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ABSTRACT:

This article analyzes the evolution of the staff composition of the European Commission from 1980 to 2013 using the theory of representative bureaucracy. The article first demonstrates how the Commission formulates guidelines which aim at offering fair levels of representation to each member state. However, comparing recruitment targets and actual staffing figures reveals very heterogeneous staff levels. Some member states enjoy unexpectedly high levels of representation while others present very low levels. The latter are particularly intriguing and open the door to the formulation of a “rejection hypothesis.” This hypothesis challenges one of the foundations of the theory of representative bureaucracy and leads us to suggest that the theory be enhanced in order to take into account its context of implementation in terms of consolidated or contested statehood, which in turn may explain the phenomena of rejected offers of bureaucratic representation.

INTRODUCTION:

The political project of the European Union (EU) rests on the fact that the composite European polity respects its components: the member states (MS). This political “contract,” as phrased by Ernest Renan, represents a fundamental source of legitimacy for the EU. Jean Monnet’s *Mémoires* (1976) are rich in anecdotes showing the complexity of decisions regarding for example the location of institutions or the amount of staff in institutions so as to reach a fair level of representation between the founding MS, and in some cases even parity between France and Germany in order to symbolize post-war reconciliation between these former belligerents. Contemporary Eurosceptic discourses demonstrate that when one country is perceived as dictating the actions of another MS, the European integration project loses legitimacy in some MS and among some political parties.¹ According to the theory of representative bureaucracy, ensuring a satisfactory level of MS presence in the EU’s bureaucratic apparatus may contribute to the EU’s legitimacy, arguably less through displaying to its citizens a fair level of representation than by showing MS governments that their interests will not be misunderstood or disregarded by the EU.

A handful of studies have started using the theory of representative bureaucracy in the context of the European Commission (hereafter “Commission”). One study has focused on gender representation (Stevens 2009). Two studies have analyzed the Commission’s staffing policy design (Gravier 2008, 2013). A further study has analyzed the impact of representation on the Commission’s recruitment procedures, in particular on recruitment profiles

¹ Germany’s Chancellor, Angela Merkel, and its former Finance Minister, Wolfgang Schäuble, have been criticized in political discourses (e.g., by Jean-Luc Mélenchon in France or Yanis Varoufakis in Greece) and the popular media (e.g., *Wprost* in Poland).

(Christensen, van den Bekerom and van der Voet 2017). Two studies have focused on a particular staff group working at the Commission but not employed by it: the Seconded National Experts (SNEs) (Murdoch, Trondal and Geys 2015a, Trondal, Murdoch and Geys 2015). These studies conclude differently on the representativeness of staff working at the Commission, but they converge in showing the applicability of the theory in the context of the Commission.

Representativeness can be assessed using various criteria. Following Kingsley (1944) and Mosher (1968) by the letter, the representativeness of the Commission's staff or its SNEs can be assessed in relation to the socio-demographic characteristics of the EU's population, as demonstrated by Murdoch, Trondal, and Geys (2015). This methodological choice makes sense in the case of SNEs who are not directly recruited by the Commission. However, for its regular staff, the Commission has elaborated a staffing policy aimed at achieving representativeness regarding one particular criterion: nationality. This is referred to as "geographical balance" in the EU's Staff Regulations. Consequently, it makes sense to assess the representativeness of the Commission's staff, focusing on this particular criterion. Gravier (2013) has demonstrated that the staffing policy aims to achieve passive representativeness, whereas active representation is discouraged for reasons including the existence of a duty of loyalty. However, showing that the Commission's staffing policy design is aimed at some degree of representativeness is one thing; highlighting whether the staff recruited are indeed representative of the EU's member states is another. The article's original goal was to examine the extent to which the Commission's staffing policy achieves geographical balance: in other words, passive representation.

Our study shows that the policy works to some extent. However, some puzzling cases of underrepresentation stimulate us to reflect on a particular aspect of the theory of representative bureaucracy that is not really debated in scholarly literature: the possibility that an offer of

representation might be rejected. This has led us to add to our initial approach (a standard deductive approach aimed at assessing the efficiency of the Commission's staffing policy) a theoretical ambition to enhance the theory of representative bureaucracy via what we term the "rejection hypothesis." We will discuss the implications of this for the theory in our discussion section. However, the article will first present the theory of representative bureaucracy, followed by our methodology, and then the data and findings.

THEORETICAL FRAMEWORK

The theory of representative bureaucracy has experienced ups and downs ever since its formulation in 1944 by D. Kingsley. Initially, the theory was used with one concept of representation, which implied (somewhat mechanically) that the socio-demographic composition of bureaucratic staff impacted the output of the administration. F. Mosher modified this simplistic view by distinguishing active representation from passive representation. The scholarly literature continued using the theory, now standing on two legs. Studies have focused on the link between active and passive representation and broadened the theory from social status to ethnic origins and then gender. It appears that the theory has experienced a phase of revival in the past decade and a half. Recent studies have broadened the scope of underrepresented groups to "essential" characteristics (skin color, ethnic origins, and gender), sexual preference (Lewis and Pitts 2009), and life experiences (e.g., veterans – Gade and Wilkins 2012). Additional concepts have also been suggested: symbolic representation (Gade and Wilkins 2012; Theobald and Haider-Markel 2012) and linkage representation (Gravier 2013). Conversely, Lim (2006) has suggested refraining from using the concept of active representation. Studies have also focused on the outcome of public administrations in terms of outputs of bureaucratic apparatuses, client behavior due to improved trust relations (Meier and Nicholson-Crotty 2006; Van Ryzin 2011), and socialization effects among administrative staff (Lim 2006). All administrative levels are studied: central, regional

(Grisson, J. Nicholson-Crotty and S. Nicholson-Crotty 2009) and local (Andrews *et al.* 2005). More and more countries are studied using this theory (Peters, Schröter and Maravic 2013, 2015), including multilingual states (Turgeon and Gagnon 2013). In the case of the EU, the door of the theory has been opened to non-state contexts such as regional or international organizations. Pushing the frontier of the theory where no scholar had gone before, these recent studies offer the opportunity for a renewed reflection on its underpinnings.

Andrews *et al.* (2015) have suggested granting context greater attention than is currently the case. Reflecting on context is indeed crucial, especially when expanding the theory to untypical settings such as the EU. Although the EU is not a state, there are good reasons behind applying the theory to its staffing policies: it is a regional polity with a bureaucratic apparatus of ca. 38,000 permanent staff.² The size of the Commission's staff (two thirds of the EU's staff) reflects the fact that it is a central institution in the EU. Among its main functions and competencies, it “[promotes] the general interest of the Union,” “[ensures] the application of the Treaties,” “[executes] the budget and “[manages] programmes,” “[ensures] the Union's external representation” in several contexts and policy areas, and has various “coordinating, executive and management functions.”³ The Commission is also the main initiator of EU legislation; in other words, it drafts legislative proposals that are subsequently amended and adopted (or rejected) jointly by the European Parliament and the Council. Due to these responsibilities, the Commission is in frequent contact with (among others) the MS. Taken together, these reasons justify analyzing how the Commission's staffing policy works in

² Definitive Adoption (EU, Euratom) 2015/339 of the European Union's general budget for the financial year 2015, *Official Journal of the EU*, L 69, March 13, 2015, p. 149.

³ Treaty on European Union, art. 17.

practice, and in particular scrutinizing whether its attempt to achieve passive representativeness is successful or not.

However, numerous aspects that are assumed in studies analyzing staffing issues in states must be questioned in non-state contexts like the EU. One of these aspects is the desire for representation and its corollary, legitimacy. To date, studies using the theory of representative bureaucracy demonstrate how increasing the degree of representativeness impacts the outcome of the administration/agency studied. Many studies conclude that underrepresented segments of the population benefit from increased representation in administrations/agencies (for instance, the reporting by women of sexual assault increases when more women are present in precincts). Based on these results, and given that increased representation will make these segments feel better, identify more with the political system and/or consider the situation of their individual members improved because they are treated more equally, the scholarly community may infer that underrepresented segments of a population (should) desire greater representation. This would apply even to the case of passive representation because a bureaucracy that mirrors the population's composition "suggests an open service to which most people have access . . . and in which there is equality of opportunity" (Mosher 1982, 17). Indeed, sometimes underrepresented groups ask for more representation: women, for instance, have asked for better access to higher ranking positions in administrations and institutions. However, studies scarcely address the issue of the potential lack of *desire* for representation, although the question is legitimate: what if a bureaucracy wishes to represent some population segments which are *not interested* in being represented? This may be the case because they are content with the situation as it is; it can also reflect a form of rejection of this bureaucracy and for what it stands. We know little about this issue because it is hardly addressed by scholarly literature. Several authors have come close to opening this black box by addressing the issue

of underrepresentation of specific ethnic groups in contexts of contested legitimacy⁴ of states (Dauda 1990; Brown 1999; Esman 1999; Naff and Capers 2014; Eckhard 2014; Fernandez, Koma and Lee 2017). However, these studies identify post-conflict discrimination problems and above all issues of lack of education/qualification as decisive explanatory factors, probably because most of the states studied are emerging economies or developing countries where access to education represented an issue at least at the time of their research. As Brown notes: “representative bureaucracy assumes that all members of society are equally predisposed to seeking (and retaining) jobs in the public sector. What happens if this is not the case?” (1999, 377). Naff and Capers come one step closer to what we term rejection when noting that “if a particular community does not see its members represented in the civil service, its youth may see no point in obtaining the qualifications necessary to hold a government position” (2014: 521). From there, the authors could have developed their analysis further by linking the potential refusal to obtain qualifications for public employment to legitimacy issues and, therefore, to the rejection of a state and for what it stands. Yet they do not; their interest lies elsewhere. For us, this points to a gap in the literature around the issue of rejection. Our article aims to contribute to filling this gap and to advance the theory of representative bureaucracy.

HYPOTHESES

The Commission alone employs ca. 23,000 permanent staff. The Staff Regulations require that officials be recruited from all MS but forbids the reservation of posts to nationals of specific countries. Therefore, as regards its staffing policy, the Commission is rather constrained (Gravier 2008). The recruitment of officials is undertaken through a complex competition

⁴ We use the notion of “contested legitimacy” in a broad sense, ranging from secession requests and regime transition to more minor contestations aimed at increased regional autonomy or institutional change.

system (Ban 2013), which contains among others language requirements: applicants need to be proficient in two of the EU's official languages for initial recruitment. When the EU takes in new MS, the Commission must recruit staff from these new states in order to comply with the obligation of geographical balance, but it cannot reserve posts for them. A special legislative act must be passed each time to allow *during a limited period of time* the targeted recruitment of officials from new MS. This is where the Commission has the most flexibility to try and shape the composition of its staff.

In preparing the 2004 enlargement, the Commission (2003) formulated the following staffing principles: “geographical balance has always relied on the double rule of a) equal representation of the four (originally three) largest Member States; b) over-representation of the smallest Member States so as to ensure a minimum representation. Enlargement has never led to modification of the relative weight of incumbent Member States. Therefore, a) as regards incumbents, all relative weights remained unaffected after any enlargement . . . b) new Member States received a weight by reference to the most similar incumbent(s).” These staffing principles make explicit the gold standard used by the Commission for the implementation of representativeness: they indicate how to assign each MS a theoretical share of staff. Until 2003, the Commission offered explicit figures that matched its claims for the four largest MS: the shares of France, Italy, Germany and the United Kingdom (UK) remained rigorously equal, indicating equal representation. Relative weights among incumbent MS also appeared to remain unaffected upon each enlargement. In the two subsequent enlargements (2004 and 2007), new MS were allotted a certain share of staff, while the remainder were distributed across incumbent MS according to their incumbent relative shares, thereby abiding by the Commission's principles.

