

Forbearance:
Theory and Measurement in the Study of Enforcement Politics

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Particularly in developing countries, conventional wisdom is that laws go unenforced due to resource constraints or inadequate control of the bureaucracy. I instead introduce the concept of *forbearance*, of the intentional nonenforcement of law, and argue that politicians withhold sanctions to maximize votes as well as rents. I present an equilibrium framework and several methods to separate situations when politicians are unable versus unwilling to enforce the law. Each identification strategy is demonstrated with original data on the enforcement of laws against squatting and street vending in urban Latin America, as well as secondary sources. These illustrations suggest the rich, and largely neglected, distributive politics behind apparent institutional weakness.

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The Law, in its majestic equality, forbids, the rich, as well as the poor, to sleep under the bridges, to beg in the streets, and to steal bread.

—Anatole France, *The Red Lily* (1894)

In much of the developing world, legal rules are ignored. Businesses skirt tax and labor regulations, unlicensed street vendors clog city streets, and squatters build houses on private property. This gap between lived reality and parchment law is taken to reflect a weak state. Indeed, classic definitions of state capacity center on whether authorities can make and implement binding rules for society (Levi 1988; Mann 1984; Migdal 1988; Skocpol 1985). Different forms of state weakness take the blame for limited enforcement. On the one hand, a state can deter and penalize all offenses with sufficient police, judges, and bureaucrats. Few states, particularly in low-income countries, have this fiscal luxury (Becker and Stigler 1974; Becker 1968; Centeno and Portes 2006; Geddes 1994; O'Donnell 1999a). On the other hand, enforcement can lag due to principal-agent problems. Politicians struggle to monitor the behavior of “street-level” bureaucrats. Agents shirk or predate. Weak administrative capacity thus results in lousy enforcement (Dimitrov 2009; Gans-Morse 2012; Lipsky 1980; McCubbins, Noll, and Weingast 1987; North 1990). Both capacity-based approaches assume that politicians attempt to enforce the law and fail. This paper disagrees.

In an important class of cases, states have the fiscal and administrative capacity to enforce their laws. Politicians choose not to do so. This paper introduces the concept of *forbearance* to describe the intentional non-enforcement of law. It then theorizes subtypes of forbearance based on their distributive consequences and mode of provision. In cases where the rich are the primary violators of a law, it may come as little surprise that politicians manipulate enforcement to extract rents. Forbearance then functions as a classic form of corruption or, when the powerful as a class stand above the law, it can slide into the “unrule of law” (to use O'Donnell's (1999b) term). What is less recognized is that forbearance also can be used to channel resources to less advantaged groups. While the poor lack the legislative, financial or personal influence to secure exemptions from justice,

poor voters are numerically important, particularly in poor and unequal democracies. Forbearance can be provided to the poor contingent on political loyalty, as a form of clientelism, or in an unbiased fashion, as an informal welfare policy.

My argument is that, as with other distributive goods, politicians often allocate enforcement in ways that maximize their electoral or personal goals. Yet, unlike many other distributive goods, forbearance can be revoked and provided outside of the normal budgetary process. It also can be used to target resources to the most vulnerable willing to bear the costs of illegality. These features make forbearance a ubiquitous, yet inefficient, way for politicians to alter the distribution of resources and win votes.

Nonetheless, the twin challenges of how to measure enforcement, and how to distinguish political intent, mean that forbearance is tricky to document empirically. How can we separate circumstances when a politician *chooses* not to enforce a law from those when she *cannot* enforce it? I develop an equilibrium framework to study enforcement, and show how to identify forbearance by drawing on models from price theory and distributive politics. Measurement challenges remain inherent to studies of illegal behavior, but this approach provides a natural way to compare and identify forbearance. I illustrate each identification strategy with original data on urban property law violations in Latin America, as well as secondary literature.

I should be clear that the objective of this paper is not to provide a comprehensive theory of forbearance or document a specific case. I take up these tasks with respect to laws that the poor tend to violate in separate work (Holland 2014). Rather, my goal is to develop the conceptual and empirical tools for comparative research on the causes of enforcement. As Levitsky and Murillo (2009) outline, different levels of enforcement have important implications for our theories about institutional design, effects, and change. But we still know little about the politics of enforcement. The neglect of enforcement politics is most acute in developing countries where concerns about

institutional weakness and bureaucratic corruption dominate theorizing and hamper empirical work. However, the distributive theory and empirical examples presented suggest why forbearance occurs even in “strong” states. Indeed, I build on an important tradition in American bureaucratic politics, which recognizes that presidents, legislative committees, and state governors shape bureaucratic behavior (*e.g.* Moe 1985; Scholz and Wei 1986; Weingast and Moran 1983).

Particularly in low and middle-income countries, forbearance merits scholarly attention because of the benefits at stake and their electoral impacts. Just reflect on a few descriptive statistics: Peru does more to redistribute income through forbearance toward taxes on informal businesses than through all other social spending combined (Lustig, Pessino, and Scott 2013). The tolerance of squatter settlements has been called the primary “subsidy” to win urban votes in Turkey (Keyder 1999), and transfers triple the resources to the urban poor relative to state social programs (Başlevent and Dayıoğlu 2005). Hence, the ways that laws are enforced should not be treated as trivial—or apolitical—choices.

The Concept

In 2012, President Barack Obama suspended the deportation of young illegal immigrants. Although immigration authorities have the budget and agents to deport youths, and the law unambiguously orders authorities to do so, the President has decided not to follow the letter of the law. I call this political behavior *forbearance*. In common parlance, forbearance describes decisions not to enforce a contract, debt, law or regulation. Here, I define forbearance as intentional and revocable government leniency toward violations of the law. There are three components to this definition—capacity, intention, and revocability—that I walk through and use to distinguish related concepts in Figure 1.

First, institutional capacity distinguishes forbearance from forms of weak enforcement in which actors cannot enforce the law. In states with scant personnel or budgets, the enforcement

outcome is uniformly weak enforcement. Forbearance only can occur when states plausibly muster the infrastructure to sanction offences.

Second, and most critically, forbearance occurs when a political actor chooses not to enforce a law. In cases of forbearance, the capacity to enforce exists, but the intent to do so is absent. Enforcement preferences can diverge between the actors who design and those who implement a law or policy. To continue with the example, President Obama enjoyed institutional resources, although hardly perfect ones, to deport young immigrants. His executive order evidences a political preference to alter the law's impact at the implementation stage.

A third core definitional element is that forbearance is revocable. The state reserves the right to enforce the law and offenders believe that the rules can carry a credible sanction. This insecurity differentiates forbearance from cases of amnesty, pardon or legalization. There, the state formally surrenders its enforcement rights. Revocable decisions, on the other hand, are open to revision and are more likely to be negotiated informally. The ability to go back on an enforcement decision also separates forbearance from alternative concepts of "benign neglect" or "standoffish" state behavior (*e.g.* Dorman 2007; Slater and Kim 2013), where states intentionally eschew administration of an area. Prolonged neglect means that states cannot easily reverse course and enforce at whim. In cases of forbearance, politicians gain leverage through the maintenance of information and procedures to change their enforcement decisions.

