

## Representative Bureaucracy and Social Equity: Bias, Perceived Fairness and Efficacy\*

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This article on representative bureaucracy and social equity addresses three normative questions in the literature. First, concerns that active representation creates biases in what are normally unbiased, rational bureaucratic processes both fail to understand the process of bureaucratic representation and have little empirical support. Representative bureaucracy is unlikely to be a threat to orderly democratic government. Second, that what appears to be active representation rarely has negative consequences for others and is difficult to frame as unfair. Third, while the literature on representative bureaucracy may be overly optimistic about its efficacy given the various constraints and limits, it frequently produces results that increase social equity and is a valuable strategy toward that end.

Concerns about bureaucratic representation began as a normative argument that greater demographic representativeness among bureaucrats provided positive benefits for democratic governance (Kingsley 1944), possibly by augmenting the limits of electoral institutions via providing alternative paths for representation (Long 1952). The empirical claim supporting the normative argument was that a bureaucracy broadly representative of the public in terms of the identities linked to social origins and lived experiences would also hold values similar to those of the general population. To the extent that bureaucrats had discretion, therefore, decisions made by the bureaucracy would in general be responsive to the wishes of the population as a whole (Mosher 1968).<sup>1</sup>

Although the contentions that bureaucrats exercise discretion and that bureaucratic decisions will reflect the values held by those bureaucrats are likely universally

true, the literature has an inherent social equity component and has focused on the representation of disadvantaged individuals. Norton Long (1952) began his application of representative bureaucracy to the American context by criticizing the lack of representation by political institutions, contending they were simply too small to fully represent all the interests of American society. Long also first clarified the various linkages in the theory by noting that demographic origins and lived experiences contribute to values and values get reflected in bureaucratic decisions.

Although he only devoted a brief three pages to representative bureaucracy in his classic *Democracy and the Public Service*, Mosher (1968) defined both the key empirical and normative parameters of representative bureaucracy. He (1968, 12) defined “passive representation” as concerning “the source of origin of individ-

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<sup>1</sup> The causal logic for the theory of representative bureaucracy has been specified by several studies, most recently Riccucci and Van Ryzin (2017).

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uals and the degree to which, collectively, they mirror the total society” in terms of locality of origin, previous occupation, education, family income, social class, race, religion, and other factors. “Active representation” meant that a bureaucrat would “press for the interests and desires of those whom he is presumed to represent, whether they be the whole people or some segment of the people.” (p. 12). Empirically, Mosher (1968, 13) correctly concluded at the time “we know too little about the relationship between a man’s background and preemployment socialization on the one hand, and his orientation and behavior in office on the other.”

As noted below, this empirical gap between passive and active representation became the predominant focus of the study of representative bureaucracy as scholars probed whether the relationship existed; and, if it did, what conditions would be necessary for representation to occur. Mosher posited two other brief arguments, however, that were equally important. First, (p. 13): “While passive representativeness is no guarantor of democratic decision-making, it carries some independent and symbolic values that are significant for a democratic society.” Foreshadowing the later focus on symbolic representation, Mosher noted that a passively representative bureaucracy was a symbol of openness and could contribute to the legitimacy of government action. His other argument was also normative and the concern in this article. “It may be noted that active representation run rampant within a bureaucracy would constitute a major threat to orderly democratic government. The summing up of the multitude of special interests seeking effective representation does not constitute the general interest” (p. 12).

This article seeks to address three normative questions with regard to representative bureaucracy that periodically arise in the literature and have implications for social equity. First, does active representation introduce a bias in bureaucratic decisions that if not constituting “a major threat to orderly democratic government” perverts what is normally an unbiased, rational process? Second, is active representation or what appears to be active representation unfair to those not represented? Third, are our expectations for representative bureaucracy too optimistic, that is, is it subject to extensive constraints and limitations?

The article will develop as follows. First, a brief literature review of representative bureaucracy focused on the linkage between passive and active representation

will be presented to clarify precisely what the empirical literature finds. Second, the actual process of how passive representation gets transformed into outcomes that benefit the represented will be examined to determine if there is any existing empirical evidence of bias in the process. Third, the issue of perceived fairness will be examined, contrasting the modest empirical literature with the various alternative interpretations of those findings. Fourth, the limits of the existing literature will be used to demonstrate that the overall impacts of representative bureaucracy are relatively modest and should not be oversold. At the same time, the case for improving passive representation is strong and offers one of the more consistent methods to increase social equity in bureaucratic outputs and outcomes.

### Representative Bureaucracy: What the Literature Finds

The literature on representative bureaucracy has grown exponentially in recent years (see Bishu and Kennedy 2020, Kennedy 2014 for reviews); an online bibliography that is clearly not exhaustive shows nearly 300 individual works (<https://www.kjmeier.com/rb-article-archive>). From its initial focus on class (Kingsley 1944), it has expanded to examine demographic factors such as race (Meier 1984), ethnicity (Rocha and Hawes 2009), sex (Keiser et al. 2002), socioeconomic status (Gilad and Alon-Barkat 2018), and sexual orientation (Theobald and Haider-Markel 2009). In the process it has linked to the literature on social identities and began to focus on the lived experiences (Merritt et al. 2020) associated with different identities including veterans’ status (Gade and Wilkins 2012), prior drug abuse (Park 2020), and bureaucratic roles (Penn 2021; Zamboni 2020). Representative bureaucracy studies have focused substantially on education (Nicholson-Crotty et al. 2016) and police (Schuck 2018), but have also examined other policy areas such as agriculture (Selden 1997), child support enforcement (Wilkins and Keiser 2006), health care (McCrea 2021; Zhu and Walker 2013), substance abuse (Park 2020), corrections (Wade-Olson 2019), discrimination processing (Hindera 1993), and employment counseling (Guul 2018). The literature was originally dominated by studies of the United States, but recent work has examined representative bureaucracies and their impact in Brazil (Dantas Cabral, Peci, and Van Ryzin 2022), China (Xu and Meier 2021;

