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Administrative Burden

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UNDERSTANDING ADMINISTRATIVE BURDEN

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The idea of administrative burden is not new. First, we identify how previous researchers have addressed the topic. But across this body of work is no common conceptualization of what it means. As a result, we are left with something akin to the parable of the blind men each describing a different part of the elephant but unable to make sense of the whole. Researchers across 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 us to see the whole, by asking a wider array of questions and offering a more integrated approach to answering them.

Second, we lay out a broad framework to understand administrative burdens, built on three types of costs and the individuals' experiences when they come to interact 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 and frustrations of dealing with administrative processes. *Compliance costs* are the material burdens of following administrative rules and requirements. This is the time lost waiting in line, completing forms or providing documentation of status. It is the money spent on hiring an accountant to do your taxes, or the fees immigrants pay to process paperwork.

In addition to conceptualizing administrative burden, this framework maps the ways that politics relate to burden and identifies the role nonstate actors can play in buffering or amplifying the effects of burdens.

Antecedents of the Concept of Administrative Burden

Our framing of administrative burden as costs may imply a rational approach under which 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 hassles that must be borne to receive it. Those who are not highly motivated to receive the good, such as wealthier people who value their time more highly and are unwilling to spend it negotiating burdens, will exit the process.¹

The ordeal mechanism perspective warns us that burdens can be so great that people will simply opt out of dealing with processes they find too onerous. But it also has limitations. For one thing, unless elected officials deliberately design administrative processes with the rationing effect of burdens in mind, such effects are an unanticipated consequence of policy, rather than a deliberate feature. Second, the logic of ordeal mechanisms may be incorrect in its assumption as to why individuals falter when faced with burdens. For example, poorer people may have less resources available to negotiate burdens as they try to make ends meet. They lack the resources, for example, to pay for childcare, which would allow them to apply for multiple jobs or job training 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: that those who do not wait in line, turn up for an appointment, or complete a form simply do not value the resulting reward highly enough. As we argue later, human capital (or resources ranging from educational attainment, cognitive and noncognitive skills, to one's social networks) is another important explanation for people's ability to negotiate burdens.

Research from behavioral economics, in contrast, does not assume that individuals are necessarily rational. Indeed, such research shows that people rarely weigh benefits and costs in a fully rational fashion.²

This is because individual decisions depend 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 a disproportionate response to burden. This basic insight explains why burdens that seem minor and defensible when designed by the administrator can exert dramatic negative effects when experienced by a citizen.

Behavioral economics also helps identify particular cognitive biases that make burdens more consequential.³ Individuals have biases in perceiving risk and probability, which in turn alter their willingness to overcome administrative burdens. For example, people who underestimate the risks of ill-health are also 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. How institutions structure the default choice individuals face therefore has significant effects. For instance, changing the default on private savings plans from nonparticipation to participation has a large effect on take-up rates.⁴ Individuals have biases in temporal planning, favoring the present and discounting the future. Avoiding burdens in the present may be preferred even if it means forgoing 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.

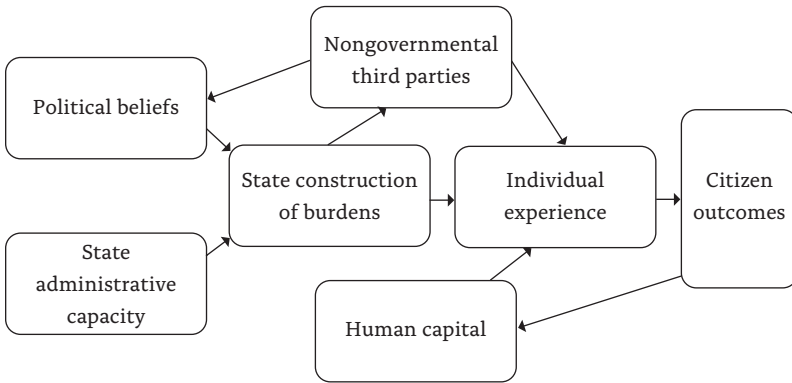
The advent of behavioral economics, and specifically its translation into policy *nudges*—structuring of choices to optimize outcomes—has drawn attention to how required procedures to access benefits influence policy effectiveness.⁵ This research has shown, as we do in this book, that little burdens can have big effects and that policymakers and administrators should design public services with that risk in mind. The strengths of the behavioral approach—a focus on cognitive biases and choice architecture—are in some respects also weaknesses, in that the approach has given less attention to questions such as the origins of burdens, and specifically the broader political processes involved in their construction. It is 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 We argue, though, that some programs are implemented to be burdensome, that the burden is a deliberate mechanism to undermine the original policy goal.