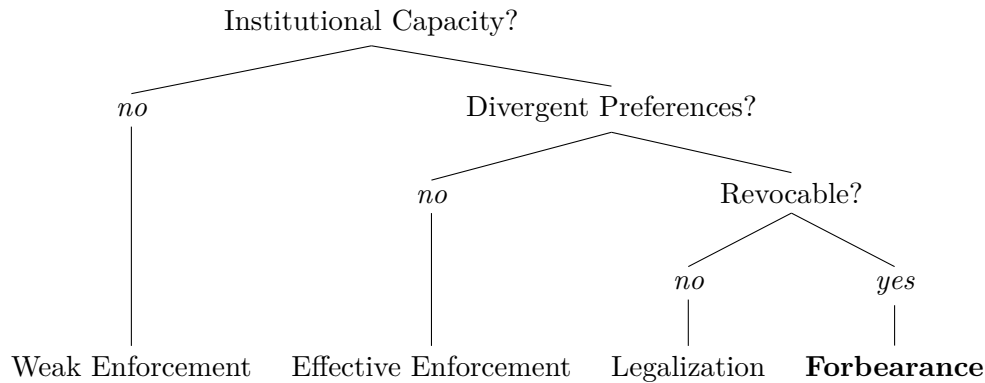


FIGURE 1. Defining Forbearance

Forbearance has much in common with the concept of selective policy implementation, but it is distinguished in two ways. First, the literature on selective policy implementation assumes that actors make choices about which *type* of policies to enforce and which to ignore. For instance, as the epithet of this paper makes clear, vagrancy laws (although facially neutral) have a discriminatory impact on the poor. Few wealthy individuals choose to sleep on the streets when they have a house at their disposal. Politicians thus selectively may decide whether to implement vagrancy laws depending on their views on poverty or electoral support base. But in some cases, political actors make choices about *which groups* to target for enforcement. Contrast the case of vagrancy laws with electricity regulations. If a government does nothing to prevent electricity theft, then industries with high usage absorb the greatest absolute benefit. However, if regulators prosecute industrial users and ignore illegal connections in poor neighborhoods, they can favor poor constituents just as in the street vending case. The inverse also can occur, as Golden and Min (2013) document in Uttar Pradesh, where Indian authorities allow powerful farmers to use excess electricity prior to elections. Forbearance captures the idea that that an actor chooses how to implement the law, not only which laws or policies to implement.

Second, existing literature on selective policy implementation tends to ascribe agency to bureaucrats in altering the impact of law. O'Brien and Li (1999), for instance, describe the process through which local Chinese officials select which policies to implement and ignore. Likewise,

Mahoney and Thelen (2010) view enforcement as a locus for gradual institutional change because actors other than those who designed the rules enforce them. However, they conceptualize the agents responsible for enforcement decisions largely as bureaucrats. Forbearance, in contrast, centers on the choices of political actors who may have preferences that diverge from legislators. Rather than principal-agent problems, there can be *principled agents*, or politicians who, for reasons that they sometimes believe to be in the public interest, wish to see laws go ignored.

A Typology of Forbearance

Forbearance can be divided into subtypes based on its distributive effects and mode of distribution. I define the distributive incidence as in the economic analysis of taxes and transfers. Progressive forbearance occurs when lower tranches of the income distribution receive greater absolute or relative benefits through the tolerance of law breaking than upper tranches. Regressive forbearance implies that upper tranches capture greater benefits. A benefit is defined as the net value of the offense to most individuals.¹ Some offenses, like copyright infringement, generate important economic gains and limited moral disutility. Other crimes, like allowing individuals to kill bankers or sell their organs, generate risks and ethical quandaries that dissipate the income gains for most individuals. Progressivity is clearest when property and regulatory violations are at stake, rather than “hard” crimes or social regulations.²

The second dimension distinguishes between particularistic and universalistic modes of distribution. Forbearance can be provided in a particularistic manner to individuals or groups as a

¹ While I focus on the benefits derived by the person violating the law, there can be ancillary distributive effects that benefit other class groups. For example, in the cases of domestic service or illegal immigration, the benefits to the worker who violates the law may be trumped by the economic benefits to employers who gain a cheaper workforce. In classifying types of forbearance, I follow the conventions in the analysis of social policies and consider the policy incidence. But in understanding the politics of forbearance, it is critical to understand how other class or interest groups stand to benefit.

² Some types of forbearance do not have clear distributive consequences, such as choices about the enforcement of moral or symbolic regulations (laws against sodomy, burial restrictions, and so on). These constitute a separate realm of symbolic forbearance that I largely bracket.

reward contingent on payment (in the form of campaign contributions, bribes, votes or turnout). But, forbearance also can be extended in a transparent and unbiased way. I distinguish this mode as universalistic, but non-programmatic. Minimalist definitions of programmatic policy center on the idea that disbursements are 1) made based on transparent criteria, regardless of whether a particular individual supported or opposed the politician or party that designed the policy, and 2) that the criteria of distribution are formalized (Kitschelt 2000: 850; Stokes et al. 2013: 7). Politicians often are open in their beliefs that certain laws should not be enforced, particularly when offenders are somehow sympathetic. However, forbearance is an informal policy that tends to be communicated outside of formal political channels. It thus falls short of standard definitions of programmatic distribution.

These dimensions combine to generate four distinct subtypes of forbearance shown in Figure 2. The left side corresponds to regressive subtypes that dominate much of the literature. When legal exemptions are provided to specific wealthy individuals, forbearance constitutes a standard form of corruption or cronyism. It often becomes the flipside to targeted enforcement against political enemies. The quote ascribed to Brazilian President Gétúlio Vargas best captures the sentiment: “For my friends, everything; for my enemies, the law.” Gans-Morse (2012) also documents this dynamic at work in contemporary Russia: the government unleashes environmental inspections, tax fraud accusations, and the like against political opponents, while loyalty and bribes have become the price for firms to ignore regulations.

The lower left corner corresponds to circumstances where forbearance toward legal violations extends to the rich as a class. A minimalist definition of the rule of law is that the application of legal rules is consistent across equivalent cases. Laws that the wealthy tend to violate (“white collar” crime), like those against pure cocaine use, foreign tax shelters or insider trading, may go unenforced across the board. When the wealthy consistently stand above the law, what

O'Donnell (1999b) labels the “unrule of law” emerges. Tax law provides a classic example. While the rich can secure formal loopholes in the tax code, they also can informally alter the effects of law through its enforcement. Schneider (2012), for instance, documents how rural elites in Central America blocked updates to the land cadaster so that tax authorities could not touch their assets. Latin American cultural idioms, such as “The law is for the peasants” and “Make the law, make the way around it,” are taken as evidence that enforcement is reserved for the powerless in a broad array of circumstances.

