

*Hassles or Help? Administrative Burdens in
Citizen-State Interactions*

Pamela Herd & Donald P. Moynihan

University of Wisconsin-Madison

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Introduction: The Concept of Administrative Burdens and Why It Matters

Chapter 1: What are Administrative Burdens in Citizen-State Interactions?

In the aftermath of September 11, amidst enormous grief, victims' family members described themselves as awash in paperwork—applying to everything from worker's compensation to private charitable support and life insurance. Meryl Mayo's husband was a fire-safety director who died in the World Trade Center. In the aftermath of his death she found herself spending hours each day finding out what resources she was eligible for, filling out forms, pulling together documentation, and dealing with officials who offered varying levels of help and sympathy. "Everything was scattered all over the place. And then I thought about all the things I had to do and all the laundry that was overflowing from the hamper. And I felt so overwhelmed that I broke down so badly, I couldn't even catch my breath. I sat down on the floor, just like, 'I have to do this. I have to cry now.' And I did."

There was one application process that did not compound her frustration: Social Security. She described the process of applying for Social Security survivor benefits as 'refreshingly simple.'¹ The first Social Security checks to victims' family members were mailed out on October 3, 2001. The application involved a phone call and filling out a simple form online, or if it was more convenient, dropping into one of the 1,300 Social Security Administration field offices spread throughout the country.

It's a simple example of when government works well. A public agency offered help at a moment when it was desperately needed, and in a fashion that made a difficult situation easier rather than compounding the stress and sadness that Mrs. Mayo faced. All too often, we assume our experience with government will be characterized by confusion, delay, and frustration. We term these convoluted administrative processes "administrative burdens." This book is about those administrative burdens, their political origins, how they affect citizens, and how governments can minimize them.

The term administrative burdens may evoke images of business regulation or basic bureaucratic encounters, such as renewing a driver's license. But any context in which the state regulates private behavior or structures how individuals seek public services is a venue where the state may impose burdens on its citizens. While these burdens vary by policy and by the person experiencing them, we focus on the burdens that arise in searching for information about public services (learning costs), complying with rules and requirements (compliance costs), and the stresses, loss of autonomy, or stigma that come from such encounters (psychological costs).

As we explain in this chapter, the experience of administrative burdens is consequential. Burdens affect whether people can exercise rights that are central to their identity and capacities as citizens, such as voting, and access to benefits and services that make their lives easier, such as health insurance. Burdens matter because they are not just a nuisance, but have a concrete effect on policy goals. Many social programs reach only a fraction of their target population, automatically limiting their potential for success because many of those who are eligible fail to negotiate the required procedures. Ultimately, administrative burdens form the fine print of the social contract between citizens and their government. They are the nuts-and-bolts of policy design and implementation that make the difference as to whether government is experienced as accessible or opaque; simple or bewildering; respectful or antagonistic.

Those who believe that government can act as a progressive force for good in people's lives need to understand the role that administrative burdens play. Many have pushed hard for the expansion of programs and policies that reduce the growing inequality threatening to undermine the very social fabric of our country. But if those programs and policies are administered in ways that leave people awash in paperwork and filled with frustration, it not only undermines their effectiveness but also undermines peoples' faith in the capacity of government to do anything right. These burdens might seem like the dull minutiae of governing compared to the prospect of designing a new program, but every program has to be implemented and in our current age of polarization and declining faith in government, much can be done to improve governance by focusing on burdens. As we describe in chapter 6, the history of Social Security—perhaps the most successful progressive achievement in the history of the United States—is an example of how careful design to minimize burdens was central to the program's success.

For conservatives who want government to work efficiently or to cast a less intrusive shadow on the lives of its citizens, understanding administrative burdens offers a means to these ends. As we document in this book, all too often the politics of burden are less than inspiring. Politicians sometimes impose burdens to deliberately make government dysfunctional and even to restrict basic legal rights. In chapter nine we detail how burdens feature in the most basic act of citizenship: voting. A growing number of states require photo IDs—with a strict definition of what qualifies as an ID—to vote, and are restricting the number of voting locations and the hours that people can vote.

These burdens shape inequalities in access to basic rights, including the most basic right of citizenship in a democracy: the right to vote. Burdens linked to voting hit black voters, poor voters, and those with disabilities hardest. Women also have a legal right to access abortions, but their ability to do so is conditioned the ability to negotiate mandatory wait times, multiple and unnecessary appointments, and limited numbers of clinics due to a host of administrative burdens put in place by state policymakers (see chapter eleven). State policymakers opposed to the Affordable Care Act put up numerous barriers for organizations and non-profits looking to assist people through the somewhat cumbersome process of enrolling (chapter four). In each case, elected officials made choices that added hassles to the lives of citizens rather than help.

For the rest of this chapter we outline three simple themes that will re-occur throughout the book. First, that burdens are consequential – they make a difference in people's lives. Second, administrative burdens are distributive. They affect some groups more than others, and in doing so, reinforce inequalities in society. Third, burdens, like public policies themselves, are constructed. They are often the product of deliberate design and choice occurring via administrative and political processes. Sometimes the implications of these choices are understood, sometimes not, but they can always be changed.

Burdens are Consequential

Administrative burdens are pervasive and consequential in terms of the costs that citizens bear and, in turn, how those costs influence citizens' perceptions of government. We all face some sort of burden: Taxes provide an excellent example. Paying taxes are one of our basic responsibilities as citizens, “the price of development and civilization” according to Justice Oliver Wendell Holmes. The process of preparing taxes takes time – a lot of it. The federal government is required to calculate the time it should take for an individual to fill out the forms it creates. The Department of Treasury, by itself, creates 6.7 billion hours of work for taxpayers

each year, accounting for nearly 75 percent of all of the time that citizens spend completing federal paperwork.²

Taxes are also one of the most universal frictions adult citizens encounter with the state. Perhaps not coincidentally, the Internal Revenue Service is viewed as one of the least popular agencies in US government.³ This is partly because people don't like to pay taxes, but they also don't like the process of paying taxes. They find it complex and burdensome. Albert Einstein, when asked about managing his income tax reporting quipped, "This is a question too difficult for a mathematician, it should be asked of a philosopher." As we describe later in this chapter, that complexity is largely unnecessary.

Burdens matter for whether we gain access to vital resources, such as education. In the United States, burdens affect whether and where a student goes to college. The price of entry for any student requiring financial assistance to college is filling out the onerous federal Free Application for Federal Student Aid (FAFSA) form—and then understanding and navigating a complicated loan process subsidized by the federal government.⁴ Low-income students who are high performing in high-school are especially vulnerable to learning costs relative to their better-advised high-income peers. Lacking knowledge on expected financial aid benefits, or their eligibility for application fee waivers, poorer students are less likely to apply to selective institutions. As a result, they lose out since in many cases more selective institutions would actually cost them less because they have more resources to subsidize poor students.⁵

Burdens are also consequential in that they can, quite literally, determine who is and is not a member of society. Nowhere are these stakes clearer than in the area of immigration. For example, US citizenship applications require complex paperwork and demanding documentation, application fees, English proficiency, and knowledge of US history. Approximately half of individuals eligible for US naturalization do not apply⁶ and surveys suggest that administrative burdens—in the form of perceived language, personal, financial and administrative barriers—are significant factors.⁷

Debates about how to deal with the problem of undocumented immigrants also center on burdens. As a society, we are more comfortable with immigrants becoming citizens only when they have to overcome an array of barriers. The closest that the US has come to addressing undocumented immigrants in recent years, a bill approved by the Senate in 2013, involved a 10 year wait to receive permanent legal residency, and three more years for citizenship, a \$1000 fine in addition to the standard fees, paying assessed taxes, background checks, a requirement to learn English, and documentation to prove they have lived and worked continuously in the United States.⁸ This status would have to be renewed after six years. In return for overcoming these barriers, the applicants would "go to the back of the line," or in other words: not be considered until after other immigrants for citizenship.⁹

In the absence of a national framework for addressing unauthorized immigrants, states have passed their own laws, also making use of burdens to discourage immigration. For example, Texas sought to impose documentation requirements for unauthorized immigrants before they could claim a birth certificate for their US-born children. Such burdens were unevenly applied across the state and across time, and result in significant negative consequences for both children (who become unable to establish citizenship, or gain access to public education, nutritional or health services that have long-term positive effects on development) and families (since parents cannot easily establish a legal relationship with their child).¹⁰

For some immigrants, these burdens are a matter of life and death. Take the case of Jews seeking to exit Germany and come to the US in the run-up to World War II. The United States

had an annual quota of between 26,000 to 27,000 slots for those who wished to immigrate from Germany between 1932 and 1938, but that quota was never filled before 1938 – indeed, two-thirds of the quota was unfulfilled during that time.¹¹ Immigrants who sought to enter the US were stymied by an almost impossible combination of bureaucratic demands from both the German and US governments. A 1917 US immigration provision that immigrants not be wards of the state was applied more aggressively at the onset of the Great Depression by President Hoover, requiring that immigrants had to either demonstrate ample financial resources or affidavits showing relatives or friends in the US that could provide support. This zealous enforcement regime remained as Jews started to look to escape Germany in the early 1930s.¹² State Department consuls who provided the visas gave little room for doubt: “if there was a remote possibility that a visa applicant could become a public charge sometime in the future, he was barred.”¹³

Would-be immigrants faced another set of administrative burdens from German officials. Refugees had to pay a flight tax of 25 percent, which gradually increased until they were no longer allowed to remove capital when they exited. By 1934, transfers of funds abroad from German banks were taxed at 65 percent, increasing to 96 percent by 1939. Under such circumstances, it became more and more difficult to demonstrate the resources necessary to satisfy US immigration requirements. Simply collecting required documentation was also onerous. The US Immigration Act of 1924 required the provision of police dossier, prison and military records, two copies of certified birth certificate, and other government records. For a German Jew that had reason to be fearful of a Nazi regime, collecting such documentation was rife with risk and nearly impossible for those who had already fled the country. But the State Department was unwilling to waive documentation requirements, justifying these restrictions due to the perceived public safety dangers from potential criminals entering the United States.¹⁴

Such burdens put would-be immigrants at the mercy of a hostile German bureaucracy that that made it difficult, if not impossible, to satisfy the demands of the unwelcoming American bureaucracy. Many seeking to exit found themselves trapped. Quotas remain unfilled. Most that stayed perished.

