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# Red Tape and Democracy: How Rules Affect Citizenship Rights

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## Abstract

Over the past 15 years, political science has paid increasing attention to the feedback effects of policy—the idea that the design of policies has profound effects on how citizens experience government and understand their role in the polity. One concept that is perfectly placed to explain how citizens experience administrative rules is red tape. But even as an impressive empirical scholarship on red tape has grown in recent years, it has focused almost exclusively on organizational actors rather than citizens. This article ties the red tape concept into a policy feedback framework. The authors argue that administrative rules frequently exert significant and unjustified compliance burden that restrict access to political and social rights. Furthermore, such burdens have equity implications, because they are often disproportionately experienced by disadvantaged groups. These propositions are illustrated using examples from welfare state and election policies in the United States.

## Keywords

red tape, citizenship, administrative rules, equity

A growing literature, sometimes referred to as the policy feedback perspective, urges us to reconceptualize the relationship between democracy and policy (Ingram & Smith, 1993; Mettler & Soss, 2004). This literature suggests that policies are not just an output of the democratic process but that they also have an input in reshaping the polity. Policies are the primary means by which citizens experience the state. They empower some groups, and discourage others. But even though this literature takes implementation seriously, it has done little to incorporate insights from the study of administration that could conceptualize the administrative experience in the policy feedback process. One concept that is perfectly placed to do so is red tape, because it is centered on the design and effects of rules and on how individuals experience these rules. Red tape can be created throughout the policy process from policy design to policy implementation.

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In this article, we consider the effect of red tape on democratic values, specifically its impact on the basic citizenship rights defined by Marshall (1964). Civil rights are associated with institutions of legal justice, such as the right to free speech and religion. The goal of civil rights is to mitigate force and violence in the relationship between citizens. Political rights ensure political participation, such as the right to vote or hold elected office. This ensures that power is not confined to elites. And finally social rights, which are essentially the right to a minimum standard of living, are intended to offset the vagaries associated with a capitalist economy. It is also argued that social rights ensure political rights (King & Waldron, 1988). How can one participate in the political process, if basic needs (such as education and health care) are not met? We point to examples of where administrative rules shape access to political and social rights.

Red tape is defined by Bozeman (2000) as “rules, regulations, and procedures that remain in force and entail a compliance burden, but do not advance the legitimate purposes the rules were intended to serve” (p. 12). Bozeman’s definition is central to an impressive developing empirical literature on red tape in public management scholarship, one that has emerged in parallel to the policy feedback literature. But red tape research has largely focused on the compliance burden of rules for organizational actors and has neglected attention of the impacts of red tape on citizens. In this article, we adapt Bozeman’s definition by treating rules as red tape if they exert a significant compliance burden in accessing citizenship rights that is in excess of any legitimate purpose they may hold.

We offer two propositions about red tape that are relevant to policy feedback. First, administrative rules frequently exert significant and unjustified compliance burden in the exercise of citizenship, in terms of political and social rights. Second, such burdens are often disproportionately directed toward and systematically experienced by disadvantaged groups. To make these claims, the article draws on examples from welfare state studies as well as an analysis of the implementation of election laws in the United States.

A number of theoretical implications result from these propositions. First, it suggests that administrative activities play a crucial part of the policy feedback process by shaping access to basic citizenship rights that are central to democracy. Red tape, and administrative actions more generally, may affect not only the ability to participate via political and social rights but also the capacity and desire to participate. Second, the article includes the consideration of equity in the analysis of red tape by asking how red tape disproportionately weakens political and social rights for certain groups. This raises the question of whether the negative effects of red tape are not accidental but represent a deliberate policy design choice to limit access to political and social rights for specific groups of citizens. Third, the article suggests a need to reconsider Bozeman’s (2000) definition of red tape. In some cases, rules may achieve their legitimate goal but, at the same time, create a disproportionate negative burden on certain groups, negatively affecting their citizenship rights. This implies a redefinition of red tape that considers trade-offs between different values, specifically efficiency versus democratic concerns of equity and citizenship rights. Finally, the article suggests the need for a theory of how to foster administrative inclusiveness to facilitate the interactions between government and citizens more effectively.

## **A Theory of Red Tape and Citizenship Rights**

### *The Policy Feedback Perspective*

The policy feedback literature argues that policies have important implications for how democracies work. Policies perform a number of functions that shape democracy: they define who is included in the political community; forge group identities; they build or undermine civic capacity; frame

policy agendas, problems and evaluations; and structure, stimulate, and stall participation by shaping the demands that individuals make (Mettler & Soss, 2004).

In short, the policy feedback argument is that “policies make citizens” (Campbell, 2003). Citizen–state interactions state provides a form of “civic teaching” (Landy, 1993) where citizens engage in “political learning” (Soss, 1999). Citizens are taught about their status and role in the polity (Schneider & Ingram, 1997), and “policy design sends messages about what government is supposed to do, which citizens are deserving and undeserving, and what sort of participation is appropriate in democratic societies. Different target populations receive quite different messages” (Ingram & Schneider, 1993, p. 68). In some cases, citizens learn that they are valued, that their voices matter, and that government is responsive to their needs and concern (Campbell, 2003; Mettler, 2002). In other cases, they learn just the opposite (Soss, 1999, 2005).

