

The Distributive Politics of Enforcement

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Why do some politicians tolerate the violation of the law? In contexts where the poor are the primary violators of property laws, I argue that the answer lies in the electoral costs of enforcement: Enforcement can decrease support from poor voters even while it generates support among nonpoor voters. Using an original data set on unlicensed street vending and enforcement operations at the subcity district level in three Latin American capital cities, I show that the combination of voter demographics and electoral rules explains enforcement. Supported by qualitative interviews, these findings suggest how the intentional nonenforcement of law, or forbearance, can be an electoral strategy. Dominant theories based on state capacity poorly explain the results.

In much of the developing world, a source of resources for the poor is the ability to violate property laws without state sanction. Squatters gain rent-free housing if their takings succeed. Street vendors secure a way to earn a living when the government ignores their unlicensed stands. The idea that enforcement has distributive consequences is not new. Yet conventional wisdom is that limited enforcement reflects a weak state unable to implement its laws due to budget constraints or principal-agent problems.

In contrast, this article argues that nonenforcement of law is often intentional—what I call *forbearance*—and explains why some governments tolerate violations of the law by the poor and others do not. The argument is simple: In contexts where the poor are the primary violators of property laws, the poor prefer less enforcement than the nonpoor for material and sociotropic reasons. Enforcement decreases electoral support from poor constituents even while it generates votes from among the nonpoor. The salience of these electoral costs should vary with the share of poor voters in an electoral district. In majority poor electoral districts, politicians refrain from enforcement to provide informal social welfare benefits and signal their commitment to poor voters. Politicians enforce when their winning coalition excludes the poor.

An intuitive distributive logic thus provides greater leverage to understand enforcement (and its absence) than dominant capacity-based approaches.

Focusing on variation in enforcement against unlicensed street vendors at the city and subcity level, this article tests this electoral theory in two ways. I first examine time-series data on enforcement in a city that constitutes a single electoral district, Bogotá, Colombia. I show that city mayors with nonpoor core constituencies conduct almost five times more enforcement operations against street vendors than those with poor constituencies. Second, I collect original data on enforcement operations and unlicensed street vending in a sample of 89 subcity units, or districts, in three cities. I select cities that vary in their electoral structure: Lima, Peru, and Santiago, Chile, are politically decentralized cities, meaning that residents elect a local mayor for their district, whereas Bogotá is a politically centralized city, meaning that residents elect a city mayor who appoints administrators for each district. Empirically, I expect enforcement to vary with district poverty in cities that hold local elections, as in Lima and Santiago, and not to respond to demographics in cities that centrally determine enforcement policy, as in Bogotá. I find that, holding fixed the district budget per capita, the number of vendors, and other key covariates, a

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poor district carries out 71% and 78% fewer enforcement operations than a nonpoor one in Lima and Santiago, respectively.¹ Demographics have no effect on enforcement across districts when elections do not occur at the local level, as in Bogotá, or when all citizens prefer to control offenses, as in the case of violent crime. Hence, forbearance occurs when politicians need to pursue poor voters to win elections and citizens hold divergent enforcement preferences.

The politics of enforcement merit attention because they shape how social welfare provision works in low- and middle-income countries. Consider a rough estimate of informal transfers to unlicensed street vendors. In Lima, the government effectively provides an annual subsidy of \$1,560 per street vendor when it permits a vendor to occupy busy streets and forgo paying rent.² By contrast, one of the largest social programs in the city, Glass of Milk (*Vaso de Leche*), transfers \$115 per poor family each year.³ The calculation suggests that informal transfers through forbearance dwarf formal transfers per capita by an order of magnitude. Nonetheless, most scholars equate welfare provision with government social expenditures and assume the main axis of political competition is tax-based redistribution, as in advanced democracies (Garay 2010; Haggard and Kaufman 2008; Huber and Stephens 2012; Mares 2005; Pribble 2013; Segura-Ubiergo 2007). In documenting a different, but no less deliberate, way that governments aid the poor in pursuit of political support, this article sheds light on the distinctive foundations of targeted redistribution in developing democracies.

The theoretical contribution of this article is to link, and thereby advance, the literatures on enforcement and distributive politics. On the one hand, numerous scholars have noted the gap between written law and lived norms in developing countries (García Villegas 2009; Helmke and Levitsky 2006; O'Donnell 1999; Weyland 2002). Much scholarship offers little more than state weakness, by way of explanation, or views weak enforcement as the result of "extractive" state officials who lack institutional checks on their behavior (Acemoglu and Robinson 2012; Burgess, Olken, and Sieber 2012; Firmin-Sellers 1995; Frye 2004; Geddes 1994). On the other hand, one of the most important distributive puzzles is why the poor have failed to

"soak" the rich as expected after democratization. Latin America is the most unequal region in the world, even after two decades of stable democracy. Governments still spend less, and less on the poor, than counterparts in developed economies (Díaz-Cayeros and Magaloni 2009; Gasparini and Lustig 2011). This article proposes that tolerance of property law violations can act as a substitute form of redistribution, helping explain both why certain laws go unenforced and why government social policies to aid the poor lag.