Zhang 2019), Ghana (Agyapong 2018), India (Dhillon and Meier 2022), Israel (Gilad and Alon-Barkat 2018), South Korea (Song 2018), South Africa (Fernandez 2019), South Asia (Baniamin and Jamil 2021), Tanzania (Park and Mwiambi 2021) and several countries in Western Europe (Doornkamp et al. 2019; Hong 2017; Sievert 2021; Zwicky and Kübler 2019). Recent years have even seen efforts to examine the passive to active representation link in a cross-national perspective (An, Song, Meier 2021; Park and Liang 2021).

Although the literature has a wide range of findings as would be expected from a body of work that varies country, policy area, and the identity being represented, the basic approach and the core findings relevant to this article can be distilled somewhat briefly. The strategy of analysis is to take passive representation (either at the aggregate organizational level or via an individual bureaucrat to client match) and determine if that results in outcomes that benefit the represented client. Positive relationships are then attributed to “active representation.” Such an approach uses a narrower definition of social equity than found in the literature which might be concerned with equity of access or procedures as well as outcomes (Frederickson 2015; Johnson and Svava 2015). Representative bureaucracy is laser-like focused on social equity in terms of bureaucratic outputs and outcomes. Are underrepresented individuals less likely to receive positive outcomes or more likely to suffer negative outcomes?

The empirical findings, however, need to be placed within the context of the theory of representative bureaucracy. Active representation is a process by which a bureaucrat actively seeks to benefit a client who shares an identity (Meier 2019; Mosher 1968; Selden 1997). This has two implications for a positive correlation between passive representation and outcomes that benefit the represented client. First, the outcomes might well have occurred through other processes than active bureaucratic representation; that is, the clients might have received the benefits even if their representatives were not involved in the process. Second, the correlation might actually miss active representation; a bureaucrat

could seek to actively represent the interests of a similar client, but not be able to provide the sought-after outcome because the organization did not allow it, there were insufficient opportunities, the client refused to participate or rejected the opportunity, or a variety of other reasons. Empirically, the first implication would overestimate the extent of the passive to active connection and the second would underestimate it. These two implications also have consequences for the normative challenge to representative bureaucracy and issues of social equity. Recall Mosher (1968) warns about active representation “run rampant,” not whether a bureaucracy produces outcomes that benefit traditionally underrepresented populations. The concern is not the outcomes per se that Mosher and others (Lim 2006; Peters, von Maravic, and Schröter 2015) criticize, but rather the way those outcomes are attained; that is, whether bias is introduced into the process.<sup>2</sup>

### Does Bureaucratic Representation Result in Bias?

The normative argument against active representation as introducing prejudice or bias into the administrative process is best presented by Lim (2006) relying on implied support from Mosher (1968) and other scholars of representative bureaucracy (Thompson 1976). Before proceeding to a rebuttal of the argument, recapping the origins of the prejudice argument is worthwhile. Lim relies heavily on Mosher (1968); but Mosher, in fact, gives little attention to the issue in his book. Other than the statement of concern about active representation “run rampant,” Mosher provides no argument that active representation will necessarily cause harm. He is clearly not opposed to active representation per se. His brief discussion of representative bureaucracy is prefaced by noting the “demand of groups for representation in the structure [bureaucracy] is itself implicit acknowledgment that administration is involved in policy matters” (p. 11). He then notes that many agencies are specifically set up to actively represent the interests of a constituency that is smaller than the entire nation providing

<sup>2</sup> This might be one reason most empirical studies of representative bureaucracy do not address the issue of bias and similar normative issues. The implied perspective is that underrepresented individuals are underserved (and substantial evidence supports that view) and thus examining when a bureaucracy produces more equitable outcomes is both an important empirical and normative question on its face.

an incomplete list that included the Department of Agriculture, the Department of Labor, the Women's Division (then in the Department of Labor), the Department of Commerce, the Small Business Administration, the then-Children's Bureau, the then-Veteran's Administration, the National Science Foundation, the Bureau of Fish and Wildlife, and the then-Office of Education. Mosher does not object to active representation per se, therefore, but only if it "runs rampant." He does not, however, provide either an example of this or a hypothetical case. Other literature cited by Lim has similar problems. Lim (2006, 200) states "Thompson (1976, 218–19) acknowledges the 'normative complexity' arising from possible 'gross favoritism' (clearly meaning partiality)," but a reading of Thompson shows that these are unconnected phrases relating to the claims of others, not anything Thompson contends or accepts as true.

