Denmark. The article further explains the findings from a sample survey on specific digital solutions in Denmark and how the citizens perceive these solutions.

2. The very ambitious Danish digitalization strategy

Denmark has a very ambitious digitalization strategy. Since 2001, extensive digitalization has been launched within the public administration in Denmark. The communication between citizens and authorities have been digitalized to a very high degree, Citizens have a special bank account (NemKonto) making transfers from the public authorities easier, and a digital identification (NemID/MitId) for a more secure identification of the Citizen. Since 2004 the Danish Government and the national associations of municipalities and regions have formulated common goals and strategies for the digitalization of the Danish society. The Digitalization Strategy for 2011-15 (Regeringen, KL, Danske Regioner [The Danish Government and the national associations of municipalities and regions], 2011) contains a series of objectives for “digital welfare” including an electronic mailbox (e-Boks) for all citizens and increased digital self-service. The expectation is that software robots make it possible to automate large parts of case processing in public administration cases and that 80% of all citizens’ inquiries to the public administrative authorities can be made digitally (Regeringen *et al.* 2011, 14). The Digitalization Strategy for 2016-20 (Regeringen *et al.* 2016) contains a series of objectives for better use of data i.e. increased data sharing between different authorities, in order to give the citizens and “easier everyday life”. The latest Digitalization Strategy for 2022–2025 (Regeringen *et al.* 2022) contains objectives for a more user-friendly public sector. Especially the “digitally challenged” citizens are in focus and essential tools are digital powers of attorney, so family and friends can act on behalf of the citizen. The Strategy also aims at using digitalization to solve societal problems, especially remedy labor shortage and promote green transition.

In 2018 the political parties in Parliament reached an agreement stating that the legislators must make sure that all legislation is adapted to the digital age (Regeringen [The Government] 2018). Legislation must thus be designed in such a way that digitalization is possible. A special governmental committee has been set up to ensure that crosscutting legal challenges of increased digitalization (can) be addressed (Regeringen *et al.* 2016, 27).

Furthermore, many initiatives have been taken to adapt the public administration to digitalization, including increased self-service, automated decisions and the use of software robots.

As is probably clear from the foregoing the term digitalization covers a variety of measures. “Digitalization” describes a process – not a technology – and comprises various measures and actions including digitalization of the communication, automation of case management and decision making and information processes e.g. data collection through sensors (Wiese Schartum 2018, 2021).

This extensive digitalization has already resulted in a marked shift in contact and relationship between citizens and public administrative authorities. One of the most significant initiatives are the introduction of *e-Boks*, which is an electronic mailbox, which all citizens must have (with a limited possibility for dispensation) and to which all communication from the public sector is sent. An increasing number of e-mails from private companies, e.g. banks, insurance companies, electricity and heat supply companies are also sent to the e-Boks.

Another very important initiative is the establishment of *Life in Denmark.dk* (*Borger.dk*), which is a common digital entrance to the public sector. Thus, this digital portal is the main point of entrance to almost all cases involving public administrative authorities – both state authorities and municipalities. The citizens’ inquiries cover a great variety of cases, e.g. acquisition or renewal of passport, driver’s license, civil marriage, various welfare benefits and childcare services, registration of relocation, social pensions, housing support, student support, waste regulations etc. It is intended that the citizens must access *Borger.dk* and from here they are (digitally) guided towards the relevant information and the relevant forms to fill in etc.

At municipal level, i.e. local level, a unit called *Borgerservice* (Citizenservice Unit) is established, which consists of both a home page, a digital hotline – and the possibility to book a personal meeting. At such a personal meeting, the *Borgerservice* employees can help the citizens navigate through the digital portal.

As part of *Life in Denmark.dk* a special unit called *Udbetaling Danmark* (Payment Denmark) has been established, which is responsible for case processing and payment of many fundamental social benefits, e.g. pensions, housing benefits and child allowances. Here too, the idea is that by far most things must be handled digitally.

The main idea behind this comprehensive digitalization is that it entails great benefits, including easier access to information, for both citizens and authorities, it increases citizen participation and, last but not least, it is expected to lead to large savings(!).