<i>Mode of Distribution</i>	<i>Economic Incidence</i>	
	Regressive	Progressive
Particularistic	Corruption	Clientelism
Universalistic	Unrule of Law	Informal Welfare

FIGURE 2. A Typology of Forbearance

The typology also yields two progressive types of forbearance that allow us to make sense of other, less recognized distributive uses of enforcement. The upper right, which corresponds to a particularistic distribution of forbearance to favor the poor, is a form of clientelism. Direct electoral exchange, cemented through personal or group reciprocity, can drive forbearance toward the poor. Rather than exchange bribes, the poor offer their votes to secure special legal treatment, and run the risk of enforcement if their support flags. A classic example comes from Chubb's (1982) study of patronage machines in southern Italy. The failure of police to denounce unauthorized shops and vendors in return for electoral favors was central to machine politics. Club goods also can be exchanged for a group's turnout or votes in which case the relationship still may be clientelistic.³

³ How to treat group-based contingent exchanges is the matter of some disagreement in the literature. Some definitions of clientelism permit the distribution of club goods when the dyad is

For instance, squatters in countries as diverse as India, Venezuela, Peru, Brazil, and Zimbabwe have negotiated their collective votes to secure forbearance from local politicians toward their land occupations (*e.g.* Collier 1976; Dosh 2010; Fischer 2008; Gay 1994; Herbst 1989; Jha, Rao, and Woolcock 2007; Ray 1969).

Lastly, forbearance can be extended to the poor in a generalized manner. In this case, it functions as an *informal welfare policy*. The philosophical principle that undergirds informal welfare policies is the Aristotelian notion that unequal treatment in the eyes of the law is justified when it is a means to level preexisting inequalities.⁴ A powerful example of this dynamic comes from the restoration of democracy in Venezuela in 1958. In the fragile democracy, leniency toward squatters was a way for the left-leaning *Acción Democrática* government to “offer the possibility of helping the poor without any threat to the rich” (Bromley 1978: 38). The government allowed squatter settlements to expand tenfold in the years following the democratic transition, irrespective of the squatters’ political affiliations (Ray 1969: 88). To provide a more recent example, the 2011 Zambian election brought the opposition Patriotic Front (PF) to power in part because its candidate, Michael Sata, promised to defend street vendors against enforcement by the ruling party (Resnick 2012: 1360-63). In office, Sata fired two ministers who tried to enforce and sent an open directive to state employees explaining the informal welfare benefits of forbearance toward all street vendors because, “Those are the people we promised to give employment [but to whom] we have not done so.”⁵

conceptualized as the groups exchanging their vote for benefits from a politician (*e.g.* Abente Brun and Diamond 2014; Kitschelt and Wilkinson 2007), while others require individual-level exchanges given a requirement to monitor individual vote choice (*e.g.* Stokes et al. 2013).

⁴ See Holston (2008: 28) for a discussion of this principle in Brazilian law.

⁵ See, “PF Declare Street Vending Legal as Petty Crime Rises in Lusaka,” *Zambia Reports* 30 July 2012.; “Zambia’s move to covered markets proves hard sell to street vendors,” *The Guardian*, 17 May 2012; “Sata defends street vendors,” *Post of Zambia* 16 Dec 2011.

The Distributive Roots of Forbearance

Forbearance occurs when politicians choose not to enforce the law, but what motivates these decisions? Past scholars have tended to think about entire categories of laws that their crafters never intended to enforce. International laws, or the inclusion of social and economic rights in constitutions, have been understood as aspirational statements. However, some “window-dressing” laws gain teeth. Courts, politicians, and citizens have made attempts at the enforcement of social rights (Brinks and Gauri 2012; Landau 2012). Conversely, some “hard” laws can be reinterpreted as mere aspirations, as with laws against vagrancy or squatting in light of inadequate housing provision. Viewing certain laws as purely symbolic brushes aside much of the political debate over when and how enforcement is appropriate.

My argument is that forbearance is attractive to politicians because the distributive transfers are revocable and occur outside the normal budgetary process. Additionally, in the case of progressive subtypes, forbearance can target resources to those in need, and become a signal for a politician’s commitments to the poor. These qualities mean that politicians often prefer limited enforcement, even when it is in their power to implement or change the law. The implication of this argument is that theories and methods developed to understand distributive politics travel to the study of enforcement.

First, embedded in the definition of forbearance is the idea that politicians can extend and retract it at will. Revocability is important because it permits a form of dependent exchange in which those who violate the law require a politician’s continued benevolence. Forbearance thus cements a powerful form of relational clientelism (Nichter 2014) because it can be withdrawn if voters renege on their promises at any point and even after elections pass. Work on property rights in Africa emphasizes that political actors prefer weakly enforced property rights regimes because they make expropriations easier in the case of political disloyalty (Onoma 2010) or ownership by unpopular

minority groups (Boone 2009). Negotiations between squatter settlements and governments in Latin America during the twentieth century had much the same flavor: politicians tolerated—but did not legalize—squatter settlements because residents could then be evicted if land values or political circumstances changed (Collier 1976; Fischer 2008).

Revocability also has a more benign interpretation. It allows for adjustments in the effects of laws to make them more appropriate to heterogeneous conditions. Enforcement may be responsive to the demands of the median voter at a lower level of politics, while law often represents preferences at higher levels of aggregation. For instance, Allina-Pisano (2012) shows that subnational politicians in Ukraine thwarted neoliberal reforms because they imposed heavy costs on some regions. Even in authoritarian China, Tsai (2013) shows that citizens understand noncompliance with administrative regulations, such as burial and construction restrictions, as a way to strengthen the regime by nuancing policies to fit local circumstances. On an international scale, Kleine (2013) argues that the European Union allows member states to depart from rules that impose adjustment costs on one another in order to accommodate governments under strong domestic pressure. Thus, while there certainly are cases where the revocable nature of forbearance leads politicians to exploit and punish vulnerable groups, it also can be a tactic for politicians to bend the law to match locally defined preferences. From this perspective, forbearance is most likely when subgroups have divergent views on enforcement and are geographically concentrated at the level at which enforcement decisions are made.

The idea of local tailoring raises the question of why politicians manipulate enforcement, rather than reform the law. One explanation is that politicians desire to change the substantive meaning of law and policy, but they have no formal legal powers to do so. This mismatch often arises in politically decentralized countries where subnational politicians control enforcement, but cannot alter legislation. Additionally, special interest groups also may act as veto players on

legislation, but exert less influence on implementation. Htun (2003) argues that removing abortion statutes would unleash the ire of the Catholic Church in many Latin America countries. Choosing to allow abortions to persist *de facto* achieves similar objectives without the political costs. The disjuncture in the power of law writers and those affected may grow in poor and unequal societies, leading to a greater disconnect from societal preferences and pressure on politicians to alter enforcement. As James Scott (1969: 1142) notes, “A large portion of individual demands, and even group demands, in developing nations reach the political system, not before laws are passed, but rather at the enforcement stage.”

Another explanation of why laws remain on the books, yet dormant, is that revocability permits adjustments in the effects of law over time. Even when local constituents oppose enforcement, politicians and voters may agree with the abstract letter of the law. Ellermann (2009), for instance, documents that the public can uphold the law, such as restrictions on illegal immigration, but still oppose sanctions that make law effective, such as deportations. Likewise, three-quarters of the mayors who I interviewed in Lima, Peru favored prohibitions on squatting, but nonetheless opposed enforcement until national housing policies would provide alternatives to the poor. Forbearance thus can be a stopgap measure until complementary policies, such as the immigration system or housing policy, change. Thus, tinkering with the effects of law over space and time may be preferable to legal change.