These quantitative targets—hereafter called “guidelines”—seem to reliably follow the normative principles formulated by the Commission. From this reference, we may appraise

representativeness in two complementary ways. First, we compare this gold standard with a country's importance: here, the Commission explicitly speaks of size (the “largest” or “smallest” MS, or “similar” incumbents). Second, we validate the implementation of the gold standard in terms of actual staff shares. We thus formulate two main hypotheses to enable us to discuss, first, whether guidelines match country size and, second, whether actual staff shares match guidelines. Each consists of several associated sub-hypotheses.

Hypothesis 1. Guideline aligned with populations

H1.1 Equal footing by cluster. MS of similar size should have similar recruitment guidelines, leading to clusters of similar countries forming clusters of comparable targets. The four biggest MS build a particular cluster as they are explicitly allocated equal shares. In the absence of further indication from the Commission, we hypothesize that medium-sized states receive shares between those of the smaller and bigger MS, clustered by their relative size.

H1.2 Small gets more. Smaller states are allotted a larger theoretical share than their size would suggest. Conversely, bigger states are allotted a smaller theoretical share than their size. The biggest are thus underrepresented. The Commission does not indicate how to situate the threshold between the guidelines that underrepresent and those that overrepresent. We can envisage three possibilities: 1) the four biggest MS alone are underrepresented; 2) the six biggest MS (adding Spain and Poland to the previous cluster) are underrepresented; 3) half of the states are underrepresented, while the other half is overrepresented.

Hypothesis 2. Implementation not aligned with guidelines

H2.1 Existence of Bias. Actual staff shares are not faithful to guidelines.

If so,

H2.2 Cluster bias. There are specific clusters of states for which a correction occurs.

H2.3 Hierarchy bias. A correction occurs in different ways for some categories of jobs. In particular, hierarchy and level of representation are correlated: the higher the hierarchical position, the more faithful the representation.

Confirming H1.1 and H2.1 would refute representative bureaucracy in practice. In such a case, H1.2, H2.2 and H2.3 would specify to what extent.

METHODS

Data

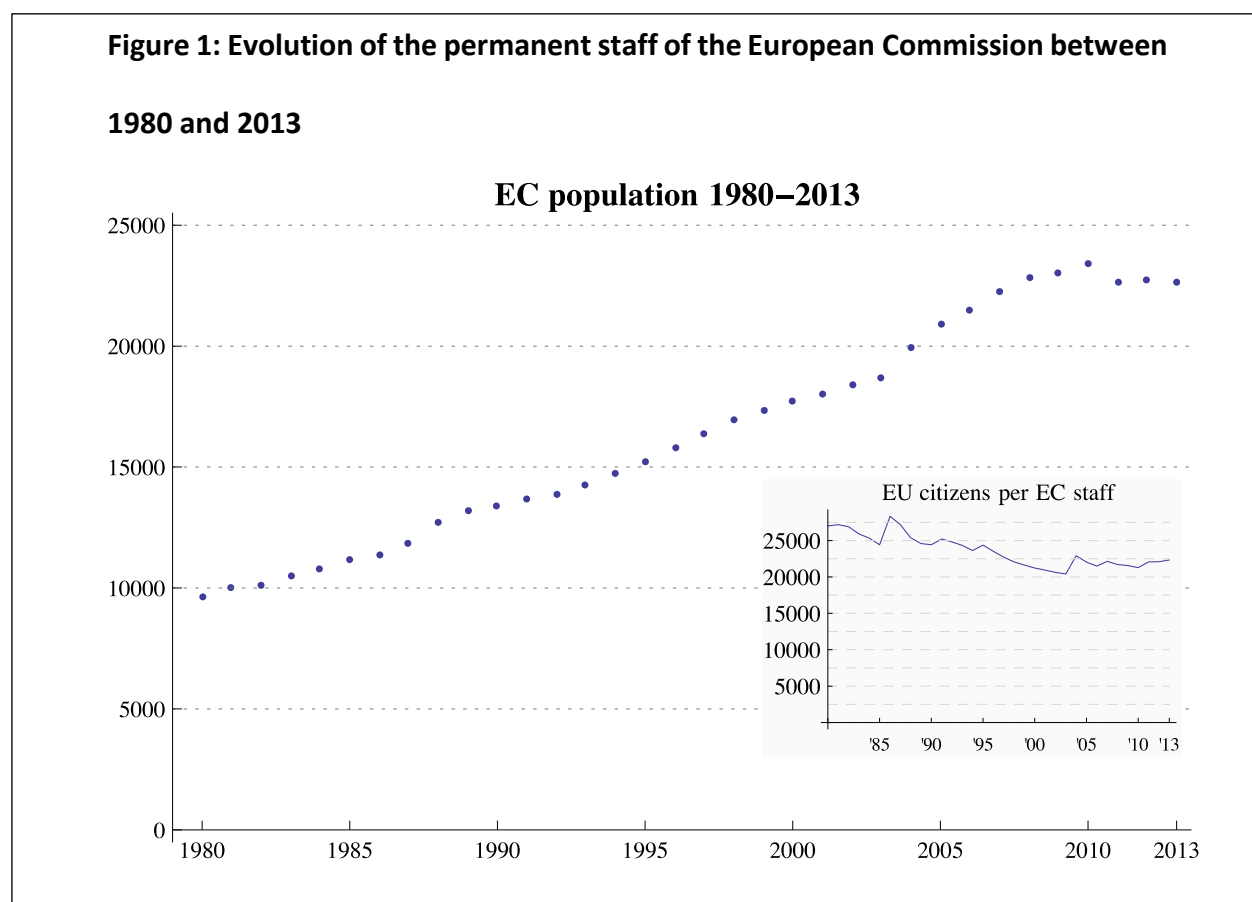
The data used for this article were essentially obtained from the Commission, and consist of staffing guidelines and staffing figures. Until 2004, staffing guidelines were negotiated among MS before each enlargement and retained until the next one. They were explicitly specified for all countries. Thus, for this period, we simply use the history of guideline values established in 1973, 1981, 1986 and 1995 by the Commission. The period from 2004 onwards covers the enlargements of 2004 and 2007. In 2004, guidelines are only explicitly defined for the ten new MS, which are allotted a total share of 21.6% of the staff. Its breakdown is based on indicative recruitment guidelines calculated by the Commission taking into account population, number of seats in the European Parliament and weighted votes in the Council of the EU. This leaves 78.4% for incumbent MS. We extrapolate the corresponding guideline by applying the aforementioned principle “c),” “relative weights are unaffected after any enlargement” to incumbent guidelines. In other words, we fix the relative shares of incumbent MS among each other and adjust them so that their total represents 78.4%. The same rule applies for 2007 when Bulgaria and Romania entered the Union, and for which 6.5% of the staffing targets were explicitly reserved. This left 93.5% of the staffing targets to the 25 incumbent MS, again prorated with respect to the pre-2007 guidelines. Table 1 summarizes the evolution of the staffing guidelines from 1973 until 2013.

Table 1. Staffing guidelines for MS: targets as a percentage of total EC staff						
	1973	1981	1986	1995	2004	2007
<i>Austria</i>				4.0	3.1	2.9
<i>Belgium</i>	8.24	8.1	6.9	6.3	4.9	4.6
<i>Bulgaria</i>						2.2
<i>Cyprus</i>					0.7	0.6
<i>Czech Republic</i>					3.1	2.9
<i>Denmark</i>	3.75	3.5	3	2.7	2.1	2.0
<i>Estonia</i>					0.7	0.7
<i>Finland</i>				2.7	2.1	2.0
<i>France</i>	18	17.7	15.1	13.4	10.5	9.8
<i>Germany</i>	18	17.7	15.1	13.4	10.5	9.8
<i>Greece</i>		4.5	3.8	3.6	2.8	2.6
<i>Hungary</i>					3.1	2.9
<i>Ireland</i>	3.75	3.5	3	2.7	2.1	2.0
<i>Italy</i>	18	17.7	15.1	13.4	10.5	9.8
<i>Latvia</i>					1.0	0.9
<i>Lithuania</i>					1.5	1.4
<i>Luxembourg</i>	1.52	1.5	1.3	0.9	0.7	0.7
<i>Malta</i>					0.5	0.5
<i>The Netherlands</i>	8.24	8.1	6.9	6.3	4.9	4.6
<i>Poland</i>					8.4	7.9

<i>Portugal</i>			3.8	3.6	2.8	2.6
<i>Romania</i>						4.3
<i>Slovakia</i>					1.7	1.6
<i>Slovenia</i>					0.8	0.8
<i>Spain</i>			11	9.8	7.7	7.2
<i>Sweden</i>				4.0	3.1	2.9
<i>United Kingdom</i>	18	17.7	15.1	13.4	10.5	9.8
Total	97.5*	100	100.1	100.2	100	100
<p>Notes: in 1973, Ireland and Denmark were allocated shares in a “range of 3.5-4%,” hence we chose the mean value of 3.75%. Before 1981, a figure of 18% had been allotted to “Benelux” as a whole: we subsequently distributed shares among Belgium, Luxembourg and the Netherlands according to the relative weights of these three countries in the guidelines of 1981. The totals for 1986 and 1995 are very slightly above 100% owing to imprecise rounding, but this will not affect the results. The percentages for incumbent states in 2004 and 2007 were respectively adjusted to 78.4% and 93.5% and recomputed proportionally to their relative weights in the preceding period.</p> <p>*The original Commission document indicates a range of “97-98%” for the total, partly as a result of the “3.5-4%” ranges for Ireland and Denmark. Since we chose the mean values for these two countries, we reach an average total of 97.5%.</p>						

Staffing figures correspond to the Commission’s permanent staff (called “officials”) from 1980 to 2013 by nationality and category. Until 2003 the staff was organized in five categories: four

groups from “A” to “D”, which are hierarchical grades, and a fifth group called “L” for the “linguists” (interpreters and translators). Following the 2004 reform of the Staff Regulations, the L category was integrated into the A category in 2004 and, two years later in 2006, the four remaining categories were reorganized into two categories: the then-A category was renamed AD (administrator), while the three other categories B-C-D were regrouped into a single category called AST (assistant). In this article we will use the current label AD even for the period prior to 2006. In the beginning of our period of observation (1980) there were almost 10,000 permanent staff working for the Commission, a number that had more than doubled by the end of our period of observation in 2013 (see Figure 1).



Park (2012) has shown that the level of representativeness of a given group may vary according to hierarchy. Taking this finding into account, we distinguish three sub-populations

to assess the degree of representativeness per nationality: the total staff population for each nationality, staff recruited in the AD category and staff in the upper three AD echelons. This means that following earlier findings in this field (Gravier 2013), we consider the whole staff, and not just the AD officials, as opposed to what is standardly done in EU studies on Commission staff (e.g., Kassim *et al.* 2013). Indeed, staff at all levels, even if not directly involved in policy-making, have the capacity to represent at least passively their state of origin. This is why *for the Commission itself* representativeness is planned from the very lowest grades to the highest ones. Therefore, to avoid skewing when analyzing the Commission's staffing policy, we take into account staffing figures for both categories.

Main observables

We appraise the representativeness of a given country in two complementary ways. First we look at staffing principles, and then at actual staffing shares. The former indicates how well a country is represented in staffing principles by comparing its share of staff targets with its actual importance among MS, measured in terms of population share. The latter focuses on the possible discrepancy between the share allotted by staffing principles and the actual share enjoyed by a given nationality within the organization.