What are the implications of the policy feedback perspective for public administration? This perspective requires an acknowledgement that administrative activities do more than simply provide services; they also affect the health of a democracy via its impact on citizenship. Administration is not just a product of political demands for services, it also reshapes the polity. The rules that govern citizen–state interaction, and how those rules are interpreted, are a central part of the policy feedback process and “critical measures of what citizenship means in practice” (Soss, 2005, p. 296).

Just as administrative studies can profitably incorporate policy feedback, the policy feedback literature can also benefit from applying existing concepts that allow a better understanding of the particular role of administration in the policy feedback process. This literature is cognizant of the role of implementation broadly considered, but it could more usefully delineate and specify the aspects of administration and their effects on citizens. For example, the level of respect, or perceived fairness, that a citizen may experience in interactions with the state may be fundamentally important (Tyler & Lind, 1992). Here, we focus on the specific construct of red tape, which represents how individuals experience the application of administrative rules. The procedural compliance burdens placed on citizens give rise to some of the most common complaints about the public sector: that it is bureaucratic, slow, unresponsive, and rule oriented. When rules leave citizens dissatisfied or substantively restrict citizenship rights, they have negative impacts not just for individuals but for governance legitimacy more broadly.

### *The Study of Red Tape*

Public administration scholarship has not ignored the relationship between administration and citizenship, although it has not identified the links with the same attention as the policy feedback literature. It is also fair to say that debates on this relationship have been contentious and have not engendered a consensus. For example, the arguments of the “New Public Administration”—that administrators to use their discretion to help the disadvantaged—were characterized as “a call for equity by means of ‘theft’ and ‘subversion’ on the basis of the ageless fallacy that the end justifies the means” (Thompson, 1975, p. 11). Democratic theorists who called for maximum participation and citizen empowerment were criticized for undercutting representative institutions and constitutional processes (Lynn, 2002). A central concern of these debates was the appropriate use of bureaucratic discretion in interpreting rules. Some saw the link between rules and equity as a positive one—rules served to elucidate and protect individual rights against frontline discrimination. But there was less attention to the question of whether the design and format of the rules were negatively shaping citizenship outcomes or resulting in an excessive administrative burden that particularly affected disadvantaged groups.

The study of red tape is focused precisely on the question of when rules exert an unjustified cost. Kaufman’s (1977) early work tended not to make such a distinction. All rules represented

some form of red tape, and red tape had to be tolerated as an inevitable cost of a large-scale democracy. Bozeman (1993, 2000) faulted Kaufman (1977) for failing to distinguish between rules that had a legitimate purpose and those that did not. Not every rule is red tape. Rather, red tape is a rule that lacks any value in relation to the goal of the rule, regulation or procedure. The higher the compliance burden in such a situation, the higher the level of red tape. The Bozeman definition is more specific but also difficult to operationalize, because it requires an ability to differentiate between good and bad rules. Bozeman's definition also implied a bias toward action. We should not passively accept red tape but seek it out and eliminate it.

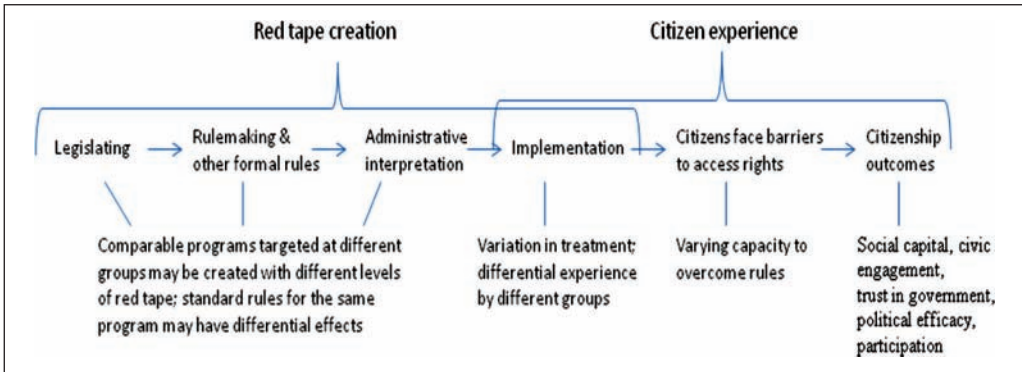
Bozeman (2000) also considered how red tape affects citizens, by distinguishing between internal and external effects of red tape. External red tape directly affects stakeholders or citizens, whereas internal red tape affects government managers. Although Bozeman's reformulation of red tape sparked a wave of empirical research, this scholarship focused largely on internal red tape. For example, such research found that private managers perceived and experienced less red tape than public counterparts (Pandey & Bretschneider, 1997; Rainey, Pandey, & Bozeman, 1995); identified the sources of managerial red tape, such as goal ambiguity (Rainey et al., 1995); has linked red tape to organizational performance (Brewer & Walker, 2010); and has argued that the link with performance is moderated by culture (Pandey, Coursey, & Moynihan, 2007). Such research generally relied on surveys of mid- and upper-level managers, asking them to rate levels of red tape they face or estimate delays in the performance of tasks. The main exception is Scott and Pandey's (2000) experimental test of how administrative decisions to provide welfare benefits were influenced by procedural barriers. Even for this exception, however, the primary focus of the study is the effects of red tape on administrative decision making rather than client compliance burdens, fairness, or social equity issues.

