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The politics of regulatory enforcement and compliance: Theorizing and operationalizing political influences

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Abstract

There is broad consensus in the literature on regulatory enforcement and compliance that politics matters. However, there is little scholarly convergence on what politics is or rigorous theorization and empirical testing of how politics matters. Many enforcement and compliance studies omit political variables altogether. Among those that address political influences on regulatory outcomes, politics has been defined in myriad ways and, too often, left undefined. Even when political constructs are explicitly operationalized, the mechanisms by which they influence regulatory outcomes are thinly hypothesized or simply ignored. If politics is truly as important to enforcement and compliance outcomes as everyone in the field seems to agree, regulatory scholarship must make a more sustained and systematic effort to understand their relationship, because overlooking this connection risks missing what is actually driving regulatory outcomes. This article examines how the construct of “politics” has been conceptualized in regulatory theory and analyzes how it has been operationalized in empirical studies of regulatory enforcement and compliance outcomes. It brings together scholarship across disciplines that rarely speak but have much to say to one another on this subject in order to constitute a field around the politics of regulation. The goal is to sharpen theoretical and empirical understandings of when and how regulation works by better accounting for the role politics plays in its enforcement.

Keywords: compliance, enforcement, politics, regulation.

1. Introduction

There is broad consensus in the literature on regulatory enforcement and compliance that “politics matters” (Haines 2011, p. 229). Hawkins (1984, p. 9) introduces his foundational study of UK environmental inspectors by observing that “regulatory agencies must operate in a political environment, for regulation is intended to preserve the sometimes fragile balance between the interests of economic activity on the one hand and the public welfare on the other. Agencies are extremely sensitive to their political environment.” Kagan (1994, p. 399), elaborating the range of conditions that explain variation in enforcement styles, stresses: “Regulation is a political process. It emerges from political demands and political struggles, and is shaped by competing political ideas and theories.”

Despite near universal acknowledgment of the important role politics plays in regulatory compliance and enforcement, there is little scholarly convergence on what politics is or comprehensive theorization of how it matters in producing compliance and enforcement outcomes. Many empirical studies of compliance and enforcement – notably game-theoretic accounts (e.g. Scholz 1984; Ayres & Braithwaite 1992) – omit political variables altogether. Among those that address political influences on regulatory outcomes, politics has been defined in myriad ways and, too often, left undefined. Even when political constructs are explicitly operationalized, the mechanisms by which they influence regulatory outcomes are thinly hypothesized or simply ignored. For instance, many studies demonstrate an association between the party affiliation of political principals and the enforcement activities of regulators (e.g. Moe 1982, 1985; Scholz & Wei 1986; Hutter 1989; Scholz *et al.* 1991; Carpenter 2002; Shrock 2013; Almond & Esbester 2018), but few have identified the causal pathways through which political influence operates (Carpenter 1996; Innes & Mitra 2015). If politics truly is as important to enforcement and compliance outcomes as everyone

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in the field seems to agree, regulatory scholarship must make a more sustained and systematic effort to understand their relationship.

Such an effort is vital in the current political context. A generation of deregulation, neoliberal regulatory reform, anti-statist political rhetoric, and expanding executive control over regulators in the US and other wealthy, Western democracies has left many agencies resource-starved, captured by regulated industry, and managed by political cronies. The reality of increasingly weak and politicized bureaucracies calls into question the Weberian assumptions of “meritocracy, political insulation, and rationality” (Amengual 2016, p. 5) underlying much regulation and governance scholarship, and the accompanying expectation that variations in regulatory outcomes are determined largely by the quality and technocratic characteristics of the bureaucracy. This calls for a better understanding of how political conditions shape these qualities and characteristics and moderate their effects on compliance and enforcement.

This kind of project is already underway in some pockets of the regulation and governance field. Many scholars of regulation in the global South are engaged in a collective effort to document political influences on regulatory compliance and enforcement. For instance, clusters of studies on environmental law enforcement in China (e.g. Lo *et al.* 2006; Tilt 2007; Van Rooij 2010; Van Rooij *et al.* 2013) and labor law enforcement in South America (e.g. McAllister 2008, 2010; Coslovsky & Locke 2013; Amengual 2014, 2016) focus on the political conditions that enable and constrain regulators’ enforcement practices and firms’ compliance practices. As Amengual (2016, p. 28) explains, attention to politics is essential to understanding regulatory outcomes in “places with flawed bureaucracies.” As it becomes increasingly apparent that “flawed bureaucracies” are the norm rather than the exception around the globe, this article seeks to constitute a field around the politics of regulatory compliance and enforcement. This project is not meant to suggest that regulation and governance should be seen as nothing more than politics, nor is it meant to impugn the technocratic bent of empirical regulation and governance scholarship. On the contrary, it seeks to sharpen empirical understandings about when and how regulation works by considering how better to account for the role politics plays in it.

The effort to better account for political influences on compliance and enforcement outcomes is critical to understanding empirically what actually drives these outcomes. Well-established empirical propositions arising out of regulation and governance scholarship seldom are qualified based on variations in political conditions. This oversight risks compromising the validity of these empirical claims. Take, for instance, the concept of the “deterrence trap,” or the ceiling on punitive measures regulators may take against regulated entities. The “deterrence trap” long has been claimed to constrain regulators’ ability to deter corporate misconduct with large fines, because it is assumed to be politically unacceptable to drive a company out of business (Mendeloff 1979; Coffee Jr 1981; Sunstein 1990; Ayres & Braithwaite 1992). This empirical claim typically is stated without qualification regarding political context. While the claim recognizes that regulation occurs against a political backdrop, it assumes that the backdrop is constant – or at least that it does not vary in interesting or important ways. Such empirical claims do not interrogate the nature of political acceptability, how political acceptability varies across contexts, through what mechanisms political acceptability might be communicated to regulators, and how those variations might alter the nature of the empirical constraint.

These blind spots are problematic, because the conditions of political acceptability can vary quite dramatically. Chinese Environmental Protection Bureaus (EPB), for instance, do not appear to be constrained by the “deterrence trap” that ensnares US regulators. EPBs have long exercised their power forcibly to close recalcitrant polluting factories (Van Rooij *et al.* 2018). In 2017, Chinese regulators effectively shut down over 35,000 factories by sealing them, seizing them, or suspending production (Van Rooij *et al.* 2018). Variations in the political context of regulatory compliance and enforcement are not always so extreme, and they occur not only between countries but within domestic regulatory regimes. For instance, it has been observed that a cooperative style of regulatory enforcement may yield very different compliance outcomes depending on the political climate in which it is deployed (McAllister 2010; Short 2013). These examples suggest the need to be more attentive to political context in generating empirical knowledge and making empirical claims about regulatory compliance and enforcement.

The effort to better understand political influences on compliance and enforcement is likewise vital to the project of effective regulatory reform and advocacy. Proponents of regulation focused on the technical details of regulatory design may lose sight of the political contingencies upon which regulatory projects succeed or fail. It is

important to highlight the ways in which effective (and ineffective) regulation is a political as well as a technical project.

Politics permeates every phase of the regulatory process. This article focuses on the implementation phase: specifically, enforcement of and compliance with regulation. While this phase of the regulatory process is the central concern of much regulation and governance scholarship, it has been comparatively neglected in the existing literature on the politics of regulation. Much more attention has been paid to the role of politics in agenda setting (e.g. McCombs & Shaw 1972; Birkland 2017), rulemaking (e.g. Weingast & Moran 1983; Quinn & Shapiro 1991), policy adoption (Wilson 1980), policy diffusion (e.g. Pistor 2000; Berkowitz et al. 2003; Halliday & Carruthers 2007; Linos 2011), and institutional design (e.g. Wilson 1980; Stephenson 2008; Mattli & Woods 2009; Levi-Faur 2011; Farhang & Yaver 2016). This is, perhaps, because the Weberian assumptions of the field attach more strongly to the implementation of law by ostensibly autonomous bureaucracies than to the enactment of legislation or the adoption of administrative policy. Thus, the article's focus on regulatory compliance and enforcement extends the broader literature on the politics of regulation.

The article proceeds as follows. Section 2 reviews the role politics plays in prominent theories of regulation and assesses whether these theories clearly articulate what counts as politics and offer testable hypotheses about relationships between politics and regulatory outcomes. It argues that while there is a long tradition in the field of theorizing the importance of politics, no clear roadmap has emerged to guide empirical investigation of the relationship between politics and regulatory compliance and enforcement outcomes. Section 3 documents attempts to operationalize political constructs in both qualitative and quantitative empirical studies and identifies areas of convergence and divergence between the two. Section 4 analyzes the contributions and limitations of these studies to advancing empirical understanding of the relationship between politics and regulatory outcomes. Section 5 discusses how these insights can inform efforts to develop more sophisticated understandings about the politics of regulation.

2. Politics in regulatory theory

This section reviews how politics has been conceptualized in prominent theories of regulation, including: the economic theory, political science theories, compliance theories, constitutive theories, organizational theories, and critical theory. It analyzes the role of politics in regulation as posited by each of these theories, discusses how each theory defines the set of relevant political constructs, and assesses the guidance these theories provide to empirical researchers.

2.1. The economic theory

The economic theory of regulation (Stigler 1971; Peltzman 1976) profoundly shaped conceptions and assumptions about the role of politics in regulation by specifying categories of political variables that explain regulatory outcomes and by articulating empirically testable propositions. The economic theory analyzes regulatory behavior and outcomes through the lens of basic economic axioms about supply and demand. Regulation is conceptualized as a commodity that is supplied by regulators and consumed by the public, regulated industries, and other interest groups. Politicians are presumed to be self-interested maximizers of political support in the form of votes or the money necessary to get votes. Interest groups can buy the regulatory outcomes they prefer by providing financial or other political support to politicians or regulators. The interest groups that supply the most support to politicians or regulators reap the greatest regulatory benefits. Drawing on theories of collective action, the economic theory of regulation posits that an interest group's ability to deliver political support – and thus its ability to obtain desired regulatory outcomes – depends on its resources and its ability to organize and mobilize its members. Its ability to mobilize depends, in turn, on the financial stakes of regulation, including how much group members stand to gain or lose from a proposed regulatory action and how costly it would be to mobilize. Because these barriers to collective action tend to advantage industry groups, Stigler (1971, p. 3) famously opined that “regulation is acquired by the industry and is designed and operated primarily for its benefit.”