Second, forbearance occurs outside of the normal budgetary process, making it both an ideal source of corruption and informal welfare provision. Forbearance toward many laws that the wealthy violate offers immediate distributive benefits to special interest groups, who may well sway their electoral support or offer campaign contributions in exchange. Because regressive forms of forbearance tend to be motivated by politicians’ need for campaign contributions, not votes, favors can be offered in private and the effects are unobservable to voters until *after* the election has passed,

if at all. Greek politicians, for instance, permit tax evasion prior to elections in order to enrich their campaign coffers (Skouras and Christodoulakis 2011). Even compared to other forms of quid pro quo arrangements, such as passing legislation favorable to financial backers or assigning government contracts to them, forbearance is hard to trace back to political machinations. Regressive forms of forbearance are most likely in contexts of limited political oversight such that politicians can manipulate enforcement to pursue unacceptable goals.

The off-budget nature of transfers also can explain why politicians openly favor forbearance as a form of informal welfare provision for the poor. Distributive benefits come through negative action—withholding state enforcement—rather than through positive provision. Faced with budget or political constraints on the level of tax-based redistribution, politicians can use forbearance to boost the level of redistribution informally. Tendler (2002), for example, describes how offering small business owners exemptions from tax and regulatory standards covers a larger class of businesses than any subsidy program that the Brazilian government could afford. Paradoxically, such popular measures also reduce resources available for public goods provision and incentivize businesses to remain small to avoid detection (a “devil’s pact”). The dynamics of economic recessions in the developing world provide another illustration. Classic political economy models predict that economic downturns lead to more demands for redistribution, specifically from those hardest hit, and governments to respond with countercyclical social expenditures. Yet, Wibbels (2006) shows that social expenditures in developing countries tend to be procyclical due to international borrowing constraints. In light of these constraints, informal welfare policies can be used to stabilize business cycles in the developing world. Indeed, informal economic activities are strongly countercyclical (Loayza and Rigolini 2011). Although reduced coercive capacity may explain these time trends, there also is a clear political incentive for forbearance when other social policy responses are constrained.

Lastly, while forbearance tends to be associated with discretionary favors for the rich, one of its primary distributive advantages is the ability to target the poor as a class. Illegality can be thought of as a type of “ordeal” to differentiate those in need. Nichols and Zeckhauser (1982) propose that many welfare programs impose deadweight costs to guarantee that only those who need a good will receive it. A classic case is a long line at a social assistance office. While recipients waste their time in line, reducing the program’s productive efficiency, only those who really need the benefit bother, improving the program’s target efficiency. Analogously, violating the law can be thought of as a type of ordeal that improves targeting at a cost to the recipients and society. The poor, for instance, are willing to live in squatter settlements without running water in the hopes of eventual property title. The middle class will not stand for the lousy living conditions, and also has more to lose in the case of a conviction.⁶ The targeting achieved through forbearance contrasts with many formal social programs. Take the case of housing policy in Latin America. State housing programs historically benefitted middle-class groups able to navigate bureaucracy and document a steady income to repay mortgages (Bouillon 2012). Squatting prioritizes the poor willing to bear legal risks, making it a more effective way for politicians to siphon resources to poor voters.

In some cases, the use of legal ordeals is not a deliberate tactic to improve targeting efficiency, but its inadvertent effectiveness does raise the political costs of enforcement. To provide a contemporary example, consider the flow of unaccompanied Central American children illegally crossing the US border. The US government hardly designed a difficult border crossing so that only those in desperate need would undertake the trip. However, a logical conclusion to draw is that, given the perils of crossing, only those parents whose children face real threats in their home country allowed them to run the risks. Because the border crossing revealed these children as

⁶ Legal penalties often increase with income because the poor tend to be judgment proof, the opportunity cost of prison is higher (in the case of criminal infractions), and formal sector employers are more likely to hold legal infractions against workers than informal ones.

vulnerable “types,” deportations seem even more callous. In cases where legal violations differentiate those in need, enforcement can carry substantial electoral costs for politicians who may be viewed as “anti-poor” for using coercive force against sympathetic groups.⁷

This reasoning underscores that forbearance is an inefficient form of targeted redistribution that results in material and abstract costs. Law breaking imposes public harms such as the deterioration or appropriation of public goods, insecure property rights, unfair business competition, and so on. Forcing the poor to enter into relationships of legal insecurity and criminality to secure basic goods also is the opposite of a commitment to social solidarity embodied in state welfare policies. Informal welfare provision segregates the poor from state institutions leading to what has been called a “poverty of rights” (Fischer 2008) and “legal apartheid” (De Soto and Gherzi 1989). The poor likely favor formal versions of these same distributive goods. Nonetheless, while forbearance imposes costs on its beneficiaries, it still can form a second-best alternative subject to the institutional constraints common in developing countries, such as low levels of taxation to fund welfare states and challenges to target the poorest tranches of the income distribution.

In summary, although budgets and the quality of bureaucracy constrain enforcement in many developing countries, there are distributive reasons why politicians prefer forbearance even when they can enforce or change the law. These reasons tend to be more common in, but not exclusive to, developing countries. One is that enforcement preferences vary across space and time. Politicians, particularly in politically decentralized countries, may alter enforcement to make law more responsive to their constituency’s interests or special conditions. A second is that forbearance can boost the level of redistribution informally. This feature permits politicians to pursue socially unacceptable goals under the table, and to advance toward socially acceptable ones under constraints

⁷ Forbearance also gives rise to illegal economies where those with resources can exploit the poor. Images of slum landlords, predatory lenders, and so on come to mind. Where these “institutional parasites” (Onoma 2009) consolidate, the targeting effectiveness of forbearance is reduced, and the electoral costs of enforcement are likely lower for politicians.

in other policy areas. Third, because the distributive benefits at stake require individuals to violate the law, forbearance can select for those in need. When the profile of an offender is sympathetic, the political costs of enforcement are high. Vote-seeking politicians, or even authoritarian leaders with an eye to social stability, may prefer forbearance. I now turn to how empirical strategies developed to study distributive politics also can help scholars gain leverage to document and test the causes of variation in enforcement.

Measurement and Identification

Issues of measurement and identification both present challenges for the study of enforcement. I first provide a unified framework to think through the issues of reverse causality inherent in studies of both compliance and enforcement. I emphasize the need for data on both offenses and enforcement or, at minimum, more explicit assumptions about their distributions to compare enforcement. I then describe a set of strategies to distinguish forbearance from garden-variety state weakness. These techniques all draw on analogues in the literature on distributive politics and price theory, but vary in their data requirements.

An Equilibrium Approach

Enforcement is defined as activities that produce deterrence.⁸ Less crime occurs as enforcement increases. However, enforcement also responds to the level of offenses. In classic “rational” models of crime, such as Becker (1968), a government allocates resources to crime control based on the negative externalities imposed by the activity and the marginal costs of additional deterrence, both of which increase with the offense level. As such, the solid lines in Figure 3 show that enforcement is best thought of as an equilibrium outcome determined by a societal demand curve (D), which is a negative function of the level of enforcement (and also can be thought of as

⁸ Criminal or administrative sanctions tend to be the backbone of state enforcement activities, although non-coercive activities such as monitoring and inspections similarly can deter behavior.

the extent to compliance), and an enforcement supply curve (S), which is a positive function of the level of offenses.