Perhaps the best illustration of the growing disjunction between the study of how citizens experience red tape, and the empirical study of red tape comes from a recent article. Brodtkin and Majmudar (2010) develop a careful empirical study of how administrative procedures limit access to public programs, studying how "administrative exclusion occurs when organizational practices (both formally prescribed and informally created), rather than substantive status or individual preference, affect participation in public programs" (pp. 2-3). At the same time, they feel compelled to distinguish their research from the literature on red tape discussed above, even though they "use the term 'red tape' in the colloquial sense to refer to rules and procedures that increase the burden of claiming. Invocation of the term is intended to reference the common experience of hassle, frustration, and confusion" (Brodtkin & Majmudar, 2010, p. 3). It is hard to avoid the conclusion that if a study such as this does not fall under the literature of red tape, then the literature has developed in a fashion that has excluded what should be core questions.

### *A Model of Red Tape and Citizenship Rights*

Figure 1 summarizes our theory of the relationship between red tape and citizenship. It is worth noting that this is a simple model whose primary purpose is to articulate the particular relationship between red tape and citizenship outcomes, and therefore we do not include other variables that also shape these outcomes. The model presents a chronological process that begins with the creation of red tape in the policymaking process, incorporates administrative interpretation and implementation, and concludes with how citizens experience, respond to, and are affected by red tape.

As administrative rules are created, through legislation, rulemaking, and other processes of formal rule creation, so too is red tape. In the policy-making process, different—though often comparable—programs are created with different levels of red tape, without a clear rationale for why such differences exist. It is not just policy design that shape citizens; it is also the implementation of those policies. And in practice, the line between policy design and implementation is often



**Figure 1.** A model of red tape and citizenship impacts

blurred. “By shaping citizens’ encounters with government,” say Mettler and Soss (2004, p. 62), “the design and implementation of public policy constitute important forces shaping citizens’ orientations toward the institutions and policies of government.” Administrators generally enjoy broad grants of discretion to interpret and implement programs. This process of administrative interpretation, and actual implementation of programs, can serve to minimize the effect of red tape, add new levels of red tape, or systematically target red tape at some groups more than others (Lipsky, 1980). Administrators can add new rules or informal barriers where none are required by law. For example, they may require excessive documentation of status before providing a benefit, require multiple appointments, or make access to administrators difficult (Brodkin & Majmundar, 2010).

At the implementation level, citizens experience the cumulative red tape that has been established through the processes of policy design and implementation. Different groups may experience this red tape in systematically different ways. To use a legal metaphor, citizens who interact with the state to access their rights find themselves in an administrative courtroom. In some cases, they are given the presumption of innocence, and little is required of them. But in other cases, the citizen is treated with suspicion and must prove their innocence by negotiating a demanding set of administrative burdens. Different groups may also have varying levels of capacity to overcome red tape. Brodkin and Majmundar (2010) describe those who struggle to manage red tape as “the administratively disadvantaged.” The variation of experience of citizens with administrative rules and their capacity to respond raise basic equity concerns.

The policy feedback literature offers empirical evidence that the treatment that citizens experience in their interaction with the state affects critical measures of citizenship, including their social capital, civic engagement, trust in government, political efficacy, political participation, and cooperation with government programs (Wichowsky & Moynihan, 2008). As citizens experience differential or negative treatment, or exclusion from program benefits, citizenship outcomes will be adversely affected. Burdensome administrative rules can make citizens less trusting of the state and less confident of their own capacities as citizens. For example, Kumlin and Rothstein (2005) find that citizens were more likely to perceive that they have received fair treatment when receiving universal rather than means-tested welfare services and that those who received universal services were more likely to exhibit higher levels of social trust, even when controlling for socio-economic and demographic factors. Kumlin and Rothstein argue that “needs-tested programs may more readily give rise to suspicions concerning poor procedural justice and arbitrary treatment than do universal agencies, and this may influence citizen’s views of the reliability of both public employees and other people” (2005, p. 349). Another example is Soss (1999), who contrasts the experience of citizens accessing unemployment and those seeking Social Security benefits.

The former were more likely to feel themselves treated with suspicion, whereas the latter were treated with respect and believed they had an opportunity to participate in the political process. Mettler (2002) pays close attention to how recipients of the GI Bill responded to effective implementation of the program. They experienced government as fair, responsive, accessible, and respectful. As a result, beneficiaries displayed higher social capital and greater civic engagement in later years.

## **Citizenship Rights and Red Tape: Policy Illustrations**

### *Political Rights: Identification Laws in Voting*

The most basic of political rights is to vote. A variety of policies can serve to structure, stimulate, or stall political participation (Mettler & Soss, 2004, p. 63). The most obvious are election administration laws, such as those that exclude or limit access to felons and ex-felons. In recent years, the area of election administration has become controversial and subject to new rules. Critics have argued that voting fraud is prevalent. They point to anecdotal evidence of bogus names included on voter registration drives (e.g., “Mickey Mouse”) or failure to remove the dead from voting rolls. One proposed solution is to implement voter identification requirements. About half of all U.S. states have some form of voter identification (ID) laws (Alvarez et al., 2008), the most stringent being in Indiana. Although this solution sounds reasonable, and has popular support, it has the potential to exclude significant numbers of voters, and such voters are more likely to be poor or minorities.

Voter ID requirements create a compliance burden. About 12% of the eligible voting population is estimated to lack an eligible voter ID (Carter-Baker Commission, 2005). There is evidence that compliance burdens do reduce voting. A survey of nonvoters from the 2008 presidential election found that 9.3% pointed to problems with identification as a major factor. At a national level this represents approximately 2.2 million votes (Alvarez et al., 2008). This compliance burden appears to affect different groups in different ways. The same survey found 23.6% of African American nonvoters and 23.8% of Hispanic nonvoters cited wrong the type of ID as a major or minor factor in resulting in their nonvote, compared with 8.2% of Whites.

