

# Politics of Representative Bureaucracy

Power, Legitimacy and Performance

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## 5. Representative bureaucracy in a cross-national context: politics, identity, structure and discretion

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### INTRODUCTION

Although representative bureaucracy has been studied in numerous countries, one aspect of that literature, the empirical linkage between passive representation and active representation has been based almost exclusively on examples from the United States. Because this passive to active linkage serves as a major normative justification for representative bureaucracy, whether the US findings can be generalized to other countries is an important policy and scholarly question. The purpose of this chapter is to elucidate the theory of representative bureaucracy to set up a template for how studies could be implemented in a variety of national contexts. The focus will be on the concept "identity", a term that includes individual characteristics such as race, ethnicity, and gender; characteristics that are difficult for an individual to change in the short run and that are often highly visible.<sup>2</sup> The current effort draws from two prior theoretical efforts (Meier, 1993c; Keiser et al., 2002) that attempted to specify the theoretical relationships precisely and extends this work to a cross-national context.

### DEFINING REPRESENTATION

The literature on representative bureaucracy distinguishes between passive and active representation. A bureaucracy is representative in the passive sense if the bureaucracy has the same characteristics as the population on the variables of interest (e.g. race, ethnicity, social class,

gender, etc.; see Mosher, 1968). In fact, passive representation is sometimes called symbolic representation because it defines representation as "standing for" (Pitkin, 1967). While much literature is focused on passive representation and its determinants, the concern of this chapter is when, and under what conditions, passive representation generates active representation.<sup>3</sup>

Person A actively represents person B if A pursues actions that are in the interests of B; in short, A represents B if A acts as B would act if B were in the same position with the same information that A possesses. Passive representation, therefore, is a characteristic while active representation is a process. Active representation does not guarantee that B's interests will be served; only that A will attempt to do so. A could fail in the effort to attain the outcomes of representation.

Unfortunately, in empirical application the definition of active representation gets muddled. Operationally most scholars define active representation as a set of bureaucratic outputs or outcomes that benefit B so that active representation is claimed when passive representation is positively correlated with a specified set of outcomes. That is not a correct conclusion since a specified set of outcomes can occur for a variety of reasons other than active representation by the bureaucracy. This issue will be directly addressed in the section on the micro-foundations of representative bureaucracy.

### REPRESENTATION AND THE POLITICS OF BUREAUCRACY

Although representation is frequently not considered a bureaucratic function, at one level it is important to recognize that all bureaucracies represent in some fashion. Many bureaucracies represent the interests of the legislature; sometimes, such as in the case of Japan, the bureaucracy and the legislature are so intertwined that the difference between them is unclear (Kato, 1998). In other cases (e.g. France), the bureaucracy is designed to represent the broader interests of the state (Meier and Hawes, 2009). In still other cases, bureaucracies are established to represent the interests of specific groups or clients, such as farmers, workers, small businesses, etc. Bureaucracies can even represent an abstract concept such as the public interest, environment protection, human rights, or the idea of the European Union.

Although bureaucratic representation is ubiquitous, not all representation is encouraged by political principals; in fact, the representative

bureaucracy literature tends to focus on representation that is discouraged, or at least ignored, by electoral institutions. In part, this reflects the difference between scholarly questions that are interesting and those that are banal. Simply put, the idea that a bureaucratic agent will do what a political principal wants done is just not interesting. That is a very predictable, Adam-Smith/principal-agent world. The more interesting cases, and the focus of much research, are when a bureaucratic agent acts on behalf of individuals not specifically designated by law or policy. As a result, the representative bureaucracy literature focuses most of its attention on cases where the bureaucracy acts for individuals or groups who are disadvantaged.<sup>4</sup>

## GENERALIZING REPRESENTATIVE BUREAUCRACY TO OTHER BUREAUCRATIC THEORIES

The theory of representative bureaucracy contends that because bureaucrats share ascriptive identities with citizens, i.e. the same race, gender, or religion, they also share values that can play a role in bureaucratic decisions. Traditional Weberian theories of bureaucracy cast a role/an identity for a bureaucrat as a neutral implementer of decisions in an impartial manner based on rules and written records. This too can be considered a value, thus making "Weberian bureaucrat" another type of bureaucratic identity. Contemporary rational choice theories of bureaucracy consider bureaucratic incentives as the key variable in determining bureaucratic decision-making (see Downs, 1967; Niskanen, 1971). In fact, goal conflict (read value differences) is the key causal variable in the theory. Humanistic views of bureaucracy, on the other hand, tend to incorporate more normative incentives such as the values that affect decisions. The common thread in all of these theories is that they specify a set of values, an identity, or set of identities for the bureaucrat, and contend that you can predict behavior by using these values. In this sense, representative bureaucracy is no different since it holds that ascriptive characteristics influence values. To illustrate the general nature of the theory of representative bureaucracy and to also introduce a framework for determining when bureaucracies might represent in a cross-national context, this paper presents three assumptions and the eight factors that either facilitate or hinder the translation of passive representation into active representation.