Rather than delineating a specific hazard from representative bureaucracy, Lim relies on these general assertions attributed to others. His own analysis also focuses narrowly only on active representation that creates a bias in decisions to favor a represented client who otherwise would not qualify for whatever benefit was being bestowed. At the same time, he accepts that partiality is only one explanation for the correlation between passive representation and bureaucratic outcomes (several paths are discussed in the literature and below) but never demonstrates that there is any partiality empirically via examples or statistical evidence.<sup>3</sup>

### ***Symbolic Representation as Bias?***

The correlation between passive representation and outcomes that benefit the represented can occur through either action by the bureaucrat (including active representation) or action by the client (symbolic representation). Symbolic representation is the easiest case for dealing with any normative issues and they can easily be dismissed. Outcomes can change in a bureaucratic encounter via symbolic representation because the client after observing a bureaucrat or bureaucrats who shares

identities with the client then either becomes more cooperative with the bureaucrat (e.g., law enforcement) or engages in greater efforts to coproduce the good in question (e.g., education) (see Riccucci and Van Ryzin 2017 on the theory). It is unclear how there can be a normative objection to a citizen voluntarily cooperating with a bureaucrat or engaging in greater effort to improve one's own situation. From the perspective of the bureaucracy, this is exactly what the bureaucracy and policymakers desire—clients who facilitate implementation; bureaucracies and their overseers would perceive no bias in such results. From the perspective of democratic theory, voluntary cooperation seems to be taking the concept of "consent of the governed" in the most fundamental way.

Given that in the case of symbolic representation, the bureaucrat is not taking any action and that actions by the client even if questionable (and it is unclear they ever would be in this case) do not raise questions of bias, there appear to be no ethical concerns that can be lodged about representation bureaucracy in this context. In addition, it appears that symbolic representation actually improves bureaucratic outcomes without costs to the bureaucracy and thus would be instrumental to effective performance.

### ***Active Representation and Bias?***

Active representation may be more open to normative challenges, but those challenges must deal with the complexities of representation and what the data actually show. Passive representation could be associated with outcomes benefitting the represented via the actions of the bureaucrat in at least two different ways. The bureaucrat could press the agency to change policies that currently disadvantage the representative group or the bureaucrat could make a specific decision that benefits an individual client. Each has different normative implications.

In terms of policy change, Roch, Pitts and Navarro (2010), for example, show that schools with more representative faculty shift from punitive disciplinary poli-

<sup>3</sup> A seeming undercurrent in the normative criticism of representative bureaucracy is that there are neutral bureaucracies that implement public policies without prejudice or discrimination against individuals for any reason other than how well the clients fit the criteria of the policy in question. An argument could be constructed along these Weberian lines using a hypothetical or ideal-typical case, however, such an argument based on actual empirical cases would be difficult to sustain. Other scholars explicitly reject the idea that bureaucracies are neutral (see Bearfield, Portillo and Humphrey 2020; Meier 2019; Riccucci and Van Ryzin 2017).

cies, such as expulsions and out-of-school suspensions, to ameliorative forms of discipline, such as in-school suspensions and other methods. This shift reduces the negative educational impact of disciplinary policies and generates a net benefit to minority students (and likely majority students as well). Similar organizational policies such as the use of stop-and-frisk tactics for police, the use of standardized tests in education or employment, or gender neutral evaluations in music could also result in less inequitable program outcomes.

The case of policy change moves the key decision from the individual bureaucrat to the organization and seems to deflect the contention of bias unless somehow a minority of bureaucrats convinces an entire organization to adopt a policy biased in their favor. There may be cases of this in the literature, but I am not aware of any. The general expectation is that bureaucracies continually reevaluate their policies to determine how effective they are and make changes accordingly. Advocacy of policy changes that might reduce discrimination or contribute to social equity should not have to meet a higher standard than other organization policies, particularly those that might increase discrimination or become more inequitable. The burden of proof remains on the critics to bring forth cases where this bias can be demonstrated.

The case of individual bureaucrats making decisions is more complex and has generated an extensive literature on street-level bureaucracy (May and Winter 2009; Tummers and Bekkers 2014) as well as the literature in representative bureaucracy. Although most studies of representative bureaucracy use aggregate-level data to link passive representation to outcomes and thus cannot tell whether representation effects result from policy changes or individual bureaucratic decisions, several representation studies of individual bureaucratic action exist in the literature (An, Song, Meier 2021; Dee 2005; Guul 2018; Nicholson-Crotty et al. 2016; Xu and Meier 2021).

Because individual decisions are likely to reflect personal values and biases, it is possible that such actions might be adding bias into the bureaucratic process. To determine if that is the case, it is important to distinguish first why the bureaucratic representative might have taken the specific action in question and then to probe what the intent of the bureaucrat was in that instance. To simplify this discussion, I will term a bureaucrat from an underrepresented group as a “minority

bureaucrat” and all other bureaucrats as “majority bureaucrats.”

Why might a minority bureaucrat make a different decision with regard to a minority client than a majority bureaucrat would? The diversity management literature and the recent work on the lived experiences of identities both suggest that minority bureaucrats might possess additional knowledge such as a better understanding of the client and the client’s status or the ability to communicate better based on these shared identities. Such findings are indicated by the literature on the use of former addicts as drug abuse counselors (Park 2020) and the widespread use of incentives that police and schools offer for bilingual employees (Lewis and Ramakrishnan 2007). The police literature that shows minority and female officers, for example, engage in fewer random stops or searches but are more effective at dealing with serious crimes (Calderon 2018; Shoub, Stauffer, and Song 2021). Recent work by Nicholson-Crotty and Li (2022) even indicates that diversity among police units reduces excessive use of force by police (see also Hong 2017).