The poor are less likely to have voter ID because the main form of such ID is a driver’s license, which assumes an individual can afford a car and pay the fee for the license. Younger and poorer voters may also lack up-to-date identification because of geographical mobility. Obtaining such an ID may be seen as too complex or costly for many potential voters, as demonstrated in the following description of the process in the state of Indiana by Dellinger and Srinivasan (2008):

An Indiana applicant for a nondriver’s photo ID must obtain a certified birth certificate issued by the state or county of birth, which can require payment of a fee. And because some Indiana citizens were born in states or counties that require a photo ID to get the birth certificate—including Marion County, the largest county in Indiana—a person who seeks a birth certificate in order to get a photo ID could find himself trapped in an unending bureaucratic loop. Predictably, applicants often wind up making multiple trips to the Indiana Bureau of Motor Vehicles . . . The salient question is the extent of the burden on a voter who needs to get the ID, and whether that burden is needless. Imagine what it is like for a single parent with an hourly wage job and no car to take time off from work, get a child to day care, take another bus, and transfer perhaps yet again to get to the Indiana Bureau of Motor Vehicles, wait in lengthy lines, and take two buses to return at the end of the day—and potentially to have to do so more than once—all to obtain a government-issued photo ID needed only on Election Day. (p. 2)

Do ID rules serve a legitimate purpose? This might be the case if there was significant evidence of voter fraud. But this is not the case (Carter-Baker Commission, 2005; Levitt, 2007). In particular, there is almost no evidence of the type of voter fraud that voter ID laws are designed to limit, which is in-person voter impersonation. Most of the anecdotal evidence of voter fraud is just that, anecdotal. Follow-up analysis finds that almost all allegations of fraud lack substance, often the result of clerical errors or misunderstandings. Although those registering voters might fill out a form for “Mickey Mouse” (such individuals are often paid by completed form, and so have a financial incentive to falsify information), actual voter fraud requires someone claiming to be Mickey Mouse to turn up to vote. But this is unlikely to happen because voter impersonation carries real risks. It is a felony offense, and someone impersonating another voter on the rolls runs the risk of being detected if that voter has already voted.

Organizing large-scale fraud is so difficult and expensive as to be impossible. It would involve large numbers of individuals to falsely represent themselves at the polls. The financial incentive to do so would have to be high, making the process expensive. Because many would need to be recruited, it would be difficult to keep the conspiracy a secret. Even then, the organizer of the conspiracy still does not know for sure how their paid voter actually voted.

Despite aggressively pursuing voter fraud under the Bush administration, the Department of Justice found not vast voting conspiracies but individuals who appeared to have been confused over eligibility. For example, a woman in Wisconsin who voted while on probation was sent to prison. Another case saw a 68-year-old Pakistani national and legal U.S. resident deported when he filled out a voter registration card as he renewed his driver license (Lipton & Urbina, 2007). Perhaps one should expect that felons and immigrants should be aware of their voting eligibility and rules, but surveys reveal that even the election officials charged with implementing the rules often have a limited grasp of them (Levitt, 2007, p. 16).

Even as the Supreme Court upheld the Indiana ID law, the plurality opinion accepted that the problem the law sought to address—in-person voter impersonation—had never been recorded in the history of the state. The court reasoned that voters were not being legally barred from voting, and should endure the compliance burden. The real risk of significant disenfranchisement of voters and the discriminatory potential of the law were not considered sufficient to outweigh the theoretical costs of voter fraud.

### *Social Rights*

Social welfare policies also reveal the role of red tape in the provision of social citizenship rights. These policies fall into two broad categories: social insurance and means tested. Social insurance policies, such as Social Security and Medicare, cover almost all citizens and tend to be generous and administratively simple. By contrast, means-tested policies, which target poor Americans, tend to provide smaller benefits, are administratively complex, and require complicated eligibility forms and procedures (Korpi & Palme, 1998; Skocpol, 1991). Comparisons between means-tested and social insurance policies illustrate not only how red tape hinders social citizenship rights but also that those who are poor and without political capital are the ones most likely to face the thickest layers of red tape.

Social Security provides an excellent example of a social insurance program. Social Security is best known for providing benefits to retired workers. But it also provides benefits to the spouses and survivors of retired workers (Herd, 2005). Nearly two thirds of women who receive Social Security receive benefits based on their eligibility as wives and widows, not based on their employment history (Herd, 2005). It also provides survivor benefits to children aged 18 years and younger and the surviving parent of that child.



Eligibility for these benefits is straightforward. The government keeps track of earnings and work histories, in addition to marital histories. One is, however, required to notify the Social Security Administration (SSA) when she or he has a change in marital status. When an individual reaches age 62 years and would like to start receiving retirement benefits, they can simply apply online or at the local Social Security administrative office. It takes approximately 10 to 30 minutes to apply and requires largely basic information such as one's Social Security number and address (SSA, 2009). Because this is a federal program, neither the eligibility nor the eligibility procedures vary based on where one lives. The take-up rate for Social Security is nearly 100%.