## THEORY OF REPRESENTATIVE BUREAUCRACY: ASSUMPTIONS

### Assumption 1. Bureaucracies Exercise Discretion

Bureaucracies exercise policy discretion in two ways. First, in many cases bureaucracies or individual bureaucrats participate in the policy formation and adoption process (see Rourke, 1984; Carpenter, 2002). They do so by providing recommendations and specific program expertise, as well as lobbying for provisions in law and policy. Second, during policy implementation bureaucracies have ample opportunities to influence the direction of policy by rulemaking, adjudication, program operations, or enforcement (Sowa and Seiden, 2003; Sapat, 2004). Because 50 years of scholarship on policy implementation has demonstrated that only rarely can a policy be crafted that does not rely on bureaucratic discretion (Hill and Hupe, 2002), the ability of bureaucrats to either influence the original policy or to structure the day-to-day operations can have dramatic impacts.

The degree of discretion itself varies at different levels within an organization as well as across organizations. Policy discretion linked to representative bureaucracy has been found at the street level in schools, police forces, and firefighters (Meier and Stewart, 1992; Meier and Nicholson-Crotty, 2006; Ashworth and Andrews, 2010), at mid-management levels in child support enforcement (Wilkins and Keiser, 2004), and at upper levels in schools and federal contracting decisions (Theobald, 2007; Smith and Fernandez, 2010). In each case, bureaucratic discretion worked to alter policy implementation to allow outputs and outcomes favored by a particular group to occur.

### Assumption 2a. External Political Actors Will Seek To Limit Bureaucratic Discretion

Legislatures and elected executives frequently seek to limit or structure discretion either by establishing specific legislation/policy, creating reporting requirements, providing for post-audits or scrutiny processes, and other means. This often occurs due to reasons of credit claiming or blame shifting, as elected officials attempt to manipulate their public images in order to prevent backlash from unpopular policy outcomes, maintain their current offices, or advance their political careers. Although the political science literature has generated a modest set of studies on what is termed the "legislative delegation" question (Huber and Shipan,

2002), for the most part that literature is flawed by its reliance on statute length as a measure of discretion.<sup>5</sup>

A more promising cross-national approach to bureaucratic discretion, therefore, might be to rely on Hood's (2002) categorization of the "civil service bargains" that delineate the role that top level bureaucrats and legislators play in the governance process. These bargains are a set of expectations about where and when bureaucrats should exercise discretion; that is, they define bureaucratic roles (read identity) in the governance system. These bargains are salient to the study of representative bureaucracy in the cross-national context because they are not linked both to who has discretion in public policy and how this discretion varies across time, across countries, and across organizations.

#### **Assumption 2b. Upper Level Bureaucrats Will Seek To Structure or Limit the Discretion of Lower Level Bureaucrats**

Many processes and structures of organizations are also designed to guide the decisions of lower-level bureaucrats and thus put some limits on their discretion. Standard operating procedures, specific job descriptions, and hierarchical reporting requirements restrict overall bureaucratic discretion, and also limit the ability of identities to become salient and thus lead to active representation. These procedures and structures can also be viewed as potential bureaucratic identities that compete with ascriptive traits for attention when the bureaucrat makes implementation decisions.

The efforts to restrict discretion, however, need to be qualified to make an important point. Neither elected officials nor upper-level bureaucrats will try to completely eliminate discretion. First, eliminating discretion, as Downs (1967) demonstrates, is costly in terms of transaction costs and monitoring costs. Efforts to limit discretion are frequently countered by subordinates who seek to evade these restrictions on their discretion. The result is an escalation of the controls and corresponding evasion that displaces the time needed to achieve agency goals. Second, it is irrational for a political principal to completely eliminate the discretion of a bureaucratic agent. Doing so robs the political principal of the agent's expertise and superior knowledge and also restricts the flexibility of the agent to react as conditions change. This in turn hinders the agent's ability to implement policies that maximize the benefits and services available to clients (or the benefits to the political principals). So while there will be significant efforts to channel and structure bureaucratic discretion, there are also strong incentives to retain discretion at all levels of the organization.