Burdens are Distributive

If burdens are the product of governmental rules and procedures, this raises the question of whether they are distributive, i.e., do they benefit or disadvantage some groups more than others?¹⁵ If so, who are the winners and losers in the imposition of administrative burdens? A theme that emerges in the chapters that follow is that those who are least advantaged tend to more systematically face burdens, even as they have fewer resources to manage and overcome them.

The policies that the poor in America encounter are more likely to be burdensome relative to policies that also encompass the middle and upper class, affecting their ability to gain access to benefits. Compared to the near 100 percent take-up for universal programs like Social Security and Medicare, estimates of take-up rates by eligible beneficiaries of means-tested programs typically aimed at poor people in the United States are much lower: 40 to 60 percent for Supplemental Social Insurance;¹⁶ two-thirds for the Supplemental Nutrition Assistance Program (SNAP, frequently referred to as food stamps);¹⁷ 30 to 60 percent of unemployment insurance benefits;¹⁸ about 50 to 70 percent for Medicaid;¹⁹ and 75 percent for the Earned Income Tax Credit (EITC).²⁰ While Aid to Families with Dependent Children (AFDC) had an estimated take-up rate of between 77 to 86 percent, participation rates declined dramatically after

1990s welfare reform, and its successor, Temporary Assistance for Needy Families (TANF), has a much lower take-up rate of between 42 to 52 percent.²¹ The central difference between these programs and universal programs such as Social Security is that means-tested programs must do more to distinguish between the eligible and ineligible and in creating administrative processes to do so, they impose higher levels of burdens.

While our focus in this book is on the United States, there is good reason to believe that burdens have similar effects in poorer countries and indeed disrupt policy efforts to help the poorest populations. Heinrich (2016) examines an ambitious cash-transfer program aimed at 11 million South African children, and warns that the “bite” of administrative burdens is potentially greater in such settings.²² The policy included significant compliance costs such as extensive documentation requirements, and delay at welfare offices, and learning costs exacerbated by changes in the policy rules. Both the limited resources of claimants and capacity problems of bureaucrats contributed to the difficulty in overcoming burdens. The majority of recipients experienced disruptions in cash transfers, with 80 percent of those disruptions made in error. As eligible beneficiaries lost resources, this had a negative effect of adolescent outcomes, resulting in greater rates of sexual activity, alcohol consumption, and criminal behavior.

It’s also the case that those with fewer resources struggle more to manage the burdens that they face. For example, as chapter ten shows, low income women attempting to access abortion services struggle more with the administrative burdens that have been erected to limit women’s access to abortions. Middle and upper middle class women have the resources—such as a car, or money for a hotel—to travel greater distances to access a clinic. They can afford to pay for the necessary child care (most women who have abortions already have children). They are more likely to have jobs that allow them the flexibility to take time off from work that would be required to access services.

Immigration and education provide another example of how access to resources matter. Immigrants who are legal permanent residents but do not become citizens are more likely to be less educated and not speak English.²³ Similarly, low-income students seeking to go to college benefit more from the provision of help than their wealthier peers who are already better advised. One experiment that provided students information packets that included a summary of appropriate schools given the student’s achievement, the net costs of different colleges for students at different income levels, and a voucher for free college applications, caused low-income students to become 46 percent more likely to attend a selective institution than a control group that did not receive the information.²⁴ In some cases, simply having access to someone who can help to negotiate the compliance burden of completing a form makes a difference. In another experiment, the provision of help in completing applications among those applying for federal financial aid for post-secondary schooling resulted in dramatic increases in applications and a 29 percent increase in actual college enrollment.²⁵ These examples illustrate both that individuals without resources will have more difficulty in overcoming burdens, but also that those resources are not just money – it also about access to other types of human capital, such as education, cognitive and non-cognitive skills, or a social network that can provide help.

An important point to keep in mind is that for many Americans, mostly poor Americans, most of their interactions with government are shrouded by burdens. Individuals applying for Medicaid are also likely applying for SNAP and possibly the EITC. These same individuals are also less likely to have IDs or live in neighborhoods that provide sufficient polling places, making it harder to access the right vote. Poor women are disproportionately more likely to have unplanned pregnancies and also to need access to abortion services—which many states are

making more difficult to access. If their children are to go onto post-secondary school, they can look forward to the overwhelming and frustrating financial aid process. In short, it's not just that policies targeted at the poor are more burdensome; it's also the case that the poor are more likely to experience government as inherently burdensome.

Burdens are Constructed

Administrative burdens are the product of administrative and political choices. In some cases, those making these choices may fail to understand the implications that follow. But in many cases, as we make clear in the chapters that follow, political actors often see burdens as a policy tool to achieve an ideological goal.

In some cases, the choice is not to ease burdens even when changing circumstances call for it. The failure of the American administrative state to adapt Depression-era burdens on immigrants, even in the face of an increasingly desperate situation for refugees in Europe, is an example of how failure to take action is itself a choice. Multiple bills to ease burdens on immigrants were proposed in Congress through the 1930s, but they all failed. In 1938, one such effort proposed taking up the unused quota slots and reallocating them to refugees. Another proposed exempting refugees from the need to document that they would not become a public charge.²⁶ Both failed to get a hearing. The Kristallnacht pogrom against Jews in November of 1938 made the urgency of such efforts more difficult to ignore, but ultimately had minimal effect. German Jews already in the US on visitor visas were allowed to stay, but efforts to further ease burdens through legislation failed. The last major effort, the Wagner-Rogers Bill in 1939, was intended to allow 20,000 German refugee children to come to the United States over two years, but was amended to the point that it became meaningless, making the children part of the regular quota and subjecting them to the requirement that they not become public charges. Even then, the watered-down bill failed to win support from the Roosevelt administration and did not pass.²⁷ Once the war began, efforts to ease burdens on immigrants became even less likely to succeed. Instead, further restrictions on visas were made under the justification that immigrants posed a security risk as potential spies or saboteurs. In June of 1941, the Bloom-Van Nuys Act allowed consular officials to decline any visa application if there was suspicion that the applicant might engage in activities that would 'endanger the public safety.'²⁸ In 1943, new paperwork requirements resulted in a visa application form that was four feet long.²⁹ Between 1933 and 1944, just over 100,000 German and Austrian Jews made it to the United States, a fraction of those who could have been saved with a less burdensome entry process.³⁰

Political choices about burdens can be amplified or undercut by administrative actors. In the case of immigrants, the passive response of the US government was compounded by a State Department that used its discretion to harden rather than relax administrative burdens. As early as 1930, Consuls in Germany were directed orally by the State Department to limit the issuance of visas to no more than 10 percent of the allocated quota.³¹ As a result, immigration from Germany declined from 48,468 in 1929 to 1,324 by 1933.³² As World War II came to a close and the grim fate of Jews who had stayed in Germany became apparent, the US Treasury Department launched a scathing attack on the US government in general and the State Department in particular. In the "Report to the Secretary on the Acquiescence of this Government in the Murder of the Jews," the Treasury identified the power of individual administrators to obstruct immigration. Breckinridge Long, Assistant Secretary of State, described as an anti-Semite and nativist, used his bureaucratic power to block a variety of efforts to help migrants.³³ For instance, he crafted a State Department memo in 1940 guiding obstruction of visas. When the governor of

the Virgin Islands issued a proclamation lifting visa requirements, Long overruled him. In 1940, Long recalled the visas of 38 Polish Jews in Japan, arguing that they might be subversives. Long could take such actions in the knowledge that Congress “would certainly not object to administrative devices to limit immigration.”³⁴

These political choices are not only present in extraordinary circumstances. They are also present in the most mundane encounters with government that nearly all people experience. Let us return to our example of paying taxes. Here again, this very different type of administrative burden represents a political choice. The friction of the tax process is largely unnecessary. Taxes may be inevitable, but the process of paying them could be simpler for most in the US. Indeed, taxpayers in some other developed countries would find the US process baffling. They do not encounter the array of forms or documentation requirements that Americans associate with April 15. For them, the cost of paying taxes is the taxes itself. Americans pay the taxes but also face the costs of dealing with a process that often becomes bewildering and frustrating.