Empirical Setting

Street vendors exemplify the gap between law and reality in Latin American cities. On paper, cities ban street vendors or restrict their operation to specific hours, zones, and products. In practice, street vendors proliferate.

Street vending encompasses two different activities. First, there are vendors who walk around offering goods and services. Itinerant vendors tend not to concern governments because they circulate and sell on a small scale. Second, there are vendors who sell merchandise or services from a fixed point in public space. These are the focus of this article. They violate property laws by usurping public space for private use. In their most invasive form, stationary vendors build "shops" on streets or sidewalks. More common are stationary vendors who install carts, tables, or blankets for daily use. While incomes vary, the majority of vendors are poor and their earnings fall below the minimum wage.⁴

Stationary vendors cause a host of negative externalities, including problems with transit, urban planning, noise, garbage, and public health and safety risks. Some vendors also sell goods that compete with licensed businesses. For instance, one study estimates that street vendors in Bogotá reduce commercial sales and formal sector employment by 14% and 16%, respectively (Rocha, Sánchez, and García 2009).

In general, when governments do try to control street vending, they use strategies to make it unprofitable to work as a vendor. The police impose fines, confiscate merchandise and equipment, and dismantle stands to deter vendors. Enforcement, of course, is not the only policy

¹I consider a poor district to have 50% lower-class residents; a nonpoor district has 10%.

²Street vendors in Lima, Peru, report that they pay an average of \$130 in monthly rent when evicted from city sidewalks. I use rent payments, given that vendors often report earning less in formal stands, as a lower bound estimate of the vendors' willingness to pay to sell on city streets. This calculation translates into a total subsidy of \$182.5 million annually to 117,000 illegal vendors.

³The 2011 annual budget is \$33 million for 287,000 families.

⁴In Bogotá, 78% of street vendors earn below minimum wage, and 95% earn below two minimum wages (Departamento Administrativo Nacional de Estadística (DANE 2003)). A household survey shows that 58% of vendors in Lima earn under minimum wage, and 81% earn below two minimum wages (Instituto Nacional de Estadística e Informática (INEI 2011)). No similar statistics are available for Santiago.

option to manage street vendors, but it is an essential complement to alternatives like licensing, relocation, and small business promotion.

While the police control vending at the street level, politicians receive the blame and credit for enforcement. Because street market clearances occur in public view, they are salient events that allow voters to apportion political responsibility. When asked who is responsible for the control of street vending, 77% of Bogotá residents name the mayor. Only 12% hold the police responsible.⁵ Likewise, a third of Lima residents name the recovery of the city center from street vendors in the late 1990s as “the greatest public works project of past decades,” beating out major mayoral initiatives like highway construction and a public water park (Instituto de Opinión Pública (IOP 2008)).

The cities studied here are all Latin American capital cities with substantial numbers of street vendors. The capitals are roughly the same size—Santiago has 7.2 million residents, Bogotá has 8.8 million, and Lima has 9.4 million. There are around 53,000 unlicensed street vendors in metropolitan Santiago, compared to 74,000 in Bogotá and 117,000 in Lima. The number of street vendors is particularly surprising in Santiago, given that Chile boasts one of the region’s strongest economies and poverty reduction programs.

Many cities struggle to manage street vending; these three cities are selected because they have different electoral structures for exogenous reasons. Prior to the 1990s, Latin American mayors were appointees of national civilian and military rulers. The return of democracy led to a push for local participatory institutions. The degree of urban decentralization pursued depended on political calculations about the desirability of strong city mayors (Dietz and Myers 2002). In the context of urban politics, political centralization refers to reforms that invest power in a single elected mayor, who often rivals the president in recognition. Political decentralization entails the creation of subcity electoral districts and the division of power among local mayors.

City and local issues, not political parties, dominate urban elections. Even in citywide elections, as in Bogotá, the issues in past mayoral debates were public transportation, clean government, and street vending. Personal “brands” distinguish candidates (Pasotti 2009). In contrast to the media appeals of city mayors, district elections are low-information environments that politicians jokingly refer to as “contests for the best neighbor.” Common campaign issues range from public service delivery

to local management issues, such as garbage collection, sidewalk repair, and street vendors.