The nudge perspective has also been critiqued for leaving issues of inequality relatively untouched.⁷ Nudges become an attractive mode of action when one has decided to ignore more structural shoves that influence societal inequality. For example, simplifying financial aid forms would have a less significant impact than making college free. This critique is ultimately unfair because the point of nudges is to improve the incremental effectiveness of existing policies. Yet, 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 programs targeted at poor people, from Supplemental Nutrition Assistance Program (SNAP) to Medicaid, tend to have the greatest administrative burdens.

The study of administrative burden is relatively rare in the field of public administration. The closest concept to administrative burden is red tape. The most widely used definition of red tape comes from Barry Bozeman: “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.”⁸ 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 Mary Feeney 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.”⁹

By contrast, we assume that administrative burdens will often serve legitimate purposes and are not inherently bad. What might be onerous for the individual might reflect a legitimate interest of the state, and a full understanding of burdens requires understanding both the interests of the state and examining the experience of the individual. Another important distinction from red tape research is that although it focuses on the compliance burden generated by

Figure 1.1 *A Framework for Understanding State Construction of Burdens*

Source: Authors' compilation.

rules, we argue that it 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, research has centered on managerial perceptions of red tape.¹⁰

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, reflecting a broader concern with issues of “bureaucratic disentanglement” and 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” and exercised by unsympathetic street-level bureaucrats. But this literature has retained a particular focus on social welfare policies targeted at poor individuals. 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.

Figure 1.1 lays out a broad theoretical model of administrative burdens that incorporates insights from existing literatures. To make the framework reasonably parsimonious in this discussion, not all possible causal pathways are specified, and not all of them are explored in equal detail. The framework establishes some boundary conditions of our approach, which in turn shape the cases we select,

which are conceived as falling within the domain of public policy and administration. Although 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 considered here.

We also focus on the state construction of burdens that affects *individual citizens* who access public services. This may sound straightforward, but it is important to articulate, because much of the prior research on red tape in public administration has focused on the experience of bureaucrats, and that on regulation largely on private organizations.¹²

We do not discuss how burdens on businesses are problematic, simply because governments of all political ideologies are already responding to that message by building safeguards to protect private organizations from regulation. For example, President Ronald Reagan institutionalized a requirement for cost-benefit analyses to demonstrate that any new regulation provides a net social good. There is no equivalent for regulation of citizens beyond the Paperwork Reduction Act of 1980, which mandates that agencies track the time it takes for a citizen to complete a form but does not require that such burdens provide a net benefit.

Another protection for businesses is targeted reductions in regulations. For example, President Obama signed an executive order to reduce red tape. The European Commission committed to reducing regulations in the European Union by 25 percent. President Trump set a standard that every new regulation be accompanied by the removal of two regulations, mirroring similar mandates by the United Kingdom and Canada.

In all of these cases, the primary focus is on regulations that affect businesses. These examples point to the relative success that private organizations have had in lobbying for safeguards to protect against what they view as excessive regulation, a success that reflects not just their political influence but also economic orthodoxy, which counsels against overburdening organizations. International organizations such as the World Bank and Organization for Economic Cooperation and Development (OECD) encourage client governments to adopt a less burdensome regulatory regime.¹³ The burdens on individual citizens are, by comparison, an afterthought.¹⁴

Given those parameters, our framework starts with a basic assumption that all encounters between citizens and the state generate some costs, even if minimal. Those costs will be borne by the state or the citizen, or are shared between the two parties. For example, does the state collect information from citizens via forms or its own administrative records? Does the state heavily advertise a program or service, or must citizens learn by themselves? A relatively neglected area in the study of government is how those costs are distributed across states and citizens, and how the state constructs or minimizes burdens. Are choices about costs made openly with a full discussion of consequences, or are they hidden either in recesses of bureaucratic implementation or via opaque policy justifications?

Policy design create burdens, and some burdens legitimately reflect the nature of the policy itself. For example, relative to universal policies, policies tightly targeted at specific groups are more likely to generate eligibility determinations that impose burdens. Consequently, individuals seeking benefits from the Social Security Disability program face more burdens than those applying to the Social Security Retirement Income program. Although the Social Security Administration is designed to administratively track employment and earnings histories, which is relevant for both benefits, the additional layer of proving one is disabled adds significant burdens on citizens. Policies that benefit larger numbers of people, or are more visible or easily understood will demand less effort on the part of citizens to learn about.

Policy implementation will also affect how people experience burden. The state can take action to provide information and reduce stigma through policy messaging about the program. Outreach efforts, and the availability and clarity of information, can affect learning costs. Choices about the design of customer service processes can make the wait time at a Department of Motor Vehicles (DMV) take twenty minutes in one state and two hours in another.