Hence, there are two (theoretical) standards and two (practical) implementations: (i) first, staffing guidelines compared with the standard given by population sizes, and (ii) second, actual staffing compared with staffing guidelines. In both cases, we compare the expected share according to each standard and the actual share observed in practice. With respect to staffing principles, suppose that country c represents a proportion $p(c)$ of the total EU population at

some point in time,⁵ while staffing guidelines assign it a proportion $g(c)$ of the total staff. The over- or under-representation of c in the negotiated guidelines regarding its expected share according to population importance may therefore be assessed by computing $r(c)=g(c)/p(c)$. We call “ r ” the guideline representation ratio. Similarly, suppose that the share of c in actual EC staff amounts to $s(c)$,⁶ the over- or under-representation of c in actual staff with respect to its expected share in the staffing guidelines, and thereby the implementation efficiency of staffing guidelines is noted $i(c)=s(c)/g(c)$. In the remainder of the paper we call “ i ” the staff representation ratio. We subsequently plot three staff representation ratios for each staff category of the trichotomy outlined in the previous section (see Figure 3): for all staff, for category “AD” staff (“Cat AD”), and for the top three echelons of that category (“Top 3”). As we shall see, representativeness may vary significantly across these categories.

Findings

The findings will be presented in two subsections. In the first subsection, we present general remarks on phasing in staff. In the second, we address the hypotheses.

General remarks on phasing in new staff

When states become members of the EU, the Commission must recruit staff from their respective populations. For this purpose, it elaborates a special staffing policy allowing it to recruit officials from the new MS. The policy comprises several elements among which a timeline covering the span of time required to phase in the new staff. For instance, for the 2004

⁵ This proportion may be easily derived from our data by computing $p(c)=P(c)/P$, where $P(c)$ is the population of c , and P is the total EU population, $P = \sum_{c' \in EU} P(c')$.

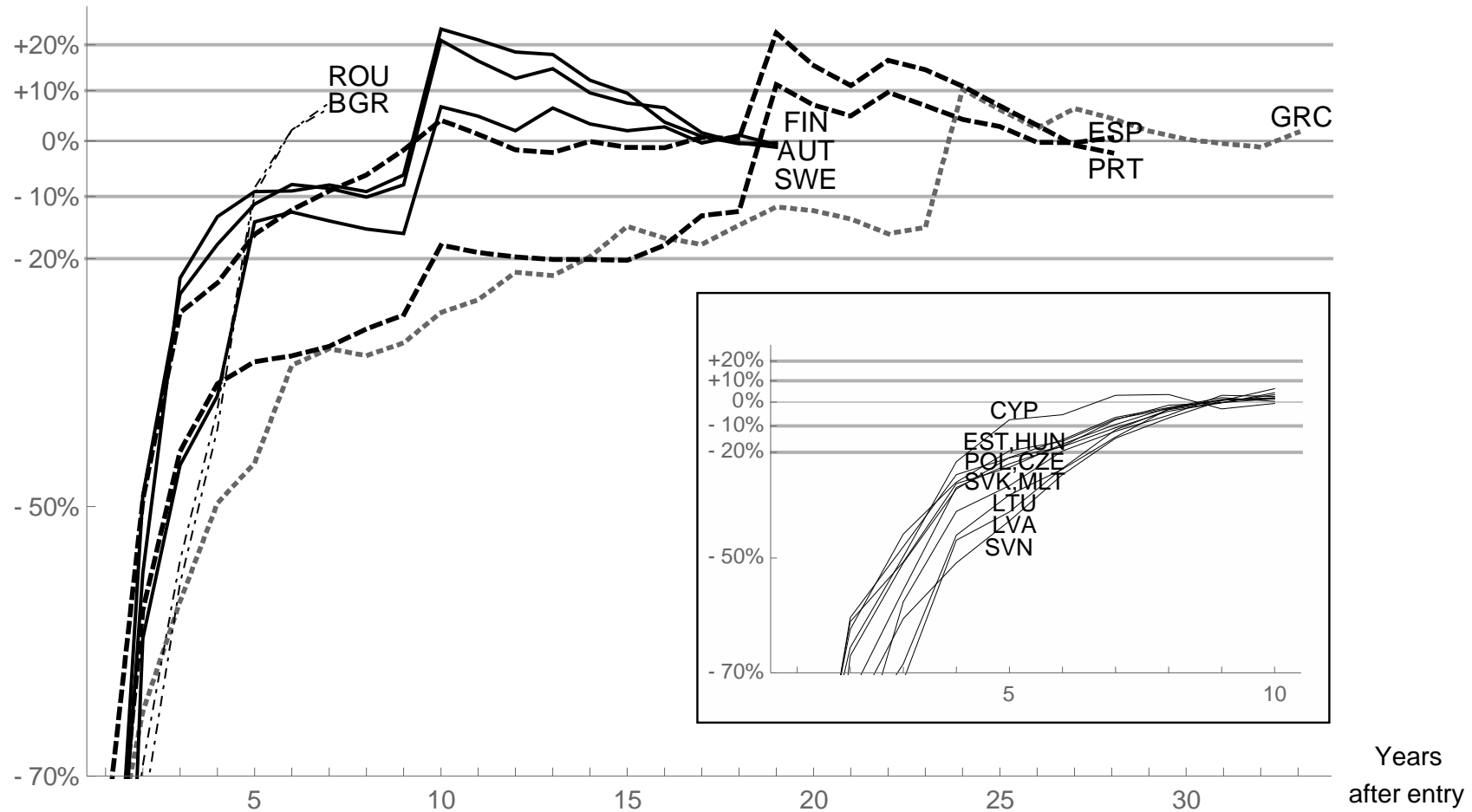
⁶ Again, $s(c)=S(c)/S$, where $S(c)$ is the absolute number of staff coming from country c and S total EC staff.

enlargement, Commission documents indicate that the staffing action was planned in two steps: two thirds of the staff were to be recruited during a transitory period, and the remainder were to be recruited after this period within the framework of normal recruitment procedures (Commission 2003). The duration of the transitory period varies from one enlargement to another. For the 2004 enlargement (10 new MS) it was seven years, but for the 2007 and 2013 enlargements (respectively two and one new MS) it was five years.

Our data set gives an idea of the time it took in practice to phase in staff for states that became MS of the EC/EU after 1981 (see Figure 2). For all new MS, we observe a very steep progression of recruitment during the first five years, before the curves start to flatten in the following five years. On average, the stabilization phase begins after a decade. All MS in our data set show very similar patterns during the first 10 years. Punctual increases appear after each subsequent enlargement, but do not modify the trend (e.g., the impact of the 2004 enlargement is visible after nine years for Austria, Finland and Sweden, which joined in 1995; and after 18 years for Spain and Portugal and 23 years for Greece, which joined in 1986 and 1981, respectively). These findings are important for our purpose because they imply that we cannot conclude much in terms of implementation for the MS that joined most recently (Bulgaria, Croatia and Romania). Croatia, a MS since 2013, has generally not been taken into account for that reason. However for the MS of the 2004 enlargement, even though it is too early to claim that we have stabilized staffing patterns, we may consider that after nine years of membership (the data set stops in 2013), staffing patterns reveal trends that are close enough to their final level of stabilization.

Figure 2: Phasing in staff

Divergence of $i(c)$
w.r.t. final value (2013)



Caption for Figure 2: This graph displays the convergence of staffing shares following the entry of a MS into the EU, after an initial period of stiff recruitment dynamics. The temporal axis (abscissa) is relative to each country: the origin corresponds to the entry of each MS. The y-axis represents the divergence to the final staff share as of 2013, assuming that it is a convergence point, i.e., most countries exhibit staff shares that are relatively stable compared with periods closer to their entry. We see five country clusters with similar dynamics that correspond to successive enlargements. In most cases, stabilization around 20% or less of the final staff share value occurs within a decade at the latest. In the main graph, from left to right (and top to bottom), the country groups are: {ROU, BGR} (thin line), {FIN, AUT, SWE} (normal line), {ESP, PRT} (thick dashed line), {GRC} (gray dashed line), corresponding to groups of entry year in reverse chronological order. For the sake of readability, we kept the 2004 enlargement MS in a separate graph located in the inset, i.e. {SVN, HUN, LVA, MLT, POL, SVK, EST, LTU, CZE, CYP}. Country codes are in Appendix A.

Finding partial support for the hypotheses

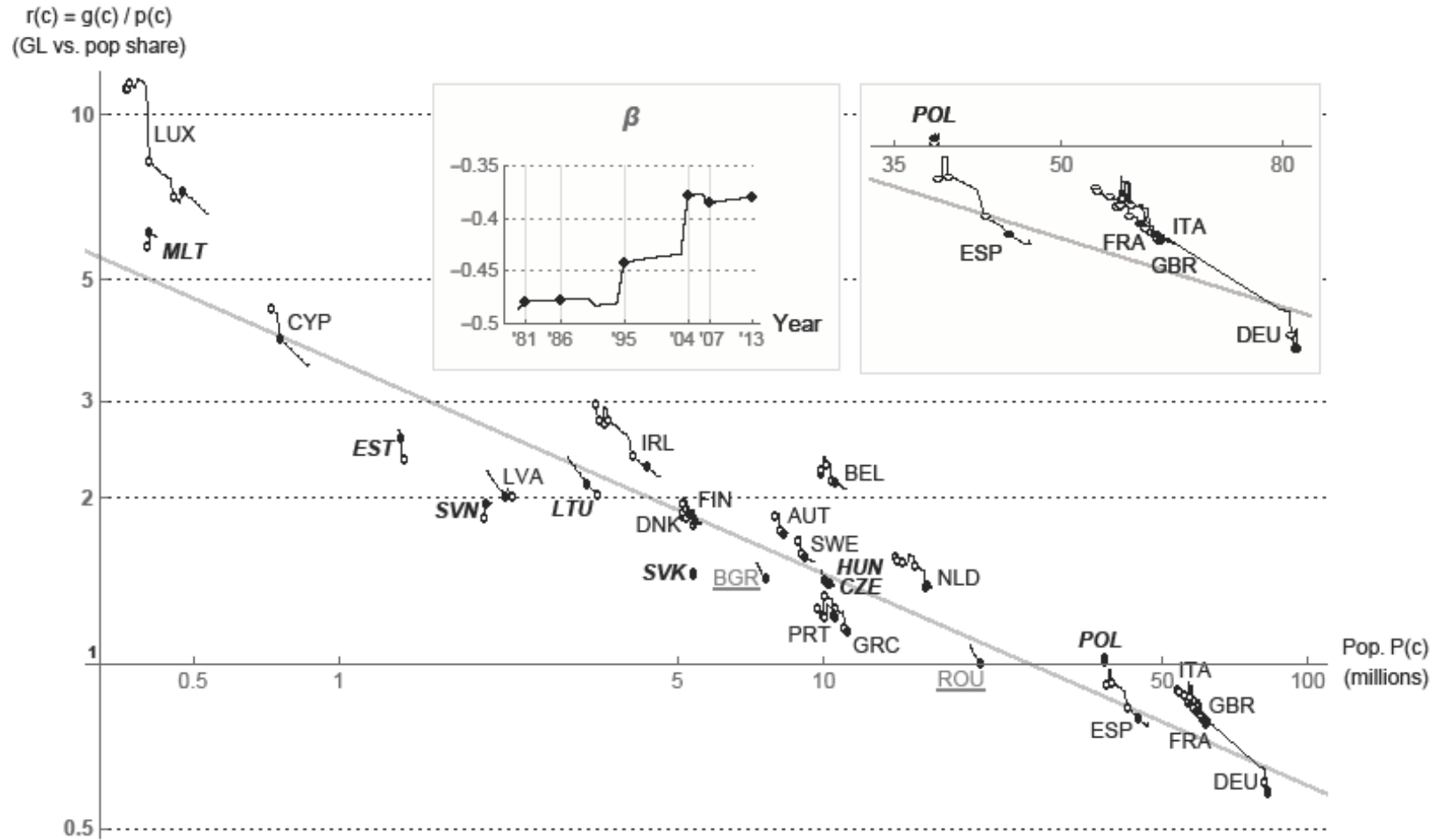
Hypothesis 1. In order to answer H1, we will first deal with the two sub-hypotheses.

