

Bureaucratic overburdening in advanced democracies

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Abstract

Constant policy growth can overburden bureaucracies if implementation capacities are not expanded in lockstep with policy production. This development may undermine policy effectiveness and hence the long-term legitimacy of democracies. This article provides a systematic analysis of this phenomenon. We demonstrate that (i) overburdening is a general trend in advanced democracies; (ii) the extent of overburdening varies by the institutional context in which policy makers operate; and that, in consequence, (iii) countries' bureaucracies differ in their distance (or closeness) to the “tipping point” after which additional policies do more harm than good. We provide information on the ratio between the policies up for implementation and the bureaucratic capacities available for 21 OECD countries over a period of 45 years (1976–2020), focusing on the areas of environmental and social policy as two major areas of governmental intervention. Bayesian analyses and background interviews serve to illuminate the reasons for and consequences of overburdened bureaucracies.

Evidence for practice

- Incessant policy growth in advanced democracies implies that public administrations have to shoulder ever more implementation tasks.
- Bureaucratic overburdening leads to systematic implementation deficits and thus ineffective policies.
- Involving ‘street-level’ bureaucrats in policy-making can help to make policy growth more sustainable.
- This integration can be achieved through clear accountability structures and well-advanced consultation and evaluation procedures between policy producers and policy implementers.

INTRODUCTION

A growing body of research has identified the continuous growth of rules and policies as a ubiquitous feature of democracies. This phenomenon has been captured by various concepts, such as continuous “rule growth,” “policy layering,” or “policy accumulation” (Adam et al., 2019; Hacker, 2004; Kaufmann & van Witteloostuijn, 2018; Knill et al., 2020). All these concepts seek to capture the observation that over time, democratic governments adopt more policies than they abolish. The production of ever-more policies and rules is not necessarily a problem in itself and may help to effectively address a given

problem through a diverse range of interventions (Fernández-i-Marín et al., 2021). However, recent research describes policy growth as an *endogenous malfunction* of democracies that gradually overburdens public administrations, resulting in the creation of a “Kafkaesque bureaucracy” that struggles to effectively implement public policies (Gratton et al., 2021). The central argument is that politicians adopt many laws to please their electorates *without* providing the administrative capacities needed to effectively put these laws into practice. In such a scenario, the bureaucratic capacities needed for implementing the growing stock of policies are increasingly exhausted. Further policies then either remain largely

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ineffective or make things even worse when overburdened administrators opt to prioritize the implementation of some policies over others (Keiser & Miller, 2020; Limberg et al., 2021).

Despite these both interesting and worrying insights, we lack knowledge about how widespread and severe the trend of “bureaucratic overburdening” actually is and how close or distant countries are from shifting from a Weberian to a Kafkaesque bureaucracy. We understand “bureaucratic overburdening” as the progressive depletion of administrative capacities when policy stocks grow faster than capacities. Bureaucratic overburdening thus incorporates existing concepts on policy growth but assesses and discusses them in *relation* to the available capacities. To systematically analyze these issues, we address the following three related research questions: (1) Is gradual bureaucratic overburdening a universal trend in advanced democracies? (2) How can we explain the variation in this trend across countries? (3) And how many and which countries are in a situation where overburdening is a serious challenge to the smooth functioning of public administration and public policies?

By addressing these research questions, the paper makes the following three contributions. First, we provide a *comparative empirical assessment of bureaucratic overburdening*. We find an overall tendency of a creeping erosion of administrative implementation capacities emerging from policy growth across advanced OECD democracies. Second, we provide a *novel theoretical argument that accounts for variation in capacity erosion* across countries. While policies grow more quickly than administrative capacities across all countries in our sample, we also find significant variation across countries and policy sectors. Our analysis suggests that in contexts where institutions facilitate the involvement of the implementation level in policy making, policy production and available capacities are more aligned. On the contrary, in countries where interest groups have easy access to policy making, overburdening is more pronounced. Third, we provide a *systematic empirical analysis of the extent to which overburdening undermines policy effectiveness*. We show that countries differ in their proximity to their sectoral “tipping point” after which the production of new policies does more harm than good. While some national bureaucracies still have some room for handling and processing policy growth, governments in other countries are well-advised to first expand administrative implementation capacities before considering the production of additional policies.

The remainder of this article is organized as follows. Section 2 provides a brief assessment of the state-of-the-art on which we build our analysis. Section 3 presents our argument on the creeping erosion of administrative capacities due to policy growth focusing on environmental and social policy as two essential areas of governmental intervention. Section 4 studies the extent to which countries’ institutional setup is associated with the development of bureaucratic overburdening. Section 5 analyzes how distant (or close) countries are from shifting to

a Kafkaesque bureaucracy and what this ultimately implies for policy effectiveness in the countries under study. Section 6 concludes.

STATE-OF-THE-ART

Thus far, the relationship between policy production and the overburdening of bureaucracies has hardly been assessed systematically. Moreover, there is a lack of studies that investigate how policy growth-induced bureaucratic overburdening affects sectoral policy effectiveness. This does not mean that the phenomena of policy and rule growth have been neglected in the literature. There are several studies that shed light on the drivers of policy growth (Adam et al., 2019; Hinterleitner et al., 2023; Jakobsen & Mortensen, 2015; Kaufmann & van Witteloostuijn, 2018), analyzing the role of party ideology, political institutions, endogenous growth dynamics, and external shocks. However, despite these developments, we still lack theoretical and empirical accounts that examine the relationship between policy growth and bureaucratic capacities.

An important recent study that directly and explicitly considers this relationship so far is the contribution by Gratton et al. (2021), which describes the scenario of constant policy growth and bureaucratic overburdening as a shift from a Weberian to a Kafkaesque bureaucracy. The authors argue that the major source of bureaucratic overburdening is political instability that causes the introduction of excessive legislation, thereby triggering a vicious circle of ever-growing policies and implementation burdens. Political instability is characterized by short legislative terms, which also shorten the time horizon of politicians. Politicians operating with a short time horizon tend to demonstrate their responsiveness to societal demands by constantly proposing new policies *without* being constrained by the need to take the blame for deficient implementation. Given short political time horizons combined with bureaucratic implementation delays, the overburdening of administrations turns into a self-reinforcing scenario: The ensuing large amount of policies leads to ever more implementation delays, eventually implying that the perverse incentive for continuous policy production by (incompetent) politicians becomes a fixed feature of the system.

The analysis by Gratton et al. (2021) draws a compelling, yet gloomy picture of the endogenous vulnerability of political systems to shifting toward a vicious equilibrium in which excessive policy growth and bureaucratic overburdening are reinforcing each other. Short periods of political instability can result in a problematic leap from a Weberian to a Kafkaesque bureaucracy where policies are not implemented properly, and the functioning of the political-administrative system is undermined in the long term. However, this argument has not yet been tested on a broader empirical basis, but is rather illustrated with a specific focus on the case of Italy (using Germany as a “benchmark comparison”).

Moreover, the authors make no attempt to elaborate further on the link between bureaucratic overburdening and policy effectiveness.

In the following, we hence qualify and extend Gratton et al.'s contribution in three respects. First, we show that *bureaucratic overburdening is a general trend in OECD democracies*. While political instability has the potential to reinforce this development, it is not a necessary condition for bringing bureaucratic overburdening about. Instead, democracies are insidiously drifting toward this scenario also during periods characterized by political stability. From this perspective, the findings provided by Gratton et al. (2021) for the case of Italy refer to an extreme-case scenario where the general trend of the exhaustion of available implementation capacities is aggravated by a surge in political instability.

Second, we highlight that the extent of policy growth-induced bureaucratic overburdening – and thus the risk of drifting toward the Kafkaesque bureaucracy – is primarily driven by *institutional factors that determine access opportunities of different actors to policy formulation*. It is not so much political instability that accounts for variation across countries, but the extent to which implementers and interest groups can influence policy making.

Third, we examine how *the trend of bureaucratic overburdening is associated with sectoral policy effectiveness*. We demonstrate that policies come with both positive and negative effects and that, in consequence, the decisive question is whether and when the negative effects associated with overburdening exceed the positive effects of additional policies. This analysis allows us to determine for individual countries up to which point new policies (still) do make a positive difference and when they start making things worse than better.

POLICY GROWTH AND THE CREEPING EROSION OF BUREAUCRATIC CAPACITIES

Gratton et al. (2021) identify political incentives in the context of political instability as the main driver of a transformation toward a Kafkaesque bureaucracy. In the following, we provide theoretical arguments as well as empirical evidence showing that policy growth and associated bureaucratic overburdening are *not* restricted to constellations of political instability but reflect a broader trend in advanced democracies.

Theoretical argument: Political incentive structures and the gap between implementation burdens and bureaucratic capacities

We suggest that also under conditions of political stability, politicians have (i) strong incentives to engage in policy production, while the political incentives for (ii) dismantling existing policies and for (iii) expanding

bureaucratic capacities in line with policy production are largely absent. Vote-seeking politicians have strong incentives to pass new reforms because this allows them to demonstrate their responsiveness to public demands and signal their willingness to address issues and challenges citizens care about. While there are strong political incentives to produce new policies, it is hardly rewarding politically to dismantle existing policies, even when they have turned out to be ineffective. Once adopted, policies create expectations and dependencies for their beneficiaries, which are thus difficult to terminate or dismantle (Bauer et al., 2012; Pierson, 1994).

At the same time, politicians have little to gain from engaging in the expansion of bureaucratic capacities that are needed for properly implementing newly adopted policies. In addition to fundamental ideological and fiscal barriers to constantly expanding the public sector and strong political pressure to do “more with less” (Ansell, 2019; Blyth, 2013), politicians have little to lose from neglecting the bureaucratic impacts of policy production, even under conditions of political stability. Because of diffuse responsibilities and unclear causal attributions resulting from different administrative agencies and institutional levels involved in policy implementation, politicians have ample opportunities for shifting the blame for policy failure to other actors (Hinterleitner, 2020; Pressman & Wildavsky, 1984). Although increasing bureaucratic capacities should improve implementation effectiveness, voters have difficulties assigning such improvements to the actions of specific political actors. In sum, democratic governance is characterized by political incentive structures that generally favor policy production over improvements of bureaucratic capacities (Dasgupta & Kapur, 2020). Bureaucratic overburdening triggered by policy growth thus reflects an endogenous malfunction of democratic systems. While political instability might accelerate this general trend, it is *not* a necessary condition for bringing it about.

Empirics: The development of implementation burdens and bureaucratic capacities in OECD democracies

To demonstrate the creeping erosion of bureaucratic capacities by policy growth, we present data on sectoral policy growth and bureaucratic capacity development for 21 OECD countries over approximately four decades (1976–2020). The countries under analysis are Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Spain, Greece, Italy, Japan, Portugal, the Netherlands, New Zealand, Norway, Sweden, Switzerland, the United Kingdom, and the United States of America. For each country, we look at developments in two policy sectors – environmental and social policy – that are highly diverse in nature, capturing different policy types (regulatory versus redistributive policies)

as well as different requirements for implementation (public service provision in social policy versus authorization, inspection, and planning in environmental policy). Here, we focus on environmental and social policies being adopted at the national level.

Instead of counting the number of laws, we measure policy growth by identifying changes in the size of sectoral policy portfolios over time. Any policy is typically composed of two dimensions: policy targets and policy instruments. *Policy targets* are all issues addressed by the government. In the area of environmental policy, for instance, these targets cover aspects such as air emissions from industrial plants and transport, the pollution of rivers and lakes, or the protection of endangered species and habitats. *Policy instruments* are the means that governments have at their disposal to address policy targets. In practice, these instruments can range from hierarchical forms of governing, such as obligatory policy standards and technological prescriptions, to economic incentives through taxes, subsidies, and other forms of market intervention. The differentiation between policy targets and instruments leaves us with a two-dimensional portfolio space (Fernández-i-Marín et al., 2021). We identify the number of policy targets and instruments based on a content analysis of laws and regulations.

Our measurement of policy growth has four advantages. First, a focus on policy targets and instruments can account for constellations where new laws do *not* introduce any additional measures. In practice, a new law can also imply the repealing or amending of existing legislation. Second, our approach captures situations in which a single law introduces a multitude of new policy targets and policy instruments. Third, by focusing on the content of laws instead of their length, we can engage in cross-country comparisons. A comparison across countries based on document amounts and lengths is hardly possible given that countries substantially differ in their legal tradition and thus the number (and length) of the laws adopted. And finally, a focus on the adoption of instrument–target combinations allows us to efficiently capture *changes* in burdens for the bureaucracies in charge of policy implementation. Mere changes in the calibration of existing policies, such as stricter emission limits for industrial facilities or higher tax rates, imply more burdens for the target group but *not* necessarily for the administration. On the contrary, additional policy instruments usually come with additional implementation tasks for implementers.¹

We measure sectoral policy growth with reference to a predefined benchmark of a maximum number of policy targets and policy instruments for each policy sector under study. Based on this portfolio space, we can calculate a *standardized* measure of the sectoral portfolio size that can range from 0 (no policy instrument for any of the targets) to 1 (all policy instruments for all the targets). To illustrate this approach, Figure 1 presents the

Italian environmental policy portfolio at two points in time (1976 and 2018). It shows how Italy's environmental policy portfolio has increased from 5 percent of the total space occupied in 1976 to 36 percent in 2018. The gray boxes mark the new environmental policy instruments added to the portfolio. The Italian example also illustrates that our measure of policy growth captures a pattern of very strong growth that is similar to Gratton et al.'s (2021) finding, which is based on the assessment of changes in the number of laws and legislations. A list of all policy targets and instruments analyzed for environmental and social policy as well as details on data collection and coding are provided in Section A of the Appendix S1 (Tables S1–S4).

For assessing temporal changes in bureaucratic capacities, we opt for a broad approach that considers different determinants of implementation capacities from different data sources, including both general and sector-specific measurements (for a similar approach, see Hanson & Sigman, 2021; Fernández-i-Marín, et al. 2023b). Among other aspects, our measurement combines information on the quality of national public administration provided by the V-Dem 11 dataset (Coppedge et al., 2021) and the World Bank governance indicators. Moreover, we include the “Weberianness index” by Rauch and Evans (2000) and Brambor et al.' (2020) index on “information capacity.” In addition to these general measures of bureaucratic capacities, we “adjust” our measure for sectoral differences in environmental and social policy. For environmental policy, we include the environmental institutional capacity index provided by Jahn (2016a). This index combines information on different dimensions of institutional capacity such as the existence of specialized governmental institutions (environmental ministries or agencies), fundamental legal infrastructure (e.g., environmental information acts), and other institutions important for sustainable development (e.g., sustainability councils). For social policy, we refer to the government's spending on public employment services and administration. This data can be readily obtained from the Social Expenditure Database (SOCX) of the OECD. We performed a Bayesian latent-variable model to combine the different sources into two related scores of sectoral bureaucratic capacities. Section B.1 in the Appendix S1 provides a summary of the different data sources and how they are transformed for inclusion in the final bureaucratic capacity score (Table S5).

Figure 2 displays the expansion of environmental and social policy portfolios (left-hand side), the growth of the corresponding bureaucratic capacities (center), and the resulting development of the policy portfolio relative to the available capacities (right-hand side) over time. To calculate the latter, we take the ratio between the size of the policy portfolio (implementation burden) and the available bureaucratic capacities. This ratio is logged to make it overall less sensitive to extreme values, especially at the beginning of the investigation period. The figure

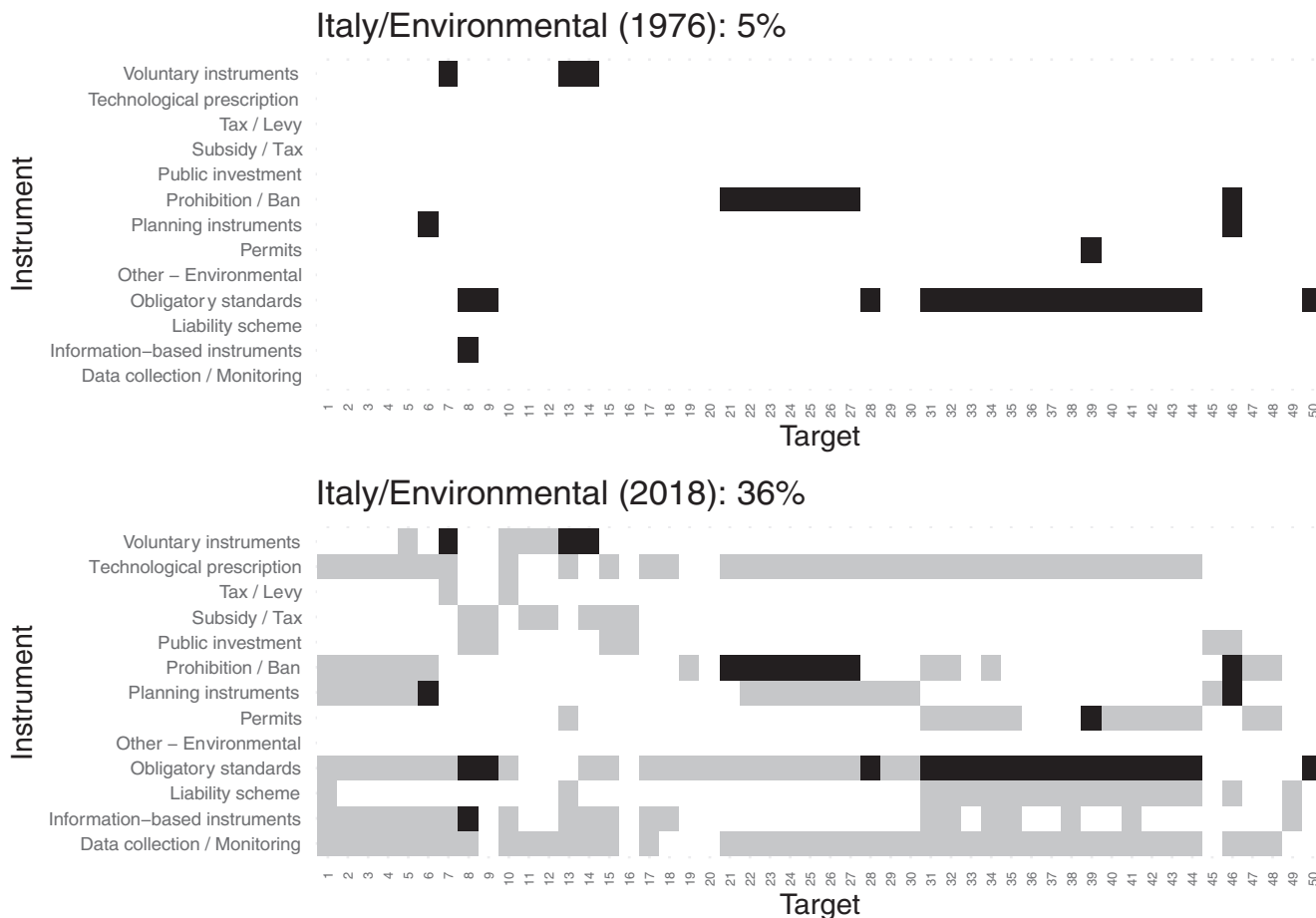


FIGURE 1 Exemplary policy portfolio.

presents both the sample average (*solid line*), the minimum and maximum (*dashed lines*), and the 25 and 75 quantiles (*dotted lines*).

The figure shows that the strong growth of public policies (*left-hand side*) has *not* gone hand in hand with a similar expansion in bureaucratic capacities (*center*).² This development can be observed in both sectors but is particularly pronounced in environmental policy. In consequence, also the ratio between administrative burdens and capacities has strongly increased over the respective time period (*right-hand side*). In other words, public administrations nowadays must handle much more policies relative to their capacities than one or two decades ago. While periods of political instability might accelerate this development, they cannot account for this overall trend.

EXPLAINING VARIATION OF BUREAUCRATIC EROSION ACROSS COUNTRIES AND SECTORS

In the previous section, we have shown that policy growth and bureaucratic overburdening are creeping phenomena cutting across democratic systems. Yet, the

extent to which countries have moved toward the extreme scenario of the Kafkaesque bureaucracy is subject to pronounced variation. As highlighted by the difference between the minimum and maximum value in the burden–capacity ratio in Figure 2, some countries are better able than others to balance policy production and bureaucratic capacities. In the following, we argue and show that institutional features can account for these country differences.

Theoretical argument: Accounting for the context in which politicians operate

As discussed in Section 3.1 above, a central factor fueling policy growth-induced overburdening are politicians’ “skewed” incentives toward policy adoption and away from capacity expansion. However, politicians hardly make decisions in a vacuum but are embedded in an institutional context that influences and constrains them in important respects. In this regard, we consider two factors as particularly relevant: (1) the integration of bureaucratic expertise and experience in policy making and (2) the influence of interest groups.

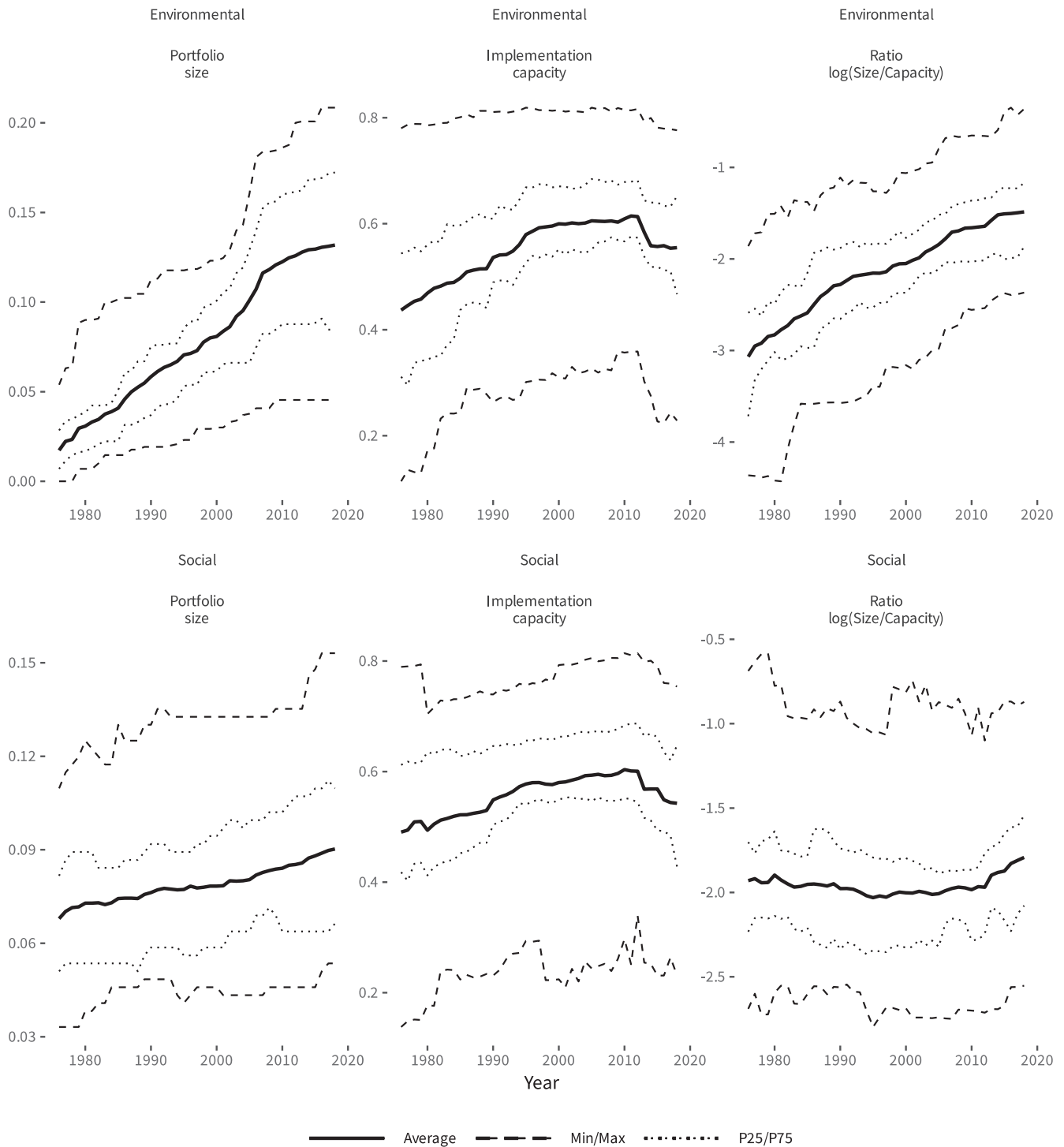


FIGURE 2 Policy growth, bureaucratic capacities, and their relationship over time.

Bureaucrats involved in policy implementation are experts in their respective fields and usually know what works “in practice” and which resources are required to effectively implement a policy (Molenveld et al., 2020). However, the extent to which implementers can inject this knowledge into the policy process depends on the institutional arrangements that provide implementers with effective opportunities to get their views heard during policy

formulation and to communicate their policy experiences and needs from the bottom up to the policy-making level (Cohen, 2021, p. 24). The stronger these *feedback opportunities* the lower is the likelihood that policy production leads to bureaucratic overburdening. On the one hand, the integration of bottom-up feedback should help to improve policy design and hence reduce the need for continuous policy production to ameliorate ill-designed policies. On the other

hand, bottom-up feedback helps to ensure that policy makers are aware of the capacity needs of the bodies in charge of policy implementation (Knill et al., 2020).

The influence of interest groups on policy production, by contrast, should point in the other direction. Political science research suggests that interest groups have an important influence on public policy (e.g., Hacker & Pierson, 2014). By their very nature, interest groups care strongly about specific issues. Informational and organizational resources, in turn, allow them to closely survey the actions of politicians and parties, voice their demands in coherent and effective ways, and lure like-minded politicians through financial and/or organizational support (Hacker & Pierson, 2014; Rommetvedt et al., 2013). All of these factors make it hard for politicians to ignore the demands of interest groups. However, the extent to which demands from interest groups lead to the adoption of new policies varies across countries and sectors and depends on the *organization of interest group politics*. There are several reasons why interest groups' impact on policy growth can be expected to be higher in corporatist than in pluralist arrangements. Corporatism is characterized by the integration of various societal interests in sectoral peak associations and multi-partite negotiations of policy options between these associations and the government. Corporatist arrangements thereby provide organized interests with privileged access to politicians; an aspect that can be expected to result in higher policy production (Leyva-de la Hiz, 2019). In contrast, the relationship between interest groups and the government is less straightforward in pluralist systems where fragmented interest groups competing for political access may mutually undermine and outbalance each other in their efforts to gain political influence. We thus expect that policy growth (and associated bureaucratic overburdening) is more pronounced in corporatist rather than in pluralist settings.

Empirics: How institutions moderate the gap between implementation burdens and bureaucratic capacities

To test these arguments, we assess to which extent bureaucrats' feedback opportunities and the organization of interest group politics can account for variations in the burden-capacity-ratios of the 21 countries and the two sectors under study. To capture the former aspect, we use the concept of "bottom-up feedback" as proposed by Knill et al. (2020). This concept takes account of the extent to which implementation bodies (i) are organized and can collectively articulate a common position; (ii) are (informally or formally) consulted by the central bodies in charge of policy formulation; and (iii) can "voice" their concerns in the context of systematic (ex-ante and/or ex-post) evaluation procedures. The respective information on the three concept dimensions (articulation,

consultation, and evaluation) are merged into a single index with a potential maximum of 3 and a minimum of 0. This index varies by countries and sectors as well as over time. Our final coding of bottom-up integration patterns is based on the combination of secondary literature, official documents, and interviews with experts on social and environmental policy, public administration, and management. For detailed information on the construction of the index, its various indicators, and their operationalization, please consult Table S8 in Section D of the Appendix S1. To capture the effects of the *organization of interest group politics*, we rely on the corporatism index provided by Jahn (2016b). In contrast to other measures of corporatism, this index is time-variant and covers both our investigation period and the countries in our sample.

As there are factors other than implementers' feedback opportunities and the organization of interest group politics that might be associated with the extent of overburdening, we include several control variables in our analysis. First, we control for changes in government (what Gratton et al., 2021 call "political instability") by taking into account the length of legislative terms. To incorporate this argument into our quantitative analysis, we refer to changes in the length of the legislative term over time. These values are inverted so that greater values indicate a shorter political time horizon. Second, to capture the effects of other political institutions on the ratio between administrative burdens and capacities, we focus on institutional veto points. For data on veto points, we rely on the indicator provided by Henisz (2002, p. 380), which captures the "number of independent veto points over policy outcomes and the distribution of preferences of the actors that inhabit them." Given that the preferences of actors and the actors (parties) inhabiting these veto points can change within and between electoral terms, the measure of veto players is affected by a country's (rigid) institutional setup of the state but still varies over time. Third, we control for countries' per capita GDP and the level of debt. Fourth, we control for international factors that might affect the size of national policy portfolios and hence the level of implementation burdens. For this purpose, we code whether a country is a member of the European Union (EU). Fifth, we control for the level of authority in self and shared rule exercised by regional governments as measured by Hooghe et al. (2016). The level of bureaucratic overburdening might depend on how the *competencies over policy making* or implementation are shared between the central and the local levels of government. Lastly, we control for the existence of regulatory offsetting programs. Over the course of the last decades, several OECD countries have started to introduce "one-in-one-out rules" to reduce or halt the costs stemming from new regulations. We control for the influence of regulatory offsetting programs by a simple dummy variable that takes on the value of one when a regulatory offsetting program is introduced in a given country. The information has been collected based on

existing reports and policy briefs (Renda et al., 2019; Trnka & Thuerer, 2019). We standardize all our continuous variables to half a standard deviation so that we can contrast their relative importance and compare continuous variables with binary ones (Gelman, 2008).

We explain the year-to-year changes in our dependent variable with a linear model that controls for unequal variances (heteroscedasticity, clustered errors) by country. To model time dynamics, we include an autoregressive component of order one (AR1) and control for time-fixed effects (year-to-year effects using a Kalman filter). All parameters are estimated using Bayesian inference. The exact model description can be specified as follows:

Model equation:

$Y_{s,c,y} \sim$	$\mathcal{N}(\mu_{s,c,y}, \sigma_{s,c})$	Main data component
$\mu_{s,c,y} = \alpha_y + \beta_{s,v} * X_{c,t,y-1} + \theta_{s,v} * \text{BUFB}_{s,c,y-3} + \rho_{s,c} * (Y_{s,c,y-1} - \mu_{s,c,y-1})$		Main linear model
$\sigma_{s,c} \sim$	$\mathcal{TT}(0, 0.5, 3)$	Clustered errors by country
$\alpha_{s,y} \sim$	$\mathcal{N}(\alpha_{s,y-1}, \sigma_\alpha)$	Priors on intercepts by year
$\beta_{s,v} \sim$	$\mathcal{MVN}(0, 2.5)$	Priors for explanatory control variables
$\theta_{s,v} \sim$	$\mathcal{MVN}(0, 2.5)$	Priors for explanatory variables on BUFB
$\rho_{s,c} \sim$	$\mathcal{U}(-1, 1)$	Priors for the auto-regressive component

Where:

- s : Sector
- c : Country
- y : Year
- v : Covariate
- $y_{s,c,y}$: Continuous variable with the ratio between portfolio size over implementation capacity for a specific sector (s), country (c) and year (y).
- $X_{s,c,y,v}$ Matrix with the explanatory values for each covariate (v).
- θ_s : Effects of covariates.
- $\rho_{s,c}$: Auto regressive component of order 1.
- $\sigma_{s,c}$: Standard deviation by sector and country, with a truncated t-distribution (TT).
- Bottom-up feedback (BUFB) _{s,c,y,v} Matrix with the values of bottom-up feedback.
- $\alpha_{s,y}$: Time trend. Varying intercepts by year.
- β_s : Effects of control variables.
- θ_s : Effects of bottom-up feedback on the outcome variable. Main parameters of interest.
- $\rho_{s,c}$: Auto regressive component of order 1.

All variables are lagged by 1 year. For the bottom-up integration index, we use a 3-year rolling average to take account of the fact that political and administrative organizations and processes cannot easily be changed from 1 day to the other but typically take time to sediment and unfold their effects on policy making. We hence expect that even when there are formal changes affecting bottom-up integration, it takes some time before the underlying processes are adjusted, become “organizational reality,” and ultimately exert a sizable effect.

Figure 3 presents our main results. The variables included in the analysis account for 57.3 percent of the variation in our dependent variable in environmental, and 47.9 percent in social policy. The empirical analysis reveals that better bureaucratic feedback opportunities are associated with a more balanced ratio between administrative burdens and capacities in both policy areas. In fact, bureaucrats’ feedback opportunities is the only factor considered in our analysis that consistently and effectively *counterpoises* bureaucratic overburdening. On the contrary, corporatist structures that provide organized interests with privileged access to policy makers are positively related to the extent of overburdening in both policy sectors. Another institutional variable that is

associated with bureaucratic overburdening in both environmental and social policy is a country’s membership in the EU. While the EU drives the production of public policies, it does *not* seem to make a difference with regard to the administrative capacities available.

Moreover, the analysis reveals that a shorter time horizon comes with bureaucratic overburdening in social but *not* in environmental policy. This finding might indicate that the argument made by Gratton et al. (2021) about politicians’ incentives to use public policies as an appeal to their voters in times of political

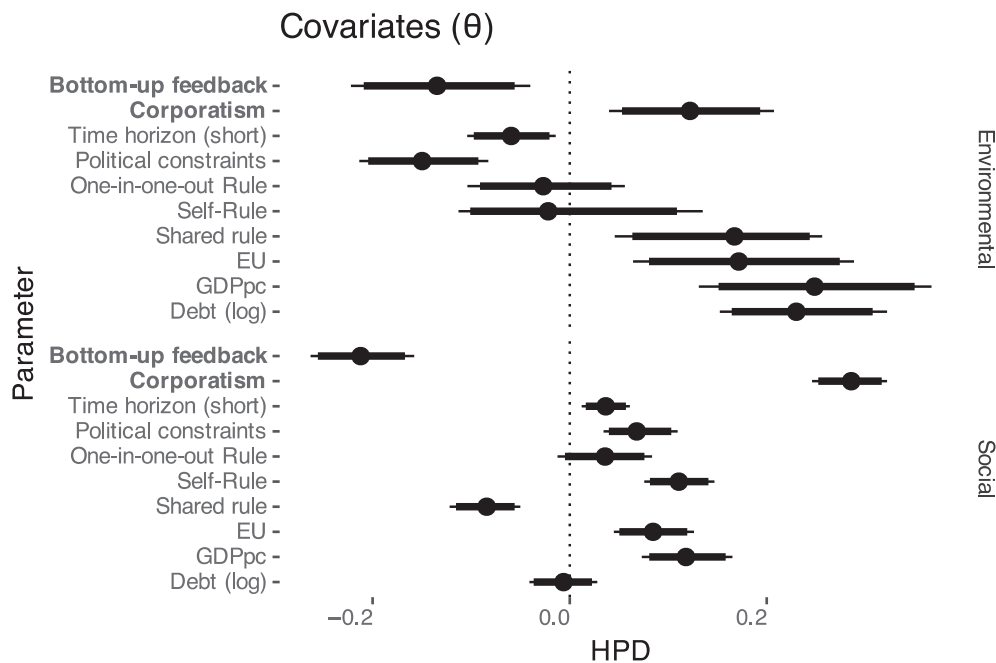


FIGURE 3 Determinants of bureaucratic overburdening (21 countries, 1976–2020). Highest posterior densities (HPD) of the parameters (95% credible interval). The full results are presented in the Appendix S1.

instability primarily applies to policy areas that are of direct and immediate relevance to citizens' daily lives. Interestingly, the introduction of a regulatory offsetting program does *not* seem to be an easy fix to the problem of overburdening. This is well in line with the existing assessment that there is little evidence that “one-in-one-out” rules have generated the expected results (Golberg, 2020).

One might criticize that it is only natural that there is a negative correlation between bottom-up feedback opportunities and the ratio between administrative burdens and capacities, as both “sides” of the equation should benefit from higher levels of general state capacity. From this perspective, our analysis might suffer from an omitted variable bias and endogeneity issues. To address this concern, Figure S9 of the Appendix S1 includes general state capacity as an additional control variable. The analysis reveals that the effect of bottom-up feedback opportunities indeed shrinks but remains both negative and significant. In other words, feedback opportunities have a distinct effect that is different from a country's general state capacity.

CONSEQUENCES OF BUREAUCRATIC OVERBURDENING: THE BURDEN-CAPACITY-RATIO AND POLICY EFFECTIVENESS

Even though institutional arrangements influence the extent of bureaucratic overburdening, the overarching

trend identified in Section 2 suggests that democracies are slowly but steadily drifting toward the scenario of the Kafkaesque bureaucracy. The crucial question, however, is when exactly policy growth becomes problematic and how distant or close countries are from this “tipping point.”

Theoretical argument: Balancing policy growth and bureaucratic capacities

Additional policies have two effects on policy performance: On the one hand, policies have *positive* effects by establishing new standards, incentives, and requirements. Additional environmental policies, for instance, help to reduce air pollution or clean rivers by changing the behavior of citizens and businesses. Moreover, additional policies can help governments to “diversify” their policy toolkit. According to Fernández-i-Marín et al. (2021), a greater instrument diversity involves higher levels of policy effectiveness. On the other hand, policies also have *negative* effects by putting additional burdens on public administrations. As bureaucracies have to implement additional policies, they need to redeploy existing resources for the implementation of those new policies – a development that ultimately leaves fewer resources for the implementation of existing ones (Fernández-i-Marín et al., 2023a; Limberg et al., 2021). For instance, agencies tasked with monitoring new pollutants in remote regions might be forced to reduce their monitoring activities in other areas (Kaplaner &

Steinebach, 2023). We can expect that with growing policy portfolios, the positive effects of policies decrease while the negative effects increase. The more the government already does in a given policy area, the smaller the impact that an additional measure is likely to make. At the same time, the negative effects associated with bureaucratic overburdening get more pronounced if internal procedures are already streamlined and administrative “slack” is already exhausted. The “tipping point” that shifts a country’s bureaucracy from a Weberian toward a Kafkaesque one is thus the point at which the (marginal) negative effects of additional measures exceed the positive effects of additional measures.

Empirics: Effects of the Burden-Capacity-Ratio for different portfolio sizes

To find out how distant or close countries are from this “tipping point,” we focus on the area of environmental

environmental performance come from Jahn (2016a) and comprise different aspects and dimensions of environmental pollution with respect to key environmental pollutants such as sulfur dioxides (SO_x), nitrogen dioxides (NO_x), carbon dioxides (CO), waste, etc. We include several covariates in our model to control for potential confounders. These confounders include gross domestic product (GDP) per capita (logged values), economic growth, economic openness measured via trade volume as a percentage of GDP, urban population share, and the size of the industry sector. All control variables are lagged by 1 year. The respective data can be readily derived from the OECD or the World Bank.⁴

We estimate the association between bureaucratic overburdening and environmental policy effectiveness using Bayesian inference with weakly informative priors (Plummer, 2003). To model time dynamics, we again include an autoregressive component of order one (AR1). Standards errors are clustered by country. Our approach can be summarized as follows:

$Y_{c,y} \sim$	$\mathcal{N}(\mu_{c,y}, \sigma_c)$	Main data component
$\mu_{c,y} = \beta_v * X_{c,y-1,v} + \theta_{vi} * XI_{c,y-1,vi} + \rho_c * (Y_{c,y-1} - \mu_{c,y-1})$		Main linear model
$\sigma_c \sim$	$\mathcal{TN}(0, 1)$	Error component
$\beta_v, \theta_{vi} \sim$	$\mathcal{N}(0, 1)$	Priors for explanatory variables
$\rho_c \sim$	$\mathcal{U}(-1, 1)$	Priors for the auto-regressive component

Where:

- c : Country
- y : Year
- v : Covariate
- $y_{c,y}$: Continuous variable with the environmental performance for a specific country (c) and year (y).
- $X_{c,y,v}$ Matrix with the explanatory values for each covariate (v).
- $XI_{c,y,vi}$ Matrix with the explanatory values for each covariate of interest (vi , namely portfolio size and gap).
- σ_s : Standard deviation by country.
- β : Effects of control variables.
- θ : Effects of portfolio size, gap and their interaction on the outcome variable. Main parameters of interest.
- $\rho_{s,c}$: Auto regressive component of order 1.

policy. We proceed in two steps. In the first step, we establish the general relationship between the (size of) environmental policy portfolios (our independent variable), the ratio between administrative burdens and capacities (our moderating variable), and environmental policy effectiveness (our dependent variable) (see also Fernández-i-Marín et al. 2023a, 2023b). In the second step, we use this model to predict what additional policies would imply for policy effectiveness in the countries under study.³

In our *first* step, policy effectiveness is operationalized as a country’s environmental performance. The data on

Figure 4 displays the results of this exercise. It shows the effect of environmental policies on environmental performance (y -axis) for varying ratios between implementation burden and administrative capacities (x -axis) and portfolio sizes (columns). The presented portfolio sizes are the minimum, the 20th quantile, the mean, the 80th quantile, and the maximum. In line with our theoretical expectations, the figure reveals three aspects. The first one is that more policies are associated with higher environmental policy performance. This can be seen when looking at the “starting point” of the curve and comparing this point across the different portfolio sizes. The

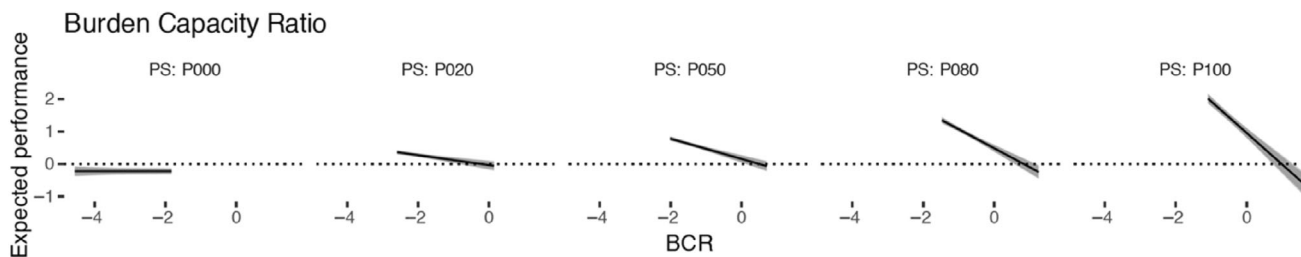


FIGURE 4 Effectiveness of environmental policies. Highest posterior densities (HPD) of the parameters (95% credible interval).

second aspect is that a greater burden load on given implementation capacities predicts lower levels of environmental policy performance. This is indicated by the negative slope of the curve. The third point is that the latter effect becomes increasingly important the larger the policy portfolio gets. This aspect is reflected by the steeper (negative) slope for larger compared with smaller policy portfolios.

In the second step, we use our model to predict the effect of additional policy measures on a country’s environmental performance. To do so, we calculate what a (hypothetical) one-percentage-point increase in the portfolio size (see again Figure 1) would mean for policy effectiveness based on the countries’ 2020 values.

Figure 5 presents the results of this analytical step. A value greater than zero indicates that new environmental policies are (still) positively associated with environmental quality. A value smaller than zero, by contrast, implies that more policies are negatively associated with environmental quality. This might be the case if the additional burden imposed on the administration offsets the gains from policy growth. Overall, there are three countries with values smaller than zero (Portugal, Greece, and Italy) and two countries with values close to zero (France and Austria). Another set of five to eight countries (the Netherlands to Japan) may approach this tipping point in the medium term. While the countries below or close to the zero line must invest in administrative capacities if they want their environmental policies to make a difference, the other eight countries are well advised to carefully consider what additional policies imply for the administration and if an expansion of capacities is necessary.

The countries with the greatest marginal effects are Norway, Australia, Germany, and New Zealand. Here, it is important to note that countries can end up at the upper end of our scale for different reasons. Australia, New Zealand and, in part, Norway combine rather small environmental policy portfolios with relatively high levels of administrative capacity. Germany, by contrast, has both a large environmental policy portfolio and high administrative capacities. In this respect, our findings resonate well with the finding by Gratton et al. (2021) that Italy but not Germany has shifted from a Weberian to a Kafkaesque bureaucracy.

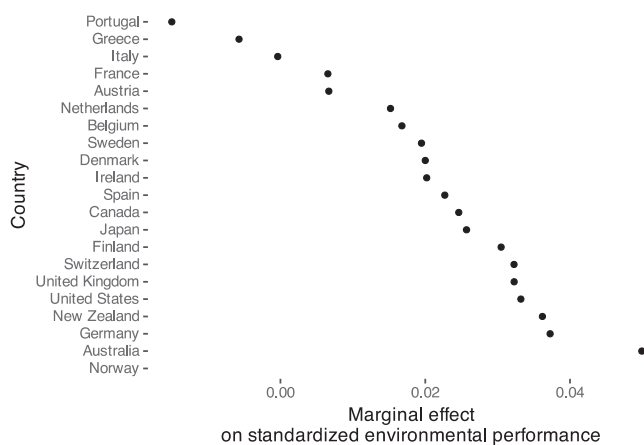


FIGURE 5 Marginal effect of additional environmental policies. Marginal effects based on (hypothetical) one-percentage-point increases in the portfolio size based on the countries’ 2020 values. Positive values indicate that policies are positively associated with environmental performance. Negative values indicate the opposite.

Sixteen background interviews conducted with policy implementers in Portugal and Italy helped us to better understand why overburdened bureaucracies increasingly struggle to effectively implement environmental policies. The interviewees confirmed the existence of bureaucratic overburdening in their countries as resources do not grow in proportion to the requirements or regulations that are being published, and that an important reason is a “disconnect” between politicians and administrators. As one interviewee from Italy described it, “unfortunately politicians go their own way. They take decisions and carry through with them without consulting the technical unit.” The key problem is that when capacities are exhausted, implementers have to prioritize some implementation tasks over others, with the consequence that many of the tasks that interviewees consider important for effectively carrying out their authorities’ mission (e.g., in-depth investigations, research activities, broad-based monitoring of developments in the policy field) fall by the wayside. For instance, one interviewee from Portugal remarked that “[w]e prioritize everything that has a deadline [...] and then there are things that have to be left behind.” Or, an interviewee from Italy observed that “in order to cope with limited resources we

concentrate on some tasks that are considered more problematic while neglecting other tasks a little. It is obvious that here lies the risk of neglecting situations that then become problems” (see Appendix S1: Section H, p. 24ff. for further details on the background interviews).

Overall, our analysis suggests that policy growth-induced bureaucratic overburdening lowers policy effectiveness. This finding further illuminates the political and economic implications of a Kafkaesque bureaucracy. With regard to the control variables, our results largely confirm the findings from previous research (see Table S10 in Section F.2). A higher share of industry and levels of urbanization are negatively correlated with a country's policy effectiveness. Higher levels of economic development, in turn, have a positive association.