These design choices are limited by what is technologically feasible. As new options become possible, burdens can be restructured and minimized. For example, those buying groceries using electronic benefit transfer cards face lower compliance and psychological costs than those using traditional food stamps. Information technology makes sharing accurate information easier, potentially reducing

learning costs. For services that require verifying identity and eligibility, combining a mixture of technology and administrative data offers the promise of fewer compliance burdens.

New technologies can be used either to diminish burdens but in some cases may make them worse. The use of information technology in bureaucracies may restrict the capacity of administrators to use their discretion to minimize the effects of burdens. For example, the automation of Food Stamp benefits in Indiana sidelined caseworkers, replacing them with unwieldy technological processes that many claimants struggled with, resulting in a decline in take-up of benefits, even as take-up was increasing in the rest of the country.¹⁵

Individual Experience of Burdens and Effects on Citizens

A simple definition of administrative burden is that it is an individual's experience of a policy's implementation as onerous.¹⁶ A more specific definition is that administrative burdens are the learning, psychological, and compliance costs that citizens experience in their interactions with government. This definition is helpful for two reasons. First, it distinguishes between the actions of the state and the experience of the individual. As figure 1.1 makes clear, the state can construct rules and processes that give rise to the experience of burden, but the individual experience of burden is distinct from rules and process. Second, the definition allows for variation in the experience of burdens. To return to the example of the DMV, both the person who has waited twenty minutes and the person who has waited two hours have experienced burdens, but the costs imposed on the latter are greater. It may seem excessive to label twenty minutes as burdensome because it may reflect the most efficient service possible. But allowing for variation in the degree of burden provides for greater precision, enabling us to distinguish between experiences that are more or less burdensome.

To broaden the simple definitions given, we identify broad categories of costs that constitute administrative burden (see table 1.1). We also offer more detailed examples of these costs in the context of specific programs, which foreshadow many of the examples we study, and provides strong evidence of how burdens affect citizen outcomes that feature in figure 1.1.

Table 1.1 *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
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
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 learning and compliance costs, unjust or unnecessary procedures; stresses that arise from uncertainty about whether a citizen can negotiate processes and compliance costs

Source: Authors' compilation.

LEARNING COSTS

The effects of learning costs on whether people take up available benefits have been inferred in various ways. One approach is to document lack of knowledge about a program by its target population. People are frequently unaware of a program in general, whether they qualify, what is required to qualify, or the size of the benefits at stake. Individual knowledge varies across programs, but even for prominent programs such as job training and SNAP, about half of eligible nonparticipants believe that they are not eligible.¹⁷ Surveys of nonparticipants suggest that they would apply for programs if they knew for certain they were eligible.¹⁸

Learning costs have also been evoked to explain the negative effects of other factors on take-up, such as living farther from administrative centers or having lower education or language barriers.¹⁹ Learning costs also help to explain why those already in one program become more likely to access other services because applying to one program can generate knowledge about others.²⁰ Association with groups such as unions, veterans groups, or aid from private

actors such as tax preparers has been shown to increase take-up because these third parties reduce learning costs by directly providing relevant information.²¹ 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, or financial aid for college.²²

COMPLIANCE COSTS

Of the three components of burden identified in table 1.1, the strongest empirical evidence is for compliance costs.²³ Natural experiments have shown that new income documentation requirements reduce program participation among eligible participants.²⁴ Requiring applicants to undertake face-to-face interviews with caseworkers also decreases participation.²⁵ The experience of U.S. welfare reform in the mid-1990s provides persuasive evidence of the effects of compliance burdens. Participation in Temporary Assistance for Needy Families (TANF) sharply declined relative to its predecessor Aid to Families with Dependent Children (AFDC), which was partly the result of more stringent conditions of participation and the associated procedural barriers.²⁶

Efforts to reduce compliance costs increase take-up. States that simplified reporting procedures and extended the time from six months to a year, until participants had to prove their eligibility again to stay enrolled, saw an increase in successful SNAP claimants.²⁷ The use of a single form for multiple programs is associated with increased take-up in Medicaid.²⁸ Similarly, having easy access to application materials increases take-up. The availability of electronic applications increased EITC and SNAP participation.²⁹

The provision of help in completing applications also matters. Access to community-based application assistants increased certain groups' enrollment in Medicaid.³⁰ 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.³¹ 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.³²

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.³³ Processes under which the state imposes burdens act 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.³⁴ Individuals care as much or more about the process of their interactions with the state as they do about the outcome. 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, which shows how citizens value processes seen as respectful and empowering but respond negatively to those seen as unfair and demeaning.³⁵ Cross-national comparisons of citizen trust in government find that fair and equitable processes matter more than assessments of government performance.³⁶

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.³⁷ Research from political science and political sociology provides a logic for why programs serving recipients characterized as undeserving are unpopular.³⁸ Negative conceptions about those perceived as deviant or lazy become embedded political messaging. This is in stark contrast to programs of a more universal nature, such as Social Security and Medicare, where the broader base of beneficiaries are perceived of as deserving.³⁹

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.⁴⁰ 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 them, nearly half reported factors that indicated they wanted to avoid feeling ashamed, such as not wanting people to realize that they were poor.⁴¹ This points to an example of how stigma can arise from societal constructions of a program and its recipients but also can be reduced or amplified by implementation processes. Here, using electronic benefit cards rather than traditional food stamps reduces the sense of stigma that arises from societal beliefs.