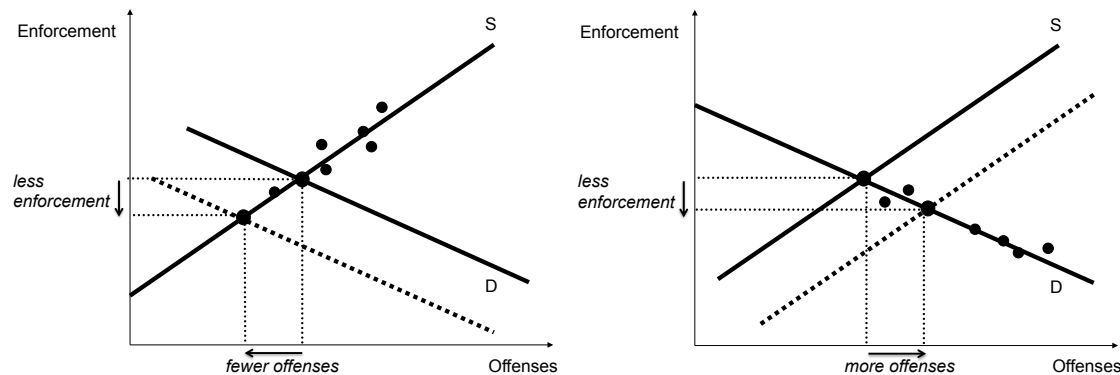


FIGURE 3. Supply (Left) and Demand (Right) Shifts in the Enforcement Equilibrium

This equilibrium framework makes clear that there are two distinct ways to observe limited enforcement. On the one hand, demand-side shifts in the desirability of violating the law can lead a government to exert less enforcement effort. Actors follow laws for a host of reasons, including economic rewards, perceptions of fairness, reciprocity, habit, and ideological agreement (Levi 1988, 1997). Changes in attitudes around compliance, or the profitability of a legal violation, can influence enforcement behavior. For instance, Lieberman (2003) argues that South Africa built a stronger political community to support the tax state compared to Brazil. Due to these differences, rates of tax evasion are much lower in South Africa. It would be logical to wonder whether differences in institutional capacity and enforcement could account for these patterns. In other words, perhaps the Brazilian tax bureaucracy is weaker and therefore cannot control tax payment. Quite the opposite, Lieberman suggests that, due to the prevalence of tax evasion, the Brazilian tax bureaucracy grew to be more sophisticated, better trained, and more rigorous than the South African counterpart. The left panel of Figure 3 shows that a demand shifter, such as strong elite norms to pay taxes, decreases the number of offenses and thus leads to a government to invest less in enforcement.

On the other hand, forbearance means that governments invest limited effort in

enforcement given the number of offenses, or an outward shift in the enforcement supply curve.

Consider the example of how political decentralization impacted illegal logging in Indonesia.

Burgess, Olken, and Sieber (2012) argue that the division of political districts led each local politician to encourage an increase in logging activity above government quotas to extract bribes. Satellite imagery reveals that deforestation consequently increased. The right panel of Figure 3 shows how a change in the government supply of enforcement, such as a political choice to tolerate illegal loggers, causes an increase in the number of offenses, unlike the previous example.

Abstracting from these examples, the key insight is that the correlation between offenses and enforcement distinguishes demand and supply-side shifts, as in the classic theory of demand curves (Working 1927). Suppose the shift in the demand curve is much larger than any shift in the supply curve. If we look across political units with different offense levels, we see the units trace out a positive sloping curve, as with the small dots on the left panel of Figure 3. This positive correlation corresponds to a “rational” enforcement model where governments that face more offenses exert more effort to control the activity. If, on the other hand, the enforcement choices of a government fluctuate more than compliance (corresponding formally to larger or more frequent shifts in the supply curve), a different pattern emerges. A line drawn to fit a range of political units will estimate a downward sloping curve, as shown in the right panel. A “political” enforcement model predicts that governments exert less effort against offenses, which then attracts more people to violate the law, producing a negative correlation.

Distinguishing the causes of variation in enforcement requires data (or assumptions) about the distribution of both offenses and enforcement. In fact, the equilibrium model shows how easy it is to draw erroneous conclusions with data on a single side of the enforcement equilibrium. Many studies focus on comparing inputs to the enforcement process (cars, inspectors, budgets, quality of

bureaucracy, etc.), or measure sanctions directly (fines, court cases, etc.).⁹ These approaches work to draw comparisons as long as it can be assumed that the demand curve is fixed. The fact that the underlying level of offenses is unknown is a classic concern in empirical studies of enforcement (the “denominator” problem or “black number”), but not one that can be resolved by substituting data on enforcement resources for offenses (see, Levitsky and Murillo 2009: 129). If offenses vary, represented by shifts in the demand curve, then measuring absolute resources or sanctions can lead us to incorrect conclusions about government enforcement actions. It also rests on the assumption that resources, such as budgets and bureaucrats, translate into sanctions.

To make this more concrete, if we counted the number of bureaucrats and fines in the Indonesian example, we would see the level of enforcement against illegal logging did not change with decentralization. With data—qualitative or quantitative—about the distribution of offenses, we arrive at the opposite conclusion about enforcement effort. Deforestation increased massively due to the encouragement of politicians. If local governments responded rationally, we should have observed a concomitant uptick in sanctions. A parallel problem arises with data on offense levels alone. Think back on the tax evasion example. With information just on offenses, even when perfectly observed, we would observe that Brazil has far higher levels of tax fraud than South Africa and conclude that enforcement must lag in Brazil. Data on the strength and audits by the tax bureaucracy instead reveal that South Africa exerts less enforcement effort, consistent with the fact that it faces more quasi-voluntary compliance. Although using information on one piece of the enforcement equilibrium allows for the comparison of outcomes across a wider set of

⁹ Studies of enforcement use indicators of inputs like number of labor inspectors employed (Ronconi 2010; Schrank 2009), or summary indicators about the quality of bureaucracy, courts, and police (Kus 2010). Others measure sanctions directly, such as Ellermann (2009) on immigrant deportations, Almeida and Carneiro (2009) on the number of inspections conducted. Levitsky and Murillo (2009: 129) advocate that measures of detected offenses should be combined with measures of effort to back out enforcement. This approach works well as long as resources are put toward effective enforcement actions.

circumstances, we run the risk of drawing incorrect inferences about the causes of variation in enforcement. Measures for offenses and enforcement—or, given data constraints, careful reasoning and qualitative information to help assess their distributions—best helps to document variation in enforcement and to test hypotheses about the causes of that variation.

Identification Strategies

Even if data on offenses and sanctions suggest that the main variation comes on the government supply side, it does not establish why governments undertake less enforcement. Limited sanctions and substantial offenses can occur when politicians are unable or unwilling to enforce. The intuitive approach to separate these scenarios is to ask politicians why they refrain from enforcement. However, this raises concerns about “cheap talk.” Politicians may blame a lack of resources when they use forbearance to extract votes or resources, or they may claim benevolent welfare motivations to mask institutional weakness. Due to this risk, I demonstrate five identification strategies that suggest political intent not to enforce the law and can be used to supplement data from interviews with politicians, bureaucrats, and those affected by enforcement.