This particular insight animates capture theory, perhaps the most influential iteration of the economic theory of regulation (Carpenter & Moss 2014). While the roots of capture theory predate the economic theory of regulation (Bernstein 1955), the economic theory formalized and popularized “the notion that regulatory agencies are

captured by producers” (Peltzman 1989, p. 38). Over time, capture theory has shed many of the economic theory’s animating concerns and limiting principles, and has come to stand in for “the essential idea that policymakers are for sale, and that regulatory policy is largely purchased by those most interested and able to buy it” (Carpenter & Moss 2014, p. 9). Unlike the economic theory, which was grounded in empirical scholarship and was developed to explain variations in regulatory outcomes that could not be explained by earlier “public interest” theories of regulation (Peltzman 1989), capture theory is not grounded in empirical evidence, nor does it seek to reconcile variations in empirical outcomes (Carpenter & Moss 2014). Indeed, capture’s main weakness as a theory of political influence on regulation is that it provides no basis for theorizing variations in regulatory outcomes. Rather, it describes a presumably uniform departure from some un-operationalized ideal. Thus, it cannot generate empirically testable propositions.

The economic theory of regulation originally was developed to explain a narrow set of regulatory outcomes: why regulation is enacted, how the benefits and burdens of regulation are distributed among different groups, and whether those distributions are efficient. Subsequent scholarship extended the economic theory to questions about regulatory enforcement and compliance outcomes – for instance, the conditions under which regulatory enforcement is likely to be stricter or more lenient (e.g. Earnhart 2004). In this context, the economic theory predicts that support for regulatory enforcement increases as the net benefits of regulation rise and that opposition to regulatory enforcement increases with the net costs imposed by regulation. The key explanatory variables in these analyses measure how much different groups stand to gain or lose from different enforcement levels and their capacity to politically mobilize and insist on their preferences.

2.2. Political science theories

As originally conceptualized, the economic theory of regulation directly addressed only the behavior of elected legislators and not regulators, who are unelected and thus do not directly consume votes or financial support in the form of campaign contributions. The theory operated on the simplifying assumption “that regulators do the bidding of a representative politician who has the ultimate power” (Peltzman 1989, p. 6) to make decisions about regulation. Subsequent political science research complicated this assumption and filled in some of the institutional gaps in the economic theory while retaining the theory’s basic insights about the relevant political actors and their behavioral motivations.

For political scientists, political control – the extent to which elected political principals influence the decisions of their unelected agents in the bureaucracy – became the paramount theoretical and empirical concern. The issue of political control flows from an institutionally informed understanding of the economic theory: specifically, that in order to reap the electoral rewards posited by the economic theory, political officials must control the regulators charged with enforcing legislatively enacted policies (McCubbins *et al.* 1987). Politicians are theorized to exercise control over regulators through direct oversight mechanisms like monitoring, rewarding, and punishing regulators for their policy decisions, and through administrative procedures imposed on the agency *ex ante* to channel administrative decisionmaking toward politicians’ desired policy outcomes (McCubbins *et al.* 1987). Political scientists identified multiple pathways through which politicians and politically influential groups might influence regulators, observing that “public agencies are anchored in networks of relationships with executives, legislative committees, and constituency groups, and that their behavior is shaped as well by their economic environments, the courts, and a range of internal organizational factors” (Moe 1985, p. 1095). Political control theory thus provides a stable of testable propositions about the political avenues through which regulators’ enforcement decisions might be affected. However, with few exceptions (Wood 1988), political control theory has been used to explain policy formation outcomes rather than agency enforcement practices, and it has been criticized for its lack of explanatory power (Wood 1988; Jones 2003; Huber 2007).

More recently, political scientists have looked to agency reputation to explain regulatory outcomes. An agency’s reputation is a function of both perceptions about its efficacy in achieving policy goals and the nature of the networked coalition that supports the agency’s programs (Carpenter 2001). In this way, it synthesizes political control theory with insights about interest groups from the economic theory of regulation and moves beyond both to suggest that both political control and interest group influence on regulation are mediated by regulators’ technical efficacy and their skill at communicating regulatory successes and building supportive coalitions.

Reputation theory was developed to explain why some regulators enjoy more power and greater autonomy from political principals than others, as evidenced by their ability to get their preferred legislative policies enacted over the ostensible objections of political representatives (Carpenter 2001). But it also has been used to explain enforcement outcomes (Gilad & Yogev 2012; Etienne 2015). For instance, Carpenter (2010) theorizes that reputation-based concerns shaped the US Food and Drug Administration's allocation of resources for drug approvals and its efforts to insulate scientific functions from special interest group influence.

2.3. Compliance theories

Partly in response to the stylized claims of the economic theory of regulation and deterrence theory, compliance theories developed from observation of on-the-ground enforcement and compliance practices (e.g. Bardach & Kagan 1982; Hawkins 1984; Hutter 1989). These studies mapped the enforcement practices of regulators and investigated the efficacy of different approaches to implementing regulation. Although compliance theories do not explicitly hypothesize political variables or articulate a general theory of politics, politics played a crucial framing function in this domain. *Going by the Book* (Bardach & Kagan 1982), for instance, was motivated by a sense that the economic theory of regulation did not sufficiently account for the political influence of non-industry public interest groups on regulatory enforcement practices. Bardach and Kagan (1982) argued that the political demands of anti-business interest groups and the media's sensationalistic coverage of environmental and safety catastrophes prompted regulators not to favor industry, as the economic theory would predict, but rather to be overly harsh and punitive toward industry. They argued further that this punitive approach to enforcement undermined industry compliance with regulations because it fomented resentment on the part of regulated entities. Based on qualitative observations of regulatory interactions and interviews with regulators and regulated entities, compliance studies theorized that cooperative or facilitative regulatory strategies could produce better compliance outcomes than highly punitive regulatory strategies (Bardach & Kagan 1982; Kagan & Scholz 1984; Hawkins 1984).

Early qualitative studies in this domain focused on the micro-interactions of regulators and regulated entities – in some cases drilling all the way down to details like the compliance-related impacts of safety inspectors' wardrobe choices, dialect, and ability to project personal confidence (Hawkins 1984). Still, this literature was attuned to the ways in which the broader political context shaped the enforcement approaches adopted by regulators, including agency resource levels (Hutter 1989); public consensus about the moral blameworthiness of regulatory infractions (Hawkins 1984; Hutter 1989); the public's anti-regulatory mood (Hutter & Manning 1990); media portrayals of regulation and regulators (Hutter & Manning 1990); intra-governmental threats to the agency's turf (Hutter 1989); the political affiliation of local regulated populations and politicians (Hutter 1989); and prominent scholarly advocacy of deregulation (Hutter & Manning 1990). Kagan (1994) theorized that political variables collected from these and other studies constitute a "political environment" that influences the enforcement style of regulators. While these early compliance studies revealed valuable insights into political influences on regulatory enforcement practices, these insights tended to be *ad hoc* observations from the field that were not systematically theorized, and Kagan's (1994) attempt to synthesize them does not seem to have gained significant traction in subsequent research.

Indeed, the political dimension of compliance theory receded precipitously as the compliance literature's insights about cooperation between regulators and regulated entities were formally modeled as a repeated enforcement game (Scholz 1984) in which both players select strategies to maximize their respective payoffs in anticipation of and in response to the strategies deployed by the opposing player. Inspired by Axelrod's (1984) path-breaking, game-theoretic model in *The Evolution of Cooperation*, Scholz (1984) demonstrated that a "tit-for-tat" strategy in which the regulator leads with cooperation and continues to cooperate until the regulated entity defects is likely to maximize payoffs for both players. While game-theoretic accounts of compliance and enforcement acknowledged the existence of political influences on agencies, these influences were explicitly excluded from the formal model, which "relegate[s] all political ... activities of firms, agencies, and other actors (including groups benefiting from the policy) to the same exogenous environmental status" (Scholz 1984, p. 193).

The game-theoretic model of compliance and enforcement was popularized by *Responsive Regulation* (Ayres & Braithwaite 1992) and continues to dominate regulatory scholarship and the practical discourse of regulators (Mascini 2013). While Ayres and Braithwaite (1992) saw responsive regulation as an overtly political project – both a strategy for resolving intractable political battles between advocates and opponents of deregulation

and a theoretical paradigm for investigating relations between state, market, and civil society – the responsive regulation model has become largely unmoored from these foundations (Mascini 2013; Parker 2013).

The most sustained theorization of political influences on enforcement in *Responsive Regulation* comes in its discussion of tripartism. Drawing on capture theory, the authors observe that while cooperation between regulators and regulated entities may promote compliance under certain conditions, “cooperation may also allow agencies to abdicate their public-regarding responsibilities to the interests of the very firms they are regulating” (Ayres & Braithwaite 1992, p. 449). They theorize that regulatory capture could be mitigated through institutional design that empowers public interest groups to act as full participants in the regulatory process to balance the influence of regulated entities. Tripartism has provided a useful theoretical framework for empirical work investigating how private, third-party monitors shape regulatory enforcement and compliance outcomes.

Subsequent theoretical elaborations of responsive regulation have suggested that effective regulators must be responsive not only to regulated entities’ compliance performance and attitudes, but also to the broader institutional environment in which they are operating, including the constraints and opportunities presented by political conditions (Baldwin & Black 2008, 2010). But these theories do not fully flesh out the relevant political conditions or the mechanisms by which they operate. Rather, they suggest the need for broader engagement with other disciplines to better understand “the exact nature and role of the institutional environment in shaping individual and organizational decisions” (Baldwin & Black 2008, p. 71). Related theories – including flexible regulation, reflexive regulation, smart regulation, and new governance – likewise have failed to fill this gap and have been criticized for “attend[ing] to regulatory technique without always giving adequate attention to the political context within which that technique operates” (Ford 2017, p. 122).