These examples of different decisions suggest that outcomes may differ because minority bureaucrats make better decisions than majority bureaucrats with regard to minority clients. As a devil’s advocate, one might also ask if there are cases where minority bureaucrats—because of their lived experiences and training—are simply better at their jobs than majority bureaucrats. Two streams in the literature suggest that this might be the case in some situations. First, a series of studies indicate that more representative bureaucracies do not have any distributional consequences; that is, while minority clients are better off, majority clients are no worse off and may also be better off (Andrews, Ashworth, and Meier 2014; Atkins, Fertig, and Wilkins 2014; Guul 2018; Meier, Wrinkle, Polinard 1999; Wilkins and Keiser 2006). Second, it is also possible that minority bureaucrats might be better at their jobs as a result of these different lived experiences or other factors that influence them to self-select into various professions. A consistent finding in the representative bureaucracy literature in education (albeit usually buried in footnotes) is that women are better K–12 teachers than men are (An, Song, and Meier 2021; Keiser, et al. 2002). Mc-Crea (2021) similarly finds that both men and women heart attack patients have better outcomes when treated by female emergency room physicians.

In a somewhat different impact of representation, extensive work on the concept of emotional labor, an effort generally associated with more women in a bureaucracy, shows how such activities facilitate interpersonal relationships both among bureaucrats and between bureaucrats and clients (Guy and Newman 2004; Guy, Newman, and Mastracci 2014). Although most studies of emotional labor examine impacts on such internal concepts as job satisfaction, turnover, and public service motivation,<sup>4</sup> there are existing studies that link the concept to better overall performance by the entire organization (Hsieh and Guy 2009; Meier, Mastracci, and Wilson 2006). Such links can be interpreted as resulting from better passive representation.

If, as suggested by these streams of literature, that outcomes in some cases change because minority bureaucrats make better decisions than majority bureaucrats, that shifts the burden of proof to the critics of representative bureaucracy to actually provide evidence that more representative bureaucrats make biased decisions in the process of active representation. To provide an argument on more than unsubstantiated claims, the critics should demonstrate two things. First, that more representative bureaucracies actually shift the balance in outcomes from favoring the majority group to favoring the minority group. This is not an easy task—an examination of the literature in the area where the plurality of representative bureaucracies is examined—education—has not to my knowledge produced evidence that majorities are significantly disadvantaged relative to minorities. Second, the critics need to show that the individual decisions of bureaucrats actually reflect bias rather than the consideration of other factors (superior communication, better understanding of the problem, or symbolic representation) that could also account for these outcomes.

This second point means that it is important to understand why the bureaucrats are making the decisions that they are making. Are the bureaucrats engaging in active representation such that they are favoring clients who look like themselves or are they acting on other

values consistent with their profession and organization that would also benefit the client? Such an assessment is being addressed by recent qualitative work. Xu and Meier (2021) find that girls with female math teachers in China do better in math than those with male math teachers. Their interviews with teachers and administrators, however, finds them universally rejecting the notion of active representation based on gender. Rather, both male and female teachers stress that they treat all students equally; additional quantitative analysis indicates that girl students respond better than boys to this type of treatment.<sup>5</sup> A study of female math teachers in India, the United States, China and the Netherlands shows a similar rejection of representation by female math teachers (Meier, Dhillon, Xu, and von den Bekerom 2022). Using a series of in-depth interviews in a rural Southern school with a large immigrant population, Penn (2021) found that while some teachers adopted a representative bureaucracy orientation that the overwhelming majority of supportive teachers stressed their professional obligation to help all children and did not distinguish between Latinx immigrant children and the other children in the school. Zamboni (2020) in a qualitative study of first responders found that the differential response of bureaucrats was focused on the needs of the clients and that active representation was based on those needs and the necessity to protect the emergency response capacity. Although these early studies cover only a small number of situations, they do indicate that some cases that look like active representation are not, and other cases that arise might be from a variety of factors other than traditional active representation.

### *Contagion Effects and Bias?*

Having examined both symbolic and active representation, one other process of linking passive representation to outcomes that benefit the represented remains to be discussed. It combines symbolic and active representation in a different manner, what has been termed either “contagion effects” (Meier and Xu 2022) or “spillover effects” (Li 2022). Passive representation

<sup>4</sup> Organizational performance could also improve as emotional labor affects job satisfaction, turnover, and public service motivation which in turn influence performance. Similarly, many original studies of gender show that better representation of women resulted in procedural changes such as flextime, family friendly policies, and other actions that could also improve overall performance (see Guy 1992).

<sup>5</sup> Xu and Meier (2021) suggest that if girls are treated equally in K–12 education in China that might be better than they are treated by other institutions in China.

could alter the distribution of bureaucratic outcomes not because the represented bureaucrats take any action but rather because their presence in the bureaucracy changes the behaviors of the other bureaucrats. The basic idea of contagion effects comes from the diversity management literature and the contact thesis in psychology. The diversity management literature argues that a benefit of diversity is that more and different ideas and perspectives are brought into the organization and this facilitates improved decisions overall (Ashikali and Groeneveld 2015). Specifically in terms of representative bureaucracy, contact between bureaucrats with different identities should lessen overtly hostile behavior toward underserved populations, allow the exploitation of any policy specific knowledge that the bureaucratic representatives bring to the organization, such as how to serve more diverse clientele, or create new networks with clientele that facilitate service delivery.