Digitalization undoubtedly brings – and has already brought – several benefits. Some of the main benefits are easier and faster access to information, more accessible authorities,

e.g. the citizens can contact the authorities when it suits them, regardless of office hours etc. As for the case processing, digitalization can help assure that the case is informed correctly by getting the relevant information from the citizens from the start. The citizens can follow the case proceedings digitally and thus better understand what is going on. Finally, a digitalized case handling provides uniform decisions.

On the other hand, digitalization also entails a series of disadvantages both from an administrative law professional perspective and from a citizen's access to justice perspective.

The Danish Data Protection Agency (Datatilsynet) and the Danish Parliamentary Ombudsman have pointed out the challenges of a digitalized public administration, including lack of or inadequate compliance with even basic administrative law rules and principles (Datatilsynet 2004, Folketingets Ombudsmand 2009). Digitalization of the public administration is a key point of concern for the Ombudsman, and the challenges with compliance with even basic administrative law requirements have been addressed in several decisions made by the ombudsman (e.g. FOB 2011 12-1, FOB 2014-24). A main focus in research has been on the legal framework for the digitalization in regard to public authorities (Wiese Schartum 2018, 125–190, Motzfeldt and Abkenar 2019) and on the challenges to administrative law (Motzfeldt and Næsberg-Andersen 2018).

The current Danish Ombudsman, Niels Fenger (2010, 275–284), is a former administrative law professor, and in his inaugural lecture, he emphasised that the increased use of IT entails challenges for the theory of administrative law.

Fenger (2014, 91–104) has drawn up six theses on the consequences of digitalization:

- 1) *Mandatory digital communication divides the population into an A team and a B team.* Some citizens will experience advantages while others primarily will encounter disadvantages and insecurity. Thus, there is a risk of polarisation in the population.
- 2) *Digitalized decision-making leads to less discretion in the legislation.* This is a great challenge especially as regards the welfare regulation, which is quite purpose-oriented. The legislative forms, including framework legislation and discretionary rules, are widespread in welfare regulation. The executive levels thus have much freedom of action. Welfare regulation has a large degree of variability, just as there is considerable scope for concrete assessments and discretion. This type of regulation does not fit well with digitalization and is therefore threatened with extinction.
- 3) *Digital self-service can provide better quality but also gives rise to issues regarding legal certainty.*
- 4) *The amalgamation of data can provide better service but also holds issues regarding legal security.*
- 5) *Digitalization leads to appeal system challenges.* If the first instance case proceedings and maybe even the decision are automated, what will redress entail? It would not make much sense to apply the same digital case processing system again. But, it would not make sense either to handle the case manually in the complaint system – this would at least constitute a breach with fundamental principles of redress.
- 6) *Digitalization leads to a lower compliance – even for fundamental procedural rules.*

These theses describe very well some of the challenges associated with digitalization from an administrative law perspective.

In the following, I will approach digitalization from another perspective focusing on the broader societal factors behind the digitalization and the broader societal implications thereof.

2.1. *McDonaldization*

In connection to my analyses of digitalization in Denmark, I was reminded of a presentation I heard at a conference years ago by professor George Ritzer on his book *The McDonaldization of Society*. The book (Ritzer 1996a, 2013) has been published in many editions over the years, it has been translated into many other languages (e.g. Danish) and has inspired many researchers in various fields (see, e.g. Ritzer 2010).

I was truly inspired by his presentation these many years ago, and in my opinion, his theory is still very timely and relevant. Furthermore, I find that the theory put forward by Ritzer fits very well with what is going on in regard to the digitalization of the Danish public sector.

Ritzer takes his offset in the McDonald's restaurants and the way they are organised. I imagine that this is a well-known phenomenon literally worldwide.

His point is that this has inspired many and very different forms of companies. Furthermore, it has affected the very lifeform in a significant part of the world. This is what he means by *McDonaldization*, which he defines as follows (Ritzer 2013, 1).

The process by which the principles of the fast food restaurant are coming to dominate more and more sectors of the American society as well as of the rest of the world.

Ritzer describes how McDonaldization has affected many different areas of society, even areas that are very far from the fast-food restaurants, areas that at first glance might seem unthinkable subjects for McDonaldization. Ritzer (2013, 66) points to general development trends in the American education system, even at university level. Textbooks are produced to fit specialised courses, so the authors only have to write a single chapter, so students do not have to bother reading anything not relevant to the specific exam, so publishers only have to print the exact number of copies of the book necessary. Exams are conducted as multiple-choice exams, where students tick the answers, they think are correct. The teachers can vary the assignments based on a bank of questions, and subsequently computers mechanically correct the answers.