2.4. Constitutive theories

Politics has played a central role in critical theories of risk regulation and other theories in which it is seen as constituting (as opposed to causing) regulatory inputs and outcomes. Risk-based regulation seeks to anticipate and reduce harms arising out of social and economic activities (Hutter & Lloyd-Bostock 2013) by identifying relevant risks and targeting regulatory resources to mitigate them based on an assessment of the likelihood and magnitude of harm posed by specific persons, firms, or activities (Hood *et al.* 2001; Baldwin & Black 2008). Employing quantitative risk-management techniques, risk-based regulation holds out the promise of technical and seemingly objective responses to social and economic risks (Black 2005; Almond & Esbester 2018). However, critical theories of risk regulation have long recognized that conceptions of risk are not purely technical and always entail “difficult political and ethical decisions about priorities and balance rather than absolute choices” (Hutter & Lloyd-Bostock 2013, p. 385). Regulatory decisions about risk also implicate the political legitimacy of the social and economic systems that produce risks as well as politicians and regulators who tolerate certain risks while targeting others (Baldwin & Black 2008; Haines 2011).

Haines (2011) theorizes that political contestation over risk shapes regulatory outcomes through the “paradox of regulation.” On the one hand, the public strenuously demands regulation for protection from the risks of living in an advanced technological society, whereas on the other hand, regulation is maligned for threatening individual liberty. Because regulation is an artifact of this ideological conflict, it inevitably embodies incompatible objectives. The presence of incompatible objectives in regulation, in turn, fosters ongoing political contestation over implementation and enforcement, with “different sections of society each vying for their values and interests to be evident in the eventual regime” (Haines 2011, p. 28).

Extending Haines’ focus on contestation over regulation at the societal level, another body of research highlights the micro-level contestation that occurs within regulated organizations and between regulators and regulated individuals. Coslovsky *et al.* (2011, p. 325) critique the regulation literature for its narrow conception of politics as “the enabling or constraining environment in which inspectors and their counterparts work.” They suggest, instead, a conceptualization of politics that encompasses micro-interactions among individuals through which “different actors construct and reformulate their alliances, preferences, and willingness to comply” (Coslovsky *et al.* 2011, p. 326). They call this the “sub-politics of regulation” and argue that research must attend to the regulatory contestation that occurs outside of official institutions and state politics (Coslovsky *et al.* 2011, p. 326). Studies adopting this approach investigate how day-to-day negotiations over regulatory enforcement

constitute what it means to comply with and enforce the law (Coslovsky 2009; Coslovsky *et al.* 2011; Haines 2011; Huising & Silbey 2011; Pires 2011).

The “sub-politics” studies are part of a larger body of organizational scholarship that reveals how the “office politics” that occur within organizations in response to regulatory demands shape compliance and enforcement outcomes. These drivers include the internal operational structure and normative environment of organizations (Selznick 1969; Stone 1975; Vaughn 1983; Bird *et al.* 2019); the professional and managerial framing of legal obligations (Edelman *et al.* 2001; Short 2006); the construction and operation of private dispute resolution forums (Edelman 1992; Edelman *et al.* 1993; Edelman *et al.* 1999; Talesh 2015); and, more broadly, micro-level negotiation and compromise among various internal organizational constituencies (Edelman *et al.* 1991; Silbey 2011; Gray & Silbey 2014; Almond & Gray 2017). A related body of literature addresses how compliance and enforcement outcomes are shaped by professionals subject to a complex set of cross-cutting incentives, demands, and political pressures (Edelman *et al.* 1991; Edelman *et al.* 1992). These studies reveal layers of power and contestation operating beyond formal political institutions to influence regulatory outcomes. However, with few exceptions outside the “sub-politics” literature (Edelman *et al.* 1991), studies in these domains do not characterize organizational or professional practices as “political.” Moreover, these studies rarely address the relationship between internal organizational responses to regulation and the external political environment.

2.5. Critical theory

Apart from its own treatment of politics, regulation and governance scholarship has been subjected to withering political critique for serving the neoliberal agenda of deregulation and “regulation at a distance” (Pearce & Tombs 1990; Tombs 2015). The deepest and most persistent critique has been that research on compliance and enforcement is ideologically determined because it assumes “*the legitimacy of a capitalist economic system and the illegitimacy of its being policed*” (Pearce & Tombs 1990, p. 429 (emphasis in original)). While this perspective throws into sharp relief the political stakes of regulation, it is based on a totalizing account in which regulatory outcomes are structurally determined by the political economy of capitalism, thus it provides no insight into how variations in political conditions might produce different regulatory outcomes.

Taken together, regulatory theories provide many useful perspectives on the significance of politics in shaping regulatory outcomes. However, it is difficult to discern a clear roadmap for empirical research from this literature. First, perhaps because politics is not the primary concern of most regulatory theory, the boundaries of the concept are ill defined. One can discern in the literature conceptions of politics ranging from “the art or science of government ... or influencing governmental policy” (Politics 2019) to “the total complex of relations between people living in society” (Politics 2019). Regulatory theory has not explicitly undertaken to specify the nature and scope of politics or to explore the stakes of different boundary conditions. Nor has regulatory theory addressed whether the definition of politics should include different things in different regulatory contexts.

Second, there has been little attempt to synthesize theories or to bridge the macro- and micro- levels at which different theories operate. These theories exist largely in reaction to or in isolation from one another. For instance, the micro-level “sub-politics” perspective positions itself as a corrective to the economic theory – particularly its account of interest groups and preference formation – but it is not clear whether sub-politics rejects the economic theory wholesale or seeks to supplement or revise it. If the latter, there is no indication which insights from the economic theory should be retained and which should be discarded. Broadly speaking, micro-level theories do not reject or refute the influence of macro-level factors, but the relationship between the two is unclear. Macro-level theories typically ignore micro-level factors altogether. Reputational theory is a notable exception, locating political influence on regulation at the intersection of individual perceptions of agency capacity and institutional networks of support for agencies.

The general lack of theoretical integration has left empirical researchers with a grab bag of political variables and possible mechanisms to explore while providing little clear direction as to which political variables should be investigated, under which conditions, and which questions these variables can answer. The next section examines how empirical studies have handled the challenge of conceptualizing and measuring political influences on regulatory compliance and enforcement.

3. Operationalizing politics in empirical research on compliance and enforcement

Empirically investigating a concept as capacious and contested as politics presents significant challenges, so there is much to be learned from studies that have attempted to operationalize politics and assess its influence on regulatory compliance and enforcement. Operationalizing politics for purposes of empirical study requires researchers to define politics as a construct and select appropriate measures for that construct. This section reviews how qualitative and quantitative researchers have approached these tasks and discuss the contributions and limitations of their efforts. The studies are organized by their methodological approach to highlight key areas of convergence and divergence in the way these two bodies of research conceptualize and measure political constructs. The focus of this article is on *how* studies have operationalized politics rather than the substantive findings yielded by political variables. This emphasis is maintained, in part, to cabin the current project within reasonable boundaries. It also arises from a conviction that moving this literature forward requires ongoing synthesis of the studies' substantive findings that is grounded in specific empirical contexts.

3.1. Methodology

The studies reviewed in this section share three common characteristics: (1) they are empirical (as distinct from purely theoretical, modeling, or review articles); (2) they seek to explain regulatory enforcement and compliance outcomes (as distinct from rules or other policy outputs); and (3) they explicitly theorize political variables as an explanation for these outcomes (rather than merely including political variables as controls).¹ These criteria are designed to identify a discrete and reasonably comparable set of studies that explicitly address the core question of this article: how to operationalize political influences on regulatory compliance and enforcement outcomes.

Studies were selected for inclusion through a snowball sampling technique, starting with those that I knew, searching for back- and forward-citations of these studies, and doing the same with the useful studies identified through each round of searches. I consulted colleagues with expertise in fields outside my own to request additional recommendations, and I am indebted to reviewers for their further suggestions. This methodology does not yield a representative sample or an exhaustive catalog of every study that meets my selection criteria (although I know of none more comprehensive). Thus, I do not purport to make definitive empirical claims about the literature. Rather, my intention is to start a cross-disciplinary conversation about the contours of a field investigating the politics of regulatory compliance and enforcement. To the extent that my initial attempt inspires readers to identify gaps in coverage or to quarrel with categorizations, I will consider the project a success.

The next two sections discuss my findings. Detailed tables cataloging all the empirical studies reviewed and my coding of their political constructs can be found in Appendix A (qualitative studies) and Appendix B (quantitative studies). Table 1, below, summarizes where qualitative and quantitative researchers converge and diverge in their use of political constructs.

3.2. Construct convergence

Broadly speaking, quantitative studies in the economics, political science, and management literature tend to operationalize politics using constructs drawn from the economic theory of regulation. Qualitative studies have been less systematic in theorizing political influences, tending instead to generate grounded insights about political influences observed in particular research contexts. Nonetheless, there is substantial convergence in many of the political constructs theorized by quantitative and qualitative scholars to influence regulatory outcomes. At the highest level of generality, both are interested in the influence of elected officials, the structure of government institutions, and the influence of interest groups. This suggests the deep and abiding influence of economic and political science theories about politics and regulation.