#### **Assumption 3. Bureaucrats Engage in Rational Utility Calculations**

When bureaucrats exercise discretion, we expect them to make decisions consistent with their values. This does not mean that a bureaucrat will necessarily benefit from a decision in a tangible way. The payoff might be in terms of satisfaction with the decision, a belief that the decision will benefit the bureaucrat's career, or even the vague feeling that the public interest is served. Our contention is not that the bureaucrat is synoptically rational, but rather boundedly rational (Simon, 1947) in that the bureaucrat seeks to maximize the values that are salient to the bureaucrat at the time of the decision. In some cases the decision process might even be one of satisficing; the important point, however, is that bureaucrats engage in a systematic decision-making process that includes their own values.

Representative bureaucracy, as a result, is a way to tap into some of the values held by the bureaucrat. We have ample evidence that attitudes vary by race, ethnicity, gender, and a variety of other characteristics linked to representative bureaucracy. In essence, this means that a bureaucracy that mirrors the population on a set of demographic characteristics is likely to hold some values that are similar to those of the public. By maximizing his or her own values, a bureaucrat also furthers the values of the public that he or she passively represents. In this sense, passive representation is an indicator of bureaucratic values; and, thus, the theory of representative bureaucracy is consistent with principal-agent theory or other theories of bureaucracy that include bureaucratic preferences. The only difference is which preferences (identities) are emphasized. As an illustration of the utility of this notion, Meier and O'Toole (2006) use representative bureaucracy to indicate policy ideal points and then to assess the efficacy of political control of the bureaucracy. They illustrate that in many cases what is accepted as political control is not control, that is, getting the bureaucracy to do what it would not have done otherwise, but rather congruence between legislative preferences and what the bureaucracy would have done on its own.

#### **KEY VARIABLES IN THE STUDY OF REPRESENTATIVE BUREAUCRACY**

A variety of factors need to come into congruence for passive representation to generate active representation. These factors are quite likely to vary across national contexts, meaning that cases of representative bureaucracy are going to be highly dependent on the factors and

situations of the specific polity. In essence, this argument recognizes that all bureaucrats have multiple identities – citizen, government employee, agency employee, engineer, female, minority, etc. Organizations seek to reinforce some of these identities (often those in line with the organization's culture/mission) while suppressing others. Those identities linked to representative bureaucracy are only a few among many, and whether these identities become salient is likely to vary across bureaucrats and even for a single bureaucrat vary over time. This section discusses the factors likely to influence which identities become salient and, therefore, when passive representation might translate into active representation.

### **Bureaucratic Discretion**

Bureaucratic discretion must overlap with the issues/values that are salient to the identity in question. Many issues that bureaucrats deal with are not related to the relevant identity. An African-American bureaucrat in the US National Aeronautics and Space Administration, for example, would rarely face issues relevant to his or her African-American identity. This is evident in Keiser et al.'s (2002) discussion of how a person's determination of an issue as "gendered" is likely to trigger a pattern of behavior consistent with active representation. They suggest three possible ways to determine if an issue is gendered, and that these three possibilities can be used with any identity if one simply substitutes the identity in question for gender.

First, an issue is gendered if the issue benefits women as a class, such as equal pay or women's health issues. Second, within a given national context, an issue is gendered if the issue has been defined politically as a women's issue; in the United States child care is a women's political issue in contrast to some nations, such as Sweden, that more broadly define child care as a societal issue. Third, an issue is gendered if the gender of the bureaucrat changes the relationship between the client and the bureaucrat such that the client does something different. Meier and Nicholson-Crotty (2006), for example, demonstrate just this pattern for women police officers and the reporting of sexual assault crimes (see also Dee, 2004, on same race teachers). Sexual assault victims were more likely to report an assault in jurisdictions with more women on the police force. By applying these same three criteria to the identity of interest in the national context being studied, therefore, the analyst can pinpoint the cases where policy outcomes are likely to be congruent with passive representation.

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### **Agency Mission**

Agency mission greatly influences whether discretion is relevant to the identity in question. In some cases the agency has an advocacy mission; this is particularly the case of clientele agencies that deal with farmers, labor, business, veterans, etc. In many nations a visible agency is concerned with gender issues and might even be represented at the cabinet level. Although advocacy on behalf of ethnicity, race, or class is not common, at times units within organizations are concerned with diversity issues, such as eliminating hostile work environments in order to maximize the potential contributions of employees.