Mayors in all three cities are elected by simple first-past-the-post rules. Although mayors cannot stand for reelection in Bogotá, they frequently run for higher office or nonconsecutive terms, which promotes accountability. Several institutional features also promote electoral accountability at the district level. In Lima and Santiago, voting is compulsory and reelection is permitted, which reduces concerns that only special interest groups participate or that voters lack ways to sanction politicians who perform poorly (unlike Bardhan and Mookherjee 2000; Cleary 2007).⁶

Theory

Enforcement is costly. But most models of enforcement assume that the costs are financial: Governments need to muster the police, lawyers, and bureaucrats to implement their regulations. My argument is that there also are electoral costs, and that these can be powerful constraints on the behavior of elected officials. Here, I only consider property law violations where the marginal utility of the offense declines with income, such as street vending and squatting. Other infractions benefit middle- or upper-income groups when tolerated.

The electoral consequences of enforcement differ by class on theoretical and empirical grounds. The poor are more likely than the nonpoor to support forbearance for material reasons. While less tangible than pavement or sewer pipes, forbearance nevertheless can be a local public good coveted by the poor, who without it may not secure access to basic goods and services. Some poor constituents gain directly if they engage in an offense. Others gain indirect benefits of insurance against an income shock or of consumption of cheaper goods. Conversely, the middle class suffers negative externalities from forbearance. They can experience direct losses, such as blocked access to sidewalks and parks that vendors appropriate to set up shops, and indirect harms, such as business competition, increased petty crime, and diminished investment due to congested public spaces. Although the poor may share these diffuse costs, countervailing benefits outweigh them.

The poor also may support politicians who forbear on group-based grounds. Group effects are important because those who violate laws are rarely the median voter. Street vendors are a maximum of 11% of the district

⁵See the supporting information for details.

⁶Chile removed compulsory voting rules in 2012, after the period studied; Colombia does not have compulsory voting.

population in my sample, although 35% of the poor in Bogotá have relied on income from street vending in the past.⁷ Models of distributive politics often assume that voters reward politicians for targeting resources at their group (Cox and McCubbins 1986; Dixit and Londregan 1996). Poor voters may expect politicians who forbear to privilege their distributive needs in other policy areas. Furthermore, as social psychology models suggest, people empathize more with those in their social networks. The poor may defend community members faced with enforcement. Flipping the logic, the middle class is more likely to interpret forbearance as a negative indication about the quality of government as a whole and is less likely to identify with the poor's distributive claims. Hence, poor voters should reward, and nonpoor voters should punish, politicians who rely on forbearance.

This expectation is consistent with direct individual-level evidence of the relationship between class and approval of property law violations. In Bogotá, while 73% of poor respondents approve of street vending, only 32% of the wealthy approve (Holland 2014). In Lima, a third of poor voters said that they would not reelect a mayor who removed street vendors because it was "abusive" or showed the mayor "did not care about the poor." Almost no upper-class respondents agreed with these views (Ipsos APOYO 2002). Other property law violations by the poor show similar class patterns. Gibson (2008) finds that 83% of black South Africans, who tend to be poor, view squatter evictions as unfair, whereas only 40% of whites assert that evictions are unfair. Thus, at the individual level, it appears that many poor voters, including those who are not personally engaged in property law violations, nonetheless have more lax enforcement preferences.

Consequently, politicians can form reasonable expectations about the electoral consequences of enforcement from voter demographics. My interviews with 75 local politicians support that district poverty is a heuristic for electoral repercussions. More than two-thirds of politicians cite the "social cost" of enforcement, meaning the removal of benefits from those who violate the law, as a motivation for forbearance in poor districts. Politicians in nonpoor districts justify enforcement due to the lesser social needs of their constituents. Moreover, more than a third of politicians interviewed said that they viewed enforcement as a signal of their class commitments. While enforcement indicates "anti-poor" positions in poor districts, it communicates "middle-class values" in nonpoor districts. A mayor in Lima captures the signaling logic:

Politicians use the support of street vending as *a way to show that they are with the poor*. But now [this district] is doing better and there's a significant group of people who want order that I brought together. I tell people that we shouldn't always be *a popular district that allows people to do what they want and violate the law because they are poor*; we should invest in culture, public parks, sidewalks, and cleanliness like [wealthy districts].⁸

The boundaries of electoral districts make class groups more or less useful for office-seeking politicians. Due to residential segregation, some electoral districts overwhelmingly concentrate poor voters. Others, including citywide electoral districts, mix classes. I assume that a politician sets enforcement policy for her district and, as in classic distributive models, disregards any negative externalities imposed on other districts. In districts with high concentrations of poor residents, politicians are more likely to forbear and attract more offenders due to their lax enforcement policies. In districts with few poor voters, the most viable strategy is to enforce, following the median voter's preference and displacing offenses to poor districts. Therefore, I predict the following:

Hypothesis 1: Enforcement increases with median income in an electoral district, all else equal.