Even when it comes to research and higher education, signs of McDonaldization can be found (Hartley 1995, Margolis 2004). There are clear signs of quantification of research, where researchers are increasingly measured on the number of publications in specially selected publication channels and on the number of citations. Universities are dependent on good ratings on a series of variables in order to ensure financing of the activities.

Ritzer also mentions McDoctors and McDentists offering fast and easy contact to doctors and dentists, e.g. via online services (Ritzer 2002, 13).

We also see this tendency in the Scandinavian countries. Peter Bergwall (2021) analysed online doctors in Sweden, where online doctors, and other healthcare services are increasingly provided via smartphone apps. Bergwall made two online studies

analysing this development and whether respondents perceive these services as a fair form of healthcare service and how these perceptions on fairness influenced their will to use these services. These online healthcare services are also being introduced in Denmark, e.g. as a special service for members of a trade union, insurance policy holders and members of pension funds.

Despite the very diverse areas where tendencies towards McDonaldization can be found, the point is that they all have significant commonalities.

Ritzer (1993, 9–12) describes four elements or dimensions in the process of McDonaldization: Efficiency, Calculability, Predictability and Control. In the following, I will elaborate on these four dimensions.

2.1.1. Efficiency

One of the main features characterising the McDonald restaurants, and also the predominant reason behind the establishment and the development of the franchise, is efficiency.

McDonaldization offers efficiency – an optimal way to get from point a to point b. For the McDonald restaurant customers this means a quick way from hunger to satiety – and sometimes even without ever setting foot in the restaurant, since it offers a drive-through option. The employees are systematically trained and supervised and the work is carefully regulated and organised.

The products must be easy to produce. The items on the McDonald's menu have few ingredients, are easy and fast to produce and serve – and easy and fast to consume, preferably without having to use cutlery.

2.1.2. Calculability

Calculability means a focus on quantitative aspects of the work and the products. In the fast-food restaurant, this entails the size of the portions and the time it takes to get the product.

There is a clear interest in the production of large quantities of something or a rapid generation of something. For the customer the idea that “bigger is better” is emphasised, resulting in stressing this in the name of the products such as Big Mac, Quarter pounder, double or triple this and that. The attention of the employees is also on quantity. Since the work is not very varied and the quality must not vary, the expectation is that they perform quickly, and do a lot of work in a short time – and for a low salary. Quantity equals quality.

2.1.3. Predictability

At McDonald's, you can be sure that the products are always the same – at any time and in any place, all over the world. A Big Mac is the same in New York and in Copenhagen – and it is the same today as it was a year ago. The service is also always the same, and the employees act in the same way, they will adhere to the regulations from their employer. Not only what they say is the same, also the way they say it is carefully orchestrated. The production and the service are standardised and manuscript bound, thus achieving a high degree of predictability.

2.1.4. Control

The fourth element in The McDonaldization is control. Inspired by the control over the people entering into the world of McDonald. A very prominent feature is the replacement of human technology with non-human technology. Ritzer's example of a human technology is a screwdriver. Here the human being is controlling the tool. His example of a non-human technology is the assembly line; here the technology controls the humans.

The customers at a fast-food restaurant are subject to a subtle form of control. They are met with lines, a very limited menu card, with no possibilities for special orders or deviations, and the not too comfortable seating arrangements encourage the customers to behave exactly how the management wants them to: eat fast and leave. With the McDrive option the customers never even enter the restaurant.

The control is very wide-ranging for the employees. The production is divided into small elements, so the employees perform a limited range of functions, e.g. slicing tomatoes or heating the buns. The technology used accentuates this form of control, and the employer and supervisors make sure the employees do as is expected. The technology is a threat in itself, since humans are more and more replaced by non-human technology, e.g. the machine frying the French fries can turn off automatically and lift the fries from the oil, thus making sure they are not overcooked. In the cash register, all products and prizes are present and matched. More and more elements in the production are taken over by robots or automats.

After this presentation of Ritzer's theory on McDonaldization and the four elements that constitute the essential components of McDonaldization, I will now examine their transferability to the process of digitalization that is ongoing in Denmark.