Interactions with the state may be experiences of power, or more precisely, the loss of power. Because the interaction is experienced as degrading, intrusive, or directive, it violates 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 their financial distress is a function of poor choices. Alternatively, the individual must submit to processes normally reserved for citizens under suspicion of lawbreaking, 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. Such mothers were subject to close examination of their parenting, and even to “midnight raids” to verify that there was no “man in the house.”⁴²

Echoes of such extreme asymmetries in power persist in parts of the contemporary welfare system. For instance, fingerprinting applicants lowers Food Stamp application completion and some states have attempted to mandate drug testing as a requirement for benefits.⁴³ 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.⁴⁴ 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 client,⁴⁵ 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.⁴⁶

Other aspects of citizen-state interactions can more subtly reinforce messages of power and standing. Welfare office waiting spaces tend to be systematically designed to convey certain messages to those who use them.⁴⁷ The simple act of waiting communicates that the state believes that individuals' time is of little value.⁴⁸ Such spaces may also be characterized by few amenities, the use of security, and partitions between claimants and caseworkers, further reiterating the limited standing of the claimant.⁴⁹

Studies of welfare programs illustrate how the state may communicate that people are unable 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 of frustration, powerlessness, and degradation.⁵⁰

In situations when the individual depends on the state for vital resources—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 stress among individuals. For example, extensive research documents how caregiving of the old, sick, and disabled is associated with higher stress and poor health;⁵¹ little effort has been made, however, to examine the degree to which stress is a consequence of negative interactions with the state while attempting to obtain benefits.

More generally, excessive compliance costs can cause high levels of stress, particularly among the more vulnerable. For example, it is not uncommon for parents of children with disabilities to identify the burdens they encounter when trying to access services for their children as a major source of stress.⁵² A Kentucky mother trying to get Medicaid support for her blind and autistic daughter was stymied after the state demanded a pay stub for her eighty-eight-cent commission from Amazon for occasional blog writing. She noted, "I'm spinning so many plates. No wonder I feel overwhelmed and defeated."⁵³

Dana Nieder, a New Yorker recertifying a disability parking permit for her permanently disabled daughter, was required to complete

multiple applications, provide paperwork from her daughter's physician, and see a city physician. Then the city sought additional medical documentation, including a CT scan of her daughter's brain, chromosomal labs, a neurology report, a psychological evaluation, school documentation of her daughter's disability, and details of her daughter's orthotics. After jumping through these hoops, she received the permit only to realize it would be valid for just eight months. She explained her frustration:

Let me prove to you how different my daughter is and how many special needs she has and how it is permanent, it's permanent, and why must I keep telling you that she can't walk for long and her balance isn't great and everything is more work for her. And everything is more work for me. And she gets so tired. And I get so tired. *I am so tired.*

I shouldn't have to fight annually for a parking permit. I need to fight for therapies, and to fight for school placements, and to fight for her rights over and over again. I need to fight insurance companies and to fight for assistive technology, and then to fight people to use the assistive technology that I fought for. I need to fight prejudices and fight ignorance and often fight her as she is pushed and challenged and learning to fight for herself (I hope).⁵⁴

Understanding the imposition of psychological costs by the state on its citizens is inherently important. However, the evidence of how psychological costs matter to program take-up is less strong than for other types of burdens. Although electronic benefit cards can reduce stigma costs, evidence is mixed on whether such cards have increased take-up.⁵⁵ 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-up.⁵⁶ Evidence is also not strong that advertising campaigns that frame programs in positive terms matter to take-up.⁵⁷ These results may indicate that opinions about programs are difficult to change. We do not have experimental evidence on the effects of negative treatments likely to induce psychological costs, such as the effects of drug tests. Additionally, although psychological and compliance burdens are conceptually distinct, it is often difficult from a practical standpoint to separate them in the type of empirical

studies described here. Some of the benefits attributed to reductions of compliance burdens could be attributable to reductions in psychological costs.

EFFECTS ON POLITICAL PARTICIPATION

These examples leave little doubt, within the area of social policy at least, that administrative burdens have material impacts on whether individuals receive public services. Throughout this volume, we also provide evidence as to how burdens affect, indirectly, the health and economic security of citizens, and even their civic and political participation. For example, in chapter 2, we examine how burdens affect people's ability to vote.