A less burdensome alternative exists. When we submit our tax returns we are usually not telling the government much new information about our income. Employers and financial organizations have already shared this information with the government. For an estimated 40 percent of taxpayers, the situation is simple enough that the IRS could pre-calculate the estimated tax liability or refund. The taxpayer would be presented a record of these data and decide whether they agree (by checking a box and completing the process) or not (which would then require them to complete the traditional tax reporting process). Sometimes called “return-free filing,” this approach uses a strategy we will hear more about in this book, which employs a mixture of administrative data and technology to reduce burdens. A Brookings Institution report suggests that such a system could save an estimated \$2 billion and 225 million hours if implemented for the US, as well as reduce the anxiety that comes with the possibility that the taxpayer may not have included all of the relevant documentation.³⁵ Even taxpayers who do not use the pre-prepared form because of more complex tax situations would still benefit by being able to download government tax data, reducing their compliance burden.

In fact, such a system is already in place in America for over a decade, though few know about it or have benefited from it. The state of California piloted a program called ReadyReturn for a tiny fraction of taxpayers, usually less than 100,000. Those that used it gave the system high marks for helping them save both time and money. ReadyReturn files are vastly cheaper for the state to process relative to paper returns, and taxpayer errors are minimized.³⁶ So why has this model not been adopted more broadly in other states, or at the national level where its been considered for more than a decade? The answer is that it faces intense opposition, driven partly by companies who benefit from the existing process, and partly by political ideology.

While the Obama administration pushed to expand return-free filing, Intuit, the maker of the tax-preparation product TurboTax, has spent heavily in opposition, including \$13 million in federal lobbying and a million dollars to oppose a candidate for the California Comptroller who supported ReadyReturn.³⁷ Intuit has also invested in building the appearance of a local opposition to return-free filing by hiring lobbyists to persuade trusted community leaders to write op-eds and letters to Congress against it. (The lobbyist that Intuit worked through Computer & Communications Industry Association boasts of a “grasstops” approach – a lobbying term for simulating a grassroots approach). Identical text about how return-free filing would hurt poorer citizens reoccurs, suggesting the lobbyist directly authored the text. In at least some cases the lobbyist failed to disclose their affiliation when approaching the community leader.³⁸ The

designer of ReadyReturn had been contacted by other states interested in adopting this innovation, but those calls stopped in light of Intuit's opposition. "It was a huge signal to politicians everywhere how much Intuit cares about this. People in other states who had been interested in it started saying, 'We just don't want to pick a fight with Intuit.'" ³⁹

Intuit's opposition is understandable. What are burdens for taxpayers are a business opportunity for tax preparers. Burdens in the tax system also serve a political goal of eroding support for both paying taxes and government itself. Conservative opposition to simplifying the process of paying taxes is not new. "Taxes should hurt," declared Governor Ronald Reagan in 1971, when he opposed the adoption of withholding of state taxes in California. The logic behind this opposition is that when taxes become more memorable and negative frictions, people are more aware of and less supportive of taxation. Americans for Tax Reform, the most visible and effective anti-tax group in the US, has also vocally opposed return-free filing.

The example shows how burdens can be imposed by government, but can also be minimized by creative design to shift burdens away from citizens and onto the government. Such a shift would require an investment in government capacity and resources, but would give citizens real reason to believe their government is working to improve their lives. Austin Goolsbee, who has championed return-free filing, put it this way: "For the cost of modernizing the computer matching system within the I.R.S. and the Social Security Administration, we could eliminate the compliance burden for more than one-third of American taxpayers." ⁴⁰

This same opportunity – investments in modernizing governments capacity in return for minimizing unnecessary burdens – exists in multiple policy settings. Throughout our book we point to examples of where burdens have been increased and reduced, and in our concluding chapter we provide a template for action. But the tax case also illustrates that burdens are often the function of political processes, and are sometimes maintained even when a better option is technically feasible. Further, it shows how political actors will use disingenuous arguments to justify the imposition of burdens. Anti-tax groups justify their opposition to simpler tax returns because they say that government cannot be trusted to estimate data that it collects from its citizens, even though they must utilize with the data reported to them by employers and made available to employees. An even more befuddling argument against simplifying tax preparation comes from Intuit: filling out needless tax forms is a form of citizen participation and empowerment. ⁴¹ By this logic, the most participatory democracy is the one that condemns citizens to spend their days wrestling with Kafkaesque bureaucracies.

Our book examines public health insurance policies, income supports, voting and abortion rights. This mix of topics is justified in greater detail below. For now, it is worth noting that an examination of the politics of burdens in these areas muddies one of the basic criteria by which we differentiate between political parties. The conventional wisdom on the politics of government regulation is clear enough: conservatives seek to limit the dead hand of government from impeding on individual liberties and free enterprise, while liberals are anxious to use the tools of government to correct perceived inequalities in society. We are accustomed to the image of Democrats pursuing policy goals via rules and regulations, while Republicans criticize those rules as burdensome and inefficient. Republicans, instead, are the party of a laissez-faire approach to governing, preferring minimal intervention. When running as Vice-Presidential candidate in 2012, Paul Ryan reflected this approach by criticizing President Obama's for "picking winners and losers," suggesting a philosophical aversion to using the instruments of government in a distributive fashion.

This image may reflect some version of reality for economic policies and regulatory policies to which businesses are subject, but it is clearly not the case for the policies described in this book. Indeed, conservatives are skilled users of rules and regulations to achieve their policy goals. Others have made a strong case for conservative paternalism in social policy, which justifies a detailed supervision of citizen's lives.⁴² But we show that the same pattern of strategic application of administrative burdens holds in other policy areas. These burdens have distributive effects: they target some groups more than others and are more difficult to overcome for some people within the targeted group. In this respect, the use of burdens as a form of policymaking is a way by which governments do pick winners and losers. It is not limited to any particular policy area, but is instead one of the tools of contemporary political warfare.

In some cases, political ideology or policy preferences will lead politicians to the use of burdens to make government feel like a source of hindrance rather than help. In this respect, burdens become a form of dysfunction by design.⁴³ The current politics of government may see burdens used beyond the narrow goal of making a specific agency effective, but instead as part of a broader assault on government itself. President Trump's chief strategist Steve Bannon pledged that Trump Presidency would be dedicated to "the deconstruction of the administrative state."⁴⁴ While in some cases this will require eliminating or limiting some public programs, in other cases it will rely on the use of administrative burdens to make government less accessible and more dysfunctional. If it is not possible to completely remove the administrative state, its deconstruction will rely partly on making the state an ineffectual and unwelcome presence in people's lives rather than an institution that solves problems.

Case Selection

Given the wide array of contexts in which administrative burdens occur, how did we come to choose the cases that we study? We applied a variety of criteria, partly reflecting our interests as scholars, and partly reflecting where we identified existing research. First, we are focused on a *public* setting. While private sector use of burdens are numerous and often ingenious – for example, requiring shoppers to mail in a rebate rather than provide it automatically – they are not of interest to us as scholars of policy and public administration.

Second, we are interested in how administrative burdens affects *individual citizens* who access public services. This may sound straightforward, but it is important to articulate, since much of the prior research on red tape in public administration has focused on the experience of bureaucrats, and research on regulation focuses largely on private organizations. Administrative burdens can and do affect bureaucrats and private organizations, but for the purposes of our analysis we are interested in understanding citizen-state interactions, a venue where burdens have been less explored.

There is little additional value to offer in making the case that burdens on businesses are problematic, because governments of all political ideologies are already responding to that message. Governments have put in place safeguards to protect private organizations from excessive regulation. One technique is a requirement for cost-benefit analyses to demonstrate that any new regulation provides a net social good. Such protections have been in place in the United States since the Reagan administration as a matter of course. There is no equivalent for regulation of citizens, beyond the Paperwork Reduction Act of 1980, which mandates that agencies track the amount of time it takes for a citizen to complete a form but does not require that such burdens provide a net benefit. Another protection for organizations is targeted reductions in regulations. Some governments create issue directives to this effect. For example,

President Obama signed an Executive Order to reduce red tape. The European Commission committed to reducing regulations in the EU by 25%. President Trump set a standard that every new regulation be accompanied by the removal of two regulations, but the idea is not new: the UK and Canada have similar mandates. In all these cases, the primary focus is on regulations that affect businesses. These examples point to the relative success that organizations have had in lobbying for safeguards to protect against an excessive regulatory environment. This success reflects their political influence but also economic orthodoxy, which counsels against over-burdening organizations. International organizations such as the World Bank and OECD encourage client governments to adopt a less burdensome regulatory regime.⁴⁵ The burdens on individual citizens are an after-thought in comparison to the attention lavished on burdens on private organizations.⁴⁶ If nothing else, this reflects the fact that private organizations tend to be well-organized and able to articulate concerns about burdens in a way that individuals, particularly members of groups lacking in political power, are not.

Third, we select cases by identifying policy areas where citizens interact with the state that are politically salient and deeply important to individuals: health policy, income supports, voting rights, and access to abortion. That health and income supports are important is evidenced by a look at how the federal government spends its money. The majority of the federal budget is allocated to health insurance and income supports. In 2015, 23 percent of the federal budget went to Social Security, 14 percent to Medicare and another 14 percent to other health spending, while 13 percent went to income supports.⁴⁷ These costs of these programs must be balanced with an understanding of what basic guarantees a state provides for its citizen's welfare. From an individual perspective, health care and a basic level of income are cornerstones of a basic standard of living, part of what T.H. Marshall (1964) describes as social rights. Of course, what constitutes rights is itself contestable. A stricter interpretation of rights would limit us to those that are provided for under the constitution, such as the right to vote, or the right to an abortion (which is justified by a right to privacy). On the other hand, the Supreme Court in a 1970 decision, *Goldberg v. Kelly*, decided that welfare benefits are similar to a form of property when it comes to guaranteeing some due process rights. They cannot be removed simply on the basis of suspicion of fraud, for example.