H1.1. *Equal footing by cluster.* The notion of cluster is central to this hypothesis. The first cluster – the four biggest MS: France, Germany, Italy and the UK – meet an explicit recruitment principle. It is “given” to us by the Commission. The other clusters are defined by us on the basis of their demography. We will start with the four big MS, because they stand out. They are the only states that are said to require *equal* and not merely *similar* levels, indicating that something special, something symbolic, is at play.

The four larger MS have been allocated identical targets as a result of recruitment principle “c)” (see Table 1). In terms of the guideline representation ratio (see Figure 3),⁷ the targets diminished over time due to the successive enlargements. However, while France, Italy and the UK kept recruitment guidelines that are similar among each other and somewhat underrepresent their population share, Germany’s ratio collapsed in 1995: after the German Unification in 1990, the German population increased from approximately 63 million inhabitants to approximately 80 million, but its recruitment target remained unchanged. This means that the idea of equal representation among the four biggest MS was maintained, although it now disadvantages Germany.

⁷ Target share divided by population share for a given MS; see Methods/Main observables in Section 3.2.

Figure 3 – Evolution of recruitment guidelines vs. population for each member state (1980-2013)



Caption for Figure 3: This graph depicts the evolution of the guideline representativeness ratio $r(c)$ for country c , as a function of its population $P(c)$. Dots mark successive enlargements, with the final one (2007) being black. Bold italic labels correspond to countries whose 2007 ratio is larger than the geometric mean of the previous ones (indicating an increasing guideline representativeness ratio on average); normal labels indicate the opposite (decreasing representativeness). The most recent member states, for which this trend may not yet be computed, are represented with gray underlined labels. On the whole, the larger the population, the lower the representativeness. The gray line represents the best linear fit of the 2007 values of r . **First inset:** evolution of the coefficient of this fit, i.e., the best β for which $\text{Log}(r(c)) = \beta \text{Log}(P(c))$, or $r(c) = P(c)^\beta$. The R^2 varies between .90 and .97 for all years, with a mean of .93, indicating a very good fit. In other words, β accurately measures the dependency between over-/under-representation and population: the lower β (more negative values, as is the case in the earlier years), the more pronounced the discrepancy between more populated states (which are therefore more underrepresented) and least populated states (which are thus more overrepresented). β visibly tends to slowly increase towards 0 in recent decades, indicating greater equality among states (a β of 0 would correspond to target shares being exactly proportional to population shares). **Second inset:** zoom on the largest countries. Note that France, the UK and to a lesser extent Italy may not be easily distinguished from one another because they obey very similar dynamics at the guideline representativeness level.

For the other clusters of states, H1.1 predicts that states of similar size should have similar recruitment guidelines and staffing figures. H1.1 is verified for these states as well. Comparing the guideline representativeness ratios it can be seen that the rankings largely follow the MS demographic weight: Figure 3 shows the guideline representativeness ratios for the 27 MS (without Croatia) and the temporal evolution of the discrepancy between recruitment guidelines and population. This is surprising because at the beginning of our period, demography was only one of the criteria used to calculate recruitment guidelines. Following demography, seven clusters stand out:

1. The four biggest MS: France, Germany, Italy and the UK;
2. Large states: Spain and Poland;
3. Medium-large states: Romania and the Netherlands;
4. Medium-sized states: Austria, Belgium, Bulgaria, Czech Republic, Hungary, Greece, Portugal and Sweden;
5. Medium-smaller states: Denmark, Finland, Ireland and Slovakia;
6. Small states: Estonia, Latvia, Lithuania and Slovenia;
7. Extra-small states: Cyprus, Luxembourg and Malta.

Only a few cases stand out: Luxembourg, Belgium and to a lesser extent Ireland and the Netherlands appear to have generous targets in relation to both their population (ratios above 1) and to states in a comparable cluster (higher ratios than other cluster members). However, they present different trajectories e.g., Luxembourg's ratio has fallen dramatically, as has Ireland to a smaller extent. Conversely, Belgium presents a remarkable level of stability. Aside from these exceptions, demography appears to be a relatively good predictor of targets. Therefore, we consider H1.1 verified: states of similar size have similar recruitment guidelines.

H1.2 Small gets more. This hypothesis concerns the over- and underrepresentation threshold between smaller and bigger MS. Under this hypothesis, we expect the smaller MS to

be overrepresented and the larger ones to be underrepresented. There is no indication concerning middle-sized MS, but we extrapolate from the principles exposed by the Commission that they should present levels of representation situated between the two poles and in relation to their size. On Figure 3, the configuration of the ratios and their evolution shows that smaller MS indeed are and remain overrepresented, while bigger ones are and remain underrepresented. Ratios as a function of nominal population are roughly distributed along a (decreasing) line in log-log space (the significantly negative coefficient of linear regression β confirms this fact). This overall pattern has been maintained (β remains negative) after each enlargement and throughout time (i.e., taking into account the evolution of the populations of the MS), with the exception of Germany as already mentioned. This works particularly well if we follow the clusters mentioned in H1.1. On the left side of Figure 3 we find the “extra-small” cluster with the highest values; on the right side, the biggest MS with the lowest values. Here we find unsurprisingly the four biggest states but we also see immediately next to them MS with the next largest populations: first Spain presenting ratios below 1, and then Poland and Romania with ratios around 1.

Considering the MS with middle-sized and small populations, we can identify two things: 1) their values are all above 1, indicating overrepresentation; 2) the overall structure of representation has changed over time. At the beginning of our data set, when the EC/EU counted nine MS, a smaller half of the values was below 1. In 2007, only a fifth of the values were below 1. Thus the overall principle of small MS overrepresentation is indeed reflected in the recruitment guidelines, but more and more MS have recruitment guidelines overrepresenting them. Therefore, the strongest principle of representation is no longer that of smaller MS overrepresentation, but rather of big MS underrepresentation. Further, the underrepresentation rule is evolving towards a rule for the bigger MS (not yet the “big 6” but

already the “big 5”), with the next two states in terms of population (Poland and Romania) on the verge of being underrepresented.

Summarizing on H1.2, the guideline representativeness aspect is verified, but the guidelines grant overrepresentation to medium-sized MS such that the Commission’s principle “b)” ends up inverted: rather than overrepresenting only the smallest MS, we see that only the biggest MS are underrepresented.

Concluding on H1, we find that the hypothesis is verified. However, Romania’s guideline being similar to that of Poland stands out: it should be closer to that of the Netherlands, which comparatively enjoys a generous guideline. This points to potential *de facto* clusters: generational clusters. Aside from Cyprus and Malta, the most generous values are found among the oldest MS.

Hypothesis 2. Implementation is not faithful to guidelines

In this hypothesis, we test the faithfulness with which the guidelines are implemented. We proceed in two steps. First we ask whether the actual staffing figures reflect the recruitment guidelines. This leads to a first sub-hypothesis (H2.1): actual staffing figures do not reflect the guidelines. If confirmed, the next question we raise is to what extent are the guidelines not reflected in staffing figures. Here, we formulate two additional sub-hypotheses aimed at assessing patterns. H2.2 hypothesizes that the discrepancy between guidelines and staffing figures varies according to clusters of MS. H2.3 hypothesizes that the discrepancy varies according to the hierarchical level of staff members.

H2.1 Staffing figures do not reflect staffing guidelines. Figures 4a, 4b and 4c show that the actual staffing figures do not appear to match the recruitment guidelines: too many states are sensibly below or above a ratio of 1, thereby verifying H2.1. Our next step is therefore to understand the discrepancy observed; this leads to the next two sub-hypotheses.