3.2.1. Elected officials

In the category of elected officials, researchers commonly investigate how enforcement levels in different regulatory programs are influenced by the party affiliation of political principles with authority over regulators, including: the president (Moe 1982, 1985; Scholz *et al.* 1991; Shrock 2013) or prime minister (Almond & Esbester 2016); state governors (Scholz & Wei 1986; Shrock 2013); local, state, and federal legislative bodies (Hutter 1989; Scholz *et al.* 1991; Carpenter 2002; Mosely 2008; Berliner *et al.* 2015; Innes & Mitra 2015; Almond & Esbester

Table 1 Map of Constructs and Measures

Quantitative Studies	Qualitative Studies
CONSTRUCT AND MEASURE CONVERGENCE	
ELECTED OFFICIALS	
Party affiliation of political principals	Party affiliation of political principals
Party affiliation of local population	Support of political principles
Ideology of political principals	Political pressure
Congressional oversight	
Electoral constituency of political principals	
STRUCTURE OF GOVERNMENT INSTITUTIONS	
Agency resources	Agency resources
Political appointments	Bureaucratic support for enforcement
Executive control/agency independence	Autonomy
Government level	Procedural constraints on regulators
Electoral Rules	Agency reputation
INTEREST GROUPS	
Labor	Labor
Lobbying	Lobbying
Media	Community activism
Community collective action potential	NGO pressure
Community political power	Media
Community political orientation	Industry
Issue salience	State-civil society linkages
Consumer social attitudes	Support of interested constituencies
	Barriers to collective action
	Corruption
MEASURE CONVERGENCE/ CONSTRUCT DIVERGENCE	
COSTS OF ENFORCEMENT	ECONOMIC CONTEXT
Employment	Employment
Inflation	GDP
Employer viability	Employer viability
Employer market dominance	Local economic dependencies
Trade policy	
CONSTRUCT AND MEASURE DIVERGENCE	
BENEFITS OF ENFORCEMENT	PUBLIC OPINION
Health benefits	Public awareness and concern about regulatory problems
Property value	Anti-regulation sentiment
Damage avoidance	Societal support for enforcement
	Perceived legitimacy of regulators
	Agency reputation
	POLITICAL CULTURE
	Ideology
	National political culture
	Inequality
	Political polarization
	Cultural scripts: "Regulatory myths"
	SUB-POLITICS
	Dialogue and negotiation with stakeholders
	INDIVIDUAL POLITICS
	Personal political views of bureaucrats

2018); and various subgroups in legislative bodies, particularly congressional oversight committees (Wood 1988; Wood & Waterman 1991; Helland 1998; Kleit *et al.* 1998). Some quantitative researchers have looked beyond party affiliation to the ideology of political principals (Moe 1985; Scholz & Wei 1986; Huber 2007; Delmas & Toffel 2008; Kim 2008). The popularity of this construct in quantitative studies may be an artifact of the ready availability of ideology indices compiled by interest groups like the AFL-CIO and the League of Conservation Voters (Moe 1985; Scholz & Wei 1986; Delmas & Toffel 2008; Kim 2008).

Many qualitative researchers have framed the focal political construct as the level of “political support” regulators have for their enforcement activities. Political support is not always explicitly defined, and its meaning varies across studies. Haines (2011) conceptualizes political support as the protection senior-level political appointees provide to frontline regulators to resist pressure from industry to weaken regulatory proposals. Political support can also encompass policy agreement between frontline regulators and political principals (Lo & Leung 2000; Lo & Fryxell 2005; Lo *et al.* 2006; May & Winter 2009; Van Rooij 2010; Van Rooij *et al.* 2013) or funding for enforcement activities (Van Rooij & Lo 2010). The converse of support is political pressure, or the extent to which politicians try to compel regulators to enforce laws in certain ways (Ronconi 2010; Mills & Koliba 2015). A handful of studies have broadened the inquiry into electoral politics to investigate not just the actions of politicians but also the base of their popular political support. For instance, Huber (2007) looks at how the party affiliation of the local population influences the propensity of workers to lodge complaints with health and safety regulators, and Holland (2015, 2017) examines the demographics of local political principals’ electoral constituencies and the extent to which various constituencies wish to see certain regulations enforced.

3.2.2. *Structure of government institutions*

Quantitative and qualitative researchers also share a common interest in the way political arrangements are sedimented into the structure of government institutions and how these structural features influence regulatory outcomes. Both quantitative and qualitative researchers have attended to the influence of agency enforcement resources, most commonly budget and staff (Hutter 1986, 1989; Lo & Leung 2000; Lo *et al.* 2006; McAllister 2008; Van Rooij & Lo 2010; Haines 2011; Hutter & Lloyd-Bostock 2013; Amengual 2014, 2016; Shimshack 2014; Mills & Koliba 2015; Jackson & Zhang 2016). Studies in the development literature tend to characterize this construct as “capacity” (e.g. Lo *et al.* 2006; McAllister 2010; Van Rooij & Lo 2010). Huber (2007) examines how the intensity of enforcement efforts is influenced by a more nuanced resource-related construct: government “reinvention” initiatives that impact the flow and allocation of resources to Occupational Safety & Health Administration field offices.

There is broad interest across disciplines and methodologies in the extent to which bureaucratic structure allows for executive control of the bureaucracy, captured in some studies by the influence of political appointees (Wood 1988; Wood & Waterman 1991), centralization of agency decisionmaking processes (Wood & Waterman 1991), and the independent status or autonomy of regulators (Edelman *et al.* 1991; Wood & Waterman 1991; McAllister 2008, 2010; Pires 2008; Coslovsky & Locke 2013). Many studies have examined whether different levels of government in the US federalist system enforce regulation differently (Magat & Viscusi 1990; Scholz *et al.* 1991; Earnhart 2004; Gray & Shadbegian 2004; Deily & Gray 2007; Morantz 2009). Qualitative studies have focused more on the procedural constraints on regulators, including participation rights afforded to various constituencies (Hutter 2001), procedural hurdles to enforcement (Lo & Leung 2000; Hutter 2001; Mosely 2008; Van Rooij 2010; Eisner 2017), and judicial checks on agency enforcement decisions (Verweij 2000; Waller 2007; Van Rooij 2010). Holland (2015, 2017) looks at the structure of electoral institutions and the extent to which they enable poor voters, who favor non-enforcement of municipal regulations regarding housing and street vending, to elect local politicians who will ease enforcement burdens.

3.2.3. *Interest groups*

The third main area of construct convergence is around the influence of interest groups. Quantitative researchers have been particularly interested in the influence of unions on regulatory enforcement (Moe 1985; Scholz & Wei 1986; Weil 1991; Brown 1995; Gray & Mendeloff 2005; Huber 2007; Mosely 2008; Morantz 2011, 2013; Berliner *et al.* 2015). Qualitative research on compliance with private labor standards in global supply chains likewise has highlighted the role of unions and their representatives in promoting better compliance with labor standards (Bartley & Egels-Zandén 2015). There has been some attention in both domains to the role of lobbying

(Bardach & Kagan 1982; Hood *et al.* 2001; Carpenter 2002; Cebula *et al.* 2014). Researchers have looked at the influence of NGOs on regulatory compliance and enforcement outcomes (Rodríguez-Garavito 2005; Seidman 2007; Amengual 2010; Bartley & Egels-Zandén 2015). Much of this work has been in the context of private, transnational regulation, and not in domestic regulatory contexts as contemplated by the theory of “tripartism.” Studies in this domain also have examined how consumers’ political preferences are related to the rigor with which private regulation is enforced by global brands (Toffel *et al.* 2015).

Some studies have conceptualized the media as a civil society actor with the potential to influence regulatory compliance and enforcement practices, for instance, by conducting investigations of regulated factories (Van Rooij 2010), publishing exposés of rampant noncompliance (Tilt 2007; Van Rooij 2010), providing avenues for exposure of noncompliance (Toffel *et al.* 2015), or shaping regulators’ perceptions of public support for their enforcement practices (Lo *et al.* 2006). Several studies – although surprisingly few in light of the prominence of capture theory in regulatory scholarship – investigate industry influence on enforcement (Amengual 2010; Van Rooij 2010; Van Rooij & Lo 2010; Coslovsky & Locke 2013). In addition to the influence by particular types of civil society actors, researchers have investigated the structural conditions that might enable (or impede) interest group formation and efficacy, including the salience of regulatory issues (Carpenter 2002; Hutter & Jones 2007; Kim 2008), barriers to collective action (Van Rooij 2010), and linkages between regulators and civil society groups (Amengual 2014, 2016; Amengual & Fine 2016). Research also has investigated how corrupt relationships with civil society actors can influence government enforcement of regulation (McAllister 2008, 2010).

There has been much attention to community activism in the literature on compliance and enforcement (Hamilton 1993; Kagan *et al.* 2003; Earnhart 2004; Gray & Shadbegian 2004; Gunningham *et al.* 2004a,b; Van Rooij 2006, 2010; Tilt 2007; Delmas & Toffel 2008; Van Rooij & Lo 2010; Ashenmiller & Norman 2011), but there are important differences in the way qualitative and quantitative researchers conceptualize and measure this construct. Qualitative research tends to measure *actual occurrences* of activism, while quantitative research measures the *potential* for activism. The latter conceptualization is grounded in the economic theory of regulation, specifically, public choice theories of political mobilization. Drawing on these theories, quantitative variables representing community activism measure the *potential* for activism based on the likely costs and benefits to communities of mobilizing, as well as their resource-based capacity to do so. Commonly used metrics include: voter turnout (Hamilton 1993); membership in environmental NGOs (Delmas & Toffel 2008); the interaction of voter turnout with NGO membership (Gray & Shadbegian 2004); the existence of state legislation inhibiting lawsuits against corporate targets (Ashenmiller & Norman 2011); population size (Earnhart 2004); education (Earnhart 2004); poverty levels (Hamilton 1993), party affiliation (Scholz *et al.* 1991; Earnhart 2004); and racial composition (Hamilton 1993; Gray & Shadbegian 2004).

By contrast, qualitative researchers focus on actual rather than potential instances of activism using measures such as: levels of community support for or resistance to local industry (Kagan *et al.* 2003; Gunningham *et al.* 2004a,b); instances of resistance to regulatory enforcement by local stakeholders (Van Rooij 2006); citizen complaints to regulators (Tilt 2007; Van Rooij 2010; Van Rooij & Lo 2010); and demonstrations (Van Rooij 2010).

Finally, drawing on elements of both institutional structure and interest group conceptions of politics, researchers have addressed how the enforcing agency’s reputation influences the enforcement outcomes it is able to achieve (Carpenter 2010; Gilad & Yogev 2012; Maor & Sulitzeanu-Kenan 2013; Etienne 2015). The construct of “reputation” encompasses stakeholder beliefs about the agency’s capacity to effectively pursue its mission and the network of interest groups allied with the agency in pursuit of this mission (Carpenter 2002).