The most basic strategy tries to control for variation in institutional capacity. Measures of enforcement capacity are imperfect, but controls for budgets, personnel, and infrastructure can strengthen inferences. Returning to the deforestation example, capacity likely was most constrained in the years just following the creation of new political jurisdictions, and in the parts of a district where a new bureaucracy had to be established. Burgess, Olken, and Sieber instead find that deforestation rates increased over time, and that deforestation was no more likely to occur in newly created districts. Such observations lend support to the theory that politicians preferred to ignore logging regulations for personal gain. In my research on unlicensed street vending, I studied Santiago, Chile because it is a city that is politically decentralized (each district elects a mayor), and administratively centralized (each district mayor depends on support from the same national police

force). Variation in offenses and enforcement across space thus is unlikely to come from differences in institutional resources. However, this approach cannot eliminate informal differences in institutional access. The police still may be less responsive to mayors in poor districts.

A second strategy is to compare the spatial patterns of enforcement against offenses with different distributive implications as a benchmark to understand political deviations. Violent crime, for instance, is a classic valence issue. Poor and nonpoor voters alike pressure politicians to act to stop crime. In contrast, unlicensed street vending benefits the poor when tolerated, and enforcement preferences diverge by class. My original survey research shows that 70 percent of poor voters approve of street vending, compared to 34 percent of nonpoor voters (Holland 2014). Thus, a simple median voter theory suggests that enforcement should increase with median income in a district. But, district income should not determine the extent of enforcement against violent crime. Less enforcement in poor districts against such valence issues instead would suggest that differences in police responsiveness or resources constrained mayoral action.

Figure 4 shows the visual results of this comparative enforcement exercise. The left panel shows that enforcement increases with the number of violent crimes, and there are no differences by type of electoral district. Violent crime follows a “rational” enforcement model. In contrast, the right panel of Figure 4 confirms that poor districts do fewer enforcement operations against street vendors than nonpoor districts, even though they have far more street vendors. This pattern is consistent with an electoral theory in which local politicians forbear when they need the support of poor voters. The contrast between types of enforcement thus suggests political intervention in laws with progressive consequences.

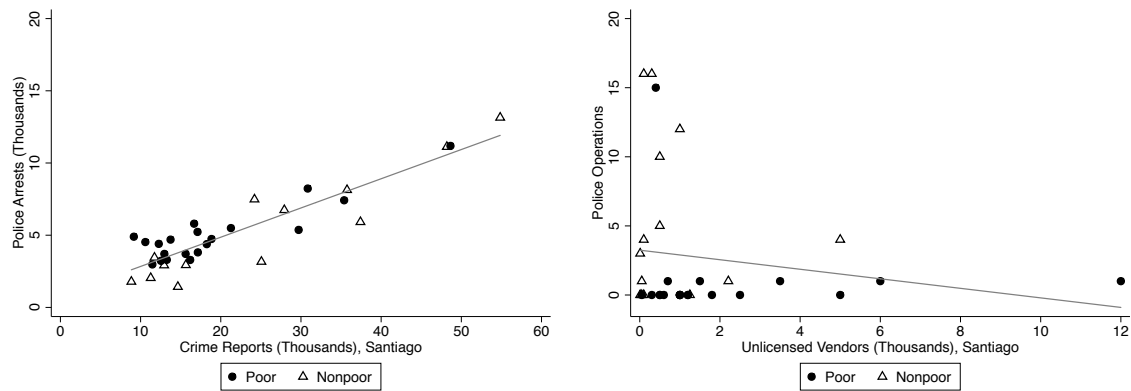


FIGURE 4. An Empirical Illustration of Supply (Left) and Demand (Right) Shifts in Enforcement against Street Vending

Third, forbearance can be distinguished by political enforcement cycles, much like budget cycles observed for other distributive goods. The expectation is that enforcement will drop prior to elections to boost the distribution of resources. Returning to the example of street vending, my research in Lima, Peru suggests that enforcement plummets in election years in poor districts. For instance, the district of San Juan de Miraflores fines an average of 424 street vendors in non-election years and 111 in election years. As the director of Inspections puts it, “Of course, this decrease is related to politics...We all know that we put the mayor at risk if we give street vendors a hard time around the election.”¹⁰ Institutional budgets do not change in election years and, if anything, more street vendors emerge due to the decreased likelihood of sanctions. Several other studies show that legal violations and sanctions follow electoral cycles. Water theft to irrigate the fields of wealthy Indian farmers (Golden and Min 2013), arson to clear land for purchase by the wealthy (Skouras and Christodoulakis 2011), and labor infractions in Argentina (Ronconi 2010) all peak in election years.

The hitch in studies of enforcement cycles is that reduced enforcement around elections could be attributed to a lack of bureaucratic monitoring as politicians divert their energy to political campaigns. Partisan patterns of enforcement across time, as well as qualitative evidence that

¹⁰ Author interview with director of Inspections, District of San Juan de Miraflores, June 6, 2011, and Annual Inspection Reports, San Juan de Miraflores, 2005-14.

bureaucrats are ordered not to enforce, further strengthens claims of forbearance. For instance, environmental regulations to control pollution are enforced less strictly in election years, as well as when there is party alignment between central and local politicians in Brazil (Ferraz 2007).

A fourth related strategy operationalizes intent as the elasticity of response. Think that each politician starts with a budget constraint, representing state resources that can be spent on a set of goods and services. For simplicity's sake, a politician allocates resources between enforcement and all other social goods, as shown by the budget constraint B. An exogenous change may reduce the cost of enforcement. For example, a new technology, such as satellite imagery to track illegal logging or squatter settlement expansions, could reduce the administrative costs of enforcement activities. A reduction in the cost of enforcement moves the budget constraint to B'. If politicians want to enforce the law, but are constrained by funds, we would expect the elasticity of response to be large. This responsiveness to changes in costs is represented visually by a steep indifference curve in which the government is willing to trade a lot of social goods for improvements in enforcement. In this case, the fall in the price of enforcement leads to a substantial increase in the amount of enforcement, as shown in the left panel of Figure 5.

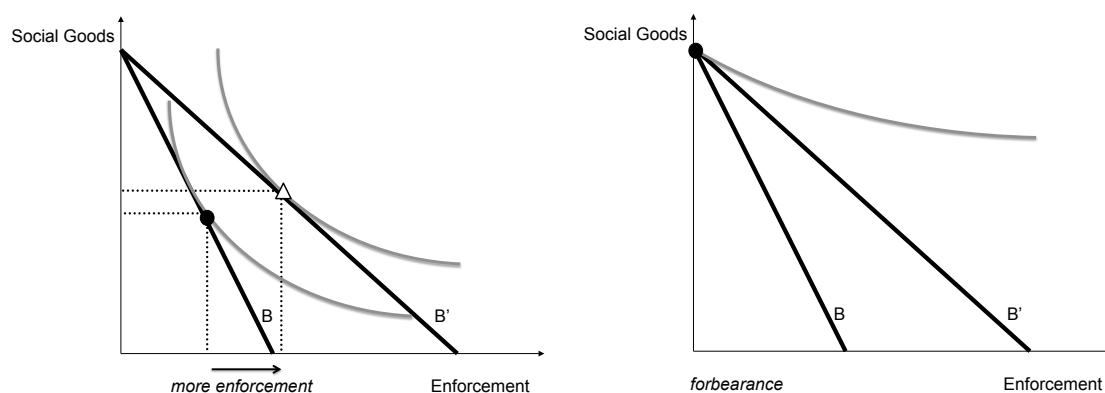


FIGURE 5. Elastic and Inelastic Enforcement Indifference Curves

Conversely, a politician who does not want to enforce has a flat indifference curve, as shown in the right panel of Figure 5. Additional enforcement requires a substantial sacrifice in other social goods. Forbearance essentially means that the politician is unwilling—no matter how cheaply it can be done—to enforce. The same change in resources from B to B' produces no increase in the level of enforcement. Forbearance thus can be distinguished by an inelastic response to changes in the cost or budget available for enforcement.