Although not a central theme in this discussion, a broader policy feedback literature further suggests that citizen experiences of policies—and by extension the experience of burdensome processes that come with those policies—affects political efficacy and civic participation.⁵⁸ Such feedback effects can occur via two processes: first, 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 “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.”⁵⁹ 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. Cumulatively, such effects matter beyond the individual, altering political participation, social capital, civic trust, or trust in government in broader society.⁶⁰

Our focus is often on the costs of burdens, but this does not preclude positive effects. Positive interactions with the state can increase citizen confidence and knowledge of opportunities, and allow them to develop participatory skills.⁶¹ For example, the development of Social Security played a crucial role in converting older Americans from being the least to the most politically active demographic group in U.S. society.⁶² Chapter 9 illustrates the great care that the designers of Social Security made in ensuring that resources were

broadly accessible via respectful processes. The GI Bill (formally the Serviceman's Readjustment Act of 1944) offers another example of the positive effects of a targeted program. Former soldiers experienced the program as conveying fairness and respect, engendering a sense of mutual civic commitment that saw them become more active citizens than equally well-educated veterans.⁶³ Although means-tested programs are generally assumed to convey more negative experiences, variation in implementation, even within the same program, can meaningfully alter the experience of a program to be more positive.⁶⁴

Human Capital and Inequality

Burdens are not equally distributed. They are targeted toward some groups more than others. Thus, although interactions with the state can alter people's civic skills, their ability to negotiate those interactions will also be influenced by their existing skills. Human capital—such as education, money, social networks, intelligence, psychological resources, and health—matter to how people cope with administrative burdens. For example, a wealthier immigrant can hire a lawyer to manage the compliance burdens in citizenship application. The voter in better physical health is more likely to walk to the local polling station. People with more social connections or education have a greater ability to learn about a program and understand the requirements they need to satisfy in order to participate.

Human capital is not equally distributed. Those who may need services the most—those with lower income, less education, and fewer language skills—may therefore be most negatively affected by burdens. This group may also have lower access to forms of human capital resources that would help them overcome the burdens. Indeed, evidence indicates that burdens have differential impacts by class, race, and gender in social programs, education, voting registration rules, and immigration.⁶⁵

The stresses of poverty may reduce cognitive capacity and exacerbate biases that amplify the effects of burdens, making people who feel threatened or exhausted more likely to make poor long-term choices.⁶⁶ It becomes harder to take a long-term perspective on financial choices when bills are overdue. For example, simply telling people

to imagine that they face a large car-repair bill leads them to perform less well on IQ tests than those told to imagine they face a small bill.⁶⁷ In this fashion, as experiences with the state become stressful they may further undercut an individual's human capital and their ability to negotiate the administrative processes that gives rise to those stresses in the first place.

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. The net effect of variation in human capital is that administrative burdens can exacerbate inequality. Administrative burdens can also contribute to inequality in another way if they are targeted at groups who already have limited resources. In the chapters that follow, we show that those seeking publicly funded income supports or health access are targeted with 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.⁶⁸ The same insight applies to administrative burdens: those who are powerless or are categorized as undeserving are more vulnerable to burdens.

How Does Administrative Capacity Matter?

Thus far, we have discussed how the state establishes burdens, how citizens experience them, the effects on citizen outcomes, and the moderating role of human capital. We now return to the first link in the chain of effects presented in figure 1.1—how administrative capacity and political beliefs matter to the construction of burdens. Although the book pays greater attention to the role of politics, basic administrative capacity also plays an important role in shaping administrative burdens. Financial resources, administrative expertise, and organizational capacity all influence the degree to which the state can reduce administrative burdens on citizens.

Financial resources affect the ability of the state to minimize or shift burdens away from citizens. This trade-off is easy to miss if we examine government costs in the provision of services but neglect citizen costs. To give a simple example from chapter 9, efforts to save money by closing Social Security field offices or limiting hours shifts compliance burdens on to citizens. An administrator overseeing

such cuts might not fully realize the implications, thus think that the cuts are more palatable than they are, or may have little choice in the matter.

Reduced budgets for such organizations and their overworked employees is itself a matter of political choice. Congress has consistently cut the Internal Revenue Service (IRS) budget since 2010, despite increased demands on the agency. As a result, citizens calling the IRS to get help filing might be greeted with a “courtesy disconnect”—8.8 million callers were disconnected in 2015. In 2010, about 75 percent of calls got through and the average wait time was eleven minutes. By 2015, only 37 percent got through and the average wait time was twenty-three minutes.⁶⁹

Capacity includes not just financial resources but also administrative expertise. Ultimately, individuals within organizations design the systems that clients interact with to obtain benefits. Those with more expertise can use those skills to design more easily accessible systems or to put more barriers in place. Chapter 9, which explores the creation of the Social Security program, demonstrates how skilled administrators, even when operating with low budgets, tight timelines, and political opposition, built a robust administrative machinery that ensured few burdens for the employers and citizens who interacted with the program.