In addition, from a governance perspective, many programs are now implemented by non-profit organizations that frequently advocate for clientele who do not normally benefit from government services. For example, there are several non-profits, like the Insight Prison Project, the Art of Living Organization, and the Lionheart Foundation that work with prisons to provide inmates with the tools and guidance they need to reintegrate into society as productive citizens. The Art of Living Organization operates cross-national; with organizations in 151 different countries.

In contrast, Van Gool's (2008) work on untouchables and Indian bureaucracy is especially relevant to the idea of how an agency's mission can prevent the linkage of passive representation to active representation when the agency's mission is not explicitly advocacy. Because the policy outcomes he studied were used by elected officials to build patronage support rather than represent the interest of the disadvantaged, untouchable bureaucrats had little policy discretion that was relevant to their social origins. As a result, the value maximized by the bureaucrats was more likely to be the personal status gained as the bureaucrats rejected their caste identity to pass for another caste, rather than any outcomes that might benefit the untouchables.

### **Socialization**

Socialization, both government-wide and for individual agencies, can work to limit or, on rare occasions, facilitate the translation of passive to active representation. All civil service systems seek to create a unique identity for employees as public servants. In some cases, such as France, the socialization is reinforced by common educational patterns (Rohr, 1995). Hood's (2002) work on the civil-service bargain is a good outline of the general roles that various civil service systems try to instill. Individual agencies also socialize their employees; this is part of the

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normal process by which organizations encourage employees to adopt the organization's goals as their own (Barnard, 1938; Downs, 1967). Social-organization patterns in most cases run counter to the identities that concern scholars of representative bureaucracy, that is, they reinforce values related to agency goals rather than the individual identities of the bureaucrat. Socialization can include training programs, standard operating procedures, incentives for promotion, and even the history of the organization. Much of the orientation, policies, and procedures of the US Food and Drug Administration, for example, can be linked to a decision about thalidomide in the 1960s (see Quirk, 1980).

While all agencies and public services socialize employees, the extent of socialization varies a great deal. We should expect that as the degree of socialization increases, the less likely there is to be a link between passive and active representation, except in the unusual case that the agency's mission is linked directly to the identity in question. Although these cases may be rare, we should expect to see favorable policy outcomes for that particular group.

### Hierarchy

Hierarchy is a means of control; it can be used to limit discretion and, thus, dampen the translation of passive representation into action. Meier and Bohte (2001) demonstrate that representational outputs are enhanced in more decentralized organizations (Keiser et al., 2002 present similar findings with different data). Selden and Sowa (2003) show a corresponding result for state government agencies in the United States. In more decentralized agencies, bureaucrats are allowed greater discretion, thus permitting them to implement policies that better represent minority interests. This finding not only emphasizes the significance of bureaucratic discretion and hierarchy to representative bureaucracy, but perhaps also decentralization's ability to increase the salience of ascriptive identities over bureaucratic prescribed identities.

In addition, a more decentralized organization can allow for different segments of an agency to develop their own sense of organizational culture, procedures, and norms. Such an agency may be more welcoming to diversity and innovation, thus making it more appealing to a broader set of individuals. This diverse set of bureaucrats may have a better sense of the clientele's interests because of their shared identities as well as be more willing to actively represent the interests of these groups, since they do not have to adhere to the control mechanisms or top-down procedures often found in more hierarchical organizations.

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### Stratification

The relationship between stratification and representation should be positive. Logic suggests that as individuals move up the hierarchy in a bureaucracy that they will have a greater ability to affect agency outcomes; and, thus, as passive representation increases at the top of the bureaucracy, active representation should also increase. Most of the initial empirical work, however, found that street-level representation not higher level representation was the key (see Meier and Stewart, 1992). More recently, however, some findings indicate that representation at the top of the organization is important. Theobald (2007) shows that Latino superintendents, the key decision makers for school districts, are able to allocate more funds to bilingual education. Smith and Fernandez (2010) demonstrate that U.S. federal agencies with more minorities in top management positions also allocated a larger percentage of contracts to minority-owned businesses. Keiser et al. (2002), in their study of gender and schools, discovered an interaction effect; while top-level women were not directly associated with better performance by female students, the impact of female teachers was substantially larger when women were well represented in management.