Figure 4a: Total staff vs. guidelines

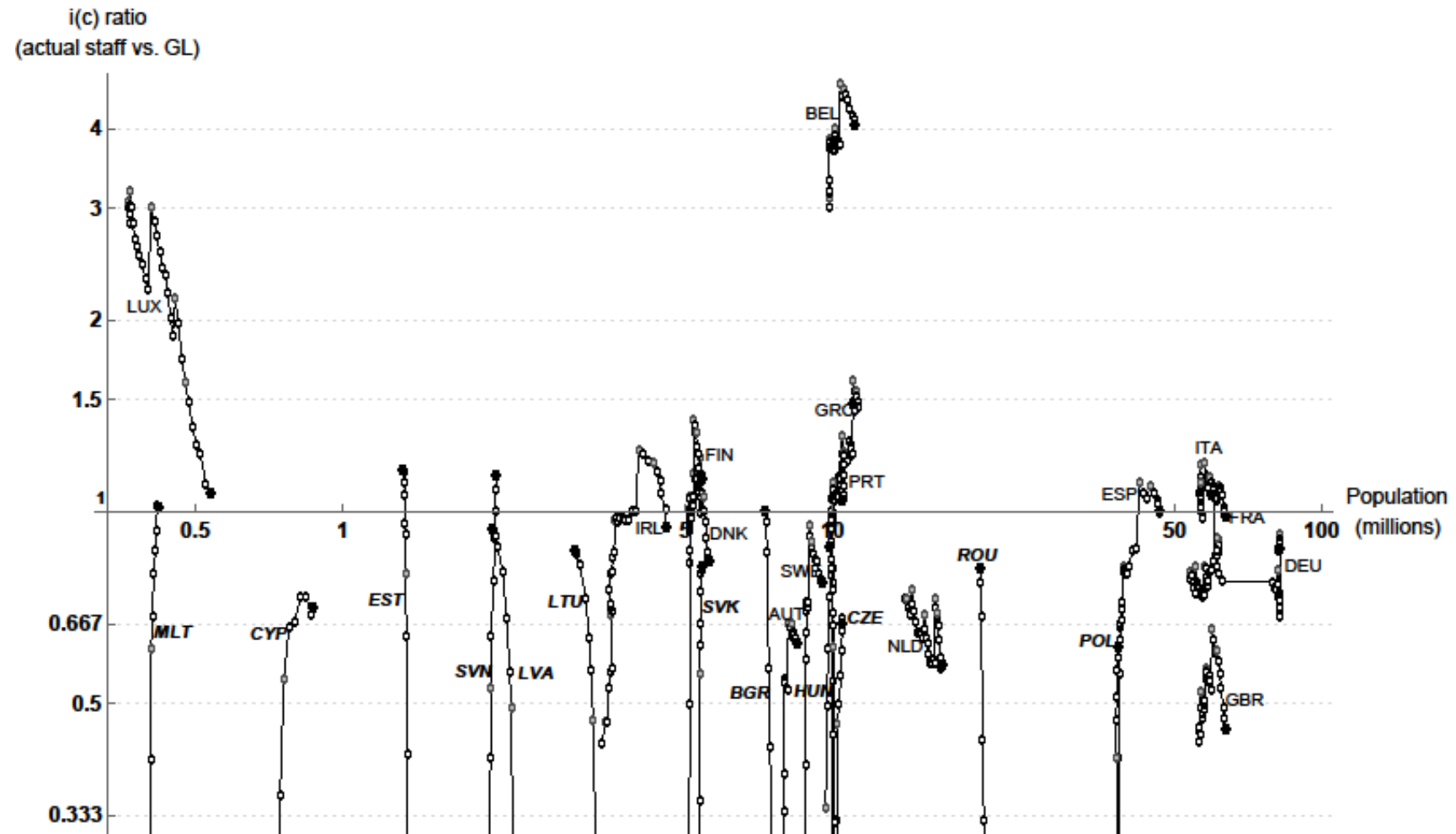


Figure 4b: AD staff vs. guidelines

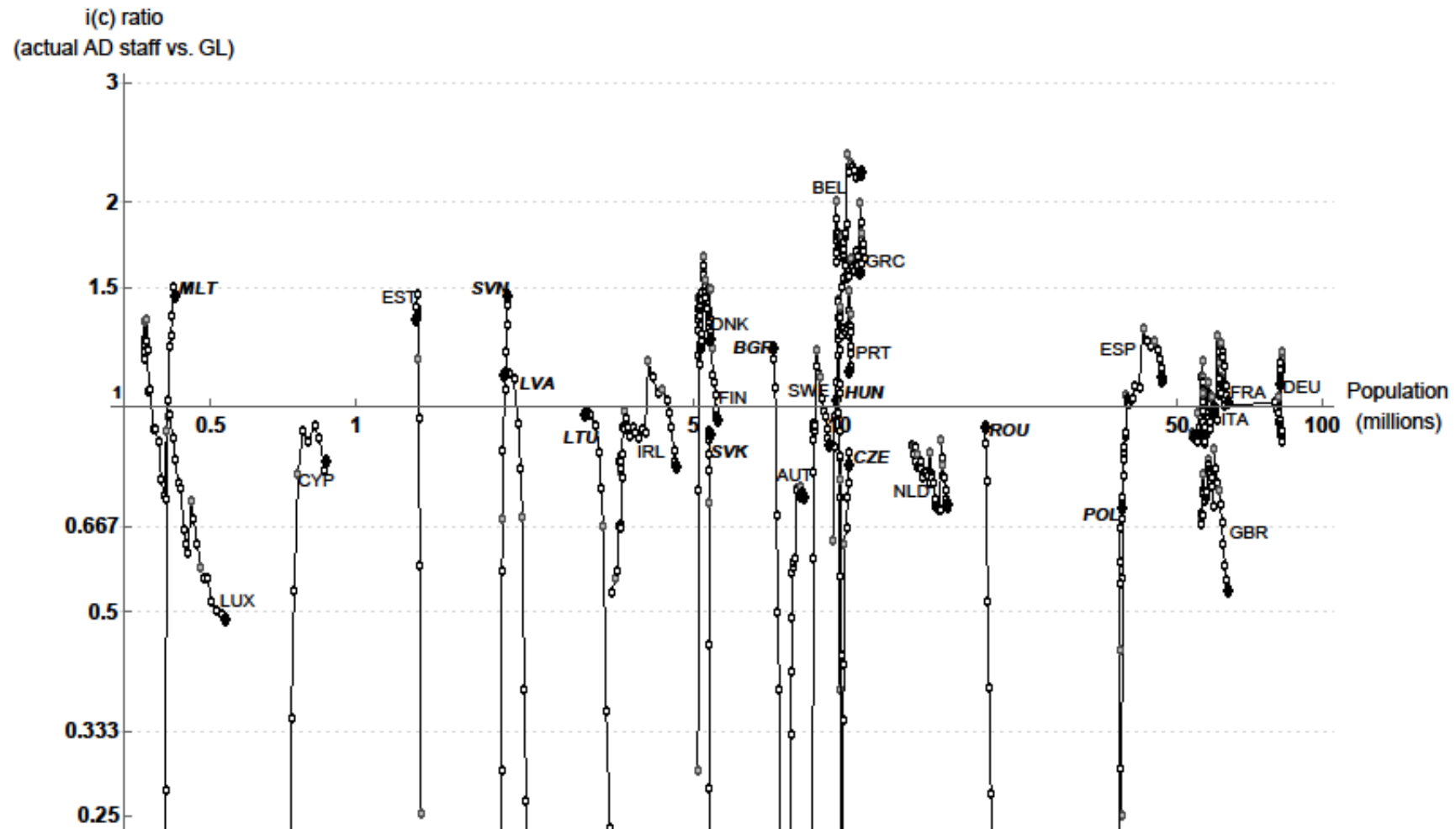


Figure 4c: Top 3 staff vs. guidelines

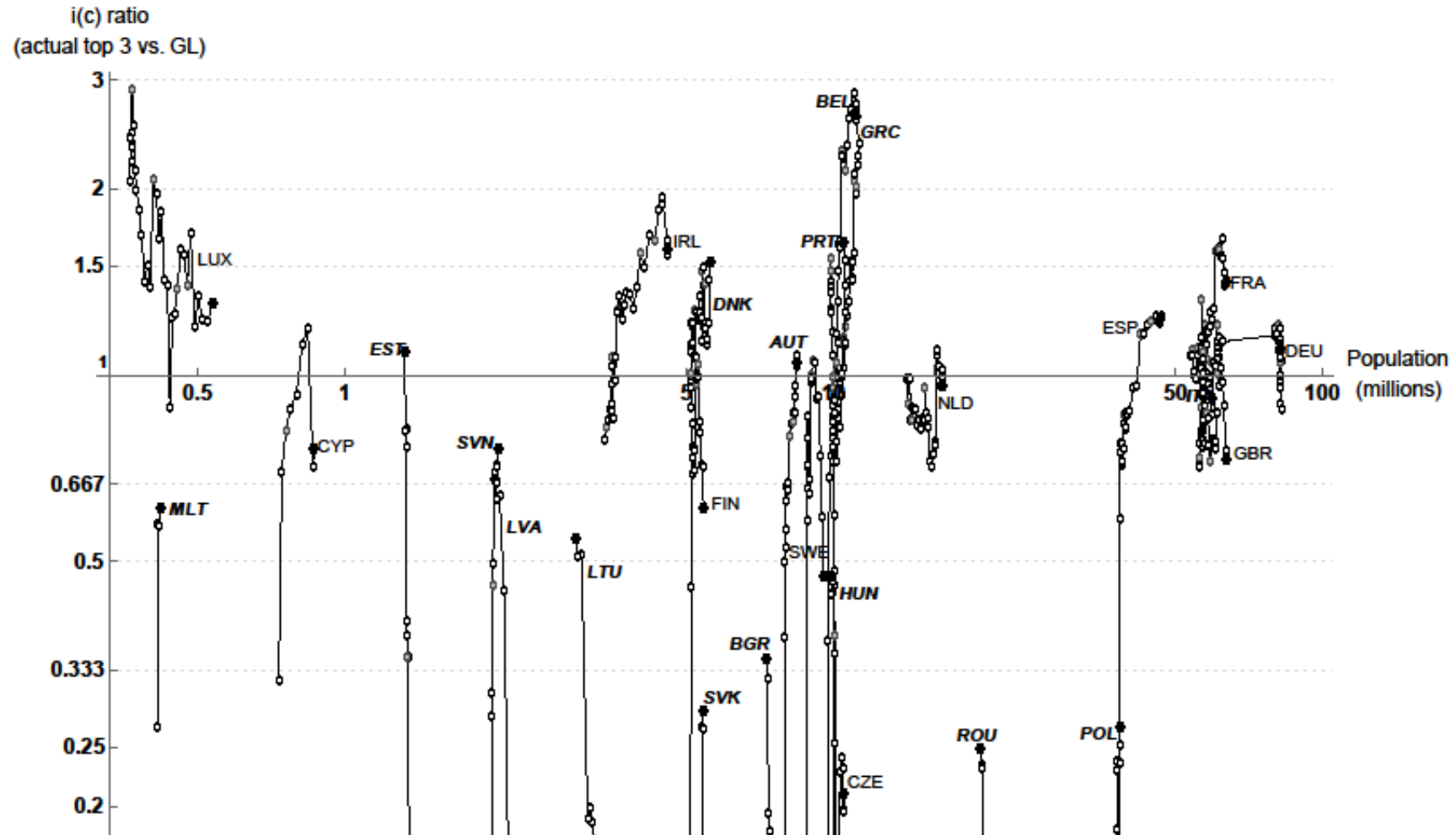


Figure 4 a, b and c: Ratio of staff representativeness. *i(c)* indicating the guideline implementation accuracy, comparing recruitment guidelines with actual staffing figures, for (a) all staff, (b) for category AD staff, and (c) the top three grades of category AD. A ratio of 1 means that GLs are perfectly implemented, a ratio higher (resp. lower) than 1 means that actual staff figures are larger (resp. smaller) than dictated by the guidelines. For convenience, dots mark years, filled in gray at each enlargement and in black for the last point in the time series (2013). Here, a bold italic label means that the ratio has been generally increasing, on average, over the last five years; a normal label indicates the contrary.

H2.2 The discrepancy between staffing guidelines and actual staff figures varies according to MS clusters. Our data disconfirms H2.2. The discrepancy pattern does not follow a strict rationale of country clusters but a combination of three patterns: cluster trajectory; individual trajectory and accession generation. For the sake of concision, we focus on the few MS that are relevant given the theoretical angle of this article.

We start with the four big MS. The representativeness of actual staff figures for the total staff (measured by the ratio staff vs. recruitment guidelines, see Figure 4a) reveals discrepancies between the four states. Italy and France present more or less similar ratios, albeit slightly higher for Italy than for France. Germany presents lower but not puzzling ratios. Conversely, the UK presents a significantly different pattern, with much lower ratios over the whole period. It also presents a constant and steep decrease after 2004, returning to the levels of the 1980s. The UK's case, which led us to formulate the rejection hypothesis, will be investigated further in H2.3.

We now turn to the six other clusters of states. Ratios for the whole staff (Figure 4a) reveal two patterns meriting comment. The first one is generational. Aside from the “small” cluster (cluster 6), composed exclusively of new MS, all clusters are composed of both old and new MS. Taking into account the accession generation (pre- vs. post-2004 accession) helps us to explain some patterns. Out of 13 MS presenting ratios below 1, more than half are new MS. This is consistent with the fact that the new MS are still phasing in their staff. However, some of these states face difficulties in reaching a ratio of 1: either their trajectory is going down (e.g., Cyprus) or it is progressing too slowly (Czech Republic, Poland). This may indicate that some of these states will not reach their recruitment guideline. Further, comparing states with ratios below and above 1 we can see that demography is not a good predictor of the ratio value: there are small and medium-sized states in both categories. Therefore, other factors must be at

play. Further studies are necessary to explore the situation once these MS achieve staffing maturity.

The second interesting pattern concerns the older MS. Among them, a group with particularly low ratios draws our attention. They have already been singled out by scholarly literature (Ban 2013) and, interestingly, they disconfirm the assumptions underpinning the theory of representative bureaucracy. The group consists of Austria, the Netherlands and the Nordic countries (Denmark, Finland and Sweden). These states present either declining or low staffing trajectories, and as such they are puzzling. None of them have overall staffing ratios as low as the UK, but their ratios are (at least Austria's and the Netherlands' cases) consistently very low. Denmark, Finland and Sweden first exhibited rising figures, which then declined. Although Sweden has never reached a ratio of 1, Denmark and Finland have seen ratios above 1, even if Denmark dropped below 1 after 2009 and both countries seem to display a declining trend.

Since 2004, the aggregated overall staff of the old MS (EU-15) has diminished by 9%. This reflects a job transfer from the old MS to the new ones, allowing the Commission to recruit more staff from the new MS (2004 and 2007 enlargements) while limiting job creation due to budgetary constraints. The staff loss of these states should be analyzed, keeping this in mind. That said, the overall staff figures for these states show that Austria only lost 5% of its staff (below the aggregated loss of the EU-15), while Sweden, Finland and Denmark respectively lost 14%, 16% and 25% of their staff. The highest loss of staff was experienced by Denmark, a Nordic country, but from the 1973 enlargement.