Of course, authorities have significant leeway in which policies to pursue. Elections, and particularly competitive ones, can be a powerful inducement to implement policies in line with voters' preferences. A long tradition of research views elected leaders as more responsive to the needs of citizens than autocratic leaders or appointed officials who do not face direct competitive pressures. Similarly, local politicians should be more responsive to divergent enforcement preferences across districts compared to appointed officials. In addition, the extent of local competition may matter. V. O. Key (1949) famously argues that more intense political competition within democracies induces parties to cater to the needs of the poor. However, evidence that higher levels of competition promote pro-poor policies is mixed. Weitz-Shapiro (2012) suggests that the effect of competition is contingent on voter demographics when preferences over a political behavior vary by class. Drawing on this intuition, the votes at risk because of enforcement in poor districts should be less determinative of behavior when politicians enjoy greater office security. In the words of a local mayor, "If you stay in politics long enough, you can become bold

⁷See the supporting information for details.

⁸Author interview with Leonor Chumbimune, Mayor, District of Santa Anita, Lima, Peru, October 26, 2011.

because you don't need the vendors anymore, you don't have to count each vote, and you don't fear using force to accomplish something big."⁹ I therefore predict the following:

Hypothesis 2: District demographics are less relevant for enforcement in cities that do not elect district mayors and districts with low levels of competition.

Politicians also can have ideological or strategic interests that lead policies to diverge from the median voter's preference. Much as social democratic parties expand the welfare state, politicians who represent poor core constituencies are more likely to promote forbearance to lift local welfare informally.¹⁰ Even without firm ideological beliefs, there is a debate over how much weight politicians place on the interests of their core electorate versus swing voters (Cox and McCubbins 1986; Dixit and Londregan 1996; Lindbeck and Weibull 1987). As Cox (2009) argues, the core voter hypothesis is strengthened where politicians must mobilize voters. Low turnout is common in subnational elections, so politicians induce their strongest supporters to go to the polls. Even in the case of compulsory voting, politicians may focus on core constituencies to rally turnout for campaign events or to guarantee that past supporters do not become swing voters in the next period (Cayeros, Estévez, and Magaloni 2013). A typical concern of mayors is that poor voters will "look for someone else sensitive to the social costs" if they remove vendors.¹¹ Because enforcement by politicians with poor constituents risks having poor voters stay home or swing to an opponent, I expect the following:

Hypothesis 3: Politicians with poor core constituents enforce less than those who draw their support from the nonpoor, all else equal.

Three alternatives to this electoral theory merit attention. First, most scholarship focuses on the proximate cause of weak enforcement, the bureaucracy. A rival hypothesis takes budget constraints and bureaucratic quality as determinative of enforcement actions. In this case, district poverty matters because it correlates with institutional weakness. A related alternative theory stresses that inequalities in enforcement arise from the unequal de facto power of class groups. Under this view, state authorities concentrate policing on nonpoor districts due

to residents' greater financial and organizational power, not because the poor prefer less enforcement. Third, economic theories of optimal enforcement, such as Becker (1968), hold that enforcement is targeted at areas where it has the biggest impact in reducing the illegal activity. This optimization implies that more enforcement occurs where there are more legal violations, which may be in commercially profitable, wealthy districts. The next section develops the empirical observations that distinguish my theory.

Empirical Strategy and Data

Studies of enforcement face a measurement and an identification challenge. A count of enforcement alone cannot distinguish between perfect control of a small number of offenses and limited control of numerous offenses. What we want to measure is roughly enforcement effort, where forbearance implies limited effort given the magnitude of the problem. But systematic data of both enforcement and the universe of offenses (the "denominator problem") are rarely available. Most empirical studies rely on strong assumptions that either the underlying distribution of offenses is constant across observations or that the probability of enforcement is constant. The empirical test of the theory developed here instead relies on an original survey of district governments to develop comparable measures of both offenses and enforcement. This feature allows me to expand the number of predictions that I should observe if my theory holds.