Two reasons explain the less consistent findings for top-level managers. First, minorities are rarely well represented at top levels of an organization and at the same time are underrepresented at lower levels. Most organizations promote from within, and the pool of potential top-level managers can be found among mid-level managers. This bottom up causal sequence means that top-level managers do not have to advocate minority interests; they can leave those tasks to mid-level and street-level personnel.<sup>6</sup> Second, organizations have elaborate reward systems that generally favor individuals who adhere to organizational norms (Teodoro, 2010). Individuals who adopt a role of representative at lower levels may be perceived as not accepting the norms of the organization and, therefore, be less likely to be promoted to top level positions.

### Critical Mass

Management theorist Rosabeth Moss Kanter (1993) contends that women will not be able to influence the organization until they attain a critical mass of at least 15%. Her logic is that many individuals will be reluctant to take chances or advocate something out of the ordinary unless there are others with similar views and interests. Such an impact is especially

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likely to be the case in hierarchical organizations and those that engage in a great deal of organizational socialization.

While the argument has intuitive appeal, Kanter provided no evidence that such a threshold for a critical mass actually existed in practice. The most systematic assessment of the notion of critical mass has been done on US schools. That work consistently shows that street-level active representation does not need a critical mass. Teachers appear to be able to influence student assignments, discipline, and performance even when there are only a few passive representatives in the organization. For the management level, a critical mass is needed, but the level is closer to 25% than the 15% that Kanter hypothesized. These results held for both racial minorities (Meier and Stewart, 1992) and women (Keiser et al., 2002). Whether this different threshold is the result of a mis-specification theoretically or whether the needed critical mass differs in different types of organization is unclear and awaits additional empirical studies.

### Professionalization

Professionalism is a major alternative source of identity and values for a bureaucrat. Professions provide not only training but approaches to deal with problems and opportunities for associating with other professionals, who, in some cases, may be viewed as the bureaucrat's critical audience. Teodoro (2010) contends that professionalism provides an external source of motivation, values, and rewards that may impede the formation of the passive to active representation link. In general, professionalism will limit representative bureaucracy because professions in the twenty-first century rarely seek to explicitly incorporate values linked to gender, ethnicity, or social class. To an electrical engineer, there is little training that might be linked to his or her ethnicity.

At times, however, professionalism will reinforce advocacy and, thus, support the development of active representation. The public health profession is an excellent example of one that contains a normative commitment to helping disadvantaged public health clientele in dealing with bureaucracy or other problems. Other professions that rely on emotional labor (Guy et al., 2008) or empathy such as teaching, social work, etc. might also facilitate the transformation of passive representation into active representation because professionals in these fields may feel ethically obligated to advocate on behalf of disadvantaged or marginalized clients.

Bureaucrats who are professionals may also be more secure in their jobs because they are more difficult to replace due to their unique skill set as well as the great demand from the public for these professionals.

Certain professionals like teachers and public health practitioners, therefore, may be more willing to engage in representation because they know their positions are relatively safe. Such professionals are often awarded a great deal of discretion because of their expertise thus giving them more opportunities to advocate for groups that share their particular identities.

### Issue/Policy Salience

General policy salience may also play an important role in determining which identities become important to a bureaucrat. Policies that are salient to a particular clientele may encourage the clientele to "lobby" the bureaucrat to implement the policy in such a way that it falls in line with their interests. They may approach a bureaucrat who shares their identity, assuming that the bureaucrat will find the issue salient as well and, thus be sympathetic to their interests. This in turn may lead to active representation because a specific identity has been triggered within the bureaucrat by the policy as well as the targeted group.

One such example may be in the case of Arizona SB 1070, one of the strictest anti-immigration laws passed in the United States. Due to the salience of the policy to his racial identity, a Latino police officer may be less willing (or likely) to implement those provisions of the law that permit bureaucratic discretion. In addition, he may be "lobbied" by other Latinos or civil rights organizations, which see him as someone who can protect and advocate on behalf of their interests and contribute to nullifying the policy by not enforcing its provisions. In this way, the interests of Latino clients may counter the bureaucrat's professional bureaucratic identity as a neutral implementer of laws, thus increasing the occasions/circumstances that the passive to active link of representative bureaucracy occurs.

## STUDYING REPRESENTATIVE BUREAUCRACY ACROSS NATIONS

The three assumptions and the eight variables trace out the basic parameters of the theory of representative bureaucracy. This section illustrates how that theory could be applied in a variety of national contexts. Doing so requires the knowledge of both the politics and the bureaucracy of the country or countries to be studied because the cases of representative bureaucracy are likely to be specific to the national context.