3.3. Construct divergence

3.3.1. Economic conditions or costs of compliance and enforcement?

Quantitative and qualitative researchers diverge more significantly in their conceptualization of other political constructs. Consistent with the economic theory of regulation, quantitative researchers have sought to measure the costs and benefits of enforcement in order to predict the level of demand for it. Lost employment opportunities are often used to capture the costs of regulatory enforcement. For instance, studies hypothesize that regulators will avoid stringent enforcement of regulation in communities that have high levels of unemployment (Moe 1985; Deily & Gray 1991; Huber 2007), that are highly dependent on a small group of regulated employers

(Deily & Gray 1991), or where employers are economically vulnerable (Deily & Gray 1991). Regulators are said to adjust their enforcement practices in response to economic conditions because “[t]he political costs of having regulatory enforcement behavior cause, or even appear to cause, a plant to shut down may induce regulators to direct their enforcement toward plants for which the probability of closing, and the adjustment cost if closing occurs, are lower” (Deily & Gray 1991, p. 263). Studies have hypothesized further that enforcement practices will be most sensitive to these kinds of economic hardships at the state level, where the political repercussions of local economic hardships are likely to be felt most acutely (Gray & Shadbegian 2004; Deily & Gray 2007; Morantz 2009). The economic hardships attributed to regulation typically are measured using variables for local unemployment rates, plant-level costs of compliance, and the probability of a plant closing. Qualitative researchers have used similar measures of economic conditions in their studies, but they do not characterize them as “costs” of regulatory enforcement. These studies conceptualize employment (Hutter & Manning 1990; Ronconi 2010), GDP (Van Rooij & Lo 2010), firm viability (Hutter 1997; Tilt 2007), and local economic dependencies (Van Rooij 2006; Van Rooij & Lo 2010) as providing economic context or explaining political pressures on regulators.

3.3.2. *Benefits of enforcement*

Quantitative researchers are alone in their consideration of the benefits of enforcement. This construct has been employed in the context of environmental regulation, where it is hypothesized that the benefits of pollution control will be greater in communities where many people benefit from it and where the benefits are greater due to the high volume of pollution, the high value the community places on mitigating environmental harm, or the community’s sensitivity to pollution (Earnhart 2004). Variables for local population size, facility-level emissions, per capita income, and local ambient air quality measure these constructs (Earnhart 2004).

3.3.3. *Public opinion*

Qualitative studies employ additional categories of political constructs not found in quantitative work, including: public opinion, political culture, and micro-politics. Qualitative researchers have been particularly interested in investigating the relationship between regulatory enforcement levels and public sentiment about regulation. Studies most often conceptualize the relevant construct as something akin to the public’s awareness of and concern about regulatory problems, and they typically use media coverage of regulatory issues to measure this (Bardach & Kagan 1982; Hawkins 1984; Hutter 1986, 1989, 1997, 2001, 2011; Gunningham 1987; Hutter & Lloyd-Bostock 1992, 2013; Lo & Leung 2000; Hood *et al.* 2001; Hutter & Jones 2007; Haines 2011; Almond & Esbester 2016). Although these studies, like some discussed above, draw on media accounts of regulation, they are categorized separately because they do not conceptualize the media as a civil society actor responsible for influencing regulators directly or mobilizing interest groups to do so. Rather, in the studies discussed here, media accounts of regulation are measures of public knowledge and views, or they are “cultural scripts” that reflect and inform public knowledge and views (Almond 2009).

Hutter (1989, 1997, 2001, 2011; Hutter & Lloyd-Bostock 1990) has written extensively on how public concern about particular risks or catastrophes can prompt more stringent regulatory enforcement. As Hawkins (1984, p. 97) put it, for many regulators, “the working definition of a ‘serious’ [problem] is ‘basically anything that’s going to cause a great amount of public reaction’.” Others have theorized that negative public opinion of certain regulations or enforcement tactics can weaken regulatory enforcement (Hutter & Jones 2007; Almond & Esbester 2016). Public views reflecting moral and political ambivalence regarding certain types of regulatory rule-breaking can likewise constrain the types of enforcement actions agencies take (Hawkins 1984; Hutter & Manning 1990). Some studies gage levels of public support for enforcement based on survey responses (Lo & Fryxell 2005; Van Rooij *et al.* 2013) or interviews with regulators (Edelman *et al.* 1991). Others characterize the relevant construct as the perceived legitimacy of regulators based on the level of public consensus about the validity of regulatory goals (Van Rooij 2006), the moral culpability of regulatory violations (Parker 2006), or the regulator’s efficacy in mitigating public harms (Haines 2011). The construct of reputation similarly captures the public’s perception of the regulator’s efficacy in pursuing its mandate (Carpenter 2002; Gilad & Yogev 2012; Etienne 2015).

3.3.4. *Political culture*

Macro-level constructs, like political culture and political economy, have played an important role in explaining regulatory compliance and enforcement outcomes in some studies based on the premise that these “political

philosophies and projects have the capacity to undermine ... effective regulation” (Haines 2011, p. 23). Scholars have investigated how regulatory compliance and enforcement are shaped by anti-regulatory ideologies (Hutter & Manning 1990; Balaton-Chrimes & Haines 2015, 2016; Almond & Esbester 2016, 2018), neoliberal ideologies of individual responsabilization (Gray 2006, 2009), and political-economic systems like capitalism (Balaton-Chrimes & Haines 2015, 2016). Studies have also investigated the influence of national political cultures – for instance, corporatism vs. pluralism (Verweij 2000), adversarial legalism (Kagan & Axelrad 2000), and the political appetite for criminalizing corporate conduct (Almond 2015). Research also has suggested that political-economic conditions like extreme inequality influence the extent to which certain regulations are enforced (Balaton-Chrimes & Haines 2016).

3.3.5. *Micro-political perspectives*

Finally, a body of qualitative scholarship focuses on the micro-politics of regulation, including how the political views of individual regulators (Lipsky 1980; Edelman *et al.* 1991; Lo *et al.* 2006; May & Winter 2009) and the interaction of regulatory actors with one another construct compliance and enforcement outcomes (Coslovsky 2009; Coslovsky *et al.* 2011; Haines 2011; Huising & Silbey 2011; Pires 2011). For instance, Coslovsky *et al.* (2011) describe how Brazilian carnival operators and labor inspectors engaged in dialogue to arrive at a solution to protect the core employment rights of seasonal carnival workers while maintaining the flexibility and informality traditionally associated with these temporary and highly fluid employment arrangements.

3.4. Mechanisms

Although studies have identified a wide array of political actors and institutions that might influence regulatory compliance and enforcement, less progress has been made to ascertain the mechanisms by which they do so (Kim 2008). Existing research tends to elide both the direction and the pathways of influence. Qualitative research on public opinion is emblematic of this problem. While many studies find a relationship between public attitudes about regulation and enforcement levels, they often fail to consider the direction of causality. The assumption tends to be that public opinion influences enforcement levels and styles adopted by regulators. But it is also possible that public opinion about regulation is, itself, shaped by the way regulators enforce the law (Lowi & Nicholson 2009). Assuming that public attitudes do, indeed, influence regulators’ practices, studies fail to explain *how* such influence is exerted. Is it because politicians pressure regulators to address problems that concern their constituents? Do regulators respond directly to public demands, without the intervention of politicians? Are regulators’ own preferences constructed by those around them in the broader public? One UK regulator illustrates the problem when he reports to researchers: “I even find it difficult to grasp sometimes what ‘public concern’ actually means, or what ‘the wider public’ means” (Almond & Esbester 2016, p. 279). Sorting out these relationships is crucial to understanding the politics of regulatory compliance and enforcement.

Almond and Esbester (2016) provide one of the more elaborate accounts of the concept of public opinion and the mechanisms by which it shapes regulatory enforcement. They argue that it is not public opinion *per se*, that influences regulators’ enforcement practices, but rather how the relevant public and its opinions are constituted. So, for instance, in the early post-war years, health and safety regulation was thought to be “a narrow area of concern, fit only for the attention of employers, employees, and unions” (Almond & Esbester 2016, p. 284). The late twentieth century saw the politicization of health and safety regulation as a wider cross section of the public began to participate in debates about health and safety regulation. High profile disasters covered extensively in the media roused the interest of the broader public in health and safety regulation and provided political cover for regulators targeted by anti-regulation politicians. “It thus became very difficult for even a deregulatory government to take action that might be construed as exposing the general populace to risk, and post-disaster reforms tended to strengthen the hand of the regulator rather than weaken them” (Almond & Esbester 2016, p. 288). Public opinion became more fractured and contested after the turn of the century, resulting in a more ambiguous relationship with regulatory outcomes and providing less political cover for regulators to resist the commands of deregulatory political principals. Almond and Esbester (2016) also reveal that regulators are not merely passive absorbers of public opinion, but that they actively seek to cultivate public opinion in support of their work. For instance, they recount that a high-ranking British labor inspection official saw it as “part of the job of the Inspectorate to develop an informed public and to harness the force of its informed opinion to the

improvement of industrial conditions” and that, accordingly, the agency was “considering a much more active approach to the development of public opinion” (Almond & Esbester 2016, p. 281).

Research on environmental law enforcement in China has sought to better understand the mechanisms of public opinion by investigating how its relationship to enforcement can be moderated by other political variables. For example, Lo and Fryxell (2005) find that while both government support and societal support (public opinion favoring enforcement) have a positive relationship with enforcement outcomes, these two independent variables have an inverse relationship. When government support for enforcement is low, strong public opinion in favor of enforcement can undermine regulators by placing unreasonable pressure on them to produce results that they lack the bureaucratic capacity to achieve. Subsequent studies have continued to investigate the interaction between public and bureaucratic support for regulation and have extended these findings by showing that the relationship between governmental and societal support for enforcement changes over time. While studies using data from 2000 found that societal support was most influential when combined with government support (Lo & Fryxell 2005; Lo *et al.* 2006), Van Rooij *et al.* (2013) demonstrate that by 2006, the two had a complementary relationship, with societal support compensating for low levels of government support. They attribute this change to the increasing power and capacity of civil society actors in China during this time period.