Empirical Strategy

How to compare enforcement across different offense levels presents obstacles due to reverse causality. We expect enforcement to respond to the number of offenses, and we also expect the number of offenses to respond to enforcement. It is therefore natural to think of enforcement as an equilibrium outcome determined by government supply (enforcement as a function of offenses) and individual demand (offenses as a function of enforcement), as in Figure 1.¹²

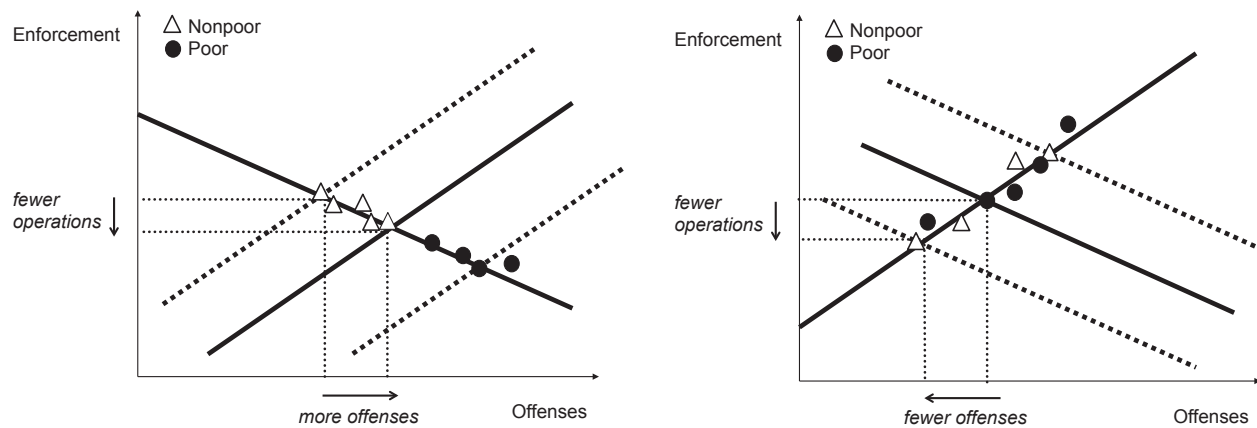
In this equilibrium framework, forbearance represents an outward shift in the enforcement supply curve. The left panel of Figure 1 makes clear that a supply shift

⁹ Author interview with Alberto Sánchez Aizcorbe, Mayor, District of La Victoria, Lima, Peru, June 15, 2011.

¹⁰ I emphasize a politician's core constituency, rather than partisan constituency, because the representation of the informal sector poor is not always equivalent with the left in developing democracies.

¹¹ Author interview with Pedro Isla Fariás, Mayor, District of San Ramón, Santiago, Chile, June 21, 2012.

¹² These relationships are depicted as linear for simplicity's sake, but the functional form is unknown (and likely nonlinear because the marginal costs of enforcement increase with offenses). "Prices" in this model can be thought of as the cost to the offender of violating the law.

FIGURE 1 Supply (Left) and Demand (Right) Shifts in the Enforcement-Offense Equilibrium

decreases enforcement and thus *increases* the number of vendors. Critically, this approach distinguishes forbearance from alternative means through which a reduction in enforcement can be observed. The right panel shows that a demand shifter, such as a drop in the profitability of street vending, *decreases* the number of street vendors and thus enforcement.

I examine whether electoral politics leads politicians to shift the supply of enforcement by selecting cities that differ in their electoral structure. Political decentralization changes the distribution of class groups within electoral districts and the level at which enforcement policy is determined. I draw on classic accounts of local public goods provision to predict how forbearance is distributed under decentralized and centralized political systems (Besley and Coate 2003; Oates 1972).

The intuitive idea is that political decentralization produces uneven enforcement across districts, as politicians tailor enforcement to the poverty level in their electoral district and disregard spillover effects. If the main source of variation across districts comes from differences in how politicians choose to supply enforcement, then there should be a negative relationship between offenses and enforcement in the cross-sectional data, as in the left of Figure 1. Mayors in poor electoral districts should conduct fewer enforcement actions and therefore attract more vendors.

Politically centralized cities constitute a single electoral district with a mayor who sets enforcement policy for the city. Policy should vary over time with the mayor's core constituency. In theory, a politician charged with enforcement for the entire city also could differentiate enforcement levels according to heterogeneous tastes in each local district. But a mayor who represents an entire city internalizes both the benefits and costs imposed on

others. She allocates resources to achieve the maximum reduction in negative externalities at the minimum cost to the people committing the offense, which likely requires enforcement in areas with the highest rates of the offense. As such, most variation in enforcement across districts comes from differences in the number of violations. I expect a positive relationship between offenses and enforcement under centralization like that on the right of Figure 1.

While bivariate correlations provide an initial test of my theory, I further examine the relationship between district poverty and enforcement using a Poisson regression and controlling for other important district characteristics. The Poisson distribution is appropriate given that enforcement is a count variable with a range restricted to positive integers.¹³

My first hypothesis is that enforcement operations drop off with the fraction of poor residents in an electoral district. So district poverty should be a negative and significant predictor of enforcement, but only in politically decentralized cities. Poverty should have no relationship with enforcement in politically centralized cities once one controls for the number of vendors.