The first step in any study of representative bureaucracy is to determine which identities are likely to become salient and when are they likely to generate representation, that is, what demographics are politically salient? The salient identity could well vary from country to country and even within a country across time. Ethnicity/race is clearly the prime candidate for representative bureaucracy. Ethnic cleavages are a fundamental part of the political landscape in countries such as Belgium, the United States, and many others. At times these ethnic cleavages are linked to indigenous populations such as in many South American and North American countries, and at other times the ethnic cleavages also reflect language or religious differences (Quebec, Belgium, Lebanon, etc.). Immigration plays an interesting role in representative bureaucracy in that the process of political and economic incorporation is rarely ever smooth and can be a key issue particularly during economic downturns as the vote for far right parties in recent times indicates (Kestila and Soderlund, 2007).

Other potential characteristics for representative bureaucracy include social class (India, Thailand), region (Korea), and gender (numerous countries). In most cases these cleavages are also strongly linked to political issues about equity such as the Cholla province issue in Korea or the economic status of poor, rural areas in Thailand. This variance is consistent with Keiser et al.'s (2002) contention that gendered issues will vary across nations depending on how the role of women is defined both socially and politically in the specific nations.

Politics will define the identities that are salient. Recent work on Africa, for example, shows that over a period of time politics and how politics favors some groups rather than others has a dramatic impact on ethnic identification (Posner, 2006; Habyarimana et al., 2009). Ethnicity in this view can be endogenous to politics. As a result, the analyst needs to pay significant attention to national politics because politics in essence will define when representative bureaucracy is likely by determining which identities become salient, and what identities will be associated with dissatisfaction with current policy.

Just as national politics and history shape salience so does the history and politics of the organization. The infamous Tuskegee syphilis experiment has made US health agencies very conscious of the racial implications of medical research and has generated specific guidelines on benefits across racial groups. Similarly the political history of the US Equal Employment Opportunity Commission led to first the downplaying of gender and then a greater focus on it after the Clarence Thomas hearings.

## ISSUES IN REPRESENTATIVE BUREAUCRACY

Four empirical and normative issues in representative bureaucracy have a great deal of potential for cross-national assessments. These are investigating the microfoundations of the theory, linking representation to issues of performance, probing the relationship between bureaucratic and legislative representation, and addressing whether representative bureaucracy will create a biased bureaucracy. Each issue in turn merits further discussion.

### The Microfoundations

The empirical literature on representative bureaucracy has found many correlations between passive representation and bureaucratic outcomes but has not gone down to the micro-level to determine exactly how these relationships come to exist. In terms of the theoretical literature, this means with few exceptions (see Selden, 1998; Bradbury and Kellough, 2008), the empirical literature deals with collective representation not dyadic representation. Specifically, the literature asks if an institution (bureaucracy) represents a collection of individuals sharing a trait. It does not probe whether a specific bureaucrat represents a specific individual. A fair challenge to the literature to date, as a result, is that it has not demonstrated active representation; it has only demonstrated a correlation between passive representation and some bureaucratic outputs or outcomes that benefit the specified group. Theoretically, the literature has identified four potential causal paths that could generate this result (see Meier et al., 1999) and form the microfoundations that generate this aggregate result.

First, active representation may occur directly – the bureaucrat acts for the client and in the process benefits the client. Second, the representation might occur indirectly because the presence of the minority bureaucrat influences other nonminority bureaucrats to change their behavior. In this case, a bureaucrat does something different, but it is not the bureaucrat who shares the representative trait with the client. Third, the representation might occur through changes in the policies and procedures of the organization. The bureaucratic representatives are likely to play a role in the discussions in the organization and whether or not policies or procedures have institutionalized biases in regard to the represented clientele. The bureaucrat, therefore, represents by advocating for changes in the standard operating procedures of the organization. All three of these processes include some aspects of active representation in the sense of the adoption of a representation role by the bureaucrat

(Selden, 1998). Finally, in the fourth causal path, the client changes his or her behavior as the result of the characteristics of the bureaucrat. In the education context this is termed the "role model" effect, but the process can occur outside the education arena (see Meier and Nicholson-Crotty, 2006).

While the microfoundations of representative bureaucracy are empirical questions, they have varying normative implications. In general, the first causal path is most likely to generate objections of favoritism in regard to the client; this normative concern declines with causal paths two and three and disappears completely in the fourth causal path. In the last instance the organization is merely taking advantage of the coproduction of public goods and services rather than making any changes in decisions. The basic fact, however, is that we know almost nothing about the microfoundations of representative bureaucracy. To date, the literature has only produced evidence that passive representation is correlated with bureaucratic outputs and outcomes, and we still have little concrete evidence that bureaucrats are actually engaging in active representation.