The poor, elderly, and disabled who do not qualify for Social Security must instead apply for the Supplemental Security Income (SSI) program and face a very different administrative experience. There is no online application for SSI. Applicants must go to their local SSA office. They need to provide a birth certificate, home information (such as mortgage receipt or lease), payroll slips, bank books, insurance policies, car registration, burial fund records and other information about income and assets, and proof of U.S. citizenship. Applicants who do qualify will need to notify the Social Security office about changes in marital status, living arrangements, and income, or they will lose eligibility. Recipients can also expect to periodically face "redetermination," where their income, resources and bank accounts are reevaluated. This is sometimes done through the mail but also may need to be done in person at the Social Security office (SSA, 2009). Studies that look at recertification have found that more frequent interaction with the administrative process results in lower participation (Currie & Grogger, 2002). One study in Michigan that large numbers of individuals took General Assistance benefits, which were lower than SSI benefits, simply to avoid the administrative morass of the SSI process (Bound, Kossoudji, & Ricart-Mous, 1998).

One might suppose that the level of administrative burdens faced by applicants is positively correlated with the value of the benefits, with more generous benefits accompanied by more stringent rules. But this is not the case. In fact, there is an inverse correlation between the benefits and administrative burdens. Social security is relatively generous, with the average aged couple receiving \$1,876 in monthly benefits in 2009 (SSA, 2009). SSI benefits are small, only bringing a single individual up to 76% of the poverty level. Though some states do supplement the benefit, only Alaska and California bring the benefit up to 100% of the poverty level. Moreover, the asset guidelines, \$2,000 for singles and \$3,000 for couples, have not changed since 1989. If they had kept pace with inflation, they would be more than three times the current levels. Ultimately, therefore, SSI recipients battle more red tape to win lower benefits.

Government-provided health insurance offers another example of the differential effects of red tape via social insurance versus means-tested programs. The two major forms of government provided health insurance are Medicare and Medicaid. Medicare, a social insurance program, is for the disabled or elderly. For the elderly, access to benefits is straightforward. Those aged 65 years and older can actually enroll in Medicare during the same 20-minute process when one enrolls in Social Security. Individuals who start collecting Social Security before age 65 years are automatically enrolled in Medicare once they reach age 65 years (SSA, 2009).

Medicaid is a means-tested program for individuals who meet certain income and asset guidelines. Similar to SSI, Medicaid involves a more complicated eligibility process (Ellwood, 1999). First, eligibility guidelines and procedures vary from state to state. For example, in some states, qualifying for SSI immediately qualifies one for Medicaid. In other states, individuals must apply to both programs separately. And, similar to SSI, the forms, requirements, and eligibility procedures are extraordinarily demanding. For example, the New York State Medicaid application packet is about 17 pages long. It includes document requirements such as a written statement from a day care provider, as well as cancelled checks to documents day care costs; 4 weeks of consecutive

paycheck stubs; a letter from employer that is dated and signed documenting employment; income tax returns; if receiving child support, a signed letter from the court, a letter from the person providing support, and a child support/alimony check stub; and bank statements, life insurance policies, deed or appraisal for real estate, and an estimate from a dealer on the blue book value of one's car. The above list is not even close to exhaustive.

The beneficiaries, and not the agency dispensing them, seem to be a decisive factor that leads to red tape in the provision of welfare. For example, as well as providing universal programs, Medicare and Social Security also dispense benefits to the disabled. Although they are social insurance programs, the population most likely to become disabled and need these benefits is disproportionately African American, poor, and with lower educational attainment (Williams, 1997). They face a complex eligibility determination, a markedly different experience from the clients of the universal programs provided by these agencies. The medical and vocational test of disability to receive Social Security Disability Insurance (SSDI) is stringent; the law requires that a worker have a medically determinable impairment of such severity that given one's age, education, and work experience, one cannot perform substantial gainful activity in any job in the economy. SSDI benefits are only paid after a 5-month waiting period after the onset of the disability. Health care coverage through Medicare begins after an additional 24-month waiting period after cash benefits begin (Mashaw & Reno, 1996).

On top of these stringent rules, even those who should qualify face profound bureaucratic hurdles to do so. Three primary levels of determination comprise the SSDI application process: initial consideration, reconsideration for a first appeal, and a hearing in front of an Administrative Law Judge for a second appeal. Red tape is frequently measured in terms of delay, and on this basis, the level of red tape for appeals is long and increasing. Between 1996 and 2006, wait time for a decision increased from 70 to 89 days for an initial determination, 51 to 72 days for reconsideration, and 274 to 481 days for a hearing (Government Accountability Office, 2007). By 2008, the average wait for review of the initial application had risen to 106 days and to 514 days for a hearing (Associated Press, 2009). Thus, many people wait more than 2 years to receive benefits after their initial application.

Although some processes are needed to determine eligibility, the delays involved in application are not justified by high-quality judgments. Although nearly two thirds of those who initially apply are denied, 60% of those who appeal ultimately receive benefits (Associated Press, 2009). The process has become so burdensome that many are forced to hire private firms to help them negotiate the process in return for a fee that is approximately 25% of the past due benefit up to a maximum of \$5,300. Those with fewer resources are more adversely affected by a denial of benefits and also have less capacity to appeal and win benefits.