2.2. *Digitalization of the public administration in Denmark as a form of McDonaldization?*

The objectives and aims for the casework in public administrative authorities is to be as efficient as possible. With the intention to achieve this, the case processing is streamlined and simplified. There is a clear focus on handling many cases and do it quickly. The distribution of cases is based on the number of cases, thus each employee is expected to handle a certain number of cases. The workload is quantified. And sometimes incentives to handle many cases are quickly rewarded in the incentives structure, e.g. through a salary bonus.

The process of digitalization of the public administrative authorities in Denmark focus very much on *efficiency* and *calculability*. The above-mentioned character traits become even more prominent with digitalization.

Predictability in digital public administrative authorities is achieved through formalisation and standardisation of the case proceedings. Detailed instructions and guidelines are introduced and become a prominent tool.

With the aim to digitalize the case processing, this is divided into elements. Specialised units or employees handle the various elements, and specialised computer programs handle elements of this process, e.g. calculation of pensions. This is comparable to the division of work at the assembly line or in the kitchens at McDonald's.

In the digitalized administration, both the caseworkers and the clients loose autonomy. The result is a very predictable, uniform product – with very low nutritional value.

An advantage of McDonaldization is that the human *control* is replaced by non-human control. Instead of the manager supervising the implementation of the instructions and guidelines, the computer programming makes sure these are adhered to. Thus, control is easier, cheaper and much less likely to give rise to protest or resistance from employees – or clients. The same goes for digitalization.

However, at the same time McDonaldization – and digitalization – can create tedious and monotonous work and inhuman working conditions. The employees only handle a small and delimited part of the case or the case processing – and they might never actually meet the client. The employees risk transformation from skilled specialists to machine operators.

Digitalization of the public administration thus exhibits similar character traits as McDonaldization.

A theoretical typology like the one put forward by Ritzer is very helpful in order to understand the various reactions to McDonaldization and the background for this. However, we know very little about how people actually perceive the process of McDonaldization and the results thereof.

The same is true as for the digitalization of society – as of yet. But I made a small contribution to this by making a very tiny sample survey¹ on digitalization of the public administration and people's experience of this. In the following, I will highlight some of the main results from the survey.

3. A citizen perspective on the digitalized public administration

In 2018, I made a small sample study² on digitalization focusing on some of the most prominent and also, from a citizen perspective, practically most relevant digital initiatives. The survey was conducted in four different legal aid offices. The idea was to gain knowledge on experiences with digital solutions in the public administration and further to shed light on how digitalization affects the need for legal aid. Previous studies have shown that legal aid clients constitute a broad section of the Danish population (Lemann Kristiansen 2009, 2013).

The questionnaire contains a series of questions about general computer experiences, including access to a computer and what it is used for. The questionnaire also includes general questions about age, gender, education and employment. This was to uncover whether problems with the digital solutions might be justified by lack of computer access or skills – and to enable the verification of various theses on the significance of these factors for the digital experience, e.g. it has been argued that especially elderly people have challenges with the digitalized administration.

The central part of the survey contains questions about the, above mentioned, core elements in the digitalization of the public administration in Denmark: the electronic

¹ The number of participants is 156.

² For more information on the survey and on digitalization and access to justice in a digital public administration see Lemann Kristiansen 2022.

mailbox (*e-Boks*), the *Life in Denmark* (*Borger.dk*) portal and *Udbetaling Danmark* (*Payment Denmark*) that is handling much of the case processing in regard to social benefits etc. These digital solutions include many different types of contact between citizens and public administrative authorities, and they are very important for the citizens' everyday problems.

Some of the main findings showed that the vast majority of the participating Danish citizens were actually very familiar with computers (Lemann Kristiansen 2022, 82). Less than 2 % did not own or have easy access to a computer or a smartphone. And the vast majority used the computer or smartphone frequently (daily) in a very versatile way: to read news, perform work, study, for entertainment, social media and contact with public administrative authorities.

The survey confirms what has also been shown in other studies (e.g. Faye Jacobsen 2017, IDA 2018):³ that the extensive digitalization is not only a problem for the very old people without computer skills. In other words: the problems with digitalization will not solve themselves over time.

More than 90% of the participating citizens in my sample study find *e-Boks* (the electronic mailbox) easy to use. So, there are apparently no major problems in digital communication – or at least in receiving communication in electronic form.