### **Bureaucratic Performance**

The relationship between bureaucratic representation and performance was first examined in a study of representative bureaucracy and education in Texas (Meier et al., 1999, 2001). Those articles examined cross-group tradeoffs, that is, whether an increase in minority teachers negatively affected the performance of nonminority students. As part of the analysis, a bold, aggressive hypothesis was put forth that representative bureaucracies would be more effective than non-representative bureaucracies. The hypothesis was supported theoretically by the work of Gary Becker (1974) who argued that discrimination in employment would create inefficiencies for an organization. The authors suggested that an unrepresentative bureaucracy would reveal management's preferences for certain types of employees and those preferences would likely result in reduced organizational performance. The empirical study found that Anglo students (nonminorities) were not negatively affected by minority teachers, indeed, they actually experienced higher performance with minority teachers than did minority students.<sup>7</sup>

The relationship between representative bureaucracy and organizational performance was taken a step further by David Pitts and his coauthors. Relying on private sector research that indicates more diverse organizations are likely to generate a greater range of ideas and consequently perform better, Pitts (2005) finds that as the bureaucracy more

closely mirrors the clientele in terms of ethnic composition, performance does increase. A subsequent analysis (Roch et al., 2010) shows that schools with more representative teaching faculties tend to shift from punitive disciplinary policies to more corrective or ameliorative disciplinary policies. The implication of this change in policy is that the organizations are more likely to get positive results in terms of performance.

## **LEGISLATIVE AND BUREAUCRATIC REPRESENTATION**

Representation is often not perceived as a bureaucratic function; in contrast legislative bodies exist for the purpose of representation, yet it is possible that a group could be represented in both institutions. How the two types of representation combine, however, is theoretically ambiguous. On the one hand, one might theorize a positive relationship because the bureaucratic representatives will have political allies to protect them as they represent clients and because the legislative representatives can rely on sympathetic bureaucrats to implement their policies. On the other hand, because legislatures see representation as their prime function, they might be reticent to permit bureaucracies to engage in the same process and thus weaken their own claims as legitimate representatives. Daley's (1985) survey of US state legislators offers support for the latter position as he found that legislators supported all forms of efforts to make bureaucracy more responsive to the public except for representative bureaucracy.

Because many countries, particularly in Latin America (Htun and Jones, 2001), have passed constitutional provisions that mandate representation for specific groups (generally gender quotas), we have an interesting natural experiment on the linkage between the forms of representation. Will such political structures facilitate the representation of the bureaucracy, or will it result in restrictions on the policy-relevant discretion of the bureaucrats?

The two institutional forms of representation also suggest that an interesting question is the causal relationship between the two. Does an increase in bureaucratic representation result in a subsequent increase in legislative representation or does an increase in legislative representation translate into a change in bureaucratic representation? Some empirical work on gender in Latin America suggests that legislative representation is preceded by increases in top-level bureaucratic representation (Escobar-Lemmon and Taylor-Robinson, 2005). Work on school systems

in Florida (Meier and Smith, 1994) and Texas (Meier and O'Toole, 2006), however, indicate that the relationship between the two forms of representation is reciprocal.

### Representative Bureaucracy and Bias

Lim (2006), in an assessment of issues involving representative bureaucracy, raises the question as to whether or not increased representation will add biases to a neutral process. This is based on the Weberian notion of bureaucracy as a neutral instrument implementing the will of the sovereigns. Changes in decisions or outcomes as a result of representative bureaucracy, therefore, are then perceived as biasing the system.

There are reasons to be skeptical of arguments that representative bureaucracy generates favoritism or bias in otherwise neutral processes. The argument is based on a naïve view of structures that is frequently endorsed in the formal literature. This literature views government structures, including bureaucracies, as ways to solve collective action problems and, thus solely as efficiency enhancing (see Shepsle, 1979). An alternative view of structures, however, is that a wide variety of structures can solve any collective action problem (Knight, 1992). The specific structure adopted obviously generates greater benefits to those setting up the structure than the alternative structures. This view holds that all structures contain biases, and by implication all bureaucracies generate disparate treatment. The real question, therefore, is not whether representative bureaucracy generates favoritism or biases, but whether representative bureaucracy generates less equitable results than unrepresentative bureaucracy. Given the types of clientele that scholars of representative bureaucracy are interested in (generally the have nots), a reasonable hypothesis is that representative bureaucracy is positively associated with more equitable results. As an illustration, educational bureaucracies are perhaps those that generate the most equitable results in general, but the numerous studies of representative bureaucracy in schools all show that representation compensates for existing inequitable outcomes. In short, representative bureaucracy is likely to counter the existing biases of bureaucracy rather than adding new biases.