Although contagion effects were essentially ignored until recently in the representative bureaucracy literature, a small number of studies document them. Li (2022) finds that white highway patrol officers who work with Latinx officers are associated with less racial profiling of Latinx drivers (she finds null results for whites who work with African Americans). Meier and McCrea (2022) show that male emergency room physicians who work with female physicians have improved outcomes for women suffering heart attacks and that this occurs in cases of atypical symptoms that are more frequently recognized by female physicians. Meier and Xu (2022) find that male math teachers in China who have more female math teachers as colleagues are associated with higher math grades for female students. Meier, An, and Song (2022) find similar math teacher results in a 64-country study. These recent empirical studies corroborate more qualitative evidence on contagion effects found in Atkins and Wilkins (2013) for noneducation outcomes and teachers and Gade and Wilkins (2012) in veteran's services.

Although contagion effects arise from passive representation, whether they raise a normative concern about bias is open to discussion. If majority bureaucrats are advocating more for the interests of minority clients, they might be doing so because they have a better understanding of the challenges that the client faces or they might be more sensitive to their own behaviors that might be insensitive or inappropriate (racial profiling) or they might perceive how social equity is inherent in the mission of their agency. None of these explanations

raise questions of bias with regard to representative bureaucracy.

Based on this review of the literature and examination of the processes by which passive representation could be associated with outcomes that benefit the represented, several conclusions are evident. First, normative objections to representative bureaucracy in terms of bias have not fully traced out the micro-process by which this happens but rather have just made general assertions. Second, the critics have not provided any evidence of a passively representative bureaucracy that has produced disproportionate outcomes such that the represented clients receive the preponderance of the positive outcomes. Some existing evidence, in contrast, shows that as bureaucracies approach parity in outcomes for disadvantaged clientele, that the association between passive representation and outcomes that benefits the represented declines (Fay et al. 2021; Hong 2017; Keiser et al. 2002; Meier, Wrinkle, and Polinard 1999; Nicholson-Crotty, Grissom, and Nicholson-Crotty 2011). Third, no evidence has been presented that representative outcomes have resulted from prejudice or bias rather than a variety of other widely acceptable organizational processes such as superior information, better understanding of the problem, better skills, or symbolic representation. In short, the contention that passive representation fosters bias and prejudice in bureaucratic decisions is at the present time an undocumented assertion and appears to face substantial counterevidence.

Stated more boldly, the striking aspect of many representative bureaucracy findings is that the correlation between passive representation and outcomes that benefit the represented is consistent with the bureaucratic representatives simply doing the job that the organization expects of the bureaucrats. Teachers teach girls to perform better in math (Keiser et al. 2002). Child support enforcement bureaucrats get clients more money that the law says they deserve (Wilkins and Keiser 2006). Police departments arrest more rapists (Meier and Nicholson-Crotty 2006). First responders provide services to individuals who are in need while screening for frivolous use (Zamboni 2020). Patients are more likely to survive a heart attack (McCrea 2021). Police solve more crimes (Hong 2017). This is what we expect bureaucracies to do and substantial evidence suggests that better passive representation contributes to these policy goals.

### Is Representative Bureaucracy Perceived as Unfair?

If representative bureaucracy introduces bias into a bureaucratic process that otherwise lacks bias, it is clearly a concern and likely to be perceived by some individuals as unfair. Although there have been a series of experimental studies of whether individuals are more willing to cooperate as bureaucratic representation increases and how they evaluate such bureaucracies, until recently there has been little research on how individuals feel about representative bureaucracy in terms of fairness. One early exception is Dennis Daley's (1984) study of legislators who expressed opposition to the concept of representative bureaucracy. An observational study by Andrews et al. (2005) of English local governments found that citizen's opinions became more negative as local government bureaucracies became more representative even after controlling for the actual performance of local governments.

The question of fairness can also be divided into passive or active representation since it is likely that an individual might consider the symbolic representation benefits of a more diverse bureaucracy a good thing while at the same time be skeptical about active representation. The experimental studies of police (Ricucci, Van Ryzin, and Jackson 2018; Ricucci, Van Ryzin, and Lavena 2014), recycling (Ricucci, Van Ryzin, and Li 2016), emergency preparedness (Van Ryzin, Ricucci, and Li 2017), and criminal justice (Sievert 2021) are indirectly relevant since they focus on either perceived legitimacy or the willingness of individuals to coproduce; and both could be considered an indicator of support for a representative bureaucracy and thus related to perceptions of fairness.

Ricucci, Van Ryzin, and Lavena (2014) specifically show that the perceived fairness of dealing with sexual assault cases increases with more female police officers. They find these results somewhat stronger among women but do not report the results for male respondents. In a study of recycling, Ricucci, Van Ryzin, and Li (2016) find great representation of women increases the willingness of women to recycle but men were less likely to coproduce as women's representation increased. One concern in generalizing from these experimental online surveys is that the experiments need to make sure that the treatment effect (i.e., the degree of representation) is sufficiently large so that it is noticed. At times, this means presenting hypothetical scenarios

where representation levels exceed parity or are well beyond the range of the data in the real world.