The survey shows that 92% of the participating citizens (and with 95% certainty 86–95% of the general population) have used the *Life in Denmark* (*Borger.dk*) portal. So, this is a digital initiative with great practical significance. But the answers also show that many citizens have difficulty finding the information they need using the portal. Just under a third of the participating citizens find what they are looking for. Two thirds only to some degree, find what they are looking for. Approximately 74% state that they have used other website than *Life in Denmark.dk* (*Borger.dk*) to find the desired information or to find answers to their questions. Just under two thirds state that they have sought guidance from the municipality's citizens service unit (*Borgerservice*), i.e. they have contacted the municipality instead of or as an alternative to their own digital inquiries.

As for *Udbetaling Danmark* (*Payment Denmark*) the survey shows that this is found to be even more difficult to use. More than 72% of the participating citizens state that they have contacted *Udbetaling Danmark* via telephone or email. The vast majority prefers personal or telephone contact to using the website. Only 2 % experience that they get useful answers to their questions from *Udbetaling Danmark*.

To sum up, this small sample study shows that citizens do not always – to put it mildly – find the information etc. that they need through the digital solutions.

³ In the report from IDA a representative sample of Danish citizens between the ages of 18 to 70 has been asked about how easy they find the digital solutions, how safe they feel about these and about submitting personal information digitally, and whether they miss personal service. Faye Jacobsen's report is from the Human Rights Institute and it focuses on vulnerable groups and non-discrimination in regard to access to public goods.

3.1. Possible consequences of a McDonaldized public administration

As mentioned, digitalization – and McDonaldization – of the public administration has several *benefits* including accessibility, time consumption, uniform decisions and thus some form of equal treatment.

But it also has *disadvantages* such as de-humanising the work process, reducing creativity and a holistic approach (which is a fundamental point in, e.g. social welfare cases), complicating and reducing client involvement and participation (in the traditional understanding), and it increases the risk of poor quality.

The traditional client participation is somewhat abandoned. A main focal point here is the right to be heard, thus ensuring a factually correct basis for the decision. Another fundamental procedural right is the right to have a reasoned decision, stating the reasons behind the decision, thus ensuring that the client can better understand the decision. With digital processes, the reasoning is standardised. Yet another fundamental procedural right is the right to complaint and possible redress.

The considerations behind these traditional procedural rights and the client participation that they entail are still relevant. The same can be said for the “second generation” client participation rights, stressing the involvement of the clients in their own cases, e.g. the general social law requirement of client involvement in their own cases (Retssikkerhedslov [Legal Security Act] § 4) stipulating that case processing must be organised in such a way that the client can participate. In much of the welfare regulation, various relevant individual circumstances must be taken into account. The aim is concrete and specific justice.

However, in a digitalized administration the clients are involved in quite another way. They are expected to (digitally) find the relevant information, and thus find out for themselves what legal rights they have. They are also expected to handle or contribute to the case processing. They are expected to find the relevant forms and digitally fill in these forms, thus doing much of the case information work. The clients are often expected to check if the information already present within the system is correct.

There is a clear risk that both the traditional and the “second generation” procedural rights are challenged or neglected in the process of digitalization of the case processing (Lemann Kristiansen and Basse 2016, 47–49). Furthermore, the administrative burden of the client is significantly expanded. The administrative duties become more prominent than the rights.

The question arises, who is responsible for the case information (Lemann Kristiansen 2022, 65–66). On the one hand, fundamental administrative law principles clearly place the responsibility on the administrative authorities. The fundamental administrative law principle *Officialmaksimen* is an unwritten legal principle and thus applies to all administrative law cases. The principle is codified in several administrative law regulations emphasising and clarifying it (see for example Retssikkerhedslov [Legal Security Act] § 10). Furthermore, the digital system is developed by or for the administrative authorities, which also points the responsibility towards them.

On the other hand, the clients often have a considerable obligation to provide information or check information (e.g. Retssikkerhedslov [Legal Security Act] § 11), and

they might even risk punishment and criminal liability if they provide incorrect or misleading information (e.g. Retssikkerhedslove [Legal Security Act] § 12b).

The digital system has predetermined what information is relevant – and hence what is deemed not relevant. The system is typically built round the “typical” or “normal” case, and if the client has an atypical case or is facing multiple problems at the same time it seldom fits the system.