The final criterion is a practical one: we focus on policy areas where we can draw on a substantive body of evidence, either from our original research or from others, that can provide insights into the causes and effects of administrative burden. In doing so, we sought to bring in cases that might seem disparate – the links between abortion rights, the Earned Income Tax Credit and election rights might not be immediately apparent. But the existence of a recurring pattern of the application of administrative burdens in such disparate settings helps to make the case for why the concept has broad applicability.

While not an additional criterion, we also tend to include a disproportionate number of examples from our home state of Wisconsin. This is partly because this is where we have undertaken our primary research on some of these topics. But it is also interesting as a swing state that sits on the middle of the country, which has a progressive past but which has leaned right in recent elections, including voting for Trump. This shift in politics means that much has changed in policies, with administrative burdens that are prominent in those changes.

Conclusion

How do we determine when burdens are unjustified? Whose role is it to shine a spotlight on these burdens and how do they make determinations? To answer these questions first requires

the type of conceptual language we present in this book. The next chapter takes on this task by offering a more detailed definition of administrative burdens, a deeper theoretical framing of them, and a research agenda to move forward. Armed with that conceptual language, we make the case that while burdens are often a function of politics and power, their existence should be documented in a way that currently does not occur, tracking both their costs and benefits. State actors whose task it is to provide a rational provision of public services have a special responsibility here.

In addition to establishing a conceptual framework to study burdens, we also need to get very much into the weeds of different policy areas to illustrate how they matter. Be warned: there are plenty of government acronyms and nuanced discussions of how public programs are designed and implemented, though specialists in each of these areas will no doubt rightly point out that each topic deserves multiple books in their own right.

The next eight chapters offers empirical evidence, as such evidence exists, on the three claims detailed in this chapter: that burdens are consequential, distributive and constructed. Not every policy we examine can provide evidence on each claim, but most policies can provide insights on multiple claims.

We first focus on burdens in the domain of health policy. We start with Medicaid (chapter three), based on an in-depth longitudinal case-study of Wisconsin policy changes, which saw the program less and then more burdensome over time. We identify practices that reduce burden in detail, including auto-enrollment. We link these changes to the political preferences of different governments.

Chapter four examines the Affordable Care Act, which incorporated some of the techniques in states like Wisconsin to increase access, including the use of third parties to help individuals to sign people up, and the use of administrative data to verify eligibility. But the new healthcare law was undermined by state resistance, including a reluctance by states to set up their own exchanges, and efforts to make it more difficult for federally funded healthcare Navigators to help the uninsured. This ultimately exacerbated administrative burdens for those needing access to health insurance.

Chapter five examines administrative burdens that have emerged with the creation and expansion of Medicare Advantage and Medicare Part D, which increased the role of private market insurers into the program. This area is important because it is where the state has shifted more choice – and by extension more learning costs – onto citizens. We also explore the administrative burdens related to individuals purchasing Medigap coverage offered by private market insurers. We point out how the burdens associated with ‘more choice’ in Medicare are exacerbated by cognitive decline among older adults.

The next section of the book will focus on the largest federal government income supports. We start with the granddaddy of them all, Social Security (chapter six). We focus on how early historical choices in the design of the program ensured that an unprecedented, huge and complex administrative undertaking became a program with relatively low administrative burdens for citizens. A key insight of the designers of Social Security is that the political longevity of the program depended on reducing burdens at every opportunity.

Chapter seven examines SNAP (also known as food-stamps), which illustrates how administrative burdens can follow a cyclical pattern between ease and difficulty. Even as governments learn how to improve access, they may choose to re-impose burdens as a result of political pressures to reduce the specter of fraud.

In chapter eight we consider the EITC, which like Social Security is a large income support program with relatively low burdens. The success of the EITC is perhaps more remarkable because it is a means-tested rather than universal program. We trace its history to understand the politics by which a program targeted to the poor avoided burdensome processes. It benefited in no small part by winning supporters from corporate America, who see it as a valuable subsidy that allows it to keep wages lower, and a far more preferable option to a higher minimum wage.

The next section of the book examines burdens in election administration (chapter nine) and access to abortion (chapter ten). While these two policy areas might not look obviously similar, the application of an administrative burden perspective shows striking parallels. Here, burdens are used to limit rights provided under the constitution. To a degree clearer than other policies, clashes over burden are not hidden politics, but are played out in legislatures. In both cases the advocates for more burdens offer claims unsupported by evidence. Burdens in elections are justified by a supposed-plague of voter fraud, while pro-life advocates claim that restrictions on abortions are intended to protect the life of the mother. In both cases, the courts become the ultimate arbiter of such claims, weighing the degree to which the state can impose an “undue burden” on its citizens.

The final chapter summarizes ask the practical question of what are the implications for governing. We argue that public organizations need to consider administrative burdens more systematically, in a manner akin to how they currently consider cost-benefit analyses of businesses. While we identify practical techniques for policymakers and public managers to assess and reduce burdens, we propose that a professional approach demands not just an understanding of these techniques but is built on four general principles: an evidence-based approach that assesses when burdens are justified and when they are not; a regulatory regime where governments are responsible for reviewing how third parties impose burdens in public services; an professional norm that sees assessing burdens as routine practice; and, sufficient public capacity to analyze and reduce burdens where appropriate.

Chapter 2: Building Blocks for Studying Administrative Burdens

This book develops the concept of administrative burden to improve understanding how citizens experience the state. The idea that such burdens exist and are consequential is not completely novel. In the first section of this chapter we identify antecedents of administrative burden that appear in different streams of research, such as economics, public administration, political sociology, and research on program take-up. But across these fields, there is no common conceptualization of administrative burden. As a result, researchers across these diverse fields are not talking to one another, key questions are not being asked, and research is not accumulating into actionable knowledge. A key goal of this book is to engage in concept-building that enables both a wider array of questions to be asked and a more integrated approach to answering them.

The second section of this chapter lays out a framework to specify what constitutes administrative burdens; the key components of burden include learning costs, psychological costs, and compliance costs that citizens face in their interactions with government. *Learning costs* arise from engaging in search processes to collect information about public services: Are there services that can fulfill unmet needs? Would one qualify for them? What are the requirements for the application process? *Psychological costs* include the stigma of applying for or participating in a program with negative characterizations, a sense of loss of personal power or autonomy in interactions with the state, or the stresses of dealing with administrative processes. *Compliance costs* are the burdens of following administrative rules and requirements. For example, for those applying to a program for services, these are the costs of completing forms or providing documentation of status. For individuals or businesses being regulated by government, these are the costs of complying with regulation.

The concept of administrative burden alters the unit of analysis in citizen-state interactions, emphasizing those administrative factors that make the experience of the citizen more or less onerous. For some interactions, burdens may be low and for others they may be high. In some cases, burdens are in place to ensure legitimate political goals, such as administrative requirements that poverty-based policies serve those who are poor. In other cases, they undermine policy goals or legal rights, such as complicated and unnecessary requirements for abortion providers that reduce, or even eliminate, women's access to abortions. Understanding why such burdens occur and how they shape citizen's experience of the state should be central questions in the study of public policy and governance more broadly.

In addition to conceptualizing administrative burden, we establish a framework for understanding how politics relate to burden, which we examine in the third section of the chapter. Fights over burdens are venues of politics, where political values, such as access or fraud, are pitted against each other. We propose that politicians will sometimes deliberately construct administrative burdens - as a complement or alternative to traditional forms of policymaking - to achieve their policy goals.

The costs that citizens experience in their interaction with the state and its agents have critical implications for the health of our democracy and democratic institutions. The final

section of the chapter proposes a series of questions that form a research agenda for understanding how burden matters. While we cannot answer all of these questions in this book, they inform the chapters that follow. We propose that burdens affect politics. As citizens encounter burden, they are taught lessons about their political standing, which in turn impact their political participation.¹ Administrative burdens therefore mediate how citizens experience the state as a positive or negative force, frame how they understand their relationship with it, and influence how citizens engage in civic actions. Burdens are consequential in other ways. They matter to whether citizens are able to access services to which they are entitled and desire. As policies fail to reach their intended targets because of burdens, the likelihood of achieving their policy goals also declines. Burdens also matter to normative and empirical discussions of how the state mediates equity, since some groups of citizens may be more or less targeted by burdens, or more or less able to manage burdens. These divisions are especially important in the context of race, class, and gender differences. The experience of imposing burdens is also likely to matter to the administrator, shaping their identity and motivation.

