

Book Review

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Politicized Enforcement in Argentina: Labor and Environmental Regulation. By Matthew Amengual. New York: Cambridge University Press, 2016.

Why states enact laws and then do not enforce them is one of the most important questions that scholars of regulation address. The gap between the law and practice is particularly wide on worker rights and environmental issues. Powerful business interests benefit from violating labor and environmental laws, and states, eager to attract capital and often dependent on or captured by big business, can be reluctant to invest the resources and political capital needed to enforce laws. Little wonder, then, that stories about egregious labor and environmental violations appear regularly in the news. Some of these headlines report tragic incidents such as the horrific collapse of Rana Plaza in Bangladesh, while others document the cumulative impact of years of lax enforcement of environmental laws such as the Clean Water Act in the United States. The human toll of nonenforcement is high. So it is striking that we have little understanding of the conditions under which states enforce labor and environmental regulations. In fact, if we examine the literature, it seems that scholars have given up on the state. In closing the “governance gap,” in recent years scholars have directed more attention to the role that nonstate actors (e.g., multinational corporations, international organizations) and global economic processes (e.g., trade) play in improving labor and environmental standards. Amengual’s *Politicized Enforcement in Argentina* brings the state back into studies of enforcement and is therefore a welcome addition to these debates.

Politicized Enforcement examines the thorny problem of widespread nonenforcement of protective environmental and labor regulations and develops a compelling theoretical framework for understanding not only cross-national variations in state capacities for enforcement but also subnational variations in enforcement. Much of the literature on enforcement holds up the ideal of the Weberian state, one in which states have

the capacity and autonomy to enforce laws, as the only solution for closing the compliance gap. In this view, states must be disconnected from societal actors in order to enforce the law. Amengual disagrees and makes the provocative argument that strong linkages between state actors and pro-enforcement societal actors allow states that are far from the Weberian ideal to enforce some laws some of the time. He therefore brings not only the state back into studies of enforcement but also societal actors such as unions.

Through carefully executed subnational comparisons of environmental and labor law in Argentina, Amengual demonstrates that enforcement happens even in patronage-ridden states when pro-enforcement societal actors mobilize and develop linkages to the state. When pro-enforcement actors link up to the state, the result is not regulatory capture but better enforcement. Societal groups provide critical resources, political support, and valuable information to regulators that help them to enforce the law more effectively. Enforcement therefore happens not by isolating the state from pro-enforcement societal actors but by more deeply embedding them in the state. He develops a threefold typology of state-driven, society-dependent, and coproduced enforcement and outlines the conditions that produce each. The subnational comparisons nicely capture variations in patterns of enforcement, with some provinces and issue areas characterized by society-dependent enforcement and others by coproduced enforcement. The chapters that focus on Tucumán province are particularly revealing because they show variations in patterns of enforcement across issue areas (labor vs. the environment) in the same jurisdiction.

In the conclusion, Amengual demonstrates the traveling power of his theoretical framework with thoughtful applications to the United States, Vietnam, and Indonesia. In all, this is a breathtakingly original book that combines theoretical innovation with meticulous fieldwork. Amengual’s argument also has important policy implications because it shows that there are multiple pathways to enforcement. Embedding the state more deeply in society through linkage

to pro-enforcement groups may be a more realistic option in many countries than striving for the Weberian ideal.

Politicized Enforcement convincingly demonstrates how society-dependent and coproduced models can result in the enforcement of labor and environmental regulations in the absence of a Weberian state. Its case studies also show, however, that better-resourced groups can most effectively form linkages to the state. In other words, actors that are already relatively privileged are more likely to develop the linkages to the state necessary to prompt enforcement. For example, workers represented by unions are more likely to benefit from these

linkages than workers in the informal sector who are unrepresented by unions, even though these informal sector workers suffer worse violations of basic labor rights. As a consequence, enforcement resources are not necessarily directed to where they are needed most. More ample administrative resources are essential if enforcement is to reach beyond the immediate demands of the strongest groups. Public disinvestment in regulatory enforcement, then, has the greatest impact on the most vulnerable communities, a finding that holds not only in Argentina but also in more affluent countries like the United States.