This type of digitalization is widely implemented in the Danish public administrative system. As mentioned above *The Life in Denmark.dk* (*Borger.dk*) portal is to a large degree built in such a way that citizens are expected to find relevant information on their rights in a variety of cases. The citizens are expected to apply for benefits etc. digitally and they receive the (often digitally produced) decisions in their electronic mailbox (e-Boks).

Another example is the tax administration. The traditional “tax return” is renamed “information form”. When accessing the digital tax system, the citizens are met with an information form, where all the information that the tax authorities already have are “pre-printed.” And this is quite comprehensive since the tax authorities automatically have access to information from employers, banks, trade unions, information on properties including cars etc. Most of the relevant information is digitally available for the tax authorities and therefore already appear in the form. The primary task for the client is to check if all this information, e.g. income, assessment of properties (house, car etc.) is correct, and in case it is not correct to add or correct the information in the digital form. When the client saves and accepts the information form, the tax decision is automatically produced and can be shown and downloaded immediately. The decision can, however, be changed at a later state by the authorities, e.g. if they do not accept the information given by the client.

The citizens are thus expected to do much of the work themselves. They are their own – uneducated and unpaid – social worker and tax caseworker.

This is very similar to the McDonald restaurant where the customers also do much of the work themselves. Both the cook and the waiter are somewhat replaced or made redundant. There is no traditional cook at the restaurant. The production of food is standardised and divided into small elements, so the employees only perform part of the process, e.g. slicing the tomatoes according to the guidelines that are very specific as to size and weight etc. The customers pretty much do the work of the waiter, carrying the food to the table, clearing the table afterwards, and disposing of the trash.

Summing up, I find that digitalization of the public administration in Denmark has many similarities to what Ritzer defines as McDonaldization, and it also entails some of the same risks.

Digitalization is primarily based on the pursuit of efficiency. But the implementation mainly has efficiency for the administration in mind, and the efficiency from a citizen’s perspective might not be so pronounced. Digitalization leads to much more (unpaid) work for the citizens, and they sometimes even have to pay for the privilege to do the work themselves, e.g. a fee to use the ATM.

The calculability and the predictability, which is won by digitalization, also have downsides. The control mechanisms can result in in-humane working conditions for the employees in the public administration.

Similarly to the industrialisation and the assembly lines, the new technology leads to new modes of production and new forms of rationality. In a digital society, the rationality of the computer is predominant – putting everything on a formula with 0 and 1.

Digitalization can very well lead to less contact between people – between client and caseworkers. This is of course particularly problematic in areas where humanity and human care are important.

4. The Weberian iron cage and the people inside of it

Ritzer's theoretical foundation is multiple, but Weber's theories are of course pivotal. Max Weber⁴ described the societal development as moving towards an increasing degree of rationality, and the legislative ideal is general legal regulation based on formal rationality, i.e. generally designed (equality before the law) and very precise with a high degree of predictability so that the citizens can foresee their legal position. Weber is also a pioneer regarding the formulation of the basic principles according to which a bureaucratic administrative system was established. Weber considered a bureaucratic administration to be the result of the societal development leading towards the formal rationality within all sectors of society (Weber 1971). A bureaucratic administrative system would secure a high degree of predictability for the citizens as well as an efficient way for the administration to perform its tasks. With Ritzer, rather than bureaucratization, the focus is on McDonaldization.

Weber also describes the irrationality of rationality. The increased rationalization can lead to social life – and administrative work within the bureaucracies – being perceived as restricted. People are trapped in a system based purely on efficiency, rational calculation and control. Weber used the term "Stahlhartes Gehäuse" for this phenomenon. Talcott Parsons translated this into "iron cage."

Ritzer (2013, 228) elaborates on this process of rationalization by describing three different types of reactions to the "iron cage". Some people, he argues, might not find the iron cage uncomfortable. They enjoy the predictability and are glad to avoid too much direct human contact; they prefer the machines. Here the iron cage is rather perceived as a "velvet cage". Others find that the iron cage has rubber bars that can be bent, so that they can enjoy the benefits and at the same time escape the disadvantages. They might enjoy a quick meal at McDonald's and find alternative solutions as for other aspects or issues. The third type of reaction to the iron cage is quite dismal and pessimistic. The possible consequences are loss of individuality and autonomy, reduced common purpose and less coherence.