Antecedents of the Concept of Administrative Burden

Our framing of administrative burden as costs may imply a rational approach where citizens weigh costs against expected benefits. A perspective from economics, which frames burdens as “ordeal mechanisms”, rests on such an approach: only those who truly derive a good deal of utility from a good or service will put up with the burdens that must be borne to receive it. Those who are not highly motivated to receive the good, such as better-off people who value their time more highly and are unwilling to spend it negotiating burdens, will drop out of the process. “The demeaning qualification tests and tedious administrative procedures involved in many transfer programs *may* serve such a sorting mechanism.”²

This perspective is limited in its insights for a number of reasons. For one thing, unless elected officials deliberately design administrative processes with the rationing effect of burdens in mind, their effect is an unanticipated consequence of policy, rather than a deliberate feature. Second, the logic of “ordeal mechanisms” may be incorrect in its assumption of why individuals falter when faced with burdens. For example, poorer people may have less time available to negotiate burdens as they try to make ends meet. They lack the resources, for example, to cover for child care, which would allow them to apply for multiple jobs or job training in order to maintain income supports. The more fundamental error with this approach is that it supposes that the willingness to negotiate burdens is a function of desire, rather than human capital: that those who do not wait in line, turn up for an appointment, or complete a form simply do not want the reward that comes with efforts. While there will certainly be cases where this is true, we propose that this view overlooks the degree that human capital – such as education, money, social networks, intelligence, non-cognitive skills and health – matters. For example, individuals with more social connections or education are likely to have greater ability to reduce learning costs that come in learning about a public service. A wealthier immigrant can hire a lawyer to manage the compliance burdens in citizenship application that a poorer immigrant cannot. The older voter in better physical health is more likely to walk to the local polling station. Part of the purpose of this book is to highlight the ways in which different forms of human capital have plausible or demonstrated connections to the effect of administrative burdens.

Research from behavioral economics, in contrast, does not assume that individuals are necessarily rational; indeed, it is rare that people engage in a rational weighing of the benefits of a good with costs of burdens.³ The impact of burdens depends upon on how individuals construe

the world, not on objective measures of costs and benefits. This construal is shaped by contextual factors that frame burdens and interact with individual psychological processes, including cognitive biases that generate disproportionate response to burden. This basic insight explains why burdens that seem minor and defensible when designed by the administrator may exert dramatic negative effects when experienced by a citizen.

Behavioral economics also helps to identify particular cognitive biases that make burdens more consequential.⁴ Individuals have biases in perceiving risk and probability, which in turn alter their willingness to overcome administrative burdens. For example, someone who thinks they will not become sick will be less likely to make the effort to overcome the burdens involved in enrolling in health insurance. Individuals also tend to overvalue the status quo of their situation, even if a different state is objectively superior. This implies that how institutions structure the default choice individuals face will have significant effects. For instance, changing the default on private savings plan from non-participation to participation has a large effect on take-up rates.⁵ Individuals have biases in temporal planning, favoring the present and tending to discount the future. This means that avoiding burdens in the present may be preferred even at the expense of significant long-term net benefits. Another bias arises from choice overload or decisional conflict, which occurs when individuals feel overwhelmed by a multiplicity of choice, resulting in indecision, the selection of defaults, or poor decisions.

The advent of behavioral economics, and specifically its translation into the policy prescription of ‘nudges’ – structuring of choices to optimize outcomes – has drawn attention to how required procedures to access benefits influence policy effectiveness. This research has shown, as we do in this book, that little burdens can have big effects and that policymakers and administrators should design public services with that risk in mind. The strengths of this approach – a focus on cognitive biases and program design – are in some respect also weaknesses, as it has given less attention to questions such as the origins of burdens. It’s easy to assume that the need for a nudge is simply the result of the “choice architect” being unaware of behavioral limitations. If so, once a better choice architecture is determined, it will be adopted.⁶ Yes, this perspective does not address the possibility that these are deliberate choices to meet alternative policy goals than was originally specified by the program or policy. The nudge perspective has also been critiqued for leaving issues around inequality and the distribution of wealth relatively untouched.”⁷ Nudges become an attractive mode of action when one has decided to ignore more fundamental “shoves” that are taking place in society. This critique is ultimately unfair, since it is hardly plausible for the nudge movement to solve deeper societal issues. But the focus on individual choice as the unit of analysis has given too little attention on the broader political processes that frame those choices. The focus on the architecture of choice also fails to account for how burdens may be targeted, either by policymakers or by front-level officials, at specific groups, again raising the specter of inequality.

The study of administrative burden is relatively rare in the field of public administration, even in literatures centered on citizen-state interactions. Perhaps the closest concept to administrative burden is red tape. Even in this research area, the definition and study of this concept has been relatively narrow. Red tape is defined by Bozeman (2000, 12) 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.” This definition suggests that any rule that advances a legitimate purpose cannot be classified as red tape. In considering the definition of red tape, Bozeman and Feeney (2011, 48) note that: “Red tape is bad. It is not an aid to accountability or legitimacy or a means of ensuring participation. Rules that appropriately

hold organizations accountable may not be popular with the people constrained by them, but they are not red tape.” By contrast, we assume that administrative burdens will often serve legitimate purposes and are not inherently bad. A third important distinction from red tape research is that while it focuses on the compliance burden generated by rules, we argue that this is just one component of a broader experience of burden, falling into the category of compliance costs. Perhaps because of the restrictive nature of the definition, little attention has been paid to the actual rules that citizens face; instead, the extant research has been centered on managerial perceptions of red tape.⁸

Another antecedent to our concept is research on ways in which rules or administrative discretion reduces access to programs. Such work is most prominent at the intersection of public administration and social policy,⁹ reflecting a broader concern with issues of “bureaucratic disentanglement”¹⁰ and how this relates to matters of equity.¹¹ This work is especially valuable in suggesting that burdens may be deliberately targeted at less powerful groups in society that are classified as “undeserving.” But this literature has retained a particular focus on social policy, and very specifically, social welfare policies targeted at poor individual. Our goal is to broaden the concept to illustrate its application to an array of citizen-state interactions, whether it be a single mother trying to access Medicaid or an individual trying to vote.

Burdens as Costs

A simple definition of administrative burden is that it is as an individual’s experience of a policy’s implementation as onerous.¹² This signals that burdens are distinct from rules and points to the costs that individuals experience in their interaction with the state. Here, building on prior work,¹³ we briefly identify broad categories of costs that constitute administrative burden (see Table 2.1). We also offer more detailed examples of these costs in the context of social programs below, which foreshadow many of the examples we study in our book, and provides strong evidence of how burdens affect the take-up of services.

Table 2.1: The Components of Administrative Burden	
Learning costs	Time and effort expended to learn about the program or service, ascertaining eligibility status, the nature of benefits, conditions that must be satisfied, and how to gain access.
Psychological costs	Stigma arising from applying for and participating in an unpopular program; loss of autonomy that comes from intrusive administrative supervision; frustration at dealing with unjust procedures; stresses that arise from uncertainty about whether citizen can negotiate processes.
Compliance costs	Provision of information and documentation to demonstrate standing; financial costs to access services (such as fees, legal representation, travel costs); avoiding or responding to discretionary demands made by administrators.

Learning Costs

The effects of learning costs on take-up have been inferred in various ways. One approach is to document lack of knowledge about a program by its target population. Individuals are frequently unaware of a program in general, whether they qualify, what is required to qualify, and/or the size of the benefits at stake. Individual knowledge varies across programs, but even for prominent programs such as job training and the Supplemental Nutrition Program (SNAP), about half of eligible non-participants believe that they are not eligible.¹⁴ Surveys of non-participants suggest that they would apply for programs if they knew for certain they were eligible.¹⁵

Learning costs have also been evoked to explain the negative effects of other variables on take-up, such as living further from administrative centers,¹⁶ having lower education, or language barriers.¹⁷ Learning costs also help to explain why those already in one program become more likely to access other services,¹⁸ as applying to one program can generate knowledge about others. Association with groups such as unions, veteran's groups, or aid from private actors such as tax preparers, has been shown to increase take-up,¹⁹ as these third parties reduce learning costs by directly providing relevant information. Field experiments have shown that simply providing information tends to increase take-up for programs such as the Earned Income Tax Credit (EITC) and SNAP,²⁰ or financial aid for college.²¹

Psychological Costs

Work from social psychology points to fundamental aspects of human behavior that are relevant to understanding burden. Individuals have a basic need for autonomy over themselves and their actions.²² In processes where the state imposes burdens, it acts as a source of external direction over individual autonomy. The more forceful that direction and the more at odds with the individual's intrinsic preferences, the greater the sense of loss of autonomy, which in turn will lower willingness to participate in and satisfaction with the process. Social psychology also points to the importance of procedural justice.²³ Individuals care as much or more about the process of their interactions with the state as they do about the outcome. This implies that procedures perceived as consistent, fair, and equitable are fundamentally important to citizens. Administrative procedures perceived as arbitrary, unfair, and discriminatory leave us unhappy with our interactions with government.