Quantitative studies based on the economic theory of regulation exhibit similar shortcomings in addressing mechanisms. The economic theory of regulation asserts that price is the mechanism driving regulatory outcomes. However, while this axiom motivates the political variables that many quantitative researchers use, the causal relationship between these variables and regulatory outcomes has gone largely untested. According to the economic theory of regulation, for instance, collective action by local communities influences compliance outcomes because it can raise the price of noncompliance through one of two pathways. First, communities with political clout can pressure regulators to enforce the law more stringently (Scholz & Wei 1986; Gray & Shadbegian 2007). Second, irrespective of their effect on government regulatory enforcement activities, politically active communities can influence the behavior of regulated companies directly by raising the costs of noncompliance. For example, active communities can impose costs on noncompliant companies by contesting their activities, opposing their zoning licenses or operating permits, or suing them for regulatory violations (Hamilton 1993). Thus, the more politically active a community, the more likely firms in that community will incur costs for poor compliance, and thus the more likely they are to comply with their regulatory obligations (Hamilton 1999). Conversely, environmental justice studies have theorized that communities lacking political power will experience worse compliance and enforcement outcomes because poor communities and communities of color will have difficulty imposing costs on noncompliant firms (Hamilton 1995; Gray & Shadbegian 2007). There is a rich causal story behind these hypotheses. However, the activities theorized to raise the costs of noncompliance are not empirically measured and tested by existing studies. Instead, studies operationalize the *potential* for such activities using variables that proxy for communities’ capacity to exercise political power, like voter turnout and NGO membership. Moreover, the economic theory and the studies employing it do not address how a community’s political capacity develops or how it is conveyed to and absorbed by regulators.

Research on the influence of elected officials similarly elides the question of causal pathways. While several studies find correlations between the preferences of political representatives and the enforcement of federal laws, “these papers do not address the potential endogeneity of the political variables with unobservables (such as constituent preferences) potentially driving both attributes of the political representatives and enforcement outcomes” (Innes & Mitra 2015, p. 523). In one of the few studies that attempts to do so, Innes and Mitra (2015) adopt a unique identification strategy to isolate the causal effect of political representation on enforcement levels. Looking only at US congressional districts where elections were very close (to eliminate the hypothesis that regulatory outcomes are driven by strong citizen preferences) and open (meaning that no incumbent was running, to eliminate another strong source of selection bias), they find that the election of a Republican representative leads to a 20 to 30 percent reduction in the probability that a constituent facility will be subject to a Clean Air Act inspection by the US Environmental Protection Agency – confirming that these representatives exert some influence on the agency, independent of constituent preferences.

Huber (2007) likewise tries to tease apart the mechanisms by which political influences shape a variety of different enforcement outcomes at the Occupational Safety and Health Administration (OSHA). Building on prior research finding that worker complaints are an important driver of OSHA enforcement (Scholz & Wei 1986),

Huber (2007) reveals how the political preferences of workers (rather than their political representatives) shape the allocation of OSHA inspection resources through their use of the complaint process. Complaints are brought more frequently by union workers and workers in more dangerous industries, but complaints tend to be depressed by poor economic conditions, particularly among nonunion workers. However, this dampening effect is offset in areas heavily populated by Democratic constituencies supportive of OSHA. Similarly, Huber (2007) finds that the stringency of OSHA inspections is not influenced directly by local political conditions, but rather by variations in the level of cooperation between businesses and workers with OSHA inspectors (which is related to local political conditions). Taken together, these findings paint a portrait of an agency that is insulated from direct control by political principles – meaning that it is able to exercise some measure of bureaucratic neutrality – but that is permeable to the political preferences of local constituencies through the behavior of private businesses and their workers.

Studies like these suggest how scholarship can move from a conversation about *who* and *what* politically influences regulatory compliance and enforcement, to a more nuanced understanding of *how* these influences operate and how they shape one another.

4. Contributions and limitations of existing research

The different streams of empirical research on the politics of compliance and enforcement offer important insights for one another and suggest fruitful areas for dialogue across disciplinary and methodological boundaries. Qualitative studies reveal the rich variety and complexity of political influences on enforcement across a range of empirical contexts. Collectively, they provide a broad conception of what politics encompasses by looking beyond electoral politics and formal political institutions to investigate specific moments of contestation by groups and individuals as well as the role of structural factors, like culture and ideology, in shaping regulatory outcomes. In this way, they gesture toward a more “multi-faced” (Lukes 2005) conception of politics that not only encompasses the ability to impose one’s will over resistance in active conflicts, but also includes the ability to control what conflicts get placed on the political agenda and to shape the construction of taken-for-granted assumptions about how the world works – including what is regulable and what is not. In addition, these studies cover a range of different countries and regions, including North America, Europe, Asia, and South America, providing a fuller account of variation in political systems than is currently available in quantitative research, which to date has focused largely on the US regulatory context.

At the same time, the qualitative literature has several limitations. First, there has been little attempt to synthesize the range of political influences identified under a common theoretical umbrella. Scant work has been done to theorize which political constructs matter, under which conditions, and how they interact with one another. Instead, politics in one of its many guises tends to enter qualitative studies as a *post hoc* explanation for observations in the field. These rich findings have not grounded larger theoretical advances.

Second, these studies operationalize politics in widely varied ways and at widely divergent scales: from the most macro-level to the most micro-level (sometimes within the same study). At the macro end of this spectrum, studies have investigated how the enforcement of international human rights by private dispute resolution bodies is impeded by violent conflict and class struggle (Balaton-Chrimes & Haines 2016) and fundamentally conflicting ontologies of development (Balaton-Chrimes & Haines 2015). At the micro-level, research examines the day-to-day negotiation that occurs between individual regulators and employees of regulated entities (Coslovsky *et al.* 2011). Haines (2011) points variously to ideological contests over the role of state and market, as well as parochial disputes between regulators and regulated entities, as important determinants of regulatory outcomes. The relationship between these different registers is not well articulated in the literature.

Third, the lack of dialogue among qualitative studies on the relationship between politics and regulatory compliance and enforcement has hindered theoretical development. The absence of dialogue on this point is conspicuous because many of these scholars are in dialogue on other theoretical and empirical issues – for instance, the relationship between enforcement practices and compliance outcomes. However, there are notable exceptions to be found in research clusters on the enforcement of labor law in Latin America (Piore & Schrank 2008; Coslovsky 2009; Coslovsky *et al.* 2011; Pires 2011; Amengual 2014, 2016) and environmental law in China (Lo & Fryxell 2005; Van Rooij 2006; Tilt 2007; Van Rooij & Lo 2010; Van Rooij *et al.* 2013). These scholarly communities are

engaged in sustained conversations about the influence of politics on regulatory enforcement and compliance, and they provide a useful model for a research agenda that foregrounds politics.

The quantitative literature likewise contains important lessons about studying political influences on regulatory outcomes. Most notably, many quantitative studies elaborately theorize the political constructs they investigate, justifying the explanatory value of political variables under a common theoretical framework: the economic theory of regulation. This theoretical framework channels the development of political constructs toward a universe of political variables hypothesized to measure the costs or benefits of compliance and enforcement to regulators, regulated entities, and communities. Putting aside the substantive critiques of this theoretical framework, the methodological approach – convergence toward a common set of constructs and measures united by a coherent theoretical narrative – is instructive for researchers interested in systematically studying the relationship between politics and regulatory enforcement and compliance.

In addition, quantitative studies generally have been closer in dialogue with one another on issues of politics than qualitative studies. This interchange has enabled quantitative research to build on and extend previous empirical insights and has yielded convergence around some common metrics to measure political influences on regulation. Quantitative compliance and enforcement studies that do not hypothesize political variables routinely control for them using the measures developed in prior research, reinforcing the pervasive importance of political context to regulatory outcomes across the wider body of research (e.g. Gray & Jones 1991; Stafford 2002; Potoski & Prakash 2005a,b; Shimshack & Ward 2005, 2008; Howard-Grenville *et al.* 2008; Short & Toffel 2008; Earnhart 2009; Short & Toffel 2010; Toffel & Short 2011).

Despite these contributions, quantitative research on political influences has limitations. First, while the common theoretical framework is methodologically beneficial, it is not clear that the dominant theoretical framework in these studies identifies the complete or correct set of political constructs to capture the breadth and nature of political influences on regulation. These studies tend to accept, uncritically, the stylized assumptions of the economic theory. They privilege a narrow conception that reduces politics to the costs and benefits of enforcement and the strategic behavior by interest groups, regulators, and elected officials over the broader and more nuanced set of political influences identified in the qualitative literature. While this may make for a coherent narrative of politics and enforcement, it also may distort the narrative and leave critical parts of the story untold. To be sure, these variable preferences are partly an artifact of the measurement imperatives of quantitative research. However, it is worth considering whether gaps could be filled by attempting to quantify a broader set of political constructs, including some of those developed in qualitative research.

Second, there is an uneasy fit between constructs and measures in quantitative studies. For instance, a community's potential for political mobilization is commonly measured as voter turnout in a recent national election (Hamilton 1993). While this measure finds some support in political science studies documenting "that those individuals more likely to become involved in community political action ... report a higher tendency to vote than others" (Hamilton 1993, p. 107), it is crude. Opinions on regulation are highly polarized, and it is not clear whether politically active communities would push for more or less regulatory enforcement. This renders the results of studies using this measure difficult to interpret. Moreover, findings obtained using this measure may not be generalizable to the many national contexts where voting is mandatory. Some studies have attempted to refine measures of political mobilization by including variables for membership in environmental NGOs (Gray & Shadbegian 2004; Delmas & Toffel 2008; Grooms 2015; Innes & Mitra 2015) or party affiliation (Hamilton 1999; Earnhart 2004; Gray & Shadbegian 2007). While these measures are more precise proxies for collective action potential than voter turnout, they remain blunt, and the studies that employ them likewise fail to investigate specific instances of citizen or interest group mobilization and their effects on regulatory outcomes. The benefit of pollution reduction is another construct in tension with its measure. Per capita income has been used as a proxy for the value of pollution reduction because "as a community's income per capita rises, the community's valuation of damages rises" (Earnhart 2004, p. 654). This measure ignores the possibility that wealthy voters may not be environmentally conscious and the fact that conservation and environmental protection are motivated primarily by non-monetary values.