H2.3 Impact of hierarchy. Nationality matters more at the highest levels of recruitment than at lower levels. First, there are fewer posts and stricter recruitment principles.⁸ Second, backing from the home government is expected before top level appointments are confirmed (Ban 2013), indicating the importance of these positions for MS. Therefore, we hypothesize that hierarchy induces more balanced ratios (closer to 1). To test this hypothesis, we compare the ratios for each MS for three different populations: the total staff population (Figure 4a), the AD category (Figure 4b), and the Top 3 grades (Figure 4c).

As already noted, Figure 4a displays patterns that do not really reflect the recruitment guidelines. If we look at states presenting or having presented at some point a ratio of 1 or above, we count only 14 states. This is clearly below the recruitment guidelines. For the AD category (Figure 4b) and the Top 3 grades (Figure 4c), respectively 16 and 17 states have reached at least once a ratio of 1 or above. This suggests that states are better represented at the upper levels of the hierarchy, but it does not mean that the *recruitment guidelines* are better met: the states with a ratio above or below 1 are not always those foreseen in the recruitment guidelines.

On average, the big four have higher ratios in the AD and Top 3 levels. For the AD category, Germany, Italy and France present similar ratios during the 33 years covered by our data. The main difference concerns the number of years during which their ratios remained above 1. Here, Germany performs twice as well as France, while Italy lies in between. The UK still has lower ratios, but higher than for the total staff. For the Top 3, Italy performs poorly in comparison to France and Germany, but this is nonetheless the level where it reaches its highest ratio.

⁸ The 2003 Commission document states that the “objective . . . is that at least one national from each member state holds a Director General, Head of Department or similar position.”

Summarizing on this cluster, the only state for which hierarchy does not significantly improve representation is Italy. Indeed, its ratios at the Top 3 level even drop to the UK level. The UK, although lower than the other big states on average, has much higher ratios in the two sub-populations and has its highest ratios at the Top 3 level, where they partly overlap with those of the three other states. The hypothesis is thus confirmed for France, Germany and the UK, but disconfirmed for Italy. The new MS' ratios illustrate the phasing in period that characterizes their staffing trajectory: representation improves at the AD level, while at the Top 3 level only two reach a ratio above 1. The group also presents diverging ratios: no clear pattern emerges in our data set.

Among the older MS, the Nordic countries, Austria and the Netherlands present significantly lower ratios; they constitute a group apart. We can see this by looking at the staffing figures. At the AD level, let us first note that the aggregated EU-15 MS lost 3.3% of their staff in 2013 in comparison to their peak reached in 2010. Standing apart, Austria experienced a constant staff increase (+19.4% from 2004 to 2013). Conversely, the Nordic countries experienced losses from their peak years in 2004/2006 to 2013 of -9.4% (Finland), -12.7% (Sweden) and -19.6% (Denmark). At the Top 3 level, the aggregated EU-15 lost 35% of their staff from their peak level in 2004 to 2013. Austria, Sweden, Finland and Denmark lost staff -13%, -69%, -60% and -31%, respectively. Concluding on these MS, H2.3 is only verified for two states: even if the overall ratios tend to decline, levels of representation increase with hierarchy for Denmark. Similarly, the Netherlands may present dropping ratios in the final years of our data set; however following our expectations, its levels of representation are correlated with hierarchy. Both Finland and Sweden stand apart: they reach their highest ratios in the AD category but present Top 3 levels below that of their respective total staff: they present a partially inverted correlation.

Taking in all MS, the H2.3 hypothesis is only partially confirmed. It works for some states but we also see inverted correlations indicating that hierarchy does impact the representation level but not always as expected.

Concluding on our two main hypotheses, while H1 can be considered verified, H2 cannot. This points to a discrepancy between the recruitment guidelines and their implementation. The notion of state cluster by size is not decisive. For the moment, the notion of generational cluster seems to be more decisive, but since the new MS have not reached staffing maturity, it is not clear whether this pattern will remain over the years. Hierarchy seems to be an important factor. Big MS (except Italy) reach higher levels of representation at the AD and Top 3 levels, thereby reducing the possibilities for smaller MS to attain such jobs, whose quantity is limited. Finally, a few individual state trajectories stand out in that they challenge the rationale of the theory of representative bureaucracy: although it is helpful to analyze staffing trajectories by clusters of size and generation, it is necessary to fine-tune the analysis by considering other factors.

DISCUSSION

Explaining low ratios

The overall staffing figures reveal intriguingly low ratios for some of the old MS: the UK, the Nordic countries, Austria and the Netherlands. Ban's thorough qualitative study of the Commission (2013) offers precious contextual information that enables us to make sense of some of our findings. In particular, she mentions several times that the 1995 enlargement countries (Austria, Finland and Sweden) experienced unusually high turnover rates due to a cultural mismatch (Ban 2013). Moreover, she later stresses that the Nordic staff "did not adapt well to life in the Commission and chose to leave quite quickly" (Ban 2013, 113). Ban's analysis focuses on the MS of the 1995 enlargement, while our data leads us to add Denmark (1973 enlargement) and the Netherlands (founding MS) to the same puzzling group. At first

glance, Austria and the Netherlands have consistently low ratios, like the UK, while the Nordic countries reveal patterns of rising then declining ratios – seemingly, two different patterns. But the two sub-groups are not homogeneous either.

Despite the dropping ratios, as previously stated, Finland still lies above 1 and Denmark is only slightly below 1 since 2009, while Sweden has always been below 1. It is unclear to which extent the case of Danes “followed” that of the Swedes and Finns: the argument of cultural shock does not convince in the case of Denmark, a longstanding MS. Euroscepticism may offer a more convincing, alternative explanation: Danes twice rejected the adoption of the Euro by referendum, and the Eurosceptic party Dansk Folkeparti gained substantial portions of the electorate long before equivalent parties in the other two Nordic countries. Thus, for us Ban’s explanation is not confirmed *at this level of observation* (in other words, considering both AST *and* AD staff).

The case of the Netherlands also requires some attention. Its markedly low ratios may seem similar to the UK’s ratios, but the values have different implications. The guidelines underrepresent the UK demographically (guidelines below 1), but not the Netherlands (guidelines at 1.5). Hence, for the UK, staff vs. guideline ratios below 1 both imply that the guidelines are not met *and* that the state is demographically underrepresented in the Commission staff. However, for the Netherlands, without additional data we cannot conclude decisively. Still, two types of arguments can be raised to explain low Dutch ratios. First, Euroscepticism, which for Vollaard (2011, 2018) started in the Netherlands in the 1990s; second, the comparative lack of attractiveness of Commission jobs. In her chapter on women, Ban (2013) shows that among the EU-15, the Netherlands has the lowest proportion of female staff in the AD category (22% in 2012), immediately followed by the UK (28% in 2012). This contrasts starkly with Finland, which ranks first in terms of gender balance, or even Portugal in third place (respectively 60 and 43% in 2012). Further, salaries or career perspectives may

lack attractiveness for some Dutch applicants, especially those who started their careers in the Dutch government, have career perspectives for large multinationals located in the Netherlands, or due to the competing presence of EU agencies (Europol, Eurojust) or international organizations.⁹ The latter reasons are interesting because they enable us to differentiate the rejection of the EU as a political project from the rejection of employment conditions at the Commission.

The issues of performance at recruitment competitions as well as the number of applicants per MS are important for our argument and may be checked for all cases. However, hard data are not readily available on this issue, therefore, it is difficult to go beyond *informed hypotheses* in terms of explanations. Again, further research would be required. Nevertheless, Ban (2013) has found that for the EU-10, the number of applicants was not an issue, provided that they were well-trained and therefore performed sufficiently well at the *concours*. Thus, the raw number of applicants alone would not tell the whole story, all the more as potential applicants can refrain from applying due to a number of personal reasons: subjective feeling of lack of competence, limited motivation for leaving the home country, rejection of the EU, rejection of employment conditions, etc. In the case of the UK, lower levels of language proficiency and lack of knowledge on the EU might play a role. The Special Eurobarometer, *Europeans and their languages* (Commission 2012), corroborates that language proficiency could prove problematic for potential UK applicants: UK citizens are the third least likely EU citizens to be able to speak any foreign language. However, Hungary, Italy, Portugal and Ireland rank about as poorly as UK citizens, yet their staffing figures are not as low as those of the UK. Conversely, other countries with low staffing figures rank much higher on the issue of

⁹ Informal e-mail conversation with a former Dutch SNE to the European Commission, (November 2015).

language proficiency. Therefore, language alone also says little about success rates at recruitment competitions. Although we have identified four possible explanatory factors that could contribute to low ratios (organizational culture, working conditions, Euroscepticism and/or other local conditions), our data do not allow us to confirm if any or all of these arguments are valid. The qualitative information collected by Ban often provides explanations that are congruent with our findings. When all possible explanatory factors and cases are taken together, the most convincing *common* factor explaining at least partly the low figures observed is a rejection either of the EU as a whole or of the Commission in particular. This leads us to suggest that rejection could explain the UK's consistently low figures. Indeed, the British government's longstanding critical position towards the EC/EU (Margaret Thatcher's famous "I want my money back!") combined with large-scale popular Euroscepticism expressed on the occasion of the Brexit referendum on June 23, 2016, can be considered building an environment that fails to foster applications from British citizens, resulting in low figures for UK Commission staff.

When it comes to the hierarchy bias, while we see that something happens in the top rungs of the Commission's staff, we do not observe uniform impacts. New MS had not reached mature staffing figures in 2013, but diverging ratios were already visible. Demography does not convince us as an explanatory factor because the larger MS from this generation (Poland and the Czech Republic) do not score better than the smaller states. If these patterns are maintained after staffing maturity, rejection will be a strong hypothesis: Poland, Hungary, the Czech Republic and Slovakia form the "Visegrad 4," a group of new MS established in 1991 that singled itself out during the migration crisis due to its Euroscepticism.

Furthermore, we have challenged the idea defended by Ban that Dutch, Danish and 1995 enlargement MS officials had massively left the Commission. However, her explanation gains weight at the higher levels of the hierarchy. We first note that there is no problem with the 1995

enlargement countries because Austria experienced limited losses at the Top 3 level and a staff increase at the AD level. However, Nordic countries saw losses well above those of the aggregated EU-15 in the AD category, while at the Top 3 level, Swedish and Finnish managers have almost disappeared from the Commission. Even if we take turnover effects into account,¹⁰ the staff loss is sufficiently significant to contend that there is a specific Nordic issue at those levels, thus confirming Ban's findings. Fine-tuning our data analysis in terms of ratios, Sweden is the only Nordic country for which all measures show an alarming shrinkage of the staff share. Finnish and Danish ratios mostly drop in the final years covered by our data but sometimes remain above 1: here the losses actually normalize the ratios. We also see that Danish top managers left the Commission more or less proportionally with the aggregated EU-15's loss, so this is not abnormal per se.

Finally, states presenting low ratios but confirming the hierarchical bias, like the UK, may indicate that even in Eurosceptic states it is possible to mobilize more human resources in order to fill influential positions. States presenting inverted correlations are more difficult to explain: quantitative data can show patterns, but they do not provide explanations.