Baniamin and Jamil (2021) provide additional evidence with regard to the level of representation with an experimental study of individuals in Bangladesh, Nepal, and Sri Lanka with regard to violence against women. Their findings show that the highest level of support occurs when representation hits parity (that is, half of the officials are women). These findings suggest that representation per se is valued but overrepresentation in either direction has less support. The small number of studies, however, suggests that substantial research is necessary before we fully understand whether or not individuals think that passive representation is fair. The other concern with existing studies is that at times they try to incorporate a level of performance or actual discrimination in the process that also might differ from the experience of individuals. Some qualitative work (Headley, James, and Meier 2021), for example, indicates that the benefits of symbolic representation are limited in cases where the bureaucracy has a history of negative treatment of the underrepresented population (see also Headley and James 2020; Menifield, Shin, and Strother 2019).

These studies deal with passive representation and its symbolic impact; they do not deal with active representation and how that might be viewed. At present, there are no direct experimental tests of active representation although one study of the linkage between passive representation and policy outcomes that benefit the representative has recently been published (Van Ryzin 2021) using two internet vignette studies. The first concerns education and a student who scores lower than expected on a math exam; the teacher then gives the student some extra help and a chance to retake the exam. The study experimentally manipulates the gender of the student and the teacher with a  $2 \times 2$  design with a control group where gender is not identified for either. Respondents are then asked to evaluate the fairness of the event. While the experiment has several suggestive findings that indicate identifying gender results in a "less fair" judgment than the control situation, the multivariate analysis only generates statistically significant results for male respondents who react negatively when a female teacher helps a female student. Given that male respondents do not appear to be concerned about male teachers helping male students and female respondents do not generate any statistically significant results, the



experiment probably reveals more about males and sexist attitudes rather than an evaluation of the fairness of representative bureaucracy.

The second parallel experiment involves a motorist stopped by a police officer for changing lanes without signaling (the result of a broken taillight); the officer does not ticket the driver. The treatments are to vary whether the driver and the police officer are White or Black with a control group where neither are identified. Although any identification of race led to a less positive assessment of fairness, the key significant finding was lenient treatment of white drivers was considered unfair and this was especially the case among minority respondents. The results of the two experiments with the same subjects cautions against any premature conclusions about the perceived fairness of representative bureaucracy. In one case, education, representative bureaucracy is judged harshly (by men) if women teachers help female students, but in the other case, representative bureaucracy is not judged more harshly given that favorable treatment of whites is viewed more negatively. In the teaching case, it is also unclear which of the two actions by the teacher triggered the reaction—the provision of extra help or allowing the student to take the exam again. One might argue that the provision of extra help for a struggling student is what teachers are expected to do as teachers; getting to take an exam twice probably deviates from normal teaching and could be considered favoritism.<sup>6</sup>

The difference in the two experiments might also reflect the relative visibility of the experimental conditions as they reflect mundane realism. The high salience of race and policing, particularly stops for trivial traffic violations, means that most respondents would be aware of existing discrimination in terms of race. Girls' math scores are less salient and likely less known to the general public particularly since gender disparities in math only arise in adolescence.

This section along with the previous one indicates that any contention about the perceived unfairness of representative bureaucracy has not met a minimum burden of proof. As the section on bias found, the literature does not contain a plethora of examples of more representative bureaucracies skewing bureaucratic outcomes such that the underrepresented population receives a

disproportionate share of the beneficial outcomes. The evidence of how more representative bureaucracies are perceived, particularly in terms of fairness, is fairly mixed; and as Van Ryzin (2021) effectively argues in terms of theory, there are several plausible explanations for the mixed results of his experiment.

### How Much Can Representative Bureaucracy Matter?

This article follows recent theoretical work that has proposed to separate the correlation of passive representation with outcomes that benefit the represented from the concept of active representation (Meier 2019). Such correlations could result from active representation, but they could also result from policy change in the organization, symbolic representation by clients, contagion effects that produce actions by other bureaucrats, or even factors exogenous to the organization that can directly affect policy outcomes (Meier, Pennington, and Eller 2005). The empirical work clearly indicates that the correlations between passive representation and outcomes could overestimate the impact of active representation, that passive representation can operate in a variety of ways that do not require a minority bureaucrat to make a decision favorable to a minority client. Further, theoretical reasons exist that such a decision by a minority bureaucrat could well result from factors other than bias or favoritism.

The empirical research on these various other processes of generating outcomes that are more consistent with social equity suggests that we reassess our expectations of representative bureaucracy in two different directions. In one sense the literature on representative bureaucracy may be too optimistic, portrayed as a method of ensuring that government in general—not just bureaucracy—is more responsive to the general public (Kingsley 1944; Long 1952) and supported by the extensive literature that shows positive correlations between passive representation and more equitable outcomes. In another sense the literature might be too pessimistic, with substantial barriers to representation, numerous policy areas and countries where it has not been documented, and limits on what level of passive representation is attainable.

<sup>6</sup> As an educator, I do not consider it favoritism to provide extra help and encouragement to a student who has performed poorly. At the same time, I would never allow a student to take an exam twice unless there was a university approved excuse for doing so. Without that excuse, allowing a second take of an exam seems fair only if all students have that same option.

### *The Case Against Optimism*

Norton Long (1952) contends that not only can representative bureaucracy improve democratic governance (his case is the United States, and he does not predict beyond that), that it can even correct for the representational shortcomings of the political branches. This theoretical claim is bolstered by extensive empirical literature (Bishu and Kennedy 2020; Kennedy 2014; Riccucci and Van Ryzin 2017) documenting a correlation between passive representation and outcomes that benefit the represented in many policy areas and countries (see the meta-analysis by Ding, Lu, and Riccucci 2021). The frequency that more representative bureaucracies generate more equitable outcomes remains an empirical question. Negative and null results exist in the empirical literature (e.g., in terms of race see Watkins-Hayes 2011; Wilkins and Williams 2008; for gender see Fernandez, Malatesta, and Smith 2013; Selden 1997), but the number of reported cases is relatively rare. One possibility that should be entertained is whether the publication process might be biased against null findings (Franco, Malhotra, and Simonovits 2014) because authors are less likely to submit papers with null results for publication. The net impact of publication bias would then overestimate the impact of a representative bureaucracy.