General organizational expertise also matters. For example, the ability of programs such as Medicare (discussed in chapter 5) to automate aspects of eligibility assessments depends on functioning administrative data systems. Although less central to our interests, differences in implementation may be the product of other administrative factors, such as bureaucratic culture and motivation. Administrators who play an active role in creating and enforcing burdens and those directly providing public services to citizens may use their discretion to rigidly enforce, expand upon, or ameliorate the effects of burdens. Research on these street-level bureaucrats finds they are sometimes biased against different groups—reflecting personal bias or popular stereotypes—when they impose burdens.⁷⁰

Just as administrators shape burdens, so may burdens matter to how administrators define their understanding of their organizational role. For example, because 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.⁷¹

How Do Political Beliefs Matter?

In some cases, burdens may arise inadvertently, through history, accident, or lack of foresight.⁷² In many cases, burdens reflect legislative objectives, such as requirements that poverty-based policies serve those who are actually poor, and only those. However, relatively little attention has been paid to the politics of burdens. 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 (although this is not the only way that burdens are created). Moreover, the politics of burden is a mechanism for understanding how the state shapes inequality.

A classic definition of politics—“who gets what, when, where, and how”—underlines its essentially distributive nature.⁷³ Administrative burdens play a central role in determining when, how, and where goods, services, and rights are distributed and, in practice, who is likely to receive them. It follows that political choices play some role in these processes. To understand such choices, we shine a light on a venue where politics matters and has played an underappreciated role.

Our argument consists of a few simple strands that, when woven together, offer new insights into the relationship between politics and governing. First, the creation or reduction of burdens is a venue where political values—and therefore political processes—play out. Second, partisan attitudes toward burdens are policy specific, and therefore relatively predictable once we know a party’s stance in a policy area. Third, partisan attitudes are consequential to burdens, because elected officials use burdens as a substitute or complement for other forms of policy action. Fourth, the unobtrusive nature of burdens makes them an especially useful form of policymaking by other means. Finally, political stakeholders play an important role in determining burdens.

The first and most basic claim in our argument is that the creation and reductions of burden is a process in which politics plays out. Fights over burdens are fights about political values, such as access or program integrity, as well as the legitimacy of claims on the state

made by some groups.⁷⁴ The venues of these fights are often within bureaucracies, where values are converted into bureaucratic logics and procedures.⁷⁵

Welfare policies offer a straightforward illustration of how burdens reflect articulations of competing values. As far back as the Nixon administration, welfare 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.⁷⁶ Federal quality control guidelines offered states stronger incentives to avoid overpayment rather than to enroll eligible participants.⁷⁷ Contemporary performance evaluations of welfare programs maintain this tradition by rewarding reductions in fraud measures but neglecting beneficiary take-up.⁷⁸ Welfare is also a domain where the politics of race play out, with robust evidence that burdens fall disproportionately harder on black, relative to white, beneficiaries.⁷⁹ As we examine each policy, we identify the political values that arise in debates about burdens.

The second strand of our argument is that partisan attitudes about burdens in the abstract tell us little, but partisan attitudes toward specific policy areas are revealing and predictive. 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 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, and Republicans criticizing those rules as burdensome and inefficient. Republicans wear the mantle of *laissez-faire* champions, a status cemented in the 1960s, when states' rights issues bridged social conservatives and anti-regulation forces to establish the heart of the Republican coalition.⁸⁰ This image may be accurate for economic and regulatory policies to which businesses are subject, but it is clearly not the case for many of the policies we describe here.

Others have made a strong case for conservative paternalism in social policy, which justifies a detailed supervision of citizens' lives. The paternalism is strongest when directed at women, the poor, and blacks.⁸¹ However, we show that the same pattern of strategic application of administrative burdens holds in other policy areas. We show

that when partisans oppose a policy, or are unsympathetic to the beneficiaries, they apply burdens as a tactic to limit access rights or benefits.

The third strand of our argument is that political attitudes are consequential to burdens. The preferences of political actors—most prominently elected officials but also stakeholders, political appointees, public managers, and street-level bureaucrats—will often translate into actions governing 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 a model of politics in which actors design administrative structures to serve political ends, even if the outcomes are operationally dysfunctional.⁸² Policymakers can deliberately alter burdens to generate a behavioral response that aligns with their preferred policy outcome. In short, burdens are one of the tactics of contemporary political warfare about how policies are designed and delivered.