If behavioral economics provides a logic for why cognitive biases make small burdens a big deal, social psychology suggests that violating basic psychological needs of autonomy and respectful treatment also exacerbate burdens. These insights align well with observational research in the policy feedback field, which shows how citizens value processes seen as respectful and empowering, but respond negatively to processes that are seen as unfair and demeaning.²⁴ Cross-national comparisons of citizen trust in government find that fair and equitable processes matter more than assessments of government performance.²⁵

Different streams of research point to the ways in which psychological costs can emerge in the provision of social benefits. Economists have pointed to the stigma of participating in unpopular programs.²⁶ Research from political science and political sociology provides a logic for why programs serving recipients characterized as 'undeserving' are unpopular.²⁷ This is in stark contrast to programs of a more universal nature, such as Social Security and Medicare, where the broader based of beneficiaries are perceived of as 'deserving.'²⁸

Individuals may opt out of participating in unpopular programs to avoid damaging their self-identity or the negative treatments they believe are associated with participation.²⁹ For example, the stigma of using food stamps (as opposed to discount coupons) at a grocery store is a consequence of political perceptions of the program. In a survey of likely-eligible individuals not receiving food stamp benefits, 27 percent said they would not apply. Among those individuals, nearly half reported factors that indicated they wanted to avoid feeling ashamed, such as not wanting people to realize that they were poor.³⁰

If an individual chooses to participate in a program, administrative practices can reinforce the effect of stigma. In particular, interactions with the state may be experiences of power. As the interaction is experienced as degrading, intrusive, and directive, it erodes the basic need for autonomy. Receipt of benefits may be conditioned on required classes in, for example, financial

literacy, which communicates to the individual that the state believes that their financial distress is a function of poor choices. Or the individual must submit to processes normally reserved for citizens under suspicion of law-breaking, further communicating a moral judgment being levied against them. Historically, social benefits to single mothers have been denied if caseworkers felt that claimants were not providing suitable homes, which could be examined in “midnight raids.”³¹ Echoes of such extreme examples persist in parts of the contemporary welfare system. For instance, fingerprinting applicants lowers food stamp application completion³² and some states have attempted to mandate drug testing as a requirement for the receipt of benefits. The questions claimants face may force them to provide what they see as private and unnecessary information, such as sexual partners or the income of co-habitants.³³ A sense of subservience and loss of autonomy is furthered when claimants feel that they must artificially alter their identity to be successful, contorting themselves into what they perceive as the caseworker’s image of the deserving client³⁴ or participate in requirements whose purpose they disagree with. For example, participants may view job-training programs as offering few skills to enable them to move out of poverty, but feel they have no choice but to participate.³⁵

Other aspects of citizen-state interactions may more subtly reinforce messages of power and standing. For example, Goodsell (1977) notes that welfare office waiting spaces tend to be systematically designed to communicate certain messages to those who use them. The simple act of waiting communicates that the state believes that individuals’ time is of little value.³⁶ Such spaces may also be characterized by few amenities, the use of security, and partitions between claimants and caseworkers, further communicating the limited standing of the claimant.³⁷

Studies of welfare programs illustrate how the state may communicate that the individual lacks the capacity to determine how to live their lives and must conform to externally imposed processes and directives. Qualitative accounts find that welfare claimants are acutely aware of the disempowering effects of such processes and their relative lack of autonomy in the interaction, resulting in a sense frustration, powerlessness and degradation.³⁸ One largely unexamined aspect of psychological costs is the stresses they impose on claimants. In situations where the individual depends upon the state for vital resources – the provision of health services, income, immigration status – uncertainty about the receipt of those benefits, as well as frustrations in the process of seeking benefits, may elevate stresses among individuals. For example, while there is extensive research that documents how caregiving of the old, sick, and disabled is associated with higher stress and poor health,³⁹ there has been little effort to examine to what degree that stress is a consequence of negative interactions with the state while attempting to obtain benefits.

Understanding the imposition of psychological costs by the state on its citizens is inherently important and policy feedback research suggests that these costs might lower civic participation.⁴⁰ However, the evidence of how psychological costs matter to program take-up is less strong than for other types of burdens. The expanded use of electronic benefit cards to replace actual food stamps should reduce stigma costs, but there is mixed evidence on whether such cards have increased take-up.⁴¹ A field experiment to reduce stigma with the EITC (by sending mailings to eligible respondents that emphasize higher peer use, or framing benefits as a reward for hard work) did not increase take-up⁴² and there is not strong evidence that advertising campaigns that frame programs in positive terms matter to take-up.⁴³ These results may indicate that opinions about programs are difficult to change. It is also worth noting that we lack experimental evidence on negative treatments designed to induce psychological costs, such as the effects of drug tests. Additionally, while psychological and compliance burdens are

conceptually distinct, practically speaking, it is often difficult to separate them in the type of empirical studies described here. Some of the benefits attributed to reductions of compliance burdens may be attributable to reductions in psychological costs.

Compliance Costs

Of the three different aspects of burden identified in Table 2.1, there is the strongest empirical evidence for compliance costs.⁴⁴ Natural experiments have shown that new income documentation requirements reduce program participation among eligible participants.⁴⁵ Requiring applicants to undertake face-to-face interviews with case-workers also decreases participation.⁴⁶

The experience of U.S. welfare reform in the mid 1990s provides persuasive evidence of the effects of compliance burdens. Participation in Temporary Aid for Needy Families (TANF) sharply declined relative to its predecessor Aid to Families with Dependent Children (AFDC), which may partly have been the result of the more stringent conditions of participation. Brodtkin and Majmundar (2010) show that procedural barriers explain a significant amount of the decline in welfare caseloads. Ewalt and Jennings (2004) find that an index that captures the restrictiveness of state policies (including barriers such as documenting workforce participation requirements) and a measure of the organizational culture of case-workers are also associated with greater caseload reductions. The latter finding reflects the potential for bureaucratic discretion to be used to burden applicants.⁴⁷

There is also evidence that efforts to reduce compliance costs increase take-up. States that simplified reporting procedures and required less frequent recertification in SNAP saw an increase in successful claimants.⁴⁸ The use of a single form for multiple programs is associated with increased take-up in Medicaid.⁴⁹ Similarly, having easy access to application material increases take-up. The availability of electronic applications increased EITC and SNAP take-up.⁵⁰ The provision of help in completing applications also matters. Access to community-based application assistants increased certain groups enrollment in Medicaid⁵¹ and providing application help has been shown to lead to an almost 80 percent increase in SNAP applications relative to those who were informed they were eligible but given no special assistance.⁵² The most dramatic way by which the state can reduce application compliance burden is to auto-enroll eligible individuals into a program based on administrative data, which has also increased take-up of health insurance programs.⁵³

Burden as a Form of Politics

A central purpose of this book is to explain the politics of burdens. The first and most basic claim to that end is that the creation and reductions of burden is a venue where politics plays out. The preferences of political actors – most prominently elected officials, but also stakeholders, political appointees, managers, and street-level bureaucrats – will be reflected in their attitudes about the nature of burden in that policy area: whether it should be created or reduced, and the balance of burden between the individual and the state. This claim fits comfortably with theoretical traditions that emphasize the willingness of political actors to design administrative structures to serve political ends, even if the outcomes are operationally dysfunctional.⁵⁴ As we examine each policy in the chapters to come, we identify the political values that arise in debates about burdens.

Welfare policies offer a straightforward illustration of how burdens feature articulations of competing values. For example, Brodtkin (1987) notes that as far back as the Nixon

administration, welfare state programs have not been designed to balance take-up by eligible claimants with mistaken payments to ineligible beneficiaries; instead, administrative procedures have been used to reduce the former in the name of the latter. Historically, federal quality control guidelines offered states stronger incentives to avoid overpayment rather than to enroll eligible participants.⁵⁵ Such a tendency remains in contemporary performance evaluations of welfare programs, where reducing fraud is often an important goal but beneficiary take-up is neglected.⁵⁶

Our second claim is that policymakers may seek to deliberately alter burdens to generate a behavioral response that aligns with their preferred policy outcome. In short, burdens are a policy instrument that can serve partisan ends. While it may sometimes be the case that burdens are unintended, occurring because of a lack of attention to their effects, we should not exclude the possibility that burdens in some instances represent an extension of political preferences. One might think that such an idea is already well-documented, but that is not the case. Certainly, empirical evidence shows that politics impacts welfare choices.⁵⁷ For example, Klarner, Mao, and Buchanan (2007) demonstrate how the power of business interests explains variation in the generosity of TANF policies across states. Keiser and Soss (1998) find that partisan control of government influences bureaucratic discretion in terms of granting benefits, but not in terms of how vigorously bureaucrats restrict claims. Some research at the intersection of politics, inequality and social policy has previously argued that burdens are imposed deliberately to limit claims on the public purse and targeted at groups with little political power.⁵⁸ Even so, the link between politics and administratively imposed burdens has not been widely explored. For example, when the origins of red tape are considered, benign neglect and historical accident are more prominent explanations than deliberate political choice.⁵⁹

The third claim we make about the politics of burden is that the generally opaque nature of administrative burdens makes them valuable as a form a “policymaking by other means.”⁶⁰ This point is important in an age of fierce polarization when, absent unified political control, parties look to utilize non-legislative means to make policy. Indeed, administrative burdens form part of the “hidden politics” that Jacob Hacker argues have characterized battles about the role of the state in recent decades, where big policy changes have been made largely out of public view and without large formal policy choices.⁶¹ While Hacker is most concerned that the welfare state has failed to evolve to reflect the contemporary risks individual are vulnerable to, administrative burden fits into the category of “subterranean political processes that shape ground-level policy effects” that he argues are both fundamental to understand the evolution of governance and largely neglected.⁶²

We propose that policymakers will alter burdens as an alternative or complement to more overt forms of political activity. Policy instruments are more attractive to policymakers when they are low-profile, minimizing the need for political processes of consultation and deliberation.⁶³ The attractiveness of administrative burdens is tied to their opacity. The details of administration that give rise to burdens may be largely invisible to the public and even among most policymakers, their impact poorly understood. For example, social policy changes are most likely to be debated in terms of program generosity or eligibility levels, while details such as the length of an application forms or the questions asked on that form are seen as dull, complex, and inconsequential. Such details are likely to be assumed to fall into the domain of administrative execution and delegated to the executive branch. This makes burdens controllable for executive branch actors, while reducing the transparency of policymaking.