Similar reactions can be found in regard to digitalization. Even though a large part of the Danish population is generally very positive towards digitalization of the public sector, and enjoy the many benefits that come with it, others find it very challenging. The less

⁴ On Weber's theories see Cotterrell 1984, Hammerslev and Rask Madsen 2013, 213–258.

digitalization-ready citizens find the public authorities less accessible. They find it harder to access the relevant information and get the rights and benefits that the legislation intends. The empirical studies mentioned above (Faye Jacobsen 2017, IDA 2018, Lemann Kristiansen 2022) regarding digitalization point to the existence of a digital divide. There is an unequal use of and an unequal knowledge of IT among citizens and thus a risk of digital exclusion and new social divisions (Lemann Kristiansen 2022, 92–96).

5. Concluding remarks

Denmark has a very ambitious digitalization strategy and the public administration has been submitted to significant changes. Contact between the administrative authorities and the citizens is predominantly digitalized. As a main rule, all communication from the public sector is sent digitally to the citizens electronic mailbox (e-Boks). The citizens are expected to find out for themselves what their legal rights are and how they can pursue these using the common public digital portal Life in Denmark.dk (Borger.dk). The case processing and decisions are increasingly digitalized and automated as well.

The small sample study I made showed that even though the majority of participants in the study had computer access and a very versatile use thereof, they still found the core elements in the public sector digitalization challenging. Empirical studies in the field point to the risk of digitalization leading to increased inequality in regard to access to public services.

The background for this development, the implementation of digitalized solutions and the consequences of the digitalization of the public administration have clear common features with what Ritzer defines as McDonaldization of society. The four elements efficiency, calculability, predictability and control are also present in the digitalization tendencies and components thereof.

In Ritzer's opinion, (Ritzer 2013, 209) The McDonaldization of society has something inevitable about itself. McDonaldization has spread – far beyond fast food restaurants and has broken every boundary.

However, at the same time Ritzer draws attention to different measures to counter the negative effects of McDonaldization of society and he also suggests a series of ways to act in order to cope with McDonaldization. His advice is to choose non-franchise options, e.g. go to a real restaurant with cooks, waiters and cutlery. He opts for avoiding shopping malls and sporting events taking place at stadiums that have covers and artificial surfaces. He suggests paying with cash in the supermarket and always asking for and choosing personal service when possible.

Ritzer argues that it can make a difference to protest against McDonaldization and to make the criticisms known. Such actions have resulted in reforms – even at McDonald's, in the form of changes in the menu (e.g. adding salads). But it very seldom results in better working conditions for the employees – and is not likely to do so as long as there remain new sources of recruitment.

It is however not possible to counter or cope with the digitalization of society in the same fashion. The citizens cannot avoid contact with the public authorities, and there are only

very rarely non-digital options available. The democratic challenges are even more evident here than in other forms of McDonaldization of society.

I will end by joining Ritzer (2013, 261) in his hope that confronted with the Weberian iron cage and the picture of the future as “the polar night of icy darkness” we will consider to counter the worst disadvantages of the McDonaldization of society – and the digitalization of the public administration.