Enhancing the theory of representative bureaucracy with the rejection hypothesis

The cases of MS with consistently low staffing figures like the UK and the Netherlands or with dropping ratios like the Nordic MS raise issues concerning the theory of representative bureaucracy. Standardly, studies in representative bureaucracy (like ours) are rooted in deductive research designs. Furthermore, studies in RB can focus a) on passive representation, b) on the transformation of passive into active representation, or c) try and assess the impact of

¹⁰ An identical staff number can either mean that the same officials stay in office (real staff stability) or that staff loss and recruitment compensate one another (numerical stability).

active representation. Our study falls into the first category: it focuses on passive representation in the Commission. In so doing it has revealed “puzzling” cases: representativeness is offered top-down by a bureaucracy (the European Commission) to target populations (those of the MS), but the targeted populations do not respond equally to this offer. The cases singled out, with their low or decreasing ratios, are puzzling because the theory of representative bureaucracy does not account for such patterns. From the perspective of abductive reasoning, these cases are called “surprising” cases (Reichert 2007; Timmermans 2012). We have followed an abductive mode of reasoning to identify the most convincing explanation accounting for *all* of the “surprising” cases. This led us to formulate what we term the rejection hypothesis, which we consider an additional module to the existing theory.

In a composite polity like the EU, one can distinguish three levels of observation to explain the staffing ratios observed: the EU level, which is the systemic level; the “cluster” level, which accounts for patterns observed in several MS at one time; and the MS level. The Commission’s staffing policy design and the implementation measures operate at the systemic level. Our findings indicate that the Commission offers fair representativeness to all MS, therefore, the systemic level does not provide explanatory factors to make sense of our surprising cases. Answers must lie at the sub-systemic levels: the clusters or MS levels.

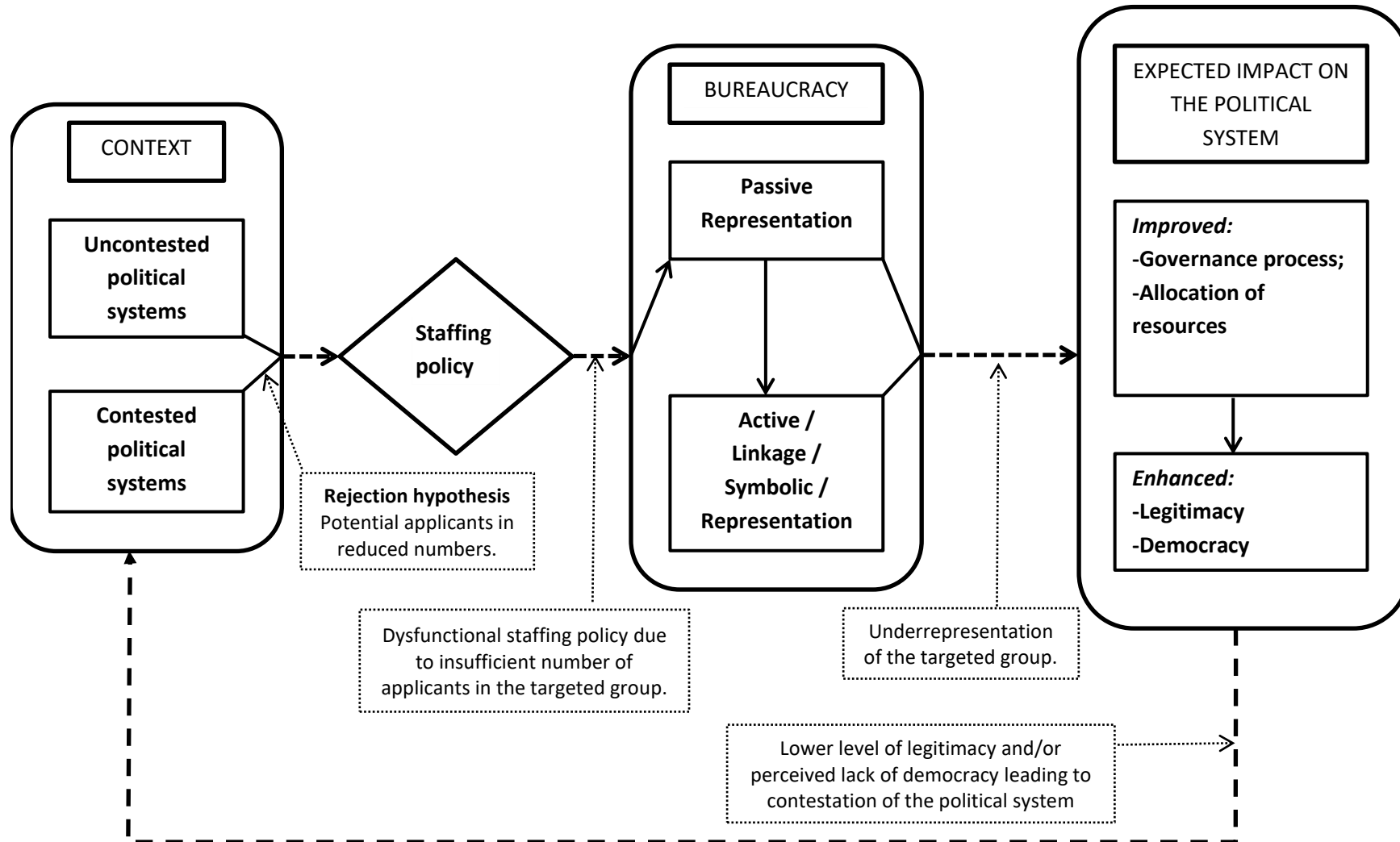
Local factors are inescapably at play for all MS: for those that present expected ratios as well as the surprising cases. However, our data cannot say anything about local factors, as they are a) collected at the systemic level and b) made up of quantitative data that do not capture context. Case studies are thus necessary to help account for the local contextual factors at play. This would require the collection of specific data and an alternative research design. Further, focusing too much on local factors would shift our attention from our purpose: exploring the potential of representative bureaucracy theory in the context of the Commission’s staffing policy.

Adapting the words of Motyl, the theory of representative bureaucracy is not a “theory of everything,” it is an “incomplete theory. But so are all theories” (Motyl, 2001: 31). Using this theory, we try to highlight what it can show, just that, but all of that. This is why the cluster level captures our attention: it operates as a filter, highlighting common patterns in the MS’ responses to the Commission’s policy, while leaving out local factors that do not fall under the scope of our theory. Conversely, the representative bureaucracy theory guides us when seeking intervening factors in the hypothesized relationship between staffing policies offering representation and the political legitimacy of political systems. Using abductive reasoning to methodically track each step of the thread of the theory has led us to notice that one aspect is not researched in this literature, perhaps because it is at the very beginning of the thread and therefore less visible, possibly also because it is assumed: the acceptance of the political system (see Figure 5).

In the context of the states typically studied in the literature, bureaucratic representation affects the link of legitimacy between the state and its citizens, using public administration as an instrument of legitimation. Granting representation to an increased number of groups is expected to contribute to increasing the legitimacy of a state vis-à-vis its population or at least the targeted population segments through either active or passive representation. Granting satisfactory levels of bureaucratic representation has been increasingly treated as a response to a request from “minority” groups. Members of underrepresented groups (or people siding with them) have progressively forced public administrations to open recruitment to communities or groups insufficiently present in their staff, with more or less satisfactory results, but this is not what matters here. What matters is the rationale of legitimacy and representation at play: 1) a group requests some kind of recognition in the form of bureaucratic representation; 2) representation is granted by public authorities; 3) the group, now represented, grants the political system more legitimacy as a counterpart (see feedback loop on Figure 5). This loop is

analyzed as a bottom-up process due to the way in which legitimacy works in states: grassroots citizens have battled over time to attain greater representation in the state apparatus. However, one contextual aspect of this loop is overlooked: the states studied are mainly consolidated states. The loop works because the existence or integrity of the states involved are not fundamentally contested. Things work differently in contested settings, and this is why the loop does not work as expected.

Figure 5: *Representative bureaucracy, contested and uncontested contexts*



The rejection hypothesis in the EU

The EU has two constituencies: its MS and its citizens. However, the legitimacy relationship between the EU, MS and citizens differs from that between states and citizens. First, instead of there being two elements (states and citizens), here three are involved (EU, MS and citizens). Second, the legitimacy relationship differs in kind because EU citizenship is neither direct nor exclusive: it does not *trump* national citizenship; it is *added* to it, granted on the basis of an existing citizenship to a MS. Third, the relationship between the EU and its MS is not of a center-periphery type where the center (the EU) would be able to exert sovereign authority over the periphery (the MS) like a central state would over regions or federated units. Despite an increasing number of sovereignty areas pooled at the EU level by the MS, most EU/MS relations can continue to be viewed as a principal-agent relationship whereby MS maintain control over the EU's power. This is enshrined in the Treaties as the *principle of conferral*.¹¹ This changes everything: the EU does not enjoy the same level of legitimacy as consolidated states do with their citizens. Whereas minority citizens ask for greater recognition from their state (bottom-up), the EU asks for more recognition from its MS and citizens (top-down). The relationship is inverted.

Of course, the Commission cannot force EU citizens to apply for the jobs it opens. One can reasonably hypothesize that in the case of MS and citizens that regard the EU as legitimate, qualified and well-prepared applicants from such states are more likely to exist in sufficient numbers. Consequently, these states are more likely to reach satisfactory levels of representation. Conversely, Eurosceptic governments are less likely to create an environment that fosters applications from their citizens, and their Eurosceptic citizens are equally less likely

¹¹ Art. 5 Treaty on European Union.

to apply massively for Commission jobs. Therefore, in the EU, two possible situations would exist as far as the implementation of representative bureaucracy is concerned (“Context box” in Figure 5). In MS where the EU enjoys higher levels of legitimacy, applicants would make use of representativeness opportunities in its bureaucracy. Conversely, in MS with higher levels of Euroscepticism, the EU would still offer representation but this offer would be rejected (dotted boxes in Figure 5). This means that in the case of the EU, the rationale of the theory of representative bureaucracy is challenged, at least as far as some MS are concerned.

Implications of the rejection hypothesis for further research in representative bureaucracy

It is difficult to generalize on the basis of a single case study. However, we think that our findings could be used, first in the broader context of international organizations where similar issues of recruitment and legitimacy are raised. Second, if the rejection hypothesis works, low staff levels for some groups in a bureaucracy *that offers representation* could be correlated with low levels of legitimacy. Therefore, cases of contested stateness (Møller 2012) and areas of limited statehood (Risse 2012) offer ideal contexts to test the hypothesis further. For Risse, all states can experience areas of limited statehood, that is, situations where a community contests the legitimacy of its state. States experiencing regime transition—for instance post-Apartheid South Africa (Naff and Capers 2014)—or regional crises bearing risks of ethnic tensions, conflicts or secession (Esman 1999) seem to be evident cases, although underrepresentation does not automatically imply the rejection of a political system (Dauda 1990; Brown 1999). Furthermore, the rejection hypothesis could also help explain the difficulty in recruiting public servants from specific population segments, even in consolidated states. For instance, in the United States of America, the attempt to recruit more minority officers in the wake of Michael Brown’s shooting in Ferguson proves difficult because potential minority

applicants do not identify sufficiently with the police so as to want to become part of it (Kaste 2014).

Finally, the rejection hypothesis presents representative bureaucracy scholarship with new research challenges: can a representative bureaucracy consolidate or enhance the level of legitimacy of a political system only when a minimum level of legitimacy preexists? Or can a bureaucracy create legitimacy when none preexists by offering representativeness? How important does the rejection need to be? Must it imply a majority of people within a community? Additional studies are needed to understand better how the relationship between legitimacy and bureaucratic representation works in contested states, in areas of limited statehood, or in polities like international or regional organizations that are not states but have big bureaucracies.