To make this more concrete, consider how the Peruvian government has reacted to the availability of a new technology: drones that take aerial photographs. In Peru, archeological sites are threatened by squatters and land traffickers who seize valuable land. For decades, local and national authorities—hardly known for their enforcement capabilities—have tolerated illegal land occupations. With the increasing availability of drones, the government is able to monitor encroachments in real time. Evictions of squatters on archeological land have increased.¹¹ This change in enforcement activity in response to a reduction in the cost of monitoring shows that the government prefers to enforce on valuable archeological sites. It faced constraints in prior periods that prevented action. Yet, the same technology has not been used to control squatting in peripheral urban areas where the poor tend to occupy land for housing purposes. The political response has been inelastic to changes in the price of enforcement. Interviews with local mayors confirmed this split approach. As one mayor put it: “It’s one thing if valuable archeological resources are at stake, and the government has to preserve the land and will put new technology to work...but, if it is just empty land, there is strong social and political pressure not to bother with any of this monitoring and let people build their houses. I could do more but no one would vote for me if I did.”¹²

Finally, to separate the role of capacity from political intent, another method involves what I

¹¹ See, “Ministerio de Cultura evitó invasión de zona arqueológica de Matabuey,” Press Release, Dirección General de Defensa del Patrimonio, 13 Jan 2014; “New to the Archaeologist’s Tool Kit: The Drone,” *New York Times* 13 Aug 2014.

¹² Author interview with John Barrera, Mayor, District of Ancón, Lima, Peru, December 1, 2011.

call enforcement process tracing. In any country, rich or poor, we expect resources and administrative capabilities to constrain enforcement. There is some natural “loss” at each step of the enforcement process that makes perfect control unattainable. What is unique about forbearance is the idea that enforcement procedures stop at political bottlenecks. Mayors should make decisions to halt enforcement, even when bureaucrats and police perform their jobs. The left panel of Figure 6 demonstrates what an ideal typical enforcement process with a constant loss rate might look like (the dotted line), as well as a political deviation at the enforcement stage (the solid line). The advantage of this method is that it separates the fraction of enforcement attributable to capacity and political constraints.

To illustrate, I analyze enforcement against squatters in Bogotá, Colombia. There are four basic steps to the enforcement process: first, governments need to detect where illegal land occupations have occurred. A single agency in Bogotá has monitored illegal land occupations using satellite imagery and teams of inspectors since 2003.¹³ City authorities have registered 13,931 illegal land occupations from 2006 to 2011, although detected occupations do not necessarily match the underlying level of offenses. A plausible measure of the wider universe of cases comes from the number of new provisional water connections registered in the city. Informal settlements almost immediately apply to receive water, and the city’s water company acquiesces with special temporary connections to avoid service theft and comply with legal mandates. These statistics suggest that there were 23,024 new provisional connections during the same period (Camargo and Hurtado 2011: 13).¹⁴

¹³ The Subsecretary for Inspection, Oversight, and Control within the District Housing Secretary (*Secretaría Distrital del Hábitat*, SDH, *Subsecretaría de Inspección, Vigilancia y Control*) tracks and reports illegal land occupations.

¹⁴ If anything, provisional water connections represent an upper bound on the number of informal land occupations because they can be granted to legal constructions too, and the city water company sometimes services districts outside of the city limits.

The intermediate steps in the enforcement process require a local government to open an administrative case against an illegal land occupation and receive judicial authorization to execute the sanction. During these stages, governments face a number of obstacles that reflect challenges unique to enforcement in low-income settings. For instance, new illegal land occupations lack addresses so bureaucrats must hand-deliver all legal correspondence. Given these obstacles, only 20 percent of illegal land occupations result in administrative actions. Moreover, once the local government opens an administrative case, a court must review the case and issue a demolition approval. About 39 percent of administrative actions make it through the judicial review to end in a demolition order.

The final part of the enforcement process is the execution of a demolition order. Mayors must sign and schedule the removal of an illegal land occupation. But mayors largely refuse to do so. Only 4 percent of court orders end with a sanction, which is the lowest rate of efficacy in the entire enforcement process. In my interviews with local politicians, 15 out of 16 politicians said that they choose not to sign demolition orders because of the “social costs” of enforcement. Further confirmation of the distributive nature of forbearance comes from the observation that all demolitions executed were targeted at wealthy homeowners or unoccupied properties. The political logic of targeting the upper class comes out in the comments of bureaucrats, such as one housing director who explained to me why her office ignored the poor and focused on enforcement against wealthy homeowners:

“The city mayor doesn’t want to disrupt things, where are you going to move all these poor people to? What good would it serve to take away their homes? There is no other place for them to go so you just can’t do it...*It’s different when wealthy people decide to build weekend chalets in the forest preserve. We took down 16 elegant homes last year because there is no reason that they should be there*” [emphasis added].¹⁵

The right panel of Figure 6 visually summarizes the “leakage” at each step of the

¹⁵ Author interview with construction and housing director, Locality of Santa Fe, Bogotá, Colombia, September 7, 2011.

enforcement process to produce almost no enforcement. The vertical axis again represents the log of the number of cases so the change can be interpreted as the percent decline at each step; the dotted line shows a constant rate of institutional weakness. In Bogotá, the rate of institutional leakage seems to be about a third.¹⁶ Weak state capacity clearly plays an important role in enforcement outcomes; a small set of cases makes it to the stage when demolition orders are issued. But, what is most important to note is that a sharp deviation occurs from the log linear trend when mayors have to execute sanctions. This drop reflects a political bottleneck where politicians choose to forbear.

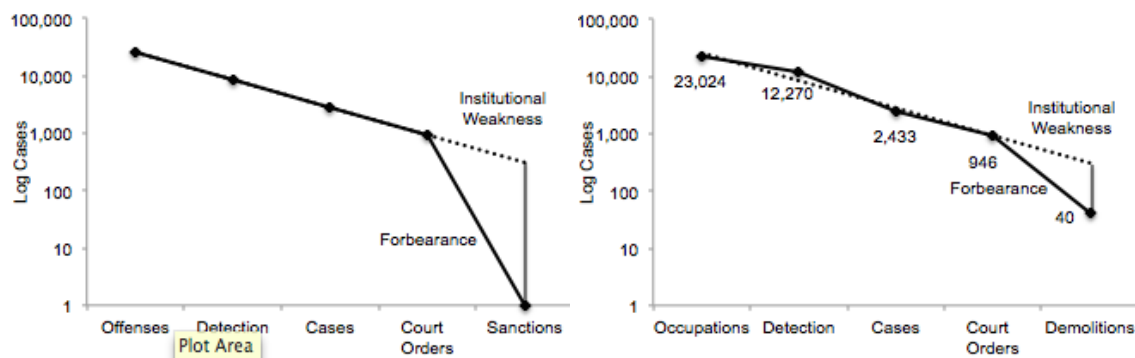


FIGURE 6. Enforcement Process Tracing and an Empirical Illustration from Squatting in Bogotá

SOURCES: Bogotá Water Company (*Empresa de Acueducto, Alcantarillado y Aseo de Bogotá*, EAAB) (occupations); District Housing Secretary (*Secretaría Distrital del Hábitat*) (detection); Author's Survey of District Housing Offices (cases, orders, and demolitions).