Two reasons suggest there could be publication bias in the literature on representative bureaucracy. First, scholarship now operates with a fairly precise theory that focuses research on issues where identities are salient and bureaucrats have discretion directly relevant to the identity in question (Keiser et al. 2002). The theory also specified a series of possible interactions between representation and hierarchy, stratification, political representation, critical mass and other factors thus multiplying the possible relationships to probe for representation impacts. This has essentially led most scholars to look for representation in the cases where it is most likely to be found and to then push the positive cases to determine factors that influence the strength of the representation relationship.

Second, although not directly addressing publication bias, a recent paper by An, Song, and Meier (2021) examined gender representation in education in 44 countries and provided some indirect evidence on this question. Although their purpose was to probe the contextual factors that affect the strength of the repre-

sentation relationship, they also reported their results for the individual countries. Using individual level data, they found a significant positive relationship between female math teachers and girls' math scores on international exams in only five countries. Thirty-three countries had null results despite several thousand cases in each country; six countries had significant negative results where girls' math scores were lower if they had a female teacher. These results are particularly striking given that this context has been described in the literature as conducive to gender and representative bureaucracy (Keiser et al. 2002).<sup>7</sup> The six countries, Bahrain, Jordan, Oman, Qatar, Saudi Arabia, and the United Arab Emirates have exceptionally poor records on issues of gender quality and representation and might indicate that in highly segregated situations that representation reflects an effort to limit equity rather than increase it. Specifically, a country that has institutionalized gender discrimination could interpret assigning female teachers to girls as segregation and, thus, another way of reinforcing the position of women as second-class citizens.

Two other reasons caution against optimism in the prevalence and outcomes of bureaucratic representation—the numerous theoretical barriers to representation and the unrealistic expectations given the general levels of representation among the disadvantaged. The barriers to representation have long been discussed in the literature and were used as an explanation for the initial null results in the early literature (Meier and Nigro 1976). Every bureaucrat has multiple identities, and these identities reflect a variety of lived experiences resulting from race, ethnicity, gender, socioeconomic status, education, and sexual orientation as well as from professional training, organizational socialization, and the actual process of becoming a bureaucrat (Oberfield 2014) plus countless other factors. Many of these identities can push the bureaucrat to not represent in a specific case or in general. Similarly, organizational factors can limit representation via organizational socialization, limiting discretion via rules, incentives, and social pressures (Watkins-Hayes 2011). Even factors external to the organization such as political pressures (Soss, Fording, and Schram 2011), the degree of representation elsewhere (Meier and Dhillon 2022), and a country's commitment to social equity (An, Song, and Meier

<sup>7</sup> In fairness to Keiser et al. (2002), they specifically state that gender is an identity that varies across time and space and that gender salience is likely to also vary depending on the location being studied.

2021) provide limits. All of these factors operate within a bureaucratic culture that might range from Confucianism, to elite bureaucrats who represent the state, to bureaucrats imbedded in fragmented systems that require advocacy and representation. Given that only some cases provide an opportunity for representation (the decision needs to involve the identity in question and that identity must be highly salient or even more salient than other identities), the barriers to active representation have to be considered substantial.

The barriers to representation operate in context with what are generally low levels of bureaucratic representation of most disadvantaged groups. Virtually every study of passive representation paints a picture of bureaucracies that overrepresent the “haves” in a society in terms of education, income, and political influence that becomes greater as one moves up the bureaucratic hierarchy (Naff 2018). Given that many of the cases for representative bureaucracy examine individuals who are numerical minorities in the specific context as well as political minorities, the number of representative bureaucrats is often very small.

Because outcome inequities have many determinants linked to structures, inequalities that are related to inequalities in access to education or other resources, expecting a few bureaucrats to change deeply imbedded inequities is unrealistic. Bearfield, Portillo and Humphrey (2020, 8) put the blame in part on the theory of representative bureaucracy stating that: “representative bureaucracy theory implicitly establishes white men as neutral and objective actors, while placing the burden of resolving equity issues on historically marginalized groups.”<sup>8</sup> Drawing an analogy from the blaxploitation films, Bearfield (2011) characterizes the hopes for representative bureaucracy as similar to waiting for “The Magic Negro,” the superhero who shows up with home-spun wisdom and magically fixes everyone’s problems. Deep-seated problems, such as racism in policing or inadequacies within the education system, in Bearfield’s view are unlikely to be corrected by the addition of a few African American police officers or teachers. Bearfield, Portillo, and Humphrey (2020; see also Portillo, Humphrey, and Bearfield 2022) contend that disparate outcomes that characterize many bureaucracies

can only be overcome if they become the responsibility of all bureaucrats. Bearfield’s normative argument has substantial empirical support in the persistence of inequalities; decades of efforts to improve representation in education and policing, the two most studied policy areas in representative bureaucracy, have not produced anything close to parity in policy outcomes. The policing cases, in fact, continue to show that even marginal improvements are difficult to attain (Headley and James 2020; Menifield et al. 2019).