I include the number of vendors as a covariate for the limited purpose of observing the difference depending on whether enforcement policy is locally or centrally determined. In politically centralized cities, I expect that enforcement is a function of the number of vendors. The coefficient should be positive. But this relationship should be much attenuated or reversed in politically decentralized cities. There is no clean prediction because my theory

¹³The supporting information also fits a negative binomial, which is another logical distribution for count data without the Poisson's strong assumption of equal mean and variance (although not recommended for small samples). The results are robust.

implies reverse causality: Districts have more vendors because they enforce less.¹⁴

My second hypothesis is that competition shapes officials' responsiveness to enforcement preferences. The main prediction is that district demographics only matter in cities where elections occur at the local level. In addition, I look at a mayor's margin of victory. Mayors who win by larger margins enjoy greater office security and will be less sensitive to political costs.

I test my third hypothesis that a politician's core constituency shapes enforcement in two ways. In the time-series data, I expect less enforcement by mayors who receive higher vote shares from poor voters. Politicians supported by the poor may have an ideological commitment to their interests, or they may attempt to retain and mobilize the poor's backing to win reelection or higher office. I also use partisan affiliation to operationalize the poor's support; politicians from the left tend to attract more poor voters and forbear.

I distinguish my theory from capacity-based alternatives in several ways. First, if state authorities are generally less capable or less attentive in poor districts, then demographics should shape enforcement irrespective of electoral rules. Under my theory, in contrast, district poverty predicts enforcement only when elections occur at the local level. The contrast of appointed and elected officials also differentiates my argument from optimal enforcement approaches. While I expect that appointed officials in centralized cities respond to the number of offenses, elected politicians manipulate enforcement so that it bears no relationship to offense levels.

I also compare enforcement across cities with different institutional arrangements. While capacity constraints play a larger role in administratively decentralized cities, I still expect political pressures to be a substantively more important explanation for enforcement. The "critical" case for theory testing, however, is a politically decentralized city with a single police force. Capacity-based theories suggest minimal variation when a single institution manages enforcement. My theory instead posits that politicians choose how to deploy common police resources in response to electoral pressure, such that demographics still predict enforcement variation when local elections occur.

Of course, the same formal institutions do not necessarily translate into the same informal access to policing. To rule out that difference in the responsiveness of police to poor communities accounts for the observed patterns,

I compare enforcement against violent crime to street vending. Violent crime is a classic valence issue; the poor and nonpoor reward politicians for improved control. Less criminal law enforcement in poor districts would suggest that institutional debilities or neglectful policing accounts for class-based variation in enforcement. A "placebo" test of my theory is that poverty should explain enforcement against street vending, but it should not more broadly explain enforcement against crime without distributive implications.

Case Selection and Data

I select city cases to vary the electoral and police structure. Santiago represents a highly politically decentralized city. Each of 34 districts (*comunas*) elects a local mayor, but many institutions remain centralized at the national level. Most importantly for this article, the National Police (*Carabineros*), under the command of the Interior Ministry, control unlicensed street vending. Although the police have autonomy to conduct operations on their own initiative, they rarely do so. The informal norm is that police remove unlicensed street vendors on the request of the local mayor. Bogotá, in contrast, is a politically centralized city. Citizens elect a city mayor who appoints local administrators in each of 20 districts (*localidades*). As in Santiago, the National Police control street vending. However, unlike Santiago, the city mayor controls the police force by law. Finally, Lima has both political and police decentralization. All 43 districts (*distritos*) elect local mayors who manage their own police, who control vending.

I first examine the impact of core constituency on enforcement over time in Bogotá. I gather statistics on enforcement operations from the Colombian National Police's Public Space Unit (*Unidad del Espacio Público*). The unit has tracked operations against street vendors by administration since it was founded in 1998. I operationalize a mayor's core constituency by building a measure of the class gradient of support for each mayor. The government classifies each household by strata that range from 1, the poorest, to 6, the wealthiest. I overlay a map of voting stations on block-level class stratifications and take a weighted average of the strata that fall within a two-kilometer radius of the voting station. I assign each voting station a strata average and measure the vote share for the mayor at that polling station.¹⁵ The class

¹⁴The ideal specification would use simultaneous equations that allow for the joint determination of the amount of enforcement and street vending, but the small data set precludes the use of such a model here.

¹⁵I make an ecological inference that aggregate voting patterns reflect underlying preferences, which I confirm with available individual-level survey data.

gradient represents the average change in vote share for a unit increase in socioeconomic strata.