Limitations

We opted to focus on population although historically the first criterion used to allocate staff shares was economic: the level of MS contribution to the Coal and Steel Community budget was roughly translated into staff shares (Conrad 1989). This remains a classic practice in many international organizations. However, as the EC/EU integrated further, the criterion evolved. For the 1995 enlargement, it was replaced by an average value of gross domestic product (GDP) and population: demography accounted for half of the “value” attributed to a state. This value was then loosely converted into a staff share. The numbers used by the Commission (2003) show that with few exceptions (Denmark, Greece and Portugal) demography and GDP were correlated. For the 2004 enlargement, the GDP was no longer used. Instead, an average value combining population, seats in the European Parliament and votes in the Council was introduced. Given that seats in the Parliament and votes in the Council were also partly based demography, one can state that over time population has become increasingly important. Therefore, although population is not the only criterion considered when allocating staff shares,

we nonetheless chose to compare the evolution of the guidelines and the real staff numbers to the MS population. This means that we cannot expect the guidelines or the real staff numbers to reflect the MS populations exactly. However, they offer a solid basis for the purpose of observing evolutions and comparing MS.

CONCLUSION

Geographical balance is a mandatory dimension of the Commission's staffing policy. It is enshrined in the staff regulations, which means that the Commission does not choose whether it wants to achieve geographical balance or not; it can only choose how to try to achieve it. The four principles it mentions in its 2003 Communication provided the basis for two hypotheses. We consider our first hypothesis validated, albeit with a restriction concerning Germany. This means that the Commission does all it can to achieve *fair* (but not *proportional*) levels of representation for all member states.

Things become more blurred regarding our second hypothesis. For the 2004 and 2007 MS, it is difficult to provide conclusive explanations as their staffing curves were not stabilized in 2013 (the final year of our data set). Still, we see that the Commission faces difficulties in implementing its staffing policy. Given that the Commission has set up a monitoring system following the 2004 and 2007 enlargements to ensure sufficient levels of recruitment for the new MS, we believe that it genuinely attempts to implement its staffing policy. Therefore, we can infer that the reason for the lack of efficiency lies on the side of the MS and their populations. For the old MS we must hypothesize that low staffing figures reflect at least in part a lack of interest among potential applicants. There are good reasons to suggest that job perspectives at the Commission are unequally attractive to potential applicants from the member states. But there are also good reasons to suggest that a political stance towards the European Union as a whole is at play: it is a possible explanation, common to all states

presenting low staffing figures. Hence, we hypothesize the possibility that some minority groups or communities can reject an offer of bureaucratic representation. From there, we suggest enhancing the theory of bureaucratic representation by adding what we term the rejection hypothesis. This implies adding to the theory a first step, prior to the study of staffing policy designs: the necessity of distinguishing between contested and uncontested settings. This step may help explain why some policies of representation fail, consequently drawing attention to legitimacy deficiencies in given political systems. Further studies are required to test this new element of the theory¹².

REFERENCES

- Andrews, Rhys, George A. Boyne, Kenneth J. Meier, Laurence J. O'Toole, and Richard M. Walker. 2005. "Representative Bureaucracy, Organizational Strategy, and Public Service Performance: An Empirical Analysis of English Local Government." *Journal of Public Administration Research and Theory* 15:4 (October): 489-504. doi:10.1093/jopart/mui032
- Andrews, Rhys, Sandra Groeneveld, Kenneth J. Meier, and Eckhard Schröter. 2015. "Representative Bureaucracy and Public Service Performance: Where Why and How Does Representativeness work." Presented at the Annual EGPA Conference, Toulouse, France. Retrieved January 20, 2017 (http://perg-tamu.com/documents/2015/12/KJM_RepBureaucracy_2015wp.pdf).

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- Ban, Carolyn. 2013. *Management and Culture in an Enlarged European Commission: From Diversity to Unity?* Basingstoke: Palgrave-Macmillan.
- Brown, Deryck R. 1999. "Ethnic Politics and Public Sector Management in Trinidad and Guyana." *Public Administration and Development* 19:4: 367–379.
- Christensen, Johan, Petra van den Bekerom and Joris van der Voet. 2017. "Representative Bureaucracy and Specialist Knowledge in the European Commission." *Public Administration* 95:2 (June): 450–467.
- Dauda, Bola. 1990. "Fallacies and Dilemmas: The Theory of Representative Bureaucracy with a Particular Reference to the Nigerian Public Service 1950 to 1986." *International Review of Administrative Sciences* 56: 467–495.
- Eckhard, Steffen. 2014. "Bureaucratic Representation and Ethnic Bureaucratic Drift." *American Review of Public Administration* 44:5 (September): 600–621. DOI: 10.1177/0275074013478151.
- Esman, Milton J. 1999. "Public Administration and Conflict Management in Plural Societies: The Case for Representative Bureaucracy." *Public Administration and Development* 19:4: 353–366.
- European Commission. 2003. *Communication relative au recrutement de fonctionnaires de la Commission des nouveaux États membres*. C(2003)436.
- European Commission. 2012. *Europeans and their Languages*. Special Eurobarometer 386.
- Fernandez, Sergio, Samuel Koma, and Hongseok Lee. 2018. "Establishing the link between representative bureaucracy and performance: The South African case." *Governance* 31:3 (July) 535-53.
- Gade, Daniel M. and Vicky M. Wilkins. 2012. "Where Did You Serve? Veteran Identity, Representative Bureaucracy, and Vocational Rehabilitation." *Journal of Public Administration Research and Theory* 23:2 (April): 267-288. doi:10.1093/jopart/mus030.

- Gravier, Magali. 2008. "The 2004 Enlargement Staff Policy of the European Commission: The Case for Representative Bureaucracy." *Journal of Common Market Studies* 46:5 (October):1025-1047. doi:10.1111/j.1468-5965.2008.00828.x
- Gravier, Magali. 2013. "Challenging or Enhancing the EU's Legitimacy? The Evolution of Representative Bureaucracy in the Commission's Staff Policies." *Journal of Public Administration Research and Theory* 23:4 (October): 817-838. doi:10.1093/jopart/mut024
- Grissom, Jason A., Jill Nicholson-Crotty and Sean Nicholson-Crotty. 2009. "Race, Region, and Representative Bureaucracy." *Public Administration Review* 69:5 (September-October): 911-919. doi:10.1111/j.1540-6210.2009.02040.x
- Kassim, Hussein, *et al.* 2013. *The European Commission of the Twenty-First Century*. Oxford: Oxford University Press.
- Kaste, Martin. 2014. "Why Police Departments Have A Hard Time Recruiting Blacks." National Public Radio. Retrieved December 2, 2016 (<http://www.npr.org/2014/12/10/369865012/why-police-departments-have-a-hard-time-recruiting-blacks>).
- Kingsley, Donald. 1944. *Representative Bureaucracy. An Interpretation of the British Civil Service*. Yellow Springs: The Antioch Press.
- Lim, Hong-Hai. 2006. "Representative Bureaucracy: Rethinking Substantive Effects and Active Representation." *Public Administration Review* 66:2 (March): 193-204. Doi:10.1111/j.1540-6210.2006.00572.x
- Meier, Kenneth J. and Jill Nicholson-Crotty. 2006. "Gender, Representative Bureaucracy, and Law Enforcement: The Case of Sexual Assault." *Public Administration Review* 66:6 (November-December): 850-860. doi:10.1111/j.1540-6210.2006.00653.x
- Monnet, Jean. 1976. *Mémoires*. Paris: Fayard.

- Mosher, Frederik C. 1982. *Democracy and the Public Service*. Oxford: Oxford University Press.
- Motyl, Alexander. 2001. *Imperial Ends*. New York: Columbia University Press.
- Murdoch, Zuzana, Jarle Trondal and Benny Geys. 2015. "Representative Bureaucracy and Seconded National Government Officials in the European Commission." *Regulation & Governance* 10:4 (December): 335-349. doi:10.1111/rego.12089.
- Naff, Katherine C. and K. Jurée Capers. 2014. "The Complexity of Descriptive Representation and Bureaucracy: The Case of South Africa." *International Public Management Journal* 17:4: 515-539. doi: 10.1080/10967494.2014.958804.
- Park S., 2013. "Does Gender Matter? The Effect of Gender Representation of Public Bureaucracy on Governmental Performance." *American Review of Public Administration* 43:2 (March) 221-242. doi:10.1177/0275074012439933
- Peters, B. Guy, Patrick von Maravic, and Eckhard Schröter, eds. 2013. *Representative Bureaucracy in Action. Country Profiles from the Americas, Europe, Africa and Asia*. Cheltenham: Edward Elgar Publishing.
- Peters, B. Guy, Patrick von Maravic and Eckhard Schröter, eds. 2015. *Politics of Representative Bureaucracy: Power, Legitimacy and Performance*. Cheltenham: Edward Elgar Publishing.
- Reichertz, Jo. 2007. "Abduction: The Logic of Discovery in Grounded Theory." PP. 214-28 in *Handbook of Grounded Theory*, edited by A. Bryant and K. Charmaz. London, England: Sage Publications.
- Risse, Thomas. 2012. "Governance in Areas Of Limited Statehood". In (Ed.), *The Oxford Handbook of Governance*: Oxford University Press. Retrieved 13 Jan. 2019, from <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199560530.001.0001/oxfordhb-9780199560530-e-49>.

- Stevens, Anne. 2009. "Representative Bureaucracy – What, Why and How? Evidence from the European Commission." *Public Policy and Administration* 24:2 (April): 119-139. doi:10.1177/0952076708100872
- Theobald, Nick A. and Donald P. Haider-Markel. 2008. "Race, Bureaucracy, and Symbolic Representation: Interactions between Citizens and Police." *Journal of Public Administration Research and Theory* 19:2 (April): 409-426. doi:10.1093/jopart/mun006
- Timmermans, Stefan, and Iddo Tavory. 2012. "Theory Construction in Qualitative Research: From Grounded Theory to Abductive Analysis." *Sociological Theory* 30:3 (September) 167–86. <http://www.jstor.org/stable/41725511>.
- Trondal, Jarle, Zuzana Murdoch and Benny Geys. 2015. "Representative Bureaucracy and the Role of Expertise in Politics." *Politics and Governance* 3:1 (January): 26-36. doi:10.17645/pag.v3i1.65
- Turgeon, Luc and Alain G. Gagnon. 2013, "The Politics of Representative Bureaucracy in Multilingual States: A Comparison of Belgium, Canada and Switzerland." *Regional and Federal Studies* 23:4 (September): 407-425. doi:10.1080/13597566.2013.765866
- Van Ryzin, Gregg G. 2011. "Outcomes, Process, and Trust of Civil Servants." *Journal of Public Administration Research and Theory* 21:4 (October): 745-60. doi:10.1093/jopart/muq092.
- Vollaard, Hans. 2011. "The Dutch Discourses of a Small Nation in an Inefficient Europe: Cosmopolitanism, Pragmatism and Nationalism." PP. 85-106 in *Debating Europe: The 2009 European Parliament Elections and Beyond*, edited by Robert Harmsen and Joachim Schild. Baden-Baden: Nomos.
- Vollaard, Hans. 2018. *Explaining European Disintegration. A Search for Explanations*. London: Palgrave Macmillan.

Appendix 1: Country codes

AUT = Austria	IRL = Ireland
BEL = Belgium	ITA = Italy
BGR = Bulgaria	LTU = Lithuania
CYP = Cyprus	LUX = Luxembourg
CZE = Czech Republic	LVA = Latvia
DEU = Germany	MLT = Malta
DNK = Denmark	NLD = The Netherlands
EST = Estonia	POL = Poland
ESP = Spain	PRT = Portugal
FIN = Finland	ROU = Romania
FRA = France	SVK = Slovakia
GBR = United Kingdom	SVN = Slovenia
GRC = Greece	SWE = Sweden
HUN = Hungary	