### *The Case Against Pessimism*

Accepting the limits of representative bureaucracy as outlined in the previous section and questioning whether representative bureaucracy is a panacea or likely to work everywhere should not imply that the quest for more representative bureaucracies should be abandoned. There are several reasons to believe that increasing the passive representation in bureaucracies will improve social equity for underrepresented individuals and perhaps even generate advantages that benefit everyone.

First, despite all the barriers to the translation of passive representation into outcomes that benefit the represented, it does occur. Extensive literature reviews (Bishu and Kennedy 2020; Ding, Lu, and Riccucci 2021; Kennedy 2014) show positive relationships in numerous policy areas for multiple identities, and the limited number of countries examined suggests that representative bureaucracy will matter in many, albeit not all, countries. There are simply too many empirical examples where greater passive representation in the bureaucracy is associated with greater social equity in government action to dismiss representative bureaucracy as not contributing to social equity.

Second, improved passive representation of the bureaucracy is likely to bring into the bureaucracy a greater range of lived experiences and thus values. Diversity of values in a government bureaucracy brings additional information and more values to the policy discussions within the bureaucracy. Debates over policy and greater information when making decisions is almost universally supported as a positive goal in the literature on decision-making (Herring and Henderson 2014). The addition of more perspectives can serve as a check on the problems of a “one best way”

<sup>8</sup> My reading of the literature is that Bearfield et al. (2020) are wrong about representative bureaucracy implicitly establishing white males as neutral objective actors. I cannot find a single case of a representative bureaucracy advocate or scholar who has made that statement or any other statement with that implication. Given that most studies start by documenting the inequalities in bureaucratic outcomes, it is more accurate to state that the representative bureaucracy literature explicitly holds that existing bureaucracies are biased and not objective.

approach to dealing with citizens and serve to bring equity into bureaucratic discussions.

Third, passive representation can lead to contagion effects whereby existing bureaucrats interact with and learn from the newly enfranchised representatives. Given the complexities of contemporary policy and administration, any inputs that promote organizational learning should be encouraged. Fourth, even active representation in terms of advocacy for clients has positive consequences. Many professions such as medicine, law, teaching, counseling, and so forth have advocacy for clients as an inherent element of their professional identity. Similarly, many bureaucracies in the United States were established in part to serve as advocates for a set of interests.

Fifth, the literature has generally not found any redistributive consequences to increased passive representation in a variety of policy areas. The outcomes that bureaucracies seek (unlike their inputs) are not constrained by a fixed sum that requires redistribution. Programs can improve outreach and take-up, they can find better ways to communicate, and they can more accurately assess needs and problems. Passive representation appears to contribute to such improvements in government organizations.

Finally, to return to Mosher (1968), even if passive representation did not produce any of the list of benefits noted, a more representative bureaucracy has a strong symbolic value in a democracy. It is a commitment to equal access and a reflection of the openness of a governing mechanism to the society at large. Just because there are limits to symbolic representation and absent bureaucratic behavior that treats citizens in a discriminatory manner (Headley, James, and Meier 2021), that does not mean symbolic representation has no value.

## Conclusion

This article on social equity and representative bureaucracy addressed three normative issues in the literature. First, whether representative bureaucracy generates bias in an otherwise neutral bureaucratic process was examined. Although there are general assertions in the literature as to this claim, the critics fail to present any convincing evidence or really any evidence at all that representative bureaucracy biases a process that otherwise treats clients in a fair, impartial manner. With one exception, the literature fails to grapple with the fact that positive correlations from passive representation and outcomes that benefit the represented could occur in a variety of

ways that do not stem from active representation. Some evidence suggest that such outcomes result from superior knowledge, better communication, more cooperation from the client, and the professional orientation of the bureaucrats. These outcomes result from bureaucrats simply doing their jobs, and sometimes those jobs require understanding, empathy, and even representation.

Second, there is little evidence that the public perceives representation as unfair and that which exists seems to reject representation of privilege (a white officer not ticketing a white driver) or the attitudes of the privileged (male attitudes about female teachers helping female students but not male teachers helping male students). These plus other experiments that seem to support relatively equal gender representation suggest that perhaps psychological framing effects are generating a set of outcomes rather than those outcomes being in response to representation per se.

Third, the article argued that the literature might be too optimistic about the impact of representative bureaucracy. The highly precise theory has successfully predicted cases where representative bureaucracy is likely to exist, and those cases are not representative of all potential cases in terms of identity, policy area, or national context. Some recent cross-national evidence indicates that impacts from representative bureaucracy might be relatively rare. The article cautioned against reacting to the barriers to representative bureaucracy too negatively, and further argued that passively representative bureaucracies were a good thing and should be pursued for two reasons. First, it is one of the few policy instruments that is effective in a wide range of cases (even if not universally so). Second, the symbolic benefits of openness and legitimacy are sufficient by themselves to justify efforts to increase passive representation.

Representative bureaucracy is a field that inherently investigates normative issues such as social equity and representation through empirical analysis. What is striking in the literature is that we do not find cases for representation furthering social inequities. That does not mean that there are not such cases, only that the critics have not provided them. The current article relied heavily on the existing literature which is generally centered in developed democracies with an overemphasis on the United States. It is clear that in the United States representative bureaucracy does not appear to generate any bias or any indication of active representation “run rampant” but rather is a policy lever that in many cases can contribute to greater social equity.

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