The type of compliance burdens associated with means tested programs has a real impact in limiting access to benefits. Although almost all individuals eligible for both Medicare and Social Security receive benefits, only 40% of those eligible for SSI and about 25% of those who qualify for Medicaid receive benefits (Elder & Powers, 2006; Shore-Sheppard, 2008). Just more than a third of those eligible for food stamps do not receive them (Food and Nutrition Service, 2007). Some aspect of nonparticipation may be truly voluntary, but the administrative complexity of means-tested program has been found to explain a large portion of nonuse of benefits (for a review, see Currie, 2004). For example, the introduction of requirements for income documentation results in considerable decline in program participation among eligible participants (Brien & Swann, 1999). Requiring face-to-face interviews and failing to provide assistance in the administrative process to applicants also significantly decreases participation (Wolfe & Scrivner, 2005). Another study showed that more than a quarter of welfare case closings was attributable to problems with documentation rather than eligibility (Bennett, 1995). Brodtkin and Majmundar (2010) find

that procedural barriers faced by claimants explains a significant amount of the decline in welfare caseloads and that these barriers systematically affected some groups—poorer and less educated claimants—more than others, specifically.

## **The Administrative Aspects of Policy Feedback: A Research Agenda**

At a very basic level, this article suggests the potential for a mutually beneficial exchange between specific literatures in political science and public administration. Policy feedback studies provide a theory to conceptualize and test the connections between administrative activities, political behavior, and democratic theory. And concepts such as red tape can delineate the role that administration plays in the policy feedback process more clearly. But this article also raises a number of other implications for research.

### *How Does Red Tape Affect Democratic Processes?*

The study of red tape should more carefully consider the role red tape plays not just in shaping well-functioning bureaucracies but also the role it plays in shaping well-functioning democracies. In particular, it can profitably expand its remit to incorporate consideration of citizenship rights and issues of equal access to those rights. Bozeman did not exclude citizens from his theoretical reconsiderations of red tape, but the empirical work that followed was characterized by a focus on bureaucrats rather than citizens, and on instrumental costs for management rather than the implications for equity or citizenship rights. As a result, a wave of theoretically robust empirical research has expanded our understanding of how managers experience their organizational environment. Red tape scholarship has an opportunity to expand its relevance by bringing the same rigor to the question of how citizens experience the state.

Future research should consider how administrative rules shape citizens' experience of government, but it should also consider the broader implications of how red tape affects citizenship and equity. Although we have demonstrated that rules can directly affect access to political rights (such as voting) or social rights (such as access to health care), which negatively affects citizen *capacity* to participate in the democratic process, red tape also can shape citizens' perceptions of government and their consequent *desire* to participate in the democratic process.

Research that focuses on citizen experience of administrative rules could usefully explain variation in that experience, both within and across programs. Simply documenting the language and concepts that citizens apply to this experience would be valuable and suitable for qualitative research (e.g., Soss, 1999). Linking citizen experience with administrative rules to broader citizenship outcomes would provide a basis for testing the role of administration in the policy feedback process. Such tests could be best examined with cross-sectional or panel data that controls for other factors (e.g., Kumlin & Rothstein, 2005). Collectively such research would not only affirm the relevance of democratic theory for red tape research but also contribute to policy feedback research by illustrating the relative contribution of administrative processes.

### *Is Red Tape Deliberately Used to Limit Citizenship Rights?*

Another research question relates to origins and intentions of administrative rules. Are the negative effects of red tape accidental, or do they represent a deliberate policy design choice to limit access to citizenship rights for specific groups? Although we demonstrate that red tape sometimes creates inequity in terms of access to the citizenship rights, it is beyond the scope of this article to explain whether these effects are intentional or not. In general, those who lack political power or are seen

as undeserving tend to be less successful in winning benefits from the policy process (Schneider & Ingram, 1997). Such populations are more likely to encounter policies that not only treat them badly but also encourage passivity from the political process, thereby maintaining a vicious circle of government neglect and citizen withdrawal. The political standing of clients may also shape administrative processes, although their influence is often easier to obscure (Brodkin, 1987).

Answering this question needs careful study of the creation and implementation of policies. The empirical examples we discuss in this article raise the possibility that, in some cases, red tape may be a deliberate strategy rather than an accidental consequence. In the area of election administration, the groups who tend to bear the compliance costs are perceived as more likely to support the Democratic Party. The efforts to pursue voting fraud has been spearheaded by Republicans (Carter-Baker Commission, 2005), whose supporters are significantly more likely to believe that voter fraud is prevalent (Alvarez et al., 2008). Under the George W. Bush administration, political appointees at the Department of Justice aggressively pursued voting fraud. A career staffer from the Department said, "I understand you can never sweep politics completely away. But it was much more explicit, pronounced and consciously done in this administration" (Lipton & Urbina, 2007). Indeed, some U.S. attorneys appeared to have been fired because of their unwillingness to pursue voter fraud cases (Moynihan & Roberts, 2010).

State-level voter ID laws also have a strongly partisan basis. For example, the voter ID law passed in Indiana was passed on a strictly party line basis, supported by all Republicans, and opposed by all Democrats. This political context was acknowledged by both the majority and dissenting opinion in the decision to uphold the law in the 7th Circuit Court of Appeals: "No doubt most people who don't have photo ID are low on the economic ladder and thus, if they do vote, are more likely to vote for Democratic than Republican candidates," wrote Judge Posner for the majority, whereas Judge Evans was more blunt in dissent: "Let's not beat around the bush: The Indiana voter photo ID law is a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic" (*Crawford v Marion County Election Board*, 2007, p. 954). There is some evidence that these perceptions are accurate. A national survey found that among self-identified Democrats who did not vote, 15.5% cited wrong type of ID as a factor, whereas only 8.7% of Republicans did (Alvarez et al., 2008).