In sum, research on political institutions historically focused on issues of formal institutional design. The gap between parchment rules and lived reality, particularly in developing countries, has led scholars to explore why rules are followed or jettisoned. Yet, empirical work on enforcement

¹⁶ The drawback of enforcement process tracing is that the functional form to represent the enforcement process is unknown. Are all steps in the enforcement process equally challenging to a government, such that the loss function is log-linear? One approach is to calibrate the model using data on enforcement against other offenses. For instance, impunity rates for murder are above 90 percent in Bogotá, but almost all the loss occurs in the judicial system. Only a handful of political pardons ever have occurred. Thus, the fact that squatting cases make it through the judicial system and then stop at mayor's desks is a meaningful deviation from standard patterns with respect to valence crimes.

remains limited. It also tends to focus either on enforcement or compliance, or treat them as equivalent measures. An equilibrium framework makes clear that these issues are two sides of the same coin of enforcement politics. Due to the endogeneity issues, I suggest that the optimal empirical strategy involves the collection of data on both offenses and enforcement, or a transparent discussion of the assumptions needed to draw conclusions when data are incomplete. Even if we know that most variation comes in the government's supply of enforcement, additional strategies are needed to separate the causes of weak enforcement. While some methods require data on both enforcement and offenses, such as the spatial patterns of enforcement, others, such as electoral cycles and elasticity analysis, only require information about enforcement or offenses. This review is not intended to be exhaustive, but rather suggest that a range of techniques can help us understand the political and institutional causes of weak enforcement.

Conclusion

Many scholars interpret the ineffectiveness of law in developing countries as a state failure. Limited budgets, poorly trained bureaucrats, and lousy monitoring undoubtedly thwart enforcement in many contexts. However, law also has profound distributive consequences. In this paper, I introduce the concept of forbearance to describe intentional choices *not* to enforce laws and regulations. In many circumstances, politicians decide whether, how, and against whom to enforce laws, just as they decide whether to provide schools or sanitation or legislation to cut tax rates. Because forbearance can be revoked and ramped up off government balance sheets, it can be a powerful means to cement political support. It is not just a tool to favor for the wealthy: quite the opposite, by forcing individuals to violate the law to secure basic goods, forbearance can target resources to the poor. The distributive consequences can be substantial, but problematic. The poor settle with a revocable system of informal welfare provision that they must bend laws to access.

Although the idea of intentional nonenforcement is not new, tests for political explanations of enforcement have been relatively few. The very nature of forbearance—an intentional withholding of enforcement that is not readily measured or distinguished from state weakness—complicates attempts to document it carefully and explain variation in its use. In order to develop comparative measures of enforcement, some studies use proxies, such as cars, bureaucrats or detected legal violations. This approach to data collection makes it difficult to distinguish whether variation stems from differences in underlying offense levels or government enforcement actions. It also ignores the possibility that politicians choose not to enforce the law when resources are available.

This paper puts forward a new empirical approach to the study of enforcement politics. An equilibrium framework allows me to connect literatures on compliance and enforcement. I show that the joint collection of data on offenses and sanctions can be used to identify politically driven enforcement dynamics. Data limitations inevitably will prohibit this approach in some cases, but it nonetheless makes transparent the assumptions necessary when indicators are lacking. Additionally, tools drawn from price theory, such as measures of supply elasticity, and from the study of distributive politics, such as attention to political cycles of enforcement, can suggest the causes of limited enforcement. I provide several examples that the distributive framework developed has explanatory power, at least for urban property violations in Latin America. While capacity constraints are important, electoral incentives also seem to drive enforcement patterns.

Stepping back, a logical objection is that political interventions in enforcement still suggest other forms of state weakness, such as a politicized bureaucracy or an incoherent state unable to compel local politicians to follow the law of the land. Migdal (1988, 2001), for instance, emphasizes that many states in the developing world are weak “states in society” because diverse organizations vie to make the de facto rules about how citizens behave. Authorities with informal “tutelary”

power, such as religious, military or traditional leaders, may control enforcement and thus challenge state authority to make the effective rules of the game. Shadow powers certainly make political interventions at the enforcement stage more likely. However, treating forbearance as evidence of, or exclusive to, weak states glosses over issues common to many democracies.

In particular, political decentralization creates a common class of enforcement problems that deserve greater study across a range of political systems. Take the recent example of the health exchanges set up under the Affordable Care Act in the United States. A number of states have refused to create health exchanges despite national guidelines. Whether or not the President decides to force state governors to form the health exchanges or steps in to impose federally constructed ones is hardly an issue of state capacity. It is a choice about which level of elected government in practice determines the health care options of citizens. Likewise, state housing policy tends to be designed by national legislatures, while local mayors control enforcement against squatters in many developing countries. I suggested that mayors in Lima and Bogotá favor forbearance against squatters as a way to boost local welfare until state housing programs can resolve their constituents' demands. Hence, the consequences of forbearance for the quality of democracy and assessments of state strength will vary. As Scholz and Wei (1986: 1251) note, "The degree to which enforcement is or should be altered to cater to local variation in task conditions or political demands remains ambiguous in descriptive as well as prescriptive theory."

To probe the political determinants of enforcement and its variation across space, future research may turn to the micro-level: do voters support more enforcement? How do preferences vary by class, ethnicity, geography, and type of law? When does forbearance result from median voter preferences versus special interest group activities? And, can social expenditures or formal versions of the same distributive good build support for enforcement? Some recent efforts to address these issues have highlighted that legal violations sometimes have broad popular support, at

least with subsectors of a society. For instance, Gibson (2008) finds that 83 percent of black South Africans view squatter evictions as unfair, while only 40 percent of whites assert that evictions are unfair. Black majority electoral districts thus may well have different enforcement outcomes than white ones. Just as a rich literature has developed on preferences for redistribution, empirical work on enforcement preferences can shed light on variation within and across countries.

The recognition of progressive forms of forbearance also reorients scholars around different factors that make forbearance more prevalent in low- and middle-income countries. Most previous theoretical approaches think of state weakness in terms of underfunded, understaffed bureaucracies, or poorly designed institutions that limit state actors' ability to detect and sanction legal violations. But, if forbearance is an important distributive tool, then deficiencies in the welfare state may lie at the center of weak enforcement. The idea of informal welfare provision through forbearance also raises a series of political economy questions: Why do politicians favor forbearance over tax-based redistribution? When do countries move away from reliance on forbearance? And how does the incidence of forbearance combine with other goods and social policies? In other words, are the same types of voters favored through local public goods that are through favorable enforcement policies, or do patterns diverge? Such questions constitute the frontier for research on enforcement. But we can only begin to answer them if we interpret existing and future empirical results with the recognition that politicians can and do choose to enforce law separate from the institutional resources at their disposal.

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