### CONCLUSION

Three themes of this chapter in regard to representative bureaucracy should be reiterated. First, politics defines representative bureaucracy by determining what identities become salient and when they do so. As a

result, scholars must consider the political context of the country they are examining in order to determine if, in what circumstances, and to what extent passive representation is linked to the active representation of interests. Second, scholars must understand that regardless of national, regional, or local context, discretion is the key factor in creating the linkage from passive to active representation. Bureaucrats must be able to maneuver and manipulate policies in order to generate the policy outcomes favored by a particular clientele. Finally, scholars should acknowledge that all representation is channeled within structures. By considering the government and organizational structures, scholars can determine if biases have been ingrained within the bureaucracy, as well as if representative bureaucracy can mitigate these biases thus creating more equitable outcomes and outputs. By taking these three points, as well as the assumptions and issues of representative bureaucracy into consideration, scholars should be better able to determine the role that this process plays in a cross-national context, therefore allowing for a deeper understanding of bureaucracy and the role it can play in a democratic state.

### NOTES

1. We would like to thank Vicky Wilkins and Ling Zhu for comments on an earlier draft.
2. Some representative bureaucracy characteristics might not be visible such as sexual preference (Theilmann and Stewart, 1996) or caste (Van Gool, 2008). Visibility creates the more interesting dynamic because identities are determined both by the individual and by others who impose them via stereotypes.
3. This chapter does not deal with the determinants of passive representation. The extent of passive representation is a political characteristic worthy of study on its own since it represents, in part, the openness of the political system to all groups. There is a well-developed literature in this area that is addressed in the other chapters.
4. For clientele agencies if the groups are not disadvantaged, it is difficult to tell whether this is a case of representative bureaucracy or if it is merely the implementation of legislative preferences. The focus on the disadvantaged allows some to contend that representative bureaucracy can make up for some of the shortcomings of legislatures or other electoral institutions (Long, 1952).
5. One can easily illustrate the problem with statute length as a measure of limited discretion by comparing the extensive length of the state of Texas law on regulating the price of property and casualty insurance with the very short law in Wisconsin. The political science literature would hold that Wisconsin bureaucrats have more discretion than Texas bureaucrats in regulating insurance prices. In fact, the opposite is true since the Wisconsin law prohibits the state from regulating insurance prices.
6. Another possibility might be the collinearity makes it more difficult to find significant results and because there are fewer individuals at the top level, that influence will be less apparent.
7. The location of the study, Texas, a state with a large immigrant population suggests that these results might occur as the result of a segmented labor market. Children of immigrants are likely to have relatively limited occupational aspirations. As a result, many talented

individuals in the second generation of immigrants will opt to become teachers since such role models already exist in the community. In subsequent generations, one would expect that children of teachers would have occupational aspirations on a par with other middle-class children.

## 6. Political patronage, machine politics and ethnic representativeness in the public sector

**B. Guy Peters**

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### INTRODUCTION

Whether being discussed by scholars or by practitioners in Western countries, the prevailing assumption about managing personnel in the public sector is that public administration should be politically neutral. The Weberian ideal of the career public servant recruited on merit and capable of acting *sine irae ac studio* with both superiors and clients pervades discussions of public bureaucracies. This model is assumed to produce the most capable public servants and also to provide for the greatest possible equality in the recruitment, promotion, and retention of public servants. Further, the equality implied in the merit system can be justified in democratic terms, with all citizens having equal opportunity for public employment.

While the model of political neutrality and merit recruitment has a powerful normative standing, we should not assume that it is necessarily the best means of attaining all the goals of personnel management in the public sector. In particular, we should not assume that merit-based recruitment will necessarily produce the most representative public bureaucracy. The problems with merit-based recruitment are especially evident when there are significant numbers of minority group members who are new to a country or who may have been excluded from government for other reasons, e.g. caste or racial discrimination. Further, it is not just overt discrimination in the public sector that may influence representativeness but also the more subtle influences of the educational system and the examination systems.

The usual mechanisms for coping with the absence of adequate representativeness produced through merit recruitment are to institute programs such as affirmative action or quota systems. These legal