For the cross-sectional analysis, I collected original data for all urban districts in Lima, Santiago, and Bogotá for a total of 89 districts.¹⁶ In each district, I administered a structured survey to the director or subdirector of the district office in charge of street commerce and inspections. The interviews for the survey, as well as the collection of supporting documents, were carried out in person in 2011. Details on the survey methodology, summary statistics, and alternative measures are included in the supporting information.

The dependent variable is the average number of enforcement operations conducted per month by a district (*Operations*). A challenge is to determine a consistent definition of an enforcement operation. I use the involvement of the national police as a standard in Bogotá and Santiago. Because only the national police can require vendors to identify themselves, which allows authorities to impose fines and decommission goods, police assistance implies an operation of a certain scale. The measure of an operation must be adjusted in Lima, where local police control public space. I use the retention of merchandise or equipment from a group of vendors as the threshold for an operation because it indicates willingness to impose costs on vendors. As one police director explains, “If I apply the law as written and take away [vendors’] merchandise, I take away their work, so I don’t do it.”¹⁷ I therefore ask officials how many operations the district has requested with the national police, or have involved decommission, in each of the last three months. I average the monthly reports and verify the director’s report with district logs whenever possible. The measurement difference (operations in Lima are on a smaller scale) requires caution in drawing level comparisons across cities. For this reason, the results are expressed in percent terms.

The main explanatory variable of theoretical interest is the district’s class composition. I code the share of lower-class residents in a district (*Lower*). This class stratification measure categorizes households by reported income, education levels, durable goods, employment status, and social benefits. While I check an alternative measure of poverty based on unsatisfied basic needs, class stratifications better capture both a household’s economic level and its precariousness.

I also measure the number of unlicensed street vendors in thousands (*Vendors*). I ask each director for the district’s estimates and records on unlicensed vendors. In about half of the cases, these records come from local vending censuses, and in the other half, they come from inspection team estimates.

Given that the dominant alternative explanation focuses on resource constraints, I include the district budget per capita as a control variable (*Budget*). Budgets are an imperfect proxy for capacity, so I examine alternatives, including the number and salary of bureaucrats, police infrastructure, and local tax collection. Population likely affects the amount of enforcement, as well as the number of street vendors, and therefore is included as a control (*Population*).

To operationalize competitive threats, I calculate the mayor’s margin of victory (*Margin*) as the percentage of votes for the winning candidate less the percentage won by the second-place candidate. A wide margin suggests greater office security.

Of the cases, only Chile boasts an identifiable political spectrum to test the role of partisan constituencies in the cross-sectional data. There are three parties that form a block on the left, the *Concertación*, and two parties that form a coalition on the right, the *Alianza*. I therefore include an indicator variable (*Right*) that takes on the value of 1 if the district mayor is a member of an Alianza party, which is the case for half the districts.

To examine enforcement patterns in the absence of distributive incentives, I use arrests for valence crimes as a dependent variable (*Arrests*). Arrests indicate that the police have taken action in a case beyond arriving at the scene of a crime. I measure the underlying level of violations using citizen crime reports (*Reports*). I conduct this placebo test in Santiago, given that it is a politically decentralized city with a national police force. Table 1 maps my theoretical hypotheses into empirical predictions.

Results

This section examines the empirical results and then evaluates the relative power of different explanations.

Time-Series Evidence

Bogotá’s elected mayors have drawn their support from divergent social sectors and have changed enforcement policies for ideological and strategic reasons. Consider the class constituencies for two mayors. Antanas Mockus, who ran for mayor as an independent, won just 19% of the

¹⁶I dropped rural districts, which means that the sample includes 92% of all city districts.

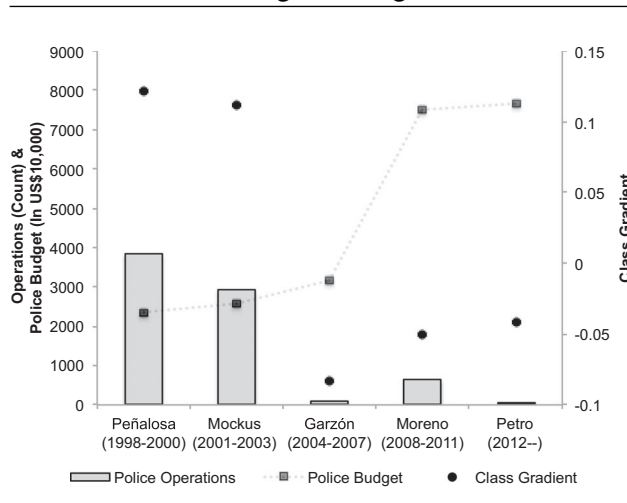
¹⁷Author interview with Jesús Constantini Urribarri, Director of Citizen Security and Inspections, District of Puente Piedra, Lima, Peru, June 20, 2011.