References

- Bergwall, P., 2021. *Exploring Paths of Justice in the Digital Healthcare: A Socio-Legal Study of Swedish Online Doctors*. Doctoral Thesis, University of Lund.
- Cotterrell, R., 1984. *The Sociology of Law. An Introduction*. London: Butterworths.
- Datatilsynet (The Danish Data Protection agency) consultation opinion on the report of The Committee of Structural Affairs (Strukturkommissionens betænkning) 1434/2004, j.nr. 2004-122-0103.
- Faye Jacobsen, A., 2017. *Digital Kommunikation i kommunerne*. Copenhagen: Institut for Menneskerettigheder.
- Fenger, N., 2010. Den forvaltningsretlige teoris udfordringer i starten af det 21. århundrede. *Juristen*, no. 10, 275–284.
- Fenger, N., 2014. Borgeren og digitalisering – hvor går vi? *Nordiske Juristmøte*, no. 40, 91–104.
- Folketingets Ombudsmand, notat (j.nr. 2009-1354-983).
- Folketingets Ombudsmands Beretning FOB 2011-12-1.
- Folketingets Ombudsmands Beretning FOB 2014-24.
- Hammerslev, O., 2013. Max Weber. In: O. Hammerslev and M. Rask Madsen, *Retssociologi. Klassiske og moderne perspektiver*. Copenhagen: Hans Reitzels Forlag, 213–258.
- Hartley, D., 1995. The “McDonaldization” of Higher Education: Food for Thought? *Oxford Review of Education*, 21(4), 409–423.
- IDA, 2018. *Digital kontakt til det offentlige*. Report. Copenhagen: IDA.
- Lemann Kristiansen, B., 2009. *Retshjælp i Danmark. Delrapport I: Beskrivelse af retshjælpstilbuddene* [online]. Justitsministeriets Forskningsenhed. Available from: https://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Forskning/Forskningspuljen/2011/2009/delrapport_I_retshjaelp_i_Danmark.pdf
- Lemann Kristiansen, B., 2013. Retshjælp – fortsat et udækket behov? In: T. Gammeltoft-Hansen et al., eds., *Protecting the rights of others: Festskrift til Jens Vedsted-Hansen*. Copenhagen: Djøf, 83–101.
- Lemann Kristiansen, B., and Basse, E.M., 2016. Svage interesser i den digitaliserede social- og miljøforvaltning. In: N. Jul Clausen et al., eds., *Ikke kun Retsfilosofi : Festskrift til Sten Schaumburg-Müller*. Copenhagen: Djøf, 37–56.

-
- Lemann Kristiansen, B., 2022. Access to Justice i en digital forvaltning – et borgerperspektiv. *Kritisk Juss*, 48(1), 74–99.
- Margolis, E., 2004. The McDonaldization of Higher Education. *The Journal of Higher Education* [online], 75(3), 368–370. Available from: <https://doi.org/10.1080/00221546.2004.11772263>
- Motzfeldt, H.M., and Næsberg-Andersen, A., 2018. Developing Administrative Law into Handling the Challenges of Digital Government in Denmark. *The Electronic Journal of e-Government* [online], 16(2), 136–146. Available from: https://findresearcher.sdu.dk/ws/portalfiles/portal/146248850/ejeg_volume16_issu_e2_article531.pdf
- Motzfeldt, H.M., and Taheri Abkenar, A., eds., 2019. *Digital Forvaltning – udvikling af sagsbehandlende løsninger*. Copenhagen: Djøf.
- Regeringen, 2018. *Aftale om digitaliseringsklar lovgivning* [online]. Available from: <https://www.regeringen.dk/media/4690/digitaliseringsklar-lovgivning.pdf>
- Regeringen, KL and Danske Regioner, 2011. *Den digitale vej til fremtidens velfærd. Den fællesoffentlige digitaliseringsstrategi 2011–2015*.
- Regeringen, KL and Danske Regioner, 2016. *Et stærkere og mere trygt digitalt samfund. Den fællesoffentlige digitaliseringsstrategi 2016–2020*.
- Regeringen, KL and Danske Regioner, 2022. *Digitalisering, der løfter samfundet. Den fællesoffentlige digitaliseringsstrategi 2022–2025*.
- Retssikkerhedslov (Legal Security Act), Lov 1647/2021.
- Ritzer, G., 1993. *The McDonaldization of Society*. Newbury Park: Pine Forge Press.
- Ritzer, G., 1996a. *McDonaldiseringen af samfundet*. Copenhagen: Hans Reitzels Forlag.
- Ritzer, G., 1996b. The McDonaldization Thesis: Is expansion inevitable? *International Sociology*, 11(3), 275–383.
- Ritzer, G., 2002. An introduction to McDonaldization. In: G. Ritzer, *McDonaldization: The Reader*. London: Sage, 4–25.
- Ritzer, G., 2010. *McDonaldization: The Reader*. 3rd ed. London: Sage.
- Ritzer, G., 2013. *The McDonaldization of Society: 20th Anniversary edition*. London: Sage.
- Weber, M., 1971. *Makt og byråkrati*. Oslo: Gyldendal akademisk.
- Wiese Schartum, D., 2018. *Digitalisering av offentlig forvaltning – fra lovtæst til programkode*, Fagbglaget.
- Wiese Schartum, D., 2021. Jus og digitalisering. *Lov og Rett*, vol. 60, 92–109.
-