In the area of social rights, there is also some circumstantial evidence that red tape is deliberately used to limit those rights. Brodtkin (1987) noted that, as far back as the Nixon administration, welfare state programs have not been designed to balance take-up by eligible beneficiaries with mistaken payments to ineligible beneficiaries but, instead, have used administrative procedures that reduce the former in the name of the latter. The comparison of means-tested and universal programs suggests that programs targeted toward disadvantaged groups are associated with greater external red tape. The compliance burden that these groups face to receive benefits helps to explain the extraordinary variance in take-up between programs.

Indeed, policy makers appear to be explicitly aware that red tape is a part and parcel of programs directed at the poor. Attempts to reform the Earned Income Tax Credit (EITC) provide an interesting window into policy makers' views on the topic. The EITC is a refundable tax credit received by poor working-age Americans. The EITC is a unique means-tested policy, in part, because of its simple eligibility process. Like any other tax credit benefit, one simply fills out a few lines on their tax forms and is not required to "prove" eligibility with documentation. In comparison with other means-tested program, take-up is high, with around 80% of those who qualify receiving benefits. The EITC has been widely praised as an example of a new form of welfare: It is administratively simple, targeted, and encourages work, while reducing poverty. But some policy makers have begun to question the ease of the EITC eligibility process. In 2003, citing concerns about fraud, Republicans attempted to establish a more complex eligibility process, demanding the kind of documentation that a program such as Medicaid requires for eligibility. Opponents argued that this was

inappropriate because tax benefits do not require *ex ante* documentation. But Republican Ernest J. Istook, Jr. (R-Okla.), chairman of the House Appropriations Committee subcommittee on Transportation, Treasury and Independent Agencies, argued that the EITC should really resemble other welfare programs, such as food stamps, characterized by “a certain amount of bureaucracy” to ensure eligibility. The very characteristic that helped make the EITC successful—low red tape—was targeted by elected officials who wanted it to work more like traditional means-tested programs, making it more likely that eligible beneficiaries will lose out.

### *How to Define Red Tape?*

The degree to which red tape negatively affects citizenship rights challenges the very definition of red tape. Let us return again to Bozeman’s (2000) widely cited definition: “rules, regulations, and procedures that remain in force and entail a compliance burden, but do not advance the legitimate purposes the rules were intended to serve” (p. 12). To identify red tape, this definition demands that we identify legitimate purposes and compliance burdens. This is not just a definitional or theoretical problem—the hard part is left to researchers and managers who try to operationalize red tape in practice, requiring them to weigh trade-offs between multiple legitimate purposes that programs pursue, and between legitimate purposes and compliance burdens. For example, a legitimate purpose for many welfare programs is to avoid waste, fraud, and abuse. But rules that succeed in preventing fraudulent claims on the public purse may also create such a compliance burden that they discourage legitimate claimants. Are the rules then red tape? Or does this depend on the relative impact of the rule? If the ratio of fraudulent claims prevented to legitimate claims lost is 10:1, perhaps we consider the price of the rule worthwhile. But what if the ratio is 1:1, or 1:10?

We do not pretend to offer a definitive answer to this question. But we do suggest that it is necessary in practice to define and identify trade-offs and relative effects that rules have on different values, particularly the impact on citizen access to rights. In some cases, administrative rules may achieve their legitimate goal but, at the same time, create a disproportionate negative burden, and/or those burdens may be systematically felt by certain groups. This article has pointed out that, in many cases, such rules exist, are not considered red tape, but indeed are protected. For example, federal program evaluations of welfare programs (most recently through the Program Assessment Rating Tool), consistently evaluate program efforts to prevent waste, fraud, and abuse but do not consider the potential compliance burden of these efforts on citizens or the ultimate effects on take-up (Brodkin, 1987; Wichowsky & Moynihan, 2008). The message to the administrators of these programs is clear: Preventing the fraudulent claim is more important than excluding the legitimate one.

### *Toward a Theory of Administrative Inclusion*

A basic implication of policy feedback is that: “Policies should be designed with appropriate attention to their effect on citizenship, as well as attention to technical and political feasibility” (Ingram & Schneider, 1993, p. 93). As we attempt to better understand the role that administration plays in this process, we would amend this advice only slightly: Administrative rules should be designed with appropriate attention to their effect on citizenship, as well as attention to technical and political feasibility. As with any position on the relationship between the citizen and the state, such a stance is strengthened if supported by a clear theoretical framework. We do not claim that this article has laid out a definitive theory of administrative inclusion, but it is possible to suggest the outlines of such a theory.

A theory of administrative inclusion has both normative and practical dimensions. On the normative side, such a theory emphasizes the citizen, rather than the administrator or policy, as

the central unit of analysis. Such a focus brings attention to how citizens experience the state through the implementation of rules, the capacity of the citizen to respond, and the long-run effects. Such a theory also emphasizes values such as access, responsiveness, and equity. In the abstract, these are values that are widely supported. But a theory of administrative inclusion argues that such values are often undermined in policy design and implementation, sometimes because they clash with other administrative values, but often for little good reason.

A normative theory of red tape needs to be complemented by a practical approach that uses the language and tools of administration. The practical aspect of a theory of administrative inclusion will pursue the basic question: how to reduce the red tape citizens experience, especially red tape that limits access to citizen rights, fosters inequity, and negatively effects citizenship outcomes? Fortunately, the bias toward action that accompanies contemporary red tape scholarship has resulted in a consideration of how to practically deal with red tape.