Another attractive political quality of administrative burdens is they can be couched in the language of neutrality or unobjectionable values – changes in burdens may seem like

technical fixes without any specific policy intent, or to serve express values with broad support.⁶⁴ For example, increasing burdens might be justified by preventing fraud, even if their intended effect is to support other partisan goals, such as reducing the size of the welfare state. While politicians wage ongoing legislative battles over which social benefits the poor should receive, bureaucratic procedures represent an alternative—and less visible—means of shaping access to those benefits. By constructing complex, confusing, and time-consuming application procedures, the state can effectively thwart an individual from accessing benefits, even if eligible by law. Because of these qualities, burdens are especially attractive policy instruments if they achieve goals that political actors are reluctant to explicitly acknowledge, or operate unobtrusively in policy areas mired by policy gridlock.

An Agenda for Exploring Burdens

If we are to take the concept of administrative burden seriously, what does it imply for scholarship? Some of these questions we list below are being addressed, but not resolved, and almost entirely within the field of social policy. Others are relatively neglected: the political origins of burdens, bureaucratic relationships with burdens, and the role of third parties. A comprehensive approach to understanding how burdens mediate citizen-state interactions requires building knowledge about all of these questions rather than just some.

How are burdens used as policy instruments?

We argue above on the nature of the relationship between administrative burdens and politics. Qualitative research is especially helpful in addressing our first proposition about politics, which is that administrative burdens are a venue where political values are expressed. In the chapters that follow, we often see burdens discussed in the context of competing political values.

Most frequently, this takes the form of designing administrative procedures to achieve the value of *access*, versus protecting against *fraud*. Both are legitimate values and relate to a host of other values.⁶⁵ In the abstract, most people would agree that if the public sector provides a service, it should be one that is visible enough to be seen, simple enough to comply with, and not psychologically taxing. Accessible programs are likely to reach a broader population and therefore achieve policy goals, whether it be reducing poverty, encouraging work, or fostering better health. Broadly accessible programs also imply a form equality and justice. Having fewer hoops to jump through implies that those with less resources have a greater opportunity to participate, and less risk of facing discrimination.

The value of minimizing fraud has widespread support. Most of us are troubled by the idea that someone is claiming a public good or right to which they are not entitled and could be persuaded to adopt burdens that protect against fraud. Burdens can also be justified as a form of rationing or a way to induce efficiency, consistent with the “ordeal mechanisms” perspective. Why waste public resources on those who do not value them, or would not appreciate them?

The chapters that follow also provide multiple examples of political actors justifying or opposing burdens by invoking political values. As we describe above, the opaque nature of burdens may make them attractive as policy tools, demanding that researchers carefully track not just political preferences, but also how burdens change in a policy areas over time. A related question is under what conditions do “hidden politics” become visible, subject to explicit political debate and overt political action such as legislation. For example, our chapters on election laws and abortions show clear partisan divides on these issues that are easy to identify.

The answer likely has to do with growing awareness in a policy area that such burdens are consequential and the role of stakeholders in arguing for or against them.

What are the effects of burdens on citizens?

There is little doubt, within the area of social policy at least, that administrative burdens have material impacts on whether individuals receive public services. Policy feedback research further suggests that the experience of burdensome processes undermines political efficacy and civic participation.⁶⁶ Suzanne Mettler's (2002) model of how the state builds civic capacities identifies two causal mechanisms: first, through the resources the state provides (such as education) that enable the citizen to gain civic skills and second, citizen interpretations of government rules and procedures they are exposed to, which convey to citizens "perceptions of their role in the community, their status in relation to other citizens and government, and the extent to which a policy has affected their lives."⁶⁷ Administrative burdens can affect both mechanisms. They can make resources more or less difficult to attain, and structure state rules and procedures to engender more or less negative interpretations among mass publics, or specific subgroups.

There is therefore a theoretical basis to structure our inquiry of how the experience of policy implementation matters to citizens in these and other ways, and in a wider variety of policy areas. In the chapters that follow we provide evidence of how burdens affect different variables such as program take-up, and indirectly, citizen outcomes such as poverty and health. Our chapter on burdens in voting show how they can directly affect who participates in the political process.

How do administrative burdens affect inequality?

Another relevant question is whether the targeting of administrative burdens, and the ability to overcome those burdens, vary across different subgroups of the population. Burdens are more likely to be imposed on politically powerless or unpopular groups, and may have the most dramatic effects on those with lower financial resources and human capital assets. The stresses of poverty may also exacerbate the cognitive biases that amplify the effects of burdens. Mullainthan and Shafir (2013, 282) point to evidence from behavioral economics that suggests that individuals "are less likely to weigh long-term consequences and exhibit forward-looking behaviors when we are threatened, challenged, and depleted."⁶⁸ It becomes harder to take a long-term perspective on financial choices when many bills are overdue. The stresses of poverty can undermine cognitive capacity. For example, simply telling individuals to imagine that they face a large car-repair bill results in them performing less well on IQ tests compared to those told to imagine they face a small bill.⁶⁹

This implies that those who may need services the most – individuals with lower income, education, and language skills – are most negatively affected by burdens. This group may also have lower access to other forms of human capital resources that would help them overcome burdens. The net effect is that administrative burdens can exacerbate inequality. Indeed, there is evidence that burdens have differential impacts by class, race, and gender in social programs,⁷⁰ education,⁷¹ voting registration rules,⁷² and immigration.⁷³

Our book also provides evidence to support the claim that the state knowingly places burdens on certain groups. The conventional wisdom about regulatory burdens is the business community is the most overburdened population. But we show that those seeking publicly funded income supports or health access are targeted for burdens. In general, those who lack political power or who are seen as undeserving tend to be less successful in winning benefits

from the policy process,⁷⁴ and the same insight applies to administrative burdens: those who are powerless or are categorized as undeserving are more vulnerable to burdens. Knowing this, they are also more exposed to the psychological stresses of burdens. Take the example of Kaitlyn Greenridge (2017), a writer describing how the experience of childhood poverty generated lifelong stresses in dealing with the state:

I remember the first time my mother used food stamps in the grocery store. This was before E.B.T. cards, so when you used your benefits, you had to use a different checkout line than everyone else. We were at the same grocery store we'd always gone to, my mother had stepped into the same line we'd always used. But the cashier had looked at the envelope in my mother's hand and her expression changed, her voice became higher and her smile strange, as she told my mother that she couldn't take her in that line, that we would have to move over.

When you move through life with a certain sense of security, forms are sacrosanct. You believe them to be a necessary, valid part of life. You know they're a pain — nobody likes to fill them out. But you have faith that they are there for a reason, and most important, they can contain the basic truth about you.

If you have ever had to deal with the bureaucracy of poverty, of having to prove over and over again to those in charge how fundamentally unworthy you are, you understand that forms are not sacred... There are government agencies that use their forms to try to help you. And there are those that seem to have designed their forms to remind you of the audacity of expecting your government to help you with anything.

What is the relationship between administrators and burden?

A corollary to the effects of burdens on citizens is the role that administrators play in this process. Administrators play an active role in creating and enforcing burdens and those directly providing public services to citizens –street level bureaucrats– may use their discretion rigidly enforce, expand upon, or ameliorate the effects of burdens.⁷⁵ Research on street level bureaucracy suggests that administrators will be guided by biases against different groups when they impose burdens. They might also be guided by political construction of populations. For example, the strident anti-immigrant language of a political leader like President Trump might encourage immigration and border patrol officials to use their discretion to impose more burdensome demands on immigrants, and in particular on immigrants with Middle-Eastern or Mexican origin.⁷⁶

Just as administrators shape burdens, so too may burdens matter to how administrators define their understanding of their organizational role. For example, as administrators motivated to help others believe their work causes them to impose unfair burdens, their organizational commitment, motivation, and effort may decline, and their sense of alienation and desire to quit may increase.⁷⁷

What is the role of third parties in administrative burdens?

As services are increasingly provided in a state of agents,⁷⁸ what role do those non-governmental third parties play in facilitating or easing burdens? Third parties can play multiple roles. As service providers, they have a flexibility to pursue their beliefs and incentives in ways that matter to burden that is not available to public bureaucrats. For example, private service providers may

also use burdens to engage in the ‘cream-skimming’ of more profitable clients, by placing more barriers in the place of less attractive clients.⁷⁹

Third parties can also play a mediating role in helping the citizen to negotiate burdens. Howard Becker (2014), describes the use of informal fixers to resolve bureaucratic delays: “in Brazil they are called despachante: the person who knows how to get impossible things done...who, in short, knows how to get unresponsive bureaucrats to do what they should do cheerfully and willingly as a matter of course but seldom do.” Veteran’s groups help their members to negotiate the burdens in gaining access to disability services.⁸⁰ Here, they operate on a logic of solidarity with their fellow members. Burdensome procedures create financial incentives for third parties who can overcome burdens. Hospitals have an incentive to help patients enroll in public health insurance programs such as Medicaid because it helped to reduce the financial costs of providing charitable care.

As we shall see in the EITC chapter, private tax preparers have played a leading role in helping eligible claimants receive the EITC. Private tax-preparers have been instrumental in facilitating access to the EITC. They have marketed the program to clients, built new offices in low-income neighborhoods, and partnered in outreach campaigns to educate individuals about their eligibility.⁸¹ But as noted in the previous chapter, the same industry has actively opposed proposals for automated tax-returns that would eliminate the need for most citizens to prepare taxes. The approach of these actors is not based on any overriding conviction about the burdens citizens should face in the tax system, but instead reflects simple profit incentives. Reducing burdens to the EITC expanded the pool of customers and the possibility of selling these customers pre-refund loans. On the other hand, automated tax returns threaten the basic business model of the tax-preparation industry. This example also illustrates another role that agents may play, which is as a political stakeholder, willing to lobby for or against changes in administrative burden made by policymakers.