The studies have one collective limitation worth noting: there is little empirical research in either the qualitative or quantitative literature on how political pressure by regulated industry shapes regulatory enforcement and compliance (*But see* Scholz & Wei 1986; Hutter 2001; Haines 2011; Hutter & Lloyd-Bostock 2013; Mills & Koliba

2015). This is surprising given the pervasive intellectual influence of capture theory, and it is concerning in light of the broad anecdotal consensus that the concerted political activities of regulated industries have eroded the enforcement of many regulatory protections (McGarity 2013). On the qualitative side, this oversight may be due to scholars' disciplinary resistance to capture theory's stylized rational choice epistemology and their desire to reveal the more subtle ways that organizations shape the law (Edelman & Suchman 1997; Edelman & Talesh 2011). Quantitative researchers may shrink from these questions because attempts to model regulated entities' influence on their own levels of compliance or enforcement suffer from complicated endogeneity problems. While these theoretical commitments and empirical challenges are understandable, they should not stand as a barrier to investigation of a signal influence on regulatory outcomes today: the strategic political contestation of enforcement by regulated entities and their political allies.

Finally, it is important to acknowledge the limitations of the analysis presented in this article. First, the article's focus on the compliance and enforcement literature neglects other phases at which politics enters the regulatory process, including preference formation, agenda setting, policy adoption and diffusion, and institutional design. This potentially limits the number and types of political variables identified. Furthermore, it fails to capture the ways in which regulators' ability to enforce the law and regulated entities' willingness to comply with the law are shaped by the nature and consequences of political influence at all stages of the regulatory process. A broader synthesis of the literature is necessary for a more complete account.

Second, the article's focus on studies that explicitly articulate "politics" as a construct results in the omission of important literature on organizations and professions. The "office politics" described in these studies are critical to explaining enforcement and compliance outcomes, and this activity certainly could be characterized as "political" in a broader sense. However, for purposes of this article, I decided not to impose this characterization on studies that do not adopt it themselves. While acknowledging the potential value of the broader organizational and professional literature to this project, the article seeks to underscore the importance of explicitly theorizing politics. The theoretical frame of "sub-politics" discussed above is a valuable effort to integrate organizational and professional considerations into conceptions of the politics of regulation.

Third, the focus of this article is methodological, not substantive. It investigates *how* researchers address questions about the relationship between politics and regulation rather than the substantive answers they find. Much work remains for future research to synthesize the substantive findings of the collected studies.

5. Discussion

The analysis presented in this article reveals important insights about the place of politics in enforcement and compliance scholarship and provides valuable tools for advancing knowledge in this domain. First, it demonstrates that political constructs can indeed be operationalized and studied empirically to ascertain their relationship to compliance and enforcement outcomes, and it provides researchers with a rich set of templates for doing so.

Second, this article brings together for the first time studies that address a common set of theoretical and empirical questions about politics and regulation but that have developed largely in isolation from one another. While there has been significant dialogue across disciplinary and methodological divides in the broader enforcement and compliance literature, there has been little cross-fertilization in empirical research on politics. Identifying these studies as a distinct research field will help future researchers to: establish what is known empirically about the relationship between politics and enforcement, identify where the most significant open questions lie, and extend existing theoretical and empirical insights.

Third, the study reveals key areas of convergence and divergence on relevant political constructs in the quantitative and qualitative literature, including the dominance of the economic theory of regulation. Broad convergence between the two suggests that there are meaningful possibilities for cross-disciplinary dialogue, while areas of divergence suggest the gaps in each and the payoffs to dialogue. The most significant convergence is around constructs drawn from the economic theory of regulation. Although many deep critiques have been leveled at the economic theory, it continues to provide key variables that form the basis of understandings about political influences on regulation across a range of different disciplines. This may be, in part, because economic theory not only hypothesizes how different actors exercise power to achieve their objectives, but it also deeply shapes assumptions

about how the world works – including what conceivably can be regulated and how. This suggests the need to more rigorously theorize politics beyond the economic theory.

Fourth, while theory development is beyond the scope of this article, the analysis presented here suggests four key considerations to inform theory generation going forward. First, theory should define the scope of what politics includes. The political influences research identifies will depend on “how wide the lens is through which one is looking for power” (Lukes 2005, p.72). The collected studies raise the question of whether “politics” encompasses contestation of any kind or whether it should be defined more narrowly in terms of contestation tied to governmental or electoral institutions. Perhaps the aperture should be broadened beyond instances of active contestation to encompass other forms of power (Lukes 2005), like the ability to place issues on and keep issues off of the regulatory agenda or the shaping of perceptions and preferences. The boundaries might be drawn differently in different regulatory contexts. Theory should seek to articulate not only where the boundaries are, but also the stakes of drawing them in different places.

Second, theory should address the mechanisms by which the relevant constructs shape regulatory outcomes. It is important to understand how political constructs are constituted, conveyed, received, and enacted. For instance, it may be well established that public views about regulation are associated with regulatory enforcement levels. But how are those views constituted, by what actors, and through what means? How are they conveyed to and received by regulators? Do regulators monitor public opinion and feel beholden to respond, even though they are not elected? Are regulators pressured by political appointees or elected officials to effectuate the will of the public? Are regulators’ views of what is appropriate constituted by those around them, such that they come to share the public’s views? There are many ways in which even a single political construct might shape regulatory enforcement outcomes, and future research should theorize and test which mechanisms drive which types of outcomes within which contexts.

Third, a theory of the politics of regulation must consider questions of scale and linkage (Ford 2013). Scholars have explained regulatory outcomes variously as a function of macro-ideologies like neoliberalism as well as on-the-ground struggles among interest groups and even individuals. They have looked at formal political structures like governmental departments and elected representatives as well as social movements and citizen activism. This suggests the need for more explicit investigation of the relationships linking different political registers. For instance, what are the connections among political ideologies, citizens, and elected representatives, and how might they combine to influence regulators?

Fourth, theory must not ignore other axes of variation. Regulation comprises myriad programs, policy domains, legal and task environments. Politics is one variable among many that may influence compliance and enforcement outcomes. With so many potentially relevant causal variables operating in so many different contexts, there can be no single, parsimonious explanatory model of regulatory behavior (Kagan 1994), and this article does not call for one. Rather, it calls for greater attention to variations in political conditions and how those contingencies interact with other drivers of regulatory outcomes.

Finally, the approach to regulation and governance scholarship presented here can help to advance critical perspectives on the field. There is a tendency in the field to privilege technical explanations of regulatory outcomes over explanations grounded in political theory and power. There is a tendency to take political conditions such as neoliberal markets and autonomous bureaucracies for granted. As discussed in the introduction, the immediate aim of this article is technocratic: to advance empirical understandings of when and how regulation works by surfacing the political influences shaping it. However, this undertaking also may contribute to more deeply critical projects. I anticipate that foregrounding politics will open new lines of critique – particularly to the extent that politics includes normative considerations and issues of power and its distribution. While this is not my immediate project, it would be a welcome development.

6. Conclusion

This article suggests the enormous challenges and possibilities for research attempting to better understand how politics shape regulatory outcomes. It renews longstanding calls to develop a body of scholarship on the politics of regulation that seeks “integration and coherence” by “build[ing] in a systematic way on what we already know” (Moe 1985, p. 1095). By assembling and systematizing the core of what we know, this article provides the scaffolding on which to build.

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Endnote

- 1 The terms “regulatory outcomes” or “compliance and enforcement outcomes” are used to refer to the dependent variables in the empirical studies reviewed, including, most commonly: enforcement rigor, enforcement targeting, enforcement style, and compliance with rules. While not all of these dependent variables measure the ultimate outcomes of regulation—meaning the actual performance of regulation in mitigating harms—they represent compliance and enforcement outcomes relevant to harm reduction that commonly are measured in the literature. These dependent variables are not coded separately in the analysis because the focus of this article is on the operationalization of independent political variables.

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Appendix A: Summary of qualitative studies

Constructs	Measures/Studies
Elected Officials	
Party affiliation of political principals	Conservative party affiliation of local elected council Hutter 1989 Political party in power Almond & Esbester 2018
Support of political principals	Perceptions of local government support for enforcement Lo & Fryxell 2005 Lo <i>et al.</i> 2006 Tilt 2007 Van Rooij <i>et al.</i> 2013 Policy emphasis of local politicians May & Winter 2009 Opposition to enforcement by local governments Tilt 2007 Van Rooij 2010 Environmental reputation of local governments; funding for local Environmental Protection Bureaus Van Rooij & Lo 2010 Support of local politicians Haines 2011
Political pressure	Intervention in agency decisions by members of Congress, political appointees Mills & Koliba 2015
Structure of Government Institutions	
Agency resources	Budget and staff Hutter 1986, 1989 Lo & Leung 2000 McAllister 2008 Haines 2011 Mills & Koliba 2015 Perceptions of resource adequacy Lo <i>et al.</i> 2006 Number and education of enforcement staff of local Environmental Protection Bureau; material resources Van Rooij & Lo 2010 Extent of privatization Hutter & Lloyd-Bostock 2013 Material and information resources Amengual 2014, 2016
Support for enforcement in bureaucratic hierarchy	Targeted enforcement campaigns by national regulator Van Rooij 2006 Van Rooij & Lo 2010 Instructions from bureaucratic supervisors to restrain enforcement Waller 2007 Negative reaction by bureaucratic superiors Mascini & Van Wijk 2009

(Continues)