Fourth, we propose that the generally opaque nature of administrative burdens makes them valuable as a form of policymaking by other means that substitutes for or complements more overt policy change.⁸³ This point is important in an age of fierce polarization when, absent unified political control, parties look to nonlegislative ways 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.⁸⁴

Although Hacker is most concerned that the welfare state has failed to evolve to reflect the contemporary risks individuals are vulnerable to, administrative burdens fits into the category of “subterranean political processes that shape ground-level policy effects,” which he argues are both fundamental to understanding the evolution of governance and largely neglected.⁸⁵ One of the most striking examples is the use of burdens, such as unnecessary regulations for abortion providers, to prevent women’s access to legal abortion.

When overt changes are unpopular (such as reducing benefits) or not publicly defensible (such as limiting the franchise), or when law constrains desired policy changes (such as Supreme Court decisions on abortion or federal policies in intergovernmental programs),

administrative burdens offer a low-profile alternative, minimizing the need for political and legal processes of consultation and deliberation.⁸⁶ For example, directly changing social benefits requires legislative battles that will often be relitigated in court. By contrast, constructing complex, confusing, and time-consuming application procedures is a less visible form of policymaking that can effectively thwart people 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; they can also operate unobtrusively in policy areas mired by gridlock.

The unobtrusive nature of administrative burdens, relative to other policy alternatives, results from the combination of three qualities: opacity, controllability, and neutrality. Although issues such as eligibility levels for welfare programs are decided in high-profile debates played out in front of legislators and the media, the seemingly prosaic details such as the length of an application form are more hidden and complex, and their effects less likely to be observed or understood by outsiders. This is the quality of opacity.

Controllability means that such details are under the control of administrative actors—the details of programs generally considered to fall into the domain of administrative execution and are delegated to the executive branch. The controllability of rules relates directly to their opacity—as the nature and effect of burdens becomes clear, they become a matter of interest to other political actors, such as the legislature or higher levels of government. A third quality of administrative burdens is their apparent neutrality—changes in burdens can be presented as technical fixes without any specific policy intent, or as facilitating widely accepted political goals, such as the reduction of fraud.⁸⁷

Although burdens may be unintended, occurring because of a lack of attention to their effects, we should not exclude the possibility that they sometimes 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 affects welfare policy choices.⁸⁸ For example, the power of business interests explains variation in the generosity of TANF policies across states.⁸⁹ Partisan control of government influences

bureaucratic discretion in terms of granting benefits but not in terms of how vigorously bureaucrats restrict claims.⁹⁰ 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.⁹¹ Even so, the link between politics and administratively imposed burdens has not been widely explored.⁹²

The Role of Third Parties

The final point about the politics of burdens is the role of non-governmental actors, or third parties. In writing this book, we were primarily interested in the relationship between citizens and the state, but it soon became clear that any account of American governance that ignores third parties—civic organizations, nonprofits, or for-profit organizations—is incomplete. These nonstate organizations play multiple and, in some policy areas, central roles in constructing and reducing burdens in policy design, and mediating or amplifying their effects in implementation.⁹³ We document the role of third parties as falling into four broad categories.

First, they can act as political stakeholders that lobby to impose or reduce burdens. The tax preparation industry lobbies aggressively to maintain complexity in the current tax reporting system. As chapter 8 shows, the same industry has lobbied to make the EITC broadly accessible—though still complex enough to justify the use of their services as tax preparers. 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.

Second, third parties can alter the costs citizens face in their interactions with government. Most obviously, they can change learning costs by explaining a policy in ways that either increase or reduce knowledge about a program, the citizen's legal rights, and how to acquire services. They can reduce compliance costs by helping people navigate bureaucracy or acquire documentation.

Burdensome procedures create financial incentives for third parties who can help others overcome burdens. Hospitals have an incentive to help patients enroll in public health insurance programs such as Medicaid, thereby reducing the financial costs of providing

charitable care. At a more micro level, Howard Becker describes the use of informal fixers in Brazil known as *despachante*: “the guy 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.”⁹⁴

Faith-based or civic groups can reduce burdens for members. For example, veterans seeking disability benefits tend to be more successful if they live in a state with more active veteran’s groups that can help them with the process.⁹⁵ We should not assume that match between the needs of populations for third-party help and the presence of helpful third parties is carefully calibrated. Some populations may find themselves facing burdens with limited third-party supports, reinforcing inequality across groups. For example, those who struggle to manage newly imposed voter ID laws because of difficulties with documentation cannot turn to an obvious nonprofit organization that would offer specialized support. This creates a challenge—and opportunity—for the philanthropic community: identify communities facing significant administrative burdens but without strong networks of support to help minimize the costs they experience.