Conclusion

We find many elements of the concept of administrative burden recognizable in our experience as citizens that interact with the state and in research from a variety of fields. But it has not emerged as a well-defined field of study, and as a result, there is not a well-articulated agenda for managing and reducing burdens. We do not, for example, train those who enter into the public service to think of administrative burden as a concept to consider in the program design in the same way that we coach them to consider efficiency.

This chapter establishes a broad conceptual framework for understanding administrative burden, addressing its political dimensions, and researching its implications for how we are governed. The chapters that follow illustrate how this concept is relevant to gaining deeper insight into an array of different policy areas.

Endnotes

Chapter 1

- ¹ Scott 2001.
- ² Sunstein 2013.
- ³ Jones and Saad 2013; Becker 2013.
- ⁴ Goldrick-Rab 2016.
- ⁵ Hoxby and Avery 2012.
- ⁶ Fix, Passel and Sucher 2003.
- ⁷ Gonzalez-Barrera et al. 2013.
- ⁸ Nakamura 2013.
- ⁹ American Immigration Council 2013.
- ¹⁰ Heinrich 2017.
- ¹¹ Spear 1968, 84.
- ¹² Breitman and Kraut 1987, 8.
- ¹³ Ibid, 21.
- ¹⁴ Ibid.
- ¹⁵ Knight 1992.
- ¹⁶ Elder and Powers 2006.
- ¹⁷ USDA 2007.
- ¹⁸ Kroft 2008.
- ¹⁹ Somers et al. 2012.
- ²⁰ Plueger 2009.
- ²¹ ASPE 2007, 19.
- ²² See also Heinrich, Hoddinott, and Sampson (2016
- ²³ Fix, Passel, and Sucher 2003
- ²⁴ Hoxby and Turner 2012.
- ²⁵ Bettinger et al. 2009.
- ²⁶ Wyman 1985, 67.
- ²⁷ Breitman and Kraut 1987, 232; Wyman 1985, 91.
- ²⁸ Breitman and Kraut, 133. At the same time the State Department added even more barriers to the process. Applications had to be reviewed by Immigration and Naturalization Service, the FBI, Army intelligence, Navy intelligence, and the State Department to assess the candidate's suitability, which took three to six weeks. The additional time involved was not inconsequential. Visas expired at the end of the fiscal year. If the Visa was not processed and transportation was not acquired, the applicant had to start again in the new fiscal year (Breitman and Kraut, 135-6).
- ²⁹ Wyman 1984, 127.
- ³⁰ Breitman and Kraut 1987, 8.
- ³¹ Ibid, 14.
- ³² Ibid, 33.
- ³³ Wyman 1984, 190.
- ³⁴ Breitman and Kraut, 27
- ³⁵ Day 2014.
- ³⁶ Stross 2010.
- ³⁷ Day 2013.
- ³⁸ Day 2014.
- ³⁹ Majoo 2015.
- ⁴⁰ Goolsbee 2006.

⁴¹ Day 2014; Majoo 2015.

⁴² Soss, Fording and Schram 2011.

⁴³ This point is a logical descendent of Terry Moe's (1987) argument public agencies may be structured to be less-than-functional in order to ensure responsiveness to all groups, especially those oppose the mission and design of the agency.

⁴⁴ Peters 2017

⁴⁵ Besley 2014; OECD 2007

⁴⁶ For exceptions, see an OECD paper "Cutting Administrative Burdens on Citizens", 2012 which discusses examples of efforts to reduce burdens on individuals rather than businesses, though argues that the two are connected.

⁴⁷ Center for Budget and Policy Priorities 2016

Chapter 2

¹ Bruch, Marx-Freere, and Soss 2010.

² Nichols and Zeckhauser 1982.,366-377.

³ For an overview see Baicker, Congdon, and Mullainathan 2012, and Shafir, 2013.

⁴ Shafir 2013.

⁵ Choi et al. 2004.

⁶ Sunstein and Thaler have informally acknowledged that rules may be intended that rules might be design to deliberately increase burdens, and suggested calling them "sludge" but have not engaged in a deeper analysis.

⁷ Leggett 2014, 8.

⁸ Bozeman and Feeney, 2011.

⁹ Brodtkin and Majmundar 2010; Fossett and Thompson 2006.

¹⁰ Lipsky 1984.

¹¹ Piven and Cloward 1971.

¹² Burden et al. 2012.

¹³ Currie 2006; Hernanz, Malherbet, and Pellizzari 2004; Orbach 2006; Remler et al 2001.

¹⁴ Heckman and Smith 2003; Bartlett, Burnstein and Hamilton 2004.

¹⁵ Bartlett, Burnstein, and Hamilton 2004.

¹⁶ Warlick 1982.

¹⁷ Heckman and Smith 2003.

¹⁸ Zedlewski et al. 1993; Currie and Gruber 1996.

¹⁹ Budd and McCall 1997; Keiser and Miller 2010; Kopczuk and Pop-Eleches 2007.

²⁰ Bhargava and Manoli 2011; Daponte, Sanders, and Taylor 1999.

²¹ Hoxby and Avery 2012.

²² Deci and Ryan 1985.

²³ Lind and Tyler 1988.

²⁴ Soss 1999; Bruch, Marx-Freere and Soss 2011.

²⁵ Van Ryzin 2012.

²⁶ Moffitt 1983.

²⁷ Katz 1986; Horan and Austin 1974; Piven and Cloward 1971.

²⁸ Mettler 2011.

²⁹ Stuber and Schlesinger 2006.

³⁰ Bartlett, Burnstein and Hamilton 2004.

³¹ Piven and Cloward 1971.

³² Bartlett, Burstein, and Hamilton 2004.

³³ Brodtkin 1992; Soss 1999.

³⁴ Lipsky 1980; Soss 1999.

³⁵ Dias and Maynard Moody 2007.

³⁶ Lipsky 1980.

³⁷ Soss 1999.

³⁸ Dias and Maynard Moody 2007; Lipsky 1980; Soss 1999.

³⁹ Pinquart and Sorensen 2003.

⁴⁰ Bruch, Marx-Freere and Soss 2011.

⁴¹ Ratcliffe, McKernan, and Finegold 2008; Schanzenbach 2009.

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- ⁴² Bhargava and Manoli 2011.
- ⁴³ Kincheloe, Frates, and Brown 2006; Ratcliffe, McKernan, and Finegold 2008.
- ⁴⁴ The existing empirical evidence on administrative burden may underestimate its effects in one key way. In some cases, the estimated effects of changes in take-up due to eligibility changes may partly reflect reductions in administrative burden that occur under the new system (Hanratty 2006). A prime example is eliminating asset requirements for eligibility. This in turn removes the need for an asset test, and the need for the claimant to provide documentation on assets. Any resulting increase in take-up will be credited to the change in eligibility, but some portion of it likely that to do with reduced application compliance costs.
- ⁴⁵ Brien and Swann 1999.
- ⁴⁶ Wolfe and Scrivner 2005.
- ⁴⁷ Brodtkin 2011.
- ⁴⁸ Hanratty 2006; Kabbani and Wilde 2003; Ratcliffe, McKernan, and Finegold 2008.
- ⁴⁹ Leininger et al. 2011.
- ⁵⁰ Kopczuk and Pop-Eleches 2007; Schwabisch 2012.
- ⁵¹ Aizer 2003.
- ⁵² Schanzenbach 2009.
- ⁵³ See chapter 3; also Dorn, Hill and Hogan 2009.
- ⁵⁴ Moe 1989.
- ⁵⁵ Hanratty 2006.
- ⁵⁶ Wichowsky and Moynihan, 2008.
- ⁵⁷ Hacker 2004.
- ⁵⁸ Piven and Cloward 1971; Brodtkin and Lipsky 1983; Brodtkin 2011; Soss, Fording and Schram 2011.
- ⁵⁹ Moynihan and Herd 2010.
- ⁶⁰ Lineberry 1977.
- ⁶¹ Hacker 2004, see also Thompson 2012.
- ⁶² Hacker, 2004, 243.
- ⁶³ Lascoumes and Le Gales 2007.
- ⁶⁴ Edelman 1985.
- ⁶⁵ For an very good categorization of the array of public values relevant for public services, see Jørgensen and Bozeman, 2007,
- ⁶⁶ Mettler and Soss, 2004.
- ⁶⁷ Mettler 2002, 352.
- ⁶⁸ See also Gennetian and Eldar Shafir.
- ⁶⁹ Mani et al. 2013.
- ⁷⁰ Aizer 2003; Brodtkin and Mamjundar 2010; Heckman and Smith 2003.
- ⁷¹ Hoxby and Avery 2012.
- ⁷² Rigby and Springer 2011.
- ⁷³ Fix, Passel, and Sucher 2003.
- ⁷⁴ Schneider and Ingram 1997.
- ⁷⁵ Brodtkin and Lipsky 1983; Lipsky 1984.
- ⁷⁶ Kulish, Dickerson and Nixon 2017, Rosenberg 2017.
- ⁷⁷ Tummers 2013.
- ⁷⁸ Heinrich, Lynn, and Milward 2010.
- ⁷⁹ Soss, Fording, and Schram 2011.
- ⁸⁰ Kaiser and Miller 2010.
- ⁸¹ Kopczuk and Pop-Eleches 2007.