TABLE 1 Theoretical Hypotheses and Empirical Predictions

Hypothesis	Empirical Prediction
Hypothesis 1: Enforcement decreases with the poverty of an electoral district.	$\beta_{lower} < 0$, $\beta_{vendors lower} \approx 0$ in Lima and Santiago $\beta_{vendors} > 0$ in Bogotá
Hypothesis 2: District demographics are less relevant under limited political competition.	$\beta_{lower vendors} \approx 0$ in Bogotá $\beta_{margin*lower} > 0$ in Lima and Santiago
Hypothesis 3: Politicians enforce less when their core constituents are poor.	$\bar{E}_{nonpoor} > \bar{E}_{poor}$ in Bogotá $\beta_{right} > 0$ in Santiago
Alternative 1: Enforcement decreases with the poverty of a district due to capacity constraints.	$\beta_{lower} < 0$ in all cities $R^2_{budget} > R^2_{lower}$
Alternative 2: Enforcement decreases with the poverty of a district because the police are less responsive.	$\beta_{lower} < 0$ in all cities $\beta_{lower}^{arrests} < 0$ in Santiago
Alternative 3: Politicians enforce in proportion to the number of offenses.	$\beta_{vendor} > 0$ in all cities

Notes: \bar{E} refers to the expected number of enforcement operations.

FIGURE 2 Operations, Core Constituency, and Police Budget in Bogotá



vote among the poorest groups, compared to 72% among the wealthiest. In other words, his vote share increased by 11 percentage points for each move up Colombia's 6-point socioeconomic scale (a positive class gradient). In contrast, his successor, Luis Garzón, who represented a labor-based left party, the Alternative Democratic Pole (*Polo Democrático Alternativo* [Polo]), drew his core support from low-income groups. Garzón took 75% of the vote among the poor, compared to 26% among the non-poor (a negative class gradient). The dots in Figure 2 show the distinct class constituencies that supported each mayor.

The figure also plots the number of enforcement operations by administration. What stands out is that operations have varied enormously over the years—Mockus

carried out almost 3,000 operations, and Garzón completed shy of 100. The swings in policy tightly track the mayor's core constituency: Mayors who represent non-poor constituents implement 4.7 times more operations than those who draw support from poor constituents.

Other factors, such as a change in the number of vendors, business cycle, or fiscal capacity, poorly explain these enforcement trends. It is possible that early mayors controlled vending, allowing subsequent mayors to forgo enforcement. However, the number of street vendors remained high as enforcement dropped off; there were 79,290 vendors when Garzón took office (DANE 2003).

Similarly, business cycles cannot explain the variation. Unemployment rates halved from a high of around 20% in 1998 to 10% in 2012. Another possibility is that institutional capacity plummeted, accounting for the drop in enforcement. But the dotted line in Figure 2 shows that city funds allocated to the police nearly doubled in 2008. Increased police resources would lead us to expect more, rather than less, enforcement. The fact that street vending has not declined, despite a strengthened police force and booming urban economy, is consistent with the hypothesis that politicians select enforcement policies for political reasons.

Qualitative evidence also buttresses the interpretation that mayors determined enforcement policies in line with their core voters' preferences and ideological concerns. While Enrique Peñalosa and Mockus were iconoclast mayors who stressed middle-class values like public space and cleanliness, Garzón and subsequent Polo mayors clearly courted poor voters. Street vendors played a significant role in Garzón's campaign. Given the

previous two mayors' efforts to "clean up" the city, 30,000 vendors mobilized and marched around the slogan "Polo or the Police Stick!" (*Polo o Palo*) prior to the election. Their mobilization was critical due to low turnout under Bogotá's noncompulsory voting rules. Once in office, Garzón made clear to the public that he intended to enforce sparingly: "We are not complicit in the illegality, but we also are not going to tell the police to repress" (*El Tiempo* 2004). Street vendors verify police data showing that enforcement operations plummeted, and they stress that they mobilized for the Polo party in the next election cycle due to its forbearance. As one vending leader explained to me, "Why do I support the Polo? Because the Polo is the only party that for better or worse has let us work."¹⁸

Prioritization of the economic needs of street vendors continued in the Polo administration of Samuel Moreno and the Progressive Movement administration of Gustavo Petro. Moreno invested heavily in public security and imposed a number of innovative measures to reduce crime, such as a liquor sales ban. Restrictions on alcohol sales were strongly enforced (Mello, Mejía, and Suárