

HOW INDIVIDUAL INCOME TAX POLICY AFFECTS ENTREPRENEURSHIP

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This Article reviews the empirical literature on the effects of individual income tax policy on entrepreneurship. We find no evidence of consensus, even on relatively narrow questions such as whether individual income tax rates deter or encourage entrepreneurial entry. We believe the absence of consensus reflects both the complexity of mechanisms connecting tax policy to entrepreneurial decision making and the infeasibility of employing the most reliable empirical methods, such as experiments, in this domain.

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INTRODUCTION

Introductory economics students are often taught the rule of thumb that if policymakers want less of something, they should tax it. Taxes, according to standard microeconomic theory, reduce the incentive for people to engage in the activity that is taxed.

Many policymakers around the globe believe that this rule of thumb is true for the effect of individual income tax rates on entrepreneurship.¹ However, both theoretical reasoning and a careful examination of the empirical evidence present a more complex picture of the relationship between individual income taxes and entrepreneurial activity. The simple rule of thumb that higher tax rates mean less entrepreneurial activity is not as accurate as many people believe.

This Article summarizes what the economic and public policy literatures have discovered about the different ways that individual income tax policy affects entrepreneurial activity. While policy discussions cover many dimensions of tax policy and numerous aspects of entrepreneurship, scholarly research on the topic has explored the effects of relatively few aspects of individual income tax policy on a limited set of dimensions of entrepreneurship. This Article reviews topics on which at least one academic researcher has conducted an empirical investigation.

The dimensions of entrepreneurial activity covered in this Article are: (1) the decision to enter entrepreneurship, (2) the decision to exit entrepreneurship, (3) the selection of the legal form of business, (4) compliance with tax laws, (5) employment of workers, (6) company sales, and (7) the tendency of business owners to make capital investments.

I. SUMMARY ASSESSMENT

Policymakers may hope to find guidance from the body of literature about the likely effects on entrepreneurship of individual income tax policies. However, the existing evidence does not provide a clear or consistent story about how taxes affect entrepreneurship. This summary outlines the reasons for this assessment. There are a number of methodological issues that make application of the findings in the literature quite challenging. We review these issues first. We then discuss the findings themselves, which are varied enough as to be inconclusive.

A. Measurement of Entrepreneurship

Policymakers generally assume that researchers are referring to a particular conceptual definition of entrepreneurship when looking at the empirical evidence that researchers have produced on the effect of

1. See, e.g., Press Release, House Small Bus. Comm., Chabot Talks Empowering America's Entrepreneurs at National Press Club (Feb. 22, 2016), <http://smallbusiness.house.gov/news/documentquery.aspx?IssueID=5407> [<https://perma.cc/XU3Q-7Z8X>]; Press Release, House Small Bus. Comm., Graves: Small Business Tax Increases Add to Economic Uncertainty (May 5, 2010), <http://smallbusiness.house.gov/news/documentsingle.aspx?DocumentID=184331> [<https://perma.cc/8ABV-4DQ4>].

individual income taxes on entrepreneurial activity.² While not always the case, most policymakers implicitly think entrepreneurship means innovative and productive business activities that provide employment to others. Empirically, however, such innovative and productive entrepreneurship is difficult to measure. As a result, the operational definition of entrepreneurship in the empirical papers is much broader than the innovative, productive, and employment-generating entrepreneurship that policymakers seek to understand.

For the most part, scholarly literature has focused on much broader measures of entrepreneurship, such as the number of people who report they are self-employed or the number of people who file a Schedule C to report business profits and losses with their individual income tax return. While some innovative entities that contribute to employment and productivity belong to this group, the majority of these entities are self-employed independent contractors in retail trade, personal services, or construction.³ The average person reporting profit from a sole proprietorship by filing a Schedule C earned only \$12,900 in profit on \$55,200 in revenue in 2012.⁴ We believe that many of the people included in such measures are those selling goods on eBay or renting their possessions to others through the sharing economy, not creating businesses in the sense that most policymakers envision.

Moreover, sole proprietors and people with Schedule C income are largely nonemployers. In 2011, 80 percent of the 28.2 million small businesses in the United States had no employees.⁵ Census Bureau data reveal that nonemployers account for only about 4 percent of the gross receipts of all small businesses.⁶

This means that when a study shows that a particular tax policy has an effect on the sole proprietors' share of employment or the fraction of taxpayers with Schedule C income, it is likely that the effect is entirely driven by nonemployer small businesses, which have little economic impact and contribute little to employment. Indeed, because only a small fraction of the sole proprietors and Schedule C filers are engaged in high-value entrepreneurship, their response to a given policy makes a relatively small contribution to the average effects measured in the literature. In fact, it is possible that an individual income tax policy that positively affects overall self-employment or Schedule C tax filings might reduce the formation of

2. See HANDBOOK OF RESEARCH ON ENTREPRENEURSHIP POLICY 143 (David B. Audretsch, Isabel Grilo & A. Roy Thuri eds., 2007).

3. Steven F. Hipple, *Self-Employment in the United States*, MONTHLY LAB. REV., Sept. 2010, at 17, 25.

4. Adrian Dungan, *Sole Proprietorship Returns, 2012*, STAT. INCOME BULL., Winter 2015, at 1, 2.

5. SMALL BUS. ADMIN., FREQUENTLY ASKED QUESTIONS 1 (2014), https://www.sba.gov/sites/default/files/FAQ_March_2014_0.pdf [<https://perma.cc/W6XF-XWF9>].

6. See *Statistics for All U.S. Firms That Were Jointly Owned and Operated by Spouses by Industry, Gender, Ethnicity, Race, and Veteran Status for the U.S.: 2012*, U.S. CENSUS BUREAU, http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=SBO_2012_00CSCB01&prodType=table (last visited Apr. 29, 2016) [<https://perma.cc/8DWQ-DJ8K>].

high-growth startups, or vice versa. For example, policies that encourage self-employed independent contractors might make it more difficult for people to hire the employees they need to work in innovative, productive employer businesses.

As a result, the empirical evidence of the effects of individual income tax policy on entrepreneurial activity tells us little about the effect of taxes on innovative, productive, employment-generating entrepreneurial activity. The effects measured in the studies are dominated by the behavior of entities—self-employed independent contractors without employees who produce a small amount of sales—that policymakers are not seeking to influence.

Besides being too broad to capture the type of entrepreneurship of most interest to policymakers, a further issue with the use of taxpayers who file a Schedule C as a measure of entrepreneurial activity is that many people (e.g., taxi drivers, therapists, carpenters, and so on) can organize their labor as paid employees or as contractors. Changes in the share of taxpayers filing a Schedule C might capture changes in ways of organizing existing economic activity in response to tax rules rather than in response to the formation of new businesses. For instance, the total number of people driving taxis for a living might not be affected by tax laws, but those rules could change dramatically the fraction who file a Schedule C.

Moreover, higher levels of Schedule C tax filings or sole proprietorships may not achieve goals of higher employment or increased productivity, because it is unclear the extent to which these filers hire others or improve productivity. The majority of Schedule C filers and sole proprietors have no employees and are found in the lower-growth sectors of retail sales, personal services, and construction.

Some people become self-employed to reduce their tax liabilities, rather than to build businesses. To the extent that tax avoiders are simply reorganizing their existing activities for this purpose, their choice to be self-employed is unlikely to boost economic output. An example of self-employment as tax avoidance can be seen in data on the Earned Income Tax Credit. As Emmanuel Saez has found, many tax filers report the exact amount of self-employment income that will maximize their tax refund under the Earned Income Tax Credit.⁷

B. True Effects and Spurious Correlations

Leaving the question of how entrepreneurial activity is measured, the effects reported in many of the empirical studies we reviewed could be spurious. Virtually all empirical analysis of tax policy relies on variation in the policy to estimate its effects, because experimental designs that randomly assign tax policies are not possible. This means that the statistical problems of endogeneity and omitted variable bias make most of the

7. Emmanuel Saez, *Do Taxpayers Bunch at Kink Points?*, 2 AM. ECON. J. ECON. POL'Y 180 (2010).

findings from studies of the effects of tax policy artifacts and not robust results.

Consider the simple example of a tax rate that is 6 percent in the state of Ohio in 2010, and suppose that 10 percent of Ohioans are self-employed in that year. To say something about how this tax rate and self-employment are related, we need to make a comparison either across time or geography to a different tax rate. Perhaps the rate is 3 percent in Indiana in 2010, or perhaps it was 5 percent in Ohio in 2011. If either of these are the case, we have the basis to make a comparison. For example, if the tax rate in Ohio fell 1 percentage point between 2010 and 2011, and the rate of self-employment rose to 12 percent, we could argue that a 1 percentage point change in the tax rate is associated with a 2 percentage point change in self-employment.

However, if the tax rate never changes, we cannot say anything, even if there is a change in self-employment. This is because there are other factors that influence self-employment, such as demand for goods. Variation in rates is needed in both this simple example and the regression analyses that are the main statistical tool in the literature.

Despite the necessity of employing such variation, its use poses a major challenge. Variation in tax rates does not happen randomly, but instead results from a political process that is sensitive to changes in economic conditions and to lobbying. This means that any correlation between tax rates and entrepreneurial activity could be a spurious reflection of changes in economic or political conditions rather than the effect of tax rates. Indeed, a recent study of seventy-three major federal tax changes since 1945 found that economic conditions were an important motivation for the change in about 40 percent of cases.⁸

The studies we reviewed for this Article vary in the degree to which concerns about spurious correlation were addressed methodologically. However, none are entirely immune from this criticism. That criticism is a problem for policymakers seeking to use these results to formulate tax policy.

If we are to expect a newly designed tax policy to have the same effect on entrepreneurship when enacted as has been previously measured in the literature, we must be confident that the literature has uncovered a causal relationship and not simply a correlation. By and large, the literature on entrepreneurship and tax policy employs methods that do not warrant this degree of confidence. For example, many studies of tax rates look at how rates vary over time or across jurisdictions (e.g., states or countries) to draw conclusions about effects of those rates on entrepreneurial activity.⁹

8. Christina D. Romer & David H. Romer, *The Macroeconomic Effects of Tax Changes: Estimates Based on a New Measure of Fiscal Shocks*, 100 AM. ECON. REV. 763, 781–84 (2010) (authors' computations based on dataset available at https://www.aeaweb.org/aer/data/june2010/20080421_data.zip).

9. See, e.g., DONALD BRUCE & TAMI GURLEY, SBA OFFICE OF ADVOCACY, TAXES AND ENTREPRENEURIAL ENTRY: AN EMPIRICAL INVESTIGATION USING LONGITUDINAL TAX RETURN DATA (2005); WILLIAM GALE & SAMUEL BROWN, TAX POLICY CTR., SMALL

However, we know the entrepreneurial environment differs across states and countries in many other ways besides tax rates, not all of which can be controlled for in a statistical analysis.

The reader may wonder whether our caution about drawing conclusions from the literature on taxation and entrepreneurship reflects a more general skepticism about the value of empirical evidence for policy. It does not. There are methods of empirical research that can provide quite reliable evidence to policymakers, but the feasibility of those methods varies depending on the policy question concerned.

The most reliable method is a randomized experiment, in which different policy options are randomly assigned to subsets of the population targeted by the policy and the effects compared.¹⁰ This method has been very successful in developing evidence in policy areas such as K–12 education.¹¹ We do not see such experiments with tax rates because they are infeasible. This means it is more difficult to produce high quality evidence about the effects of tax rates than education policy.

Less reliable than a true randomized experiment is a so-called “natural” experiment, in which different groups face different policies for reasons unrelated to the outcomes of interest. In the case of tax policy and entrepreneurship, such evidence could be provided by a change in tax rates that happens for reasons unrelated to the economic and political conditions that influence the decision to start a new business. Unfortunately, the literature on individual income tax policy and entrepreneurial activity does not include studies that employ natural experiment methods explicitly, and only a few studies, such as those that use changes in tax rates from the Tax Reform Act of 1986,¹² are even close to this method.

The most commonly used method in producing empirical evidence for policy, both overall and in the case of taxation in particular, is multivariate regression analysis of time series or panel data. These studies make the underlying assumption that, by including some controls for economic conditions, such as the overall level of output, the studies observe a variation in tax policy unrelated to all other factors that influence entrepreneurial decision making.¹³ If that assumption is incorrect, then the effects the studies report are biased. Unfortunately, there is no way to test the validity of the assumption, leaving open the possibility that the effect on

BUSINESS, INNOVATION, AND TAX POLICY: A REVIEW (2013); Julie Berry Cullen & Roger H. Gordon, *Taxes and Entrepreneurial Risk-Taking: Theory and Evidence for the U.S.*, 91 J. PUB. ECON. 1479 (2007); Norbert J. Michel & Ralph A. Rector, *A Research Program on the Interplay Between Entrepreneurial Activity and Tax Policy*, HERITAGE FOUND. (Nov. 24, 2004), <http://www.heritage.org/research/reports/2004/11/a-research-program-on-the-interplay-between-entrepreneurial-activity-and-tax-policy> [https://perma.cc/K7LY-H3N8].

10. See Jens Ludwig, Jeffrey R. Kling & Sendhil Mullainathan, *Mechanism Experiments and Policy Evaluations*, 25 J. ECON. PERSP. 17, 22 (2011).

11. See, e.g., Sally Sadoff, *The Role of Experimentation in Education Policy*, 30 OXFORD REV. ECON. POL'Y 597 (2014).

12. 26 U.S.C. § 1 (2012).

13. See, e.g., GALE & BROWN, *supra* note 9, at 23–26; Michel & Rector, *supra* note 9.

entrepreneurial activity reported in the study is not the true effect of the tax policy.

C. Theoretical Predictions and Inconclusive Findings

Leaving aside difficulties in measurement and in distinguishing causal effects from spurious correlations, individual income tax policy has countervailing theoretical effects on entrepreneurship. As a result, it is not clear that we should see an effect of tax rates on entrepreneurial activity in empirical studies.

Consider the following countervailing effects. Business owners and the self-employed can more easily evade taxes than wage earners because wages are reported to the Internal Revenue Service (IRS), but profits from business activity are not. The greater ease that business owners and the self-employed have in evading taxes implies that higher income tax rates should increase the rates of business entry and self-employment. After all, the benefit of evading taxes rises with the rate that one would have paid had one not evaded taxes.

On the other hand, starting a business involves taking the risk that it may fail. Because business profits are taxed more heavily than losses are credited, both in the United States and in several other countries, an increase in the marginal tax rate increases the risk borne by the owner. All other things being equal, this increase in risk should reduce the rate of entry into entrepreneurship.

The measured relationship between tax rates and entrepreneurial entry in the literature is the *net effect* of these two countervailing forces. Empirically, the literature shows that neither effect dominates. The net effect of a marginal tax rate increase is positive in some studies and negative in others. It is generally small. Studies that find a positive effect tend to emphasize the tax-avoidance explanation,¹⁴ while those that find a negative effect tend to emphasize the risk-taking explanation.¹⁵ A small subset of studies attempts to explore the countervailing effects more directly and generally finds net positive effects for some subgroups of entrepreneurs and net negative effects for others.¹⁶ Many of the papers use

14. See Donald J. Bruce, John Deskins & Mohammed Mohsin, *State Tax Policies and Entrepreneurial Activity: A Panel Data Analysis*, 96 NAT'L TAX ASS'N PROC. 325 (2003); Cullen & Gordon, *supra* note 9; Simon C. Parker & Martin T. Robson, *Explaining International Variations in Self-Employment: Evidence from a Panel of OECD Countries*, 71 S. ECON. J. 287 (2004).

15. See BRUCE & GURLEY, *supra* note 9; Donald Bruce & John Deskins, *Can State Tax Policies Be Used to Promote Entrepreneurial Activity?*, 38 SMALL BUS. ECON. 375 (2012); Donald Bruce & Mohammed Mohsin, *Tax Policy and Entrepreneurship: New Time Series Evidence*, 26 SMALL BUS. ECON. 409 (2006).

16. See David M. Blau, *A Time-Series Analysis of Self-Employment in the United States*, 95 J. POL. ECON. 445 (1987); Yannis Georgellis & Howard J. Wall, *Entrepreneurship and the Policy Environment*, 88 FED. RES. BANK ST. LOUIS REV. 95 (2006); see also Andrea Asoni & Tino Sanandaji, *Taxation and the Quality of Entrepreneurship*, 113 J. ECON. 101 (2014); William M. Gentry & R. Glenn Hubbard, *Tax Policy and Entrepreneurial Entry*, 90 AM. ECON. REV. 283 (2000).

data from countries besides the United States.¹⁷ Given the complexity of the policy environments facing businesses, it is not clear how much we can use such evidence to predict what would happen in the United States.

Taxes also differently affect different entrepreneurial outcomes, such as entry, investment, employment, and exit. For example, a lower marginal income tax rate might spur entrepreneurial investment but deter business owners from employing others. The effect of the marginal tax rate on hiring others and making capital investments could be positive or negative depending on whether labor or capital is a complement or substitute for the entrepreneur's effort. Because we do not know which entrepreneurial outcome is most important to society (investment versus employment, for example), it is difficult to make use of these findings for policy purposes.

D. Alternative Use of Resources

We also need to remember that policymakers care about more than just entrepreneurship. Even if there were to be definitive evidence that a particular tax reduced a valued aspect of entrepreneurial activity by some amount, that fact would need to be weighed against the value of the activities that the revenue raised by such a tax would fund. For example, an income tax surcharge might reduce the rate at which people engage in entrepreneurial activity, but make possible investment in early childhood education. Early childhood education might enhance productivity by more than the tax on entrepreneurial activity reduced it. If that were the case, then the income tax surcharge might have a clear negative effect on entrepreneurial activity but be socially desirable.

E. Summary Conclusion

The most we can say about tax policy and entrepreneurial activity is that the effects on broad measures of entrepreneurship of marginal changes to the individual income tax seem likely to be small. And this is before adding our concerns about measurement and causality to the mix.

II. EVIDENCE ON THE EFFECT OF INDIVIDUAL INCOME TAXES

Much research has explored the effect of average and marginal income tax rates on a variety of different dimensions of entrepreneurial activity, from entry to exit to sales and employment growth. Far from showing the straightforward effect assumed to hold in many policy discussions, the research shows a complex relationship between income tax rates and entrepreneurship.

17. See, e.g., Asoni & Sanandaji, *supra* note 16; Simon C. Parker, *Does Tax Evasion Affect Occupational Choice?*, 65 OXFORD BULL. ECON. & STAT. 379 (2003); Parker & Robson, *supra* note 14; Herb J. Schuetze, *Taxes, Economic Conditions and Recent Trends in Male Self-Employment: A Canada-US Comparison*, 7 LAB. ECON. 507 (2000).

A. Entry

A wide variety of studies in the United States and other countries has explored the relationship between income tax rates and numerous measures of entrepreneurial entry using data from a wide variety of sources. Norbert Michel and Ralph Rector,¹⁸ as well as William Gale and Samuel Brown,¹⁹ provide useful reviews of this literature.

Theoretically, tax rates should have countervailing effects on entrepreneurial entry. On the one hand, higher marginal and average tax rates provide an incentive to start companies, because business owners can more easily engage in tax evasion than wageworkers.²⁰ The gap between tax rates on self- and wage-employment income should provide a similar incentive. If taxes are higher on wage employment than on self-employment, people should prefer to engage in self-employment, boosting entrepreneurial entry.

On the other hand, taxes discourage people from engaging in risky activity. When a tax code taxes profits more heavily than it provides tax credits for losses of corresponding size, which is the case in the United States, policymakers create an incentive for people to engage in activity that generates income with less variability. This incentive increases with the size of the marginal tax rate. When marginal tax rates are high, but tax credits for losses are low, the share of profits that people get to keep is lower than when marginal tax rates are low and tax credits are high. But under these circumstances, the size of the credits they receive to defray their losses are small. This creates a disincentive to engage in risky activity like business formation, discouraging entrepreneurial entry.

As one might expect from these countervailing effects, the empirical research provides conflicting results on the net effect of tax rates. And authors tend to focus on the explanation that is consistent with their beliefs or their empirical results. Studies that find negative effects tend to emphasize the asymmetric taxation of profits and losses as an explanation for the effects of taxation,²¹ while those that find positive effects tend to emphasize the tax-avoidance story.²²

B. Evidence for Negative Effects on Entry

One set of papers seeks to find support for the microeconomic theory argument that marginal tax rates have a negative effect on the willingness of people to enter into entrepreneurship, because taxes reduce the returns that people get from engaging in this risky activity.

18. Michel & Rector, *supra* note 9.

19. GALE & BROWN, *supra* note 9, at 23–26.

20. Cullen & Gordon, *supra* note 9, at 1486.

21. See GALE & BROWN, *supra* note 9; Bruce & Mohsin, *supra* note 15; Michel & Rector, *supra* note 9.

22. See DONALD B. MARRON, *TAX ISSUES FACING SMALL BUSINESS* (2014); Cullen & Gordon, *supra* note 9; James E. Long, *The Income Tax and Self-Employment*, 35 NAT'L TAX J. 31 (1982).

Donald Bruce and Tami Gurley empirically explored how marginal income taxes affect entrepreneurial entry—defined as presence of Schedule C income on individual tax returns—from 1979 to 1990.²³ For single filers, the authors found that a 1 percentage point increase in the marginal self-employed income tax rate decreases the probability of entry by 1.42 percentage points.²⁴ For married filers, the authors found that a 1 percentage point increase in the marginal self-employed income tax rate decreases the probability of entry by 2 percentage points.²⁵ They also found positive effects of the wage and salary tax rate on entrepreneurial entry that were smaller in magnitude.²⁶

Research by Donald Bruce and John Deskins also provides support for the proposition that tax rates have a negative effect on entrepreneurial entry, although the magnitude of the effects they find is small.²⁷ The authors measure the variation in entrepreneurial activity across U.S. states by the number of individual federal income tax returns with Schedule C income as a share of total federal income tax returns and as the share of nonfarm sole proprietors in the workforce for each state from 1989 to 2002.²⁸ They found that increasing top marginal personal income tax rates by 1 percentage point decreases the state's share of entrepreneurs by 0.016 percentage points.²⁹

The effect of lower tax rates on the tendency to be an entrepreneur may stem from the difference between taxes on wage and entrepreneurial income. When there is more of a tax advantage to being self-employed relative to being wage employed, then more people shift to self-employment at the margin as a way to organize their economic activity. Supporting evidence for this proposition can be found in Bruce's analysis of 2638 self-employed male household heads aged twenty-five to fifty-four in the Panel Study of Income Dynamics (PSID) from 1970 to 1991.³⁰ Bruce found that increasing the average tax rate differential between wage-and-salary tax rates and self-employed income tax rates (wage-and-salary tax rate minus self-employed tax rate) by 5 percentage points increases the

23. BRUCE & GURLEY, *supra* note 9, at 338.

24. *Id.* at 340–41.

25. *Id.* These relatively large effects result from instrumental variables estimates in which the instrument for the tax rate at time *t* is an estimated tax rate using time *t* income and time *t-1* tax rules. Because tax rules may themselves be endogenous and because time *t* income surely is, it is unlikely that this instrument is valid. An invalid instrument can lead to large biases in the estimates. JOSHUA D. ANGRIST & JÖRN-STEFFEN PISCHKE, *MOSTLY HARMLESS ECONOMETRICS: AN EMPIRICIST'S COMPANION* 116–17, 153–54 (2008). Consistent with this observation, the ordinary least squares estimates are much smaller than the instrumental variables estimates, though still negative.

26. *See* BRUCE & GURLEY, *supra* note 9, at 341.

27. Bruce & Deskins, *supra* note 15, at 392.

28. *Id.* at 394.

29. *Id.* at 388.

30. Donald Bruce, *Effects of the United States Tax System on Transitions into Self-Employment*, 7 *LAB. ECON.* 545, 554 (2000).

probability of entry by 0.4 percentage points, compared to an average entry rate of 3.3 percent.³¹

While all of these studies are suggestive of the idea that higher marginal tax rates deter entrepreneurial entry, interpretation of their results is complicated by the fact that some tax rate changes are direct responses to economic conditions, meaning that the estimates suffer from endogeneity bias. This means that the negative correlation between the higher marginal tax rate and entrepreneurial activity may not actually represent the effect of the tax rate on entrepreneurial activity, but some other factor affecting the correlation. As was mentioned earlier, Christina Romer and David Romer find such biases to be substantial in studies of the effects of tax policy on economic activity in general.³² Such biases complicate efforts by policymakers to draw normative conclusions about the effect of tax policy on entrepreneurial entry.³³

In addition, these studies suffer from small effect sizes. Marginal tax rates may influence entrepreneurial entry, but to generate a nontrivial effect on entrepreneurial activity, policymakers would need to undertake very large changes to marginal income tax rates. Further, some of the measures in the studies represent a type of entrepreneurial activity that policymakers may not be concerned with boosting. To the extent that high marginal income tax rates deter entry into Schedule C tax filings or self-employment, when such activity represents the petty entrepreneurial activity of nonemployers who generate very little economic impact, policymakers may not care to encourage it.

Several studies conducted in other countries also support the proposition that higher tax rates lower entrepreneurial activity. K. Peren Arin et al. used cross-country data on total early-stage entrepreneurial activity (TEA)—defined as the percentage of the adult population (ages eighteen to sixty-four) either actively involved in starting a new venture or an owner/manager of a business less than forty-two months old—from the Global Entrepreneurship Monitor from 1999 to 2005.³⁴ The authors found that individual marginal tax rates negatively correlate with TEA.³⁵ That is, places with higher marginal income tax rates have less entrepreneurial activity.

Similarly, Ruud A. de Mooij and Gaëtan Nicodème examine Eurostat data on the birth rate of new companies in twenty European countries between 1998 and 2003.³⁶ They find that the personal income tax rates exert a negative impact on firm birth rates.³⁷

31. *Id.* at 566–67.

32. *See* Romer & Romer, *supra* note 8, at 764.

33. *See id.*

34. K. Peren Arin, Victor Zengyu Huang, Maria Minniti, Anup Menon Nandialath & Otto F.M. Reich, *Revisiting the Determinants of Entrepreneurship: A Bayesian Approach*, 41 *J. MGMT.* 607, 614 (2015).

35. *Id.* at 626.

36. Ruud A. de Mooij & Gaëtan Nicodème, *Corporate Tax Policy, Entrepreneurship and Incorporation in the EU*, TINBERGEN INST. DISCUSSION PAPER, Mar. 2007, at 1–2.

37. *Id.* at 35.

Åsa Hansson also finds that both marginal and average tax rates have a negative impact on self-employment.³⁸ Using data compiled by the Longitudinal Individual Database (LINDA), which gathers tax information from 75,000 Swedish citizens from 1985 to 2000, she shows that a 1 percent increase in the average tax rate leads to a 0.04 percent reduction to the probability of being self-employed.³⁹

Ergete Ferede presents findings that support a negative relationship when analyzing Canadian data.⁴⁰ Examining the effects of personal income tax progressivity on self-employment in ten Canadian provinces from 1979 to 2006, he finds that as tax progressivity increases, the self-employment rate (measured four different ways) decreases.⁴¹ The coefficient estimate in his analysis implies that a 1 percent increase in the marginal income tax rate leads to a 0.19 percent decrease in the rate of self-employment.⁴²

While all of these studies find results consistent with each other and with those conducted in the United States, they do not provide much guidance for policymakers. The magnitude of these negative effects of marginal tax rates on measures of entrepreneurial activity in most of the non-U.S. studies is rather small. If these results are to be believed, policymakers would have to undertake massive changes in tax rates to generate small changes in entrepreneurial entry.

Moreover, not all studies find that these effects are present for all new and small businesses. In particular, at least one study finds that the negative effect of marginal income tax rates on entrepreneurial activity exists only for larger new ventures. Andrea Asoni and Tino Sanandaji explored taxation effects on both the quantity and quality of entrepreneurship.⁴³ Using data from the Global Entrepreneurship Monitor from thirty-eight countries over eight years (2000 to 2006 and 2012), the authors found that a country's total tax rate correlates negatively with the number of established owner-managed firms with at least twenty employees.⁴⁴ Further, they found the total tax rate correlates positively with the number of owner-managed firms with fewer than twenty employees.⁴⁵

C. Evidence of Positive Effects on Entry

Perhaps most problematic for any efforts to draw normative conclusions about the negative effect of marginal income tax rates on entrepreneurial entry is a set of studies that shows the opposite effect. Several studies have found that higher marginal income tax rates boost entrepreneurial entry. As described above, increasing the marginal personal income tax rate can, in

38. Åsa Hansson, *Tax Policy and Entrepreneurship: Empirical Evidence from Sweden*, 38 SMALL BUS. ECON. 495, 503 (2012).

39. *Id.*

40. Ergete Ferede, *Tax Progressivity and Self-Employment: Evidence from Canadian Provinces*, 40 SMALL BUS. ECON. 141, 141 (2013).

41. *Id.* at 142.

42. *Id.* at 147.

43. Asoni & Sanandaji, *supra* note 16, at 102.

44. *Id.* at 115.

45. *Id.*

theory, increase entrepreneurial activity because people enter into self-employment as a way to evade taxes. Donald Marron explains that small businesses can more easily underpay their taxes than wage workers because they often deal in cash and engage in transactions that are not reported to the IRS.⁴⁶ Susan Nelson reports that nonfarm proprietors contributed \$68 billion of the \$197 billion in the tax-underreporting gap identified by the U.S. tax authorities in 2001 and that sole proprietors had the highest rate of misreporting at 57 percent.⁴⁷

The incentive to underreport taxes rises with the tax rate. Because self-employment provides both greater opportunities to underreport income and to take advantage of expense deductions, as personal income tax rates rise, people who can organize their economic activity as either wage or self-employment have an incentive to organize it as self-employment. As a result, there should be a positive association between self-employment and the personal income tax rate. Several studies show support for this proposition. For instance, James Long empirically explored how income tax rate differentials between self-employed and wage and salary workers affect the probability of self-employment entry using data on 28,893 nonagriculture-employed men ages twenty-five to sixty-four who had positive earnings in 1969, based on the 1970 Census of Population.⁴⁸ He found that increased income tax rates increase the probability of self-employment entry. He found that a 10 percent increase in expected income taxes increases the probability of entering self-employment by 7.4 percent.

Other authors found even larger magnitudes of this effect. Using U.S. Statistics of Income tax return data, Julie Berry Cullen and Roger H. Gordon examined two million single Schedule C filers with business losses greater than 10 percent of reported wage income between 1964 and 1993.⁴⁹ They looked at taxpayers with losses to try to identify those Schedule C filers who were undertaking risky ventures. They found that uniformly reducing the marginal personal income tax rate by 5 percentage points would decrease entrepreneurial activity by 30 percent.⁵⁰

These patterns also have been observed using state-level variation. Bruce et al. measured the effect of the top personal income tax rate on the share of individual federal income tax returns with Schedule C income and the share of sole proprietors in the workforce for each state from 1989 to 2000.⁵¹ The authors found that a 1 percentage point increase in top marginal personal income tax rate on wage income increases the number of sole proprietors by 0.07 percentage points, a small but positive correlation.⁵²

46. MARRON, *supra* note 22, at 1.

47. Susan C. Nelson, *Tax Policy and Sole Proprietorships: A Closer Look*, 61 NAT'L TAX J. 421, 423 (2008).

48. Long, *supra* note 22, at 34–38.

49. Cullen & Gordon, *supra* note 9, at 1486–87, 1486 n.25.

50. *Id.* at 1499.

51. Bruce, Deskins & Mohsin, *supra* note 14, at 326.

52. *Id.* at 330.

Donald Bruce and Mohammed Mohsin used times series tax return and survey data from the IRS and Bureau of Labor Statistics (BLS) from 1950 to 1999 to examine the effect of personal income tax rates on the tendency of people to be entrepreneurs.⁵³ The authors found that personal income tax rates have a very small positive effect on four measures of entrepreneurial activity: the share of tax filers with income from a small business, profession, or farm; the share of filers with income from a small business, profession, farm, partnership, or S corporation; the self-employed share of the nonagricultural work force; and the self-employed share of the total workforce.⁵⁴ The elasticities for these four measures ranged from 0.113 to 0.156.⁵⁵ However, they are only statistically significant in the BLS data.

Similar results have been found in other countries. Simon C. Parker and Martin T. Robson empirically explored how the average personal income tax rate and the payroll tax affected aggregate nonagricultural self-employment rates in twelve Organisation for Economic Co-operation and Development (OECD) countries from 1972 to 1996 and found that self-employment rates are positively related to average personal income tax rates.⁵⁶

Roberto Torrini examined twenty-five OECD countries, omitting former communist nations.⁵⁷ Using information from 1997, 1998, and 1999, he found a positive and significant interaction between corruption and the tax wedge on self-employment.⁵⁸ Higher taxes lead to higher self-employment rates if tax evasion is common in a country.

However, Parker did not find evidence of the tax avoidance hypothesis.⁵⁹ He empirically explored the effects of tax avoidance opportunities on occupational choice between wage employment and self-employment using cross-sectional British microdata from 1994. Using a detailed measure of the tax incentive for self-employment, Parker found that tax avoidance and evasion had no effect on occupational choice between wage employment and self-employment.⁶⁰ Similarly, Mikael Stenkula found no effect of the top marginal income tax rate on unincorporated self-employment using Swedish time series data from 1950 to 1999.⁶¹

The positive effect of individual income tax rates on the tendency to go into business for one's self also appears not to be constant across income levels. The incentive to become self-employed to avoid taxes and increase deductions is higher at higher income levels, because there are fixed costs in tax avoidance. Using microdata from the United States and Canada from

53. Bruce & Mohsin, *supra* note 15, at 412.

54. *Id.* at 411–12.

55. *Id.*

56. Parker & Robson, *supra* note 14, at 287–88.

57. Roberto Torrini, *Cross-Country Differences in Self-Employment Rates: The Role of Institutions*, 12 *LAB. ECON.* 661, 672 (2005).

58. *Id.* at 677.

59. Parker, *supra* note 17, at 380.

60. *Id.* at 389.

61. Mikael Stenkula, *Taxation and Entrepreneurship in a Welfare State*, 39 *SMALL BUS. ECON.* 77, 82–83 (2012).

1983 to 1994, Herb J. Schuetze found that increases in the average personal income tax rates have large and positive effects on the rate of male self-employment.⁶² Moreover, this effect is magnified when using tax rates at higher points in the income distribution and for those individuals who have higher levels of education. The estimated impact of a 30 percent increase in taxes is an increase in the rate of self-employment between 0.9 and 2 percent in Canada and an increase between 0.8 and 1.4 percent in the United States.⁶³ Similarly, Cullen and Gordon found that uniformly reducing the marginal personal income tax rate would decrease entrepreneurial activity by more for entrepreneurs in the highest earning quintiles.⁶⁴

The studies that provide evidence for the positive effects of marginal income tax rates on entry into entrepreneurship suffer from many of the same problems that the studies that provide evidence of the negative effects display—inconsistent effects across types of entrepreneurial activity, small effect sizes, and tests of self-employment and Schedule C tax filings that might not represent entrepreneurship as policymakers envision it. Despite their methodological weaknesses, however, these articles highlight why policymakers should avoid drawing normative conclusions about the effect of income tax rates on entrepreneurial entry. The limited evidence for the effect, combined with its theoretically ambiguous pattern, suggests that marginal income tax rates do not have a clear effect on entrepreneurial entry.

D. Evidence of Countervailing Effects on Entry

Some studies explicitly address the issue of countervailing effects of marginal income tax rates on entry into entrepreneurship. These studies argue that individual income tax rates simultaneously reduce the incentive to be in business, by reducing profits, and increase the incentive to be in business, by providing greater opportunity to avoid taxes. Because these countervailing effects have different magnitudes at different levels of income, some economists expect to see a curvilinear relationship between marginal tax rates and the tendency to be self-employed.

David M. Blau, for example, examined data from the BLS Current Population Survey from 1948 to 1982.⁶⁵ He found that increases in marginal tax rates faced by lower income levels reduced the overall rate of self-employment, while increases in the marginal rates faced by those at upper income levels increased the overall rate of self-employment.⁶⁶ Blau concluded that uniform changes in marginal tax rates have little effect on the fraction of self-employment due to the counteracting effects at high and low income levels.

62. Schuetze, *supra* note 17, at 507.

63. *Id.* at 509.

64. See Cullen & Gordon, *supra* note 9, at 1500.

65. Blau, *supra* note 16, at 456.

66. *Id.* at 464.

However, not all studies that address effects by levels of income have shown the same curvilinear pattern. For instance, Mina Balamoune-Lutz and Pierre Garelo find a strong negative relationship between both average and marginal tax rates and nascent entrepreneurship for a panel of fifteen European countries from 2000 to 2008.⁶⁷ Their analysis suggests that tax progressivity tends to discourage entrepreneurship for those with high incomes, while encouraging entrepreneurship at low to average income levels.⁶⁸

William M. Gentry and R. Glenn Hubbard studied how the progressivity of the income tax schedule affects entrepreneurial entry among PSID households between 1979 and 1992.⁶⁹ They found that more progressive tax schedules are associated with less entry on average.⁷⁰

Martin T. Robson and Colin Wren came to similar conclusions in a study of self-employment using aggregate data for fifteen OECD countries for the years 1978, 1981, 1985, 1989, and 1992.⁷¹ They studied how self-employment responds to the average and marginal tax rates faced by typical production workers. The two authors found that an increase in the marginal tax rate reduced self-employment, while increases in average tax rates made self-employment more attractive.⁷²

Yannis Georgellis and Howard J. Wall found that the effect of the top marginal tax rate on entry was either negative or positive as a function of whether the tax rate was high or low.⁷³ They used state-level panel data of the working-age population (ages eighteen to sixty-four) from 1991 to 1998 and found that the top marginal tax rate has a nonmonotonic, U-shaped relationship with the number of sole proprietors.⁷⁴ When top marginal tax rates are low, between 28 and 35 percent, an increase in the rate reduces the number of sole proprietors.⁷⁵ However, when the top marginal tax rate is greater than 35 percent, an increase in it boosts the number of sole proprietors.⁷⁶

The studies on the countervailing effects of marginal income tax rates on entrepreneurial entry employ a variety of measures, sources of variation (national or subnational), and examine different time periods and places, which likely accounts for some of the mixed results. Nevertheless, even studies that examine entrepreneurial activity in the United States using the

67. Mina Balamoune-Lutz & Pierre Garelo, *Tax Structure and Entrepreneurship*, 42 *SMALL BUS. ECON.* 165, 166 (2013).

68. *Id.* at 184. The question over whose interpretation of the empirical pattern is correct—Blau or Balamoune-Lutz and Garelo—remains open. However, Blau's findings are more likely to be accurate. Finding evidence for the effects of marginal tax rates at different income levels using country-level aggregate data is methodologically daunting.

69. Gentry & Hubbard, *supra* note 16, at 283.

70. *Id.*

71. Martin T. Robson & Colin Wren, *Marginal and Average Tax Rates and the Incentive for Self-Employment*, 65 *S. ECON. J.* 757, 757–58 (1999).

72. *Id.* at 758.

73. Georgellis & Wall, *supra* note 16, at 97.

74. *Id.* at 95.

75. *Id.* at 101.

76. *Id.*

share of returns with Schedule C income can come to opposite conclusions. Bruce and Mohsin find a small negative effect of tax rates on the Schedule C share of filers in a 1950 to 1999 time series,⁷⁷ while Gordon and Cullen find a larger-sized positive effect in a 1964 to 1993 time series on a narrower measure (intended to better identify the risk taking associated with entrepreneurship) of Schedule C filers with losses.⁷⁸

A subset of papers on entry sets out to study countervailing effects explicitly by examining whether the entry effect differs by level of income or level of tax rate.⁷⁹ Most of these analyses are conducted at the country level, which means that their inferences about differences in effects across groups are indirect at best. Nevertheless, they do provide support for the proposition that the effects are countervailing, without agreeing on the groups for which the net effects are positive or negative.

E. Exit

The typical outcome of an effort to start a business is a failed venture. The majority of newly formed businesses in the United States are shut down before their fifth year of operation.⁸⁰ While business failure is often perceived as a negative outcome, in many cases it is better than the alternative of continued operation of a money-losing venture. Society's allocation of resources may be better if a failing business venture is shut down and its land, labor, and capital are put to other uses. Furthermore, it is rarely clear *ex ante* whether a given business idea will result in a successful venture. For every Facebook, there may be many Friendsters. For these reasons, it is not clear *a priori* whether public policymakers should use tax policy to increase or decrease the failure rate of new and small businesses.

Moreover, a high failure rate is one way in which entrepreneurship is a risky activity. By reducing the failure rate on entrepreneurial activities, policymakers are blunting an important piece of information that people need to make informed decisions about pursuing new business opportunities. If the risk of founding a company is higher, people will pursue only those ventures that they expect to generate sufficient return to justify the bearing of those risks. By using policy tools to reduce the risk that people incur by engaging in entrepreneurial activity, policymakers are creating an incentive to engage in activities with relatively low returns. It is far from clear that such an incentive would make for good allocation of resources.

A few studies conducted in the United States have explored the relationship between tax rates and entrepreneurial exit. As with entry, these studies do not offer any definitive conclusions when taken together. Some research shows that self-employed entrepreneurs with higher expected

77. See Bruce & Mohsin, *supra* note 15, at 416.

78. See Cullen & Gordon, *supra* note 9, at 1501.

79. See, e.g., Balamoune-Lutz & Garelo, *supra* note 67; Blau, *supra* note 16, at 445; Georgellis & Wall, *supra* note 16.

80. SCOTT SHANE, *THE ILLUSIONS OF ENTREPRENEURSHIP: THE COSTLY MYTHS THAT ENTREPRENEURS, INVESTORS AND POLICY MAKERS LIVE BY* 90 (2008).

average tax rates are less likely than other entrepreneurs to exit self-employment.⁸¹ Some research also shows that decreasing marginal tax rates on wage income decreases entrepreneurial duration, but decreasing marginal tax rates on business income increases entrepreneurial duration.⁸²

Robert Carroll et al. used data on Schedule C filers in 1985 and 1988 to study whether the change in rates due to the Tax Reform Act of 1986 affected the survival probabilities of sole proprietorships.⁸³ They found that rates did not affect survival probabilities.⁸⁴

By contrast, Tami Gurley-Calvez and Donald Bruce's study of 1249 individual and joint federal tax returns from 1979 to 1990 found that rates matter.⁸⁵ Using duration analysis, these authors found that a 1 percentage point increase in marginal tax rates on individual wage income shortens the duration of entrepreneurial activity by 16.1 percent for single filers and 12.7 percent for married filers.⁸⁶ They also found that a 1 percentage point reduction of marginal individual tax rates on entrepreneurial income increases the duration of entrepreneurial activity by 32.5 percent for single filers and 44.8 percent for married filers.⁸⁷

The effect of individual income tax rates on exit from entrepreneurial activity shown in the Gurley-Calvez and Bruce study might stem from the incentive taxes create to shift economic activity between wage and self-employment. There is some evidence that taxes on wage and self-employment income have differential effects on the probability of exit from entrepreneurial activity. Bruce examined 2615 surveys of self-employed male household heads between ages twenty-five and fifty-four from the PSID survey during the years 1970 to 1991.⁸⁸ He found that higher self-employment tax rates decreased exit, while higher wage-and-salary tax rates increased it.⁸⁹ A 1 percent increase in average self-employment tax rates decreases the probability of exit in his sample from 0.146 to 0.140, which corresponds to an elasticity of -4.25.⁹⁰ Similarly, a 1 percent increase in the marginal self-employment tax rate decreases the probability of exiting from 0.146 to 0.059, corresponding to an elasticity of -59.86.⁹¹ By contrast, a 1 percent increase in the marginal wage-and-salary tax rate increases the

81. See, e.g., BRUCE & GURLEY, *supra* note 9; Donald Bruce, *Taxes and Entrepreneurial Endurance: Evidence from the Self-Employed*, 55 NAT'L TAX J. 5 (2002).

82. See GALE & BROWN, *supra* note 9, at 23-26.

83. Robert Carroll, Douglas Holtz-Eakin, Mark Rider & Harvey S. Rosen, *Income Taxes and Entrepreneurs' Use of Labor*, 18 J. LAB. ECON. 324, 325 (2000).

84. *Id.* at 343.

85. Tami Gurley-Calvez & Donald Bruce, *Do Tax Cuts Promote Entrepreneurial Longevity?*, 61 NAT'L TAX J. 225, 227 (2008).

86. *Id.* at 240.

87. *Id.*

88. Bruce, *supra* note 81, at 12.

89. *Id.* at 5-6.

90. *Id.* at 18-19.

91. *Id.*

probability of exiting from 0.146 to 0.181.⁹² This corresponds to an elasticity of 23.77.⁹³

However, before policymakers conclude that taxes on wage and self-employment income have differential effects on the probability of exit from entrepreneurial activity, they should consider the validity of this finding. Not only is this result shown in only a single study, but that study also has some methodological limitations that make it difficult to draw firm conclusions from it. Most notably, the latter two elasticities mentioned above are implausibly large, raising questions about what other effects are being captured in the analysis. As we mentioned earlier, policymakers should not base policy changes on studies whose effects might be spurious, or they risk producing outcomes inconsistent with the expected effect.

Of three studies on the effect of marginal income tax rates on entrepreneurial exit, two examine Schedule C tax filers and disagree about the effect.⁹⁴ Given the disagreement between the findings of Carroll et al. and Gurley-Calvez and Bruce, one might ask which result should be believed. Because the 1986 reform was not driven by economic conditions, studies measuring its effects ought to be considered more reliable than those that measure reforms that themselves are influenced by economic conditions. Therefore, policymakers would be better off believing that individual tax rate changes have no effect on the duration of entrepreneurial efforts than thinking that they have some effect.

All three studies described in this section examine either self-employment or Schedule C tax filings. Both of these measures of entrepreneurship could be confounded with efforts to organize economic activity in the form of independent contracting rather than wage work. As a result, even if the results were consistent across the studies, policymakers would be left with the question of whether the results represent the effect of marginal income tax rates on entrepreneurial exit, or merely the decision to reorganize economic activity from independent contracting to wage work.

F. Employment

The popular press frequently discusses the value of new and small businesses to employment and the need for policymakers to support these entities. In these discussions, one often sees the argument that policymakers should design tax policies to ensure that small and new businesses boost employment, or at least avoid designing tax policies that discourage new and small businesses from boosting employment.

These discussions would lead a naïve observer to think that much research has examined the effect of tax policy on employment by small and new businesses. However, we can find only one study that has looked into this question. Carroll et al. examined 6078 self-employed individuals who filed Schedule C income on their personal income taxes in both 1985 and

92. *Id.*

93. *Id.*

94. Compare Carroll et al., *supra* note 83, with Gurley-Calvez & Bruce, *supra* note 85.

1988, before and after the Tax Reform Act of 1986.⁹⁵ They found that decreasing the marginal tax rate by 10 percent increases the probability of hiring labor by 12.1 percent, an elasticity of 1.2.⁹⁶

In addition, the authors found that a 10 percent decrease in marginal tax rates increased the total wage payments made to workers by 4.3 percent.⁹⁷ Furthermore, the authors showed that the greater the percentage decrease in the marginal tax rate, the higher the probability of hiring labor.⁹⁸ Sole proprietors in the retail and service sectors also were more likely to hire.⁹⁹ Finally, the tax price effects did not vary with industry and did not affect high and low income sole proprietors differently.¹⁰⁰

However, because these authors examined self-employed individuals who filed Schedule Cs on their personal income tax returns, it is not clear what normative implications policymakers should draw from the researchers' findings. As we mentioned previously, only 20 percent of small businesses have employees, and an even smaller fraction account for the lion's share of employment by small businesses. This makes it difficult to extrapolate the mean tax effect that Carroll et al. present in their paper to overall employment by small business.

In addition, it is difficult to draw firm conclusions about any policy decisions from a single empirical study. We simply do not know if the Carroll et al. finding that lower tax rates increase small business employment is a general principle or specific to the time and place of their study or the particular sample examined.

G. Sales

A similar pattern exists for the effect of tax policy on the performance of small businesses. In more popular discussions, one often sees the argument that policymakers should design tax policy to ensure that small and new businesses boost revenue, or at least avoid designing tax policy that discourages new and small businesses from boosting sales.

But, once again, we could find only one study that examined the effect of tax rates on small business owners' sales. In a study related to their work on exit and employment discussed above, Carroll et al. examined the effect of marginal personal income tax rates on the growth of sales of 6817 self-employed individuals who filed Schedule C income on their personal income taxes in both 1985 and 1988 (before and after the Tax Reform Act of 1986).¹⁰¹ They found that increasing the tax price (decreasing the marginal tax rate) increases the growth of gross receipts at small businesses.

95. Carroll et al., *supra* note 83, at 330.

96. *Id.* at 345.

97. *Id.* at 346.

98. *Id.* at 324.

99. *Id.* at 340.

100. *Id.* at 343.

101. Robert Carroll, Douglas Holtz-Eakin, Mark Rider & Harvey S. Rosen, *Personal Income Taxes and the Growth of Small Firms* 6-7 (Nat'l Bureau of Econ. Research, Working Paper No. 7980, 2000).

They determined the elasticity of receipts with respect to tax price is 0.84.¹⁰²

Again, this study provides intriguing results, but it does not provide a blueprint for policymakers. The study did not show that tax price affects sales of small businesses equally in all industries or for both high- and low-income proprietors. As with all studies involving Schedule C, it is also important to remember that the incentive to underreport income or overreport expenses falls at lower marginal tax rates, such as those implemented with the 1986 reform. Further, Joel Slemrod reports that the 1986 reform led to substantial shifting of income from the corporate tax base to the individual tax base.¹⁰³ Therefore, this finding could be an artifact of the 1986 tax reform and not something that economists would observe in other tax policy changes.

III. IMPLICATIONS OF EVIDENCE ON TAX RATES FOR ENTREPRENEURSHIP POLICY

The literature on individual income tax policy and entrepreneurship does not offer much guidance to policymakers. The evidence for the effects of policies on outcomes is limited to correlations, because experimental evidence is not available. As a result, all of the findings suffer from the potential for omitted variable bias, reverse causality, and unobserved heterogeneity.

Moreover, the direction and magnitude of the correlation between taxation on entrepreneurial activity varies substantially depending on the way entrepreneurship is measured, making the findings quite inconsistent across measures. Two key findings for policymakers seeking to be normative—whether the tax has a positive effect or a negative one and the magnitude of that positive or negative effect—simply are not found with enough consistency to make statements about the expected effects of increasing or decreasing individual income tax rates on different aspects of entrepreneurial activity.

Some of the measures themselves have far less construct validity than others (e.g., Schedule C tax filings), because they may not represent true business creation, but rather efforts to shift existing economic activity into forms that are less heavily taxed. If people respond to increased individual income tax rates by moving from wage employment to self-employment as a way to evade taxes, policymakers may not see this as a desirable outcome.

For some dimensions of entrepreneurial activity, the number of articles examining the effect of tax policy is too small to have confidence in the findings, particularly when those few studies yield contradictory results. Moreover, the variation used to examine the effects in many studies may not be exogenous, and the level of analysis at which the effect is being

102. *Id.* at 14–15.

103. Joel Slemrod, *High-Income Families and the Tax Changes of the 1980s: The Anatomy of Behavioral Response*, in *EMPIRICAL FOUNDATIONS OF HOUSEHOLD TAXATION* (Martin Feldstein & James Poterba eds., 1996).

explored may not provide confidence that the hypothesized effect is being identified adequately.

The results found for the effects of tax policy on different aspects of entrepreneurial activity are far from consistent. Rather than the individual income tax affecting all types of entrepreneurial activity in the same manner, the results show that the individual income tax has theoretically inconsistent effects on different aspects of entrepreneurship.

Taken as a whole, the literature does not provide sufficient evidence to explain the effect of individual income tax policy on entrepreneurs, let alone predict the effect of a novel tax policy on entrepreneurial activity. Policymakers should be aware that the economics literature offers them little guidance on this topic.

Perhaps the most useful lesson provided by this literature comes from its difficulties with measurement. The population of entrepreneurs whose activities create substantial employment and productivity growth is small. If policymakers wish to promote this activity, it is probably better to find ways of addressing this population directly through targeted policies, rather than through the blunt instrument of individual income tax rates that affect nearly everyone.