In less obvious ways, third parties can alter psychological costs by conveying messages about a program. For redistributive programs, they can convey that the program is valuable and that recipients are deserving. When they oppose the program, they can portray the policy as serving the undeserving or as inconsistent with liberty. For example, opponents of the Affordable Care Act funded nonprofit organizations to target younger potential users to discourage them from enrolling in the program.⁹⁶

Third, nongovernmental actors can alter costs in their role of service providers. Many public services are provided by third parties, who have the opportunity to buffer or amplify burdens just as public employees can but with greater flexibility to follow individual beliefs or financial incentives. As chapter 5 shows, the complex array of health insurance choices by Medicare beneficiaries, due to the large number of plan options and providers, increases profits for insurers and reduces benefits for beneficiaries.

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. A simple illustration is in welfare-based job-training requirements, when one Florida company contracted to provide these services believed it could increase profitability by adopting new administrative burdens to exclude clients who “were not serious enough.” They required daily attendance of classes for a week before they could even submit applications for benefits, sent discouraging signals in meetings with clients about the time investments required and the limited assistance on offer, more aggressively imposed sanctions on clients not following requirements, and added new barriers to get back on the program if the client was sanctioned: “Under the new system, only one local staff member (known among the staff as the Sanction Queen) was given authority to sign off on the return of a sanctioned client, and this staff member was made available to clients on only one day each week, for two hours. Sanctioned clients who missed this window would have to wait another week to return.” Missing any step of the process, such as a skipping a class, would require the client to restart the process from the beginning.⁹⁷

Fourth, third parties can be the object of administrative burdens. The state can influence the role of third parties by, for example, creating incentives to either limit access or offer help, or by regulating their actions to make such help difficult or risky to provide. In the case of abortion, states have burdened third-party service providers in an effort to limit access. Conservatives have charged that the IRS has played a similar role in restricting first amendment rights by imposing burdens on political groups.

Conclusion

The idea of administrative burden is intuitive. We recognize it from our experience as citizens engaging with the state. It reflects our hours at the DMV, or the lines when we vote. For some, it also reflects the difficulties in accessing vital public services such as income supports or health care. Despite the centrality of administrative burdens in the relationship between the citizen and the state, it is not a well-defined concept, 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 factor to consider in program design in the same way that we coach them to consider efficiency.

This chapter establishes a broad conceptual framework for administrative burdens, and consequent implications for how we are governed. Different aspects of the framework we identify in figure 1.1 have been addressed, but not systematically, 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 requires building knowledge about all these different dimensions of governance. We cannot fully detail or resolve all aspects of administrative burdens in this book, but simply mapping how they are connected is important.

The understudied aspects of administrative burdens also influence how we chose the cases that follow on voting rights, abortion access, health policy, and income supports. We select cases that are instrumentally important: they are important policy areas in their own right, even as they offer us a deeper understanding of how administrative burdens arise in policies.⁹⁸

The importance of these topics should be self-evident: voting and abortion are tied to constitutional rights. Health and income supports are cornerstones of a basic standard of living, part of what Thomas H. Marshall describes as social rights.⁹⁹ Although what constitutes rights is itself contestable, the Supreme Court ruled in 1970 in *Goldberg v. Kelly* that welfare benefits are similar to a form of property when it comes to guaranteeing some due process rights.¹⁰⁰ They cannot be removed simply on the basis of suspicion of fraud, for example. Health and income supports are also where the federal government spends the majority of its money. In 2015, 23 percent of the budget went to Social Security, 14 percent to Medicare and another 14 percent to other health spending, while 13 percent went to income supports.¹⁰¹

We are also interested in the politics by which burdens are made. We therefore order the chapters to fit with our argument that burdens are constructed. We start with cases featuring overt efforts to introduce burdens, and these efforts have become a visible part of politics—elections and abortions. We move on to cases in which the politics of burdens is both more mixed—featuring efforts to both

increase and reduce burdens—and less visible. These include the Affordable Care Act, Medicare, and SNAP.

We conclude with three cases that involve efforts to shift burdens away from citizens: an expansion of Medicaid in Wisconsin, the Earned Income Tax Credit, and Social Security. In each, we focus on a time when the construction of burdens is most salient. In cases such as the EITC and Social Security, this demands a historical understanding of how each program was designed and evolved over time; in other cases, though, we offer a snapshot of a more limited time frame. Collectively, the cases illustrate how the imposition or reduction of burdens, or the shifting of burdens between the citizen and the state, have been a matter of political choice, though this choice has often been made out of public view and justified by political values others than the ones being pursued.

By focusing on burdens in income supports, health access, abortions, and voting, our case selection is also intended to challenge a political stereotype, which is that political parties have relatively fixed attitudes toward burdening citizens: Republicans opposing and Democrats being more willing to tolerate regulation that fosters other policy goals. Instead, we show that conservatives are skilled users of rules and regulations to achieve their policy goals. Although our focus is mostly tied to issues of concern to progressives, the framework of administrative burdens is no less salient to conservative critiques of the use of state power in other areas, such as the use of administrative burdens to regulate political speech or gun rights.