A challenge to our analysis, and the ensuing conclusions we draw, lies in the possible variability in policy effectiveness. This variance stems not only from policy implementation but also from inherent policy design features. Some policies may simply be ineffective, regardless of how good or bad they are executed and enforced. Consequently, increasing capacities could mean diverting additional resources and funding to inherently unproductive policies. This situation could escalate costs without yielding additional benefits for the state or society. We address this issue by assuming that there are basically two features of public policies determining their effectiveness. First, there might be policy *issues* that are simply very difficult to solve. Second, there might be some policy *instruments* that are simply not effective in changing citizens' behavior. Following this rationale, we conducted an additional performance analysis to assess the individual effect of each target-instrument-combination (black boxes in Figure 1), isolating all policies that exhibit no *significant* impact on our outcome variable. Please refer to section G.3 of the Appendix S1 for further details on our approach and the ineffective policies identified.

In a subsequent step, we created a dummy variable that takes on a value of “one” whenever a country employs a target-instrument-combination with a low likelihood of having a positive effect on environmental performance. We incorporated this variable into our previous model evaluating the potency of environmental policies. This procedure allows us to distinguish between policies that, from the outset, have a high or low likelihood of succeeding. As depicted in Figure S12 in the Appendix S1, our previous results remain robust even when accounting for the possibility that the observed differences in policy performance are *not* driven by differences in capacity levels (as we argue) but by differences in the quality of policy design. Note that our finding also holds when not working with a simple dummy variable but when aggregating the number of likely “ineffective” policies over time in a given country. Controlling for the quality of policy design increases our confidence that many of the policies that governments adopt would actually improve

environmental performance if they were properly implemented, and that lacking administrative capacities is thus a crucial problem that can “pull down” government performance at some point.

CONCLUSION

Research on policy growth and its effects on the bureaucracy makes an important contribution to public administration and political science research, raising attention to long-running political developments that threaten to undermine the workings of public administrations. This paper qualified and extended the state-of-the-art literature in three respects. First, we presented data on sectoral policy growth and bureaucratic capacity development for 21 OECD countries over approximately four decades (1976–2020). This data suggest that bureaucratic overburdening is a general trend in democracies – at least at the national level. We explained this finding with politicians' *general* incentive structures, i.e., their incentives to adopt new policies rather than to dismantle existing ones or to invest in the expansion of bureaucratic capacities.

Second, we demonstrated that the extent of bureaucratic overburdening varies by country and is associated with the institutional context in which policy processes are embedded. Institutions influence the extent to which interest groups and policy implementers can influence policy production and thereby reinforce or counterpoise politicians' incentives for adopting new policies. We found that the stronger the influence of bureaucrats, the fewer policies politicians pass (or the more likely it is that new policies come with capacity expansions). On the contrary, the stronger the influence of interest groups, the more policy overburdening can be observed. While the theoretical expectations underlying these findings suggest that bureaucratic influence on policy-making leads to more “sustainable” policy growth and decreases the likelihood that unnecessary and ineffective laws get adopted, the imprint of specific actor groups on policy outputs can only serve as an imperfect indicator for the quality of the policies that get adopted. Hence, more research is needed that examines the factors that may lead to “smarter” and more sustainable policy growth on the one hand (such as regulatory offsetting schemes), and those factors that help bureaucracies to better shoulder additional implementation loads on the other (such as digitalization efforts or the more efficient distribution of implementation loads among administrative entities). Moreover, there may be hitherto neglected sector-specific factors that influence the complexity of policy portfolios and the development of bureaucratic capacities. For instance, politicians might be less disinclined to provide extra capacities for newly adopted policies if they want these policies to have an immediate impact (e.g., more police on the streets) or when they treat the expansion of the bureaucracy as a form of labor market policy.

Third, we showed that policy growth-induced bureaucratic overburdening also comes with lower effectiveness of public policies. Our analysis demonstrates that most of the countries in our sample have already “exhausted” available administrative capacities and can thus no longer ameliorate environmental problems such as air pollution or the reduction of waste by simply adopting new policies. Instead, they need to invest into administrative capacities in order to enable a return to a Weberian bureaucracy that can effectively implement the already existing policies.

This is of course a very general statement that may not apply to all policies equally and which assesses the costs and benefits of policy growth on an effectiveness basis only. It is also important to note that not all policies impose additional challenges on administrators. For example, new policies may come with streamlined procedural guidelines or exemptions from certain documentation requirements. It would therefore be an oversimplification to assert that all policies inevitably make the lives of bureaucrats more burdensome. To get a more fine-grained understanding of policy growth and associated bureaucratic overburdening, it would also be valuable to zoom in on the subnational level. For example, it could be that there is an even greater expansion of policies when considering subnational policy ambitions. If this were the case, an analysis focused on the national level would systematically underestimate the level of overburdening. However, it is also plausible to expect that subnational entities discover practical ways to streamline their workload and “customize” policies to the local context, hence reducing the level of overburdening at the subnational level. In any case, more in-depth and policy-specific research is needed to delineate the situations in which countries should prioritize capacity expansions over policy production. In sum, the presented research findings suggest that the public administration community should more thoroughly study the phenomenon of bureaucratic overburdening to better grasp its implications and develop strategies to cushion its negative effects.

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ENDNOTES

¹ A potential limitation of this measurement approach is that we cannot adequately capture changes in implementation burdens where new policies “outsource” implementation burdens to private actors or to policy target groups themselves. However, while outsourcing may create greater efficiency in actual policy delivery, it frequently comes with additional monitoring and coordination tasks for the administration (Cordelli, 2020).

² Disaggregated data at the country level indicates that bureaucratic capacities are most susceptible to economic disruptions and associated austerity measures, as evidenced by Southern European countries under the supervision of the EU Troika. In addition, shifts in government leadership can also impact these capacities. A prime example of

this is the observed decline in U.S. administrative capacities following the inauguration of President Trump in the late 2010s.

- ³ A potential challenge for our analysis is that the point at which bureaucratic capacities are “exhausted” depends on the exact policy measures administrators must implement and the related administrative tasks to perform. To take account of this aspect, we assume that implementers find it generally easier to implement policies they already know. We thus “discount” the expansion of policy portfolios when implementers apply the *same* instrument to a new target. In practice, this implies that the first black box in a row in Figure 1 gets the value of 1, the second the value $\frac{1}{2}$, the third the value of $\frac{1}{4}$, and so forth.
- ⁴ In an extended analysis, we control for the number of environmental NGOs (ENGOs) in a country as well as for the level of environmental issue salience (see Appendix S1: Section G.2). When controlling for these aspects, the effect size of our core variables (portfolio size, the ratio between administrative burden and capacity, and their interaction) slightly decreases. Yet, the influence of these variables stays both strong and significant.

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SUPPORTING INFORMATION

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