Constructs	Measures/Studies
Autonomy	Number of high-level agency positions filled by the executive through appointment process McAllister 2008 Constitutional protections for prosecutors + state budget and appointment process McAllister 2008 Environmental agencies subject to control by other agencies McAllister 2008 Civil service protections and training requirements Pires 2008 Job security of officials, control by other agencies McAllister 2010 Regulators insulated from industry influence Coslovsky & Locke 2013 Affirmative action officers insulated from administration officials Edelman <i>et al.</i> 1991
Procedural constraints on regulators	Judicial review Verweij 2000 Waller 2007 Van Rooij 2010 Institutional channels for citizen complaints Lo & Leung 2000 Public participation requirements Hutter 2001 Costly procedures Van Rooij 2010 Congressional rules and statutory constraints on regulators Eisner 2017
Agency reputation	Agency capacity + agency support networks Carpenter 2010
Interest Groups	
Labor	Activist union representatives at supplier factories Bartley & Egels-Zandén 2015
Lobbying	Lobbying by issue-oriented interest groups Bardach & Kagan 1982 Hood <i>et al.</i> 2001
NGO pressure	NGO pressure on industry Kagan <i>et al.</i> 2003 Gunningham <i>et al.</i> 2004a, 2004b Activist pressure on brands to adhere to labor standards Bartley 2005 Rodríguez-Garavito 2005 Regulator perceptions of interest group support Lo <i>et al.</i> 2006 Reported NGO influence on compliance with food safety regulation Hutter & Jones 2007 Advocacy networks with union representatives Bartley & Egels-Zandén 2015

(Continues)

Constructs	Measures/Studies
Community activism	Community support for or resistance to local industry Kagan <i>et al.</i> 2003 Gunningham <i>et al.</i> 2004a, 2004b Resistance by local stakeholders Van Rooij 2006 Citizen complaints to regulators Tilt 2007 Van Rooij 2010 Van Rooij & Lo 2010 Demonstrations, lawsuits, media attention Van Rooij 2010 Van Rooij & Lo 2010
Media	Regulator perceptions of media support Lo <i>et al.</i> 2006 Publicity about food hygiene practices Hutter & Jones 2007 Exposés about pollution enforcement Tilt 2007 Investigations by local reporters; national media reports of local injustices Van Rooij 2010
Industry	Retaliation against or buyouts of activists Van Rooij 2010 Acts of evasion Van Rooij & Lo 2010 Political clout of industry Coslovsky & Locke 2013
State-civil society linkages	Extent of linkages between agency and pro-enforcement organizations Amengual 2014, 2016 Extent of support in unions and government agencies for joint enforcement projects Amengual & Fine 2016
Support of interested constituencies	Interest groups demanding public regulation vs. interest groups demanding private regulation Amengual 2010
Barriers to collective action	Dependency on local firm; lack of education, experience Van Rooij 2010
Corruption	Public reports of corruption McAllister 2008 Reputation for corruption McAllister 2010
Economic Context	
Employment	Unemployment rate Hutter & Manning 1990
GDP	Per capita GDP Van Rooij & Lo 2010

(Continues)

Constructs	Measures/Studies
Local economic conditions: employer viability	Resource levels of regulated firms Hutter & Lloyd-Bostock 1992 State of regulated industry and local economy Hutter 1997 Solvency of important employers Tilt 2007
Local economic dependencies	Firm market dominance Van Rooij 2006 Van Rooij & Lo 2010
Public Opinion	
Public awareness and concern about regulatory problems	Media attention to risks, accidents Bardach & Kagan 1982 Hutter 1989, 1997, 2001, 2011 Hood <i>et al.</i> 2001 Haines 2011 Hutter & Lloyd-Bostock 2013 Almond & Esbester 2016 Public criticism of regulators Hawkins 1984 Visibility and severity of accidents Hutter 1986 Gunningham 1987 Hutter & Lloyd-Bostock 1990, 1992 Information campaign by regulator to educate public Lo & Leung 2000 Public opinion polls Hood <i>et al.</i> 2001 Consumer concern about food safety Hutter & Jones 2007
Anti-regulation sentiment	Anti-regulation media coverage Hutter & Manning 1990
Societal support for enforcement	Survey responses re: support for environmental enforcement Lo & Fryxell 2005 Van Rooij <i>et al.</i> 2013 Affirmative action officers' perceived community support for strict enforcement of anti-discrimination laws Edelman <i>et al.</i> 1991
Perceived legitimacy of regulators	Consensus about moral culpability of regulatory violations Parker 2006 Consensus about environmental concerns embodied in national regulation Van Rooij 2006 Perception of harm reduction Haines 2011
Agency reputation	Stakeholder beliefs about agency's efficacy in pursuing its mandate Gilad & Yogev 2012 Etienne 2015 Carpenter 2010

(Continues)

Constructs	Measures/Studies
Political Culture	
Ideology	Anti-regulation scholarship Hutter & Manning 1990 Differences in national normative orders Verweij 2000 Capitalist and neoliberal ideologies Gray 2006, 2009 Balaton-Chrimes & Haines 2015, 2016 Anti-regulatory statements by political leaders Almond & Esbester 2016, 2018
National political culture	Corporatism vs. pluralism Verweij 2000 National regulatory styles Kagan & Axelrad 2000 Cultural acceptance of criminalization Almond 2015
Inequality	Extreme inequality between developers and those contesting development projects Balaton-Chrimes & Haines 2016
Political polarization	Polarization metrics Eisner 2017
Cultural scripts: “Regulatory myths”	Media stories of frivolous regulation Almond 2009
Sub-Politics	
Dialogue and negotiation with stakeholders	Observational data Coslovsky 2009 Coslovsky <i>et al.</i> 2011 Huising & Silbey 2011 Haines 2011 Pires 2011
Individual Politics	
Political views of implementing bureaucrats	Observational data Lipsky 1980 Edelman <i>et al.</i> 1991 Lo <i>et al.</i> 2006 May & Winter 2009

Appendix B: Summary of quantitative studies

Constructs	Measures/Studies
Elected Officials	
Party affiliation of political principals	Party of the president Moe 1982, 1985 Scholz <i>et al.</i> 1991 Carpenter 2002 Shrock 2013 Party of congressional representatives Scholz <i>et al.</i> 1991 Carpenter 2002 Innes & Mitra 2015 Majority party in state legislature Scholz & Wei 1986 Scholz <i>et al.</i> 1991 Keiser & Soss 1998 Shrock 2013 Party of state governor Scholz & Wei 1986 Shrock 2013 Party of local representatives Scholz <i>et al.</i> 1991 Left party control of legislature Mosely 2008 Left party chief executive Ronconi 2012 Powerful left-wing political parties Berliner <i>et al.</i> 2015
Party affiliation of local population	Democratic vote share Huber 2007
Ideology of political principals	Congressional ideology scores Weingast & Moran 1983 Moe 1985 Scholz & Wei 1986 Kim 2008 Delmas & Toffel 2008 Shrock 2013 State legislature ideology scores Kim 2008 Conservatism of congressional delegation, members of relevant subcommittees Huber 2007
Congressional oversight	Local representative on relevant oversight committee Kleit <i>et al.</i> 1998 Helland 1998 Budgeting Wood 1988 Wood & Waterman 1991 Carpenter 1996

(Continues)

Constructs	Measures/Studies
Constituency of political principal	Voter demographics Holland 2015, 2017
Structure of Government Institutions	
Agency enforcement resource levels	Agency budget Keiser & Soss 1998 Shimshack 2014 Jackson & Zhang 2016 Agency staff Ronconi 2010 “Reinvented” status of field office Huber 2007
Agency enforcement resource slack	“Reinvented” status of field office Huber 2007
Political appointments	Presidential selection of agency leader Wood 1988 Wood & Waterman 1991
Executive control	Centralized decision-making processes Wood & Waterman 1991
Agency independence	Executive vs. independent department Wood & Waterman 1991
Government level	State/federal/regional Magat & Viscusi 1990 Scholz <i>et al.</i> 1991 Gray & Shadbegian 2004 Earnhart 2004 Deily & Gray 2007 Morantz 2009
Procedural constraints on regulators	Number of veto players Mosely 2008
Electoral rules	Electoral rules allowing poor voters to elect local politicians Holland 2015, 2017
Interest Groups	
Labor	Strike activity Moe 1985 Unionization Weil 1991 Brown 1995 Gray & Mendeloff 2005 Morantz 2011, 2013 Unionization rates and linkages with political leaders Mosely 2008 Worker complaints filed with agency Scholz & Wei 1986 Brown 1995 Huber 2007

(Continues)

Constructs	Measures/Studies
	Union affiliation of worker complainants Huber 2007 High rates of union membership Berliner <i>et al.</i> 2015
Lobbying capacity	Wealth and number of interested organizations Carpenter 2002 Number of registered lobbyists in jurisdiction Cebula <i>et al.</i> 2014
Media	High levels of press freedom in supplier countries Toffel <i>et al.</i> 2015 Media coverage of regulatory issue Carpenter 2002 Kim 2008
Consumer social conscience	Index measuring consumer concern about sustainability issues Toffel <i>et al.</i> 2015
Community collective action potential	Voter turnout Hamilton 1993 Membership in environmental NGOs Delmas & Toffel 2008 Interaction of voter turnout and NGO membership Gray & Shadbegian 2004 State anti-SLAPP legislation Ashenmiller & Norman 2011
Community political power	Population size Earnhart 2004 Education Earnhart 2004 Percent below poverty line Hamilton 1993 Gray & Shadbegian 2004 Percent nonwhite Hamilton 1993 Gray & Shadbegian 2004
Community political orientation	Percent Republican Earnhart 2004 Index measuring community support for a political party over time Scholz <i>et al.</i> 1991
Costs of Enforcement	
Employment	Unemployment rate Moe 1985 Deily & Gray 1991 Huber 2007 Mosely 2008
Inflation	Inflation rate Moe 1985
Employer viability	Probability of plant closing Deily & Gray 1991

(Continues)

Constructs	Measures/Studies
Employer market dominance	Plant employment ratio to local labor market Deily & Gray 1991
Trade policy	Ratio of imports + exports to GDP Ronconi 2012
Benefits of Enforcement	
Health benefits	Ambient air quality Earnhart 2004
Property value	Home ownership rates Hamilton 1993 Home values Hamilton 1993
Damage avoidance	Facility pollution level Earnhart 2004 Size of affected population Earnhart 2004 Damage valuation (per capita income of affected population) Earnhart 2004 Baseline ambient environmental quality Earnhart 2004