*Clear criteria.* Bozeman (2000) suggests that managers should identify clear criteria for what constitutes red tape. Our study suggests one criterion: Administrative rules should not impose a compliance burden that is costlier than their stated legitimate purpose. These costs could be enumerated in terms of the number of citizens who see legitimate access to their rights weakened and the financial losses that result thereof or in terms of the creation of discriminatory processes. For example, programs should not be designed to eliminate waste, fraud, and abuse to the point that they reduce take-up of a program for more citizens who are legitimately entitled to those benefits than those citizens who are actually cheating the program.

*Red tape audits.* A basic tool in the battle against red tape is what Bozeman (2000) refers to as the red tape audit. This implies a careful assessment of the rules created at each stage of the policy and implementation process, identifying their origin, purpose, and impact. It implies an ability to judge whether rules are justified or not, whether red tape results in exclusion, and whether this exclusion has systematic effects for some groups more than others.

Ideally, managers close to the implementation of the rules are best placed to perform red tape audits (Bozeman, 2000). But managers may be unaware of red tape impacts of the policy they administer or may themselves be increasing administrative burdens on citizens. In such a situation, managers may be unlikely to initiate or effectively pursue red tape audits. There are two ways to deal with this problem. One is to mandate assessments of red tape. In some ways, the Paperwork Reduction Act partially performs this function at the national level, requiring agencies to consider the administrative burden of forms citizens must complete. Another option is to have a third party to perform red tape audits. This does not necessarily have to be a governmental actor, but a good example is the Office of Information and Regulatory Affairs (OIRA), a part of the Office of Management and Budget that demands sufficient justification from agencies before allowing the promulgation of new regulations. It is notable that the focus of the Office of Information and Regulatory Affairs is largely to protect regulated industry from unnecessary administrative burdens; individual citizens lack an equivalent protection.

*Include the citizen's perspective.* Bozeman (2000) suggests that the effects of red tape can be best considered by those who will be affected by the rules. This implies taking close study of how citizens experience rules, how this experience shapes access to services, and questioning whether these rules can be better designed and implemented to reduce the compliance burden. This would significantly broaden the current managerial focus of red tape research. There are several ways such research could be pursued. Case studies of apparent successes of administrative rule redesign are one model. Such studies could be ex post, but researchers could also work with government officials to redesign rules to reduce red tape. Even if this research is "action research" it can still be rigorous. Indeed, an ex ante research design could follow a field experiment model, using comparisons of pre- and postintroduction of rule changes to a population or between treatment and control groups.

In redesigning rules, government officials would also benefit from laboratory experiments that deal with the basic question of how individuals perceive rules. What sort of rules do citizens respond most negatively to? Some rules may be experienced as more disempowering than others while providing little additional benefit. There may also be moderating factors that affect how rules are experienced, and both laboratory and field experiments could seek to discover what those moderating factors are.

Another practical proposal is that programs maintain a scorecard of their effects on citizenship outcomes. Wichowsky and Moynihan (2008) propose a series of citizenship measures that could be incorporated into performance management frameworks or program evaluations. This would have the effect of (a) problem identification (highlighting programs have markedly negative impact on citizenship) and (b) attention directing (making managers as aware and attentive of citizenship outcomes as they are of other goals). Such tracking of citizen experience implies providing them with new opportunities to exert a voice option. This need not be limited to surveys but might also take the form of a simple access point, equivalent to an ombudsman, that citizens can turn to if unhappy or confused with their experience.

*Balanced administrative incentives and norms.* The exercise of administrative discretion is inevitable for many programs. However, it is possible to shape the norms and incentives of administrators in ways that encourage inclusion in the exercise of that discretion. Brodtkin and Majmundar (2010) note that welfare reform created an unbalanced incentive structure, where states and private providers were encouraged to use administrative processes to reduce caseloads, with little penalty for wrongful exclusion. The consequences were dramatic. By 1999, only 52% of qualified claimants were using Temporary Assistance for Needy Families benefits, significantly lower than a take-up rate of 85% for the program's predecessor (Zedlewski, 2002). The lesson is to balance incentives, so that administrators are cautious about limiting citizen access to benefits.

It is not just financial incentives that shape the application of administrative rules; it is also the basic norms and culture of the organization that the administrator is a part of. Citizens are likely to encounter different experiences in an organization where it is a basic norm that employees seek to help all eligible claimants to access their rights relative to an organization where the claimants as seen as suspicious and untrustworthy. Changing cultures may be difficult. But governments should at least be wary of the adverse selection of third party providers whose basic norms are at odds with respecting the rights of citizens.

## Conclusion

We do not claim that all rules are discriminatory or have a negative impact on citizenship rights. Nor do we prescribe a headlong effort to dismantle rules. Indeed, in many situations, rules are necessary to ensure basic equity of treatment, minimizing discrimination and arbitrary exercise of bureaucratic power (Kaufman, 1977; Lipsky, 1980; Soss, 1999). But there is clearly variation in how rules are designed and implemented across programs, and even among similar programs. This variation provides a basis for comparison of those rules, and how citizens experience them. This article has pointed to instances where rules are used as barriers to access services, whether they systematically negatively affect some groups more than others, and where they weaken access to citizenship rights. These are issues that are systematically unaddressed in public administration scholarship, but could be tackled by a theoretical framework that combines policy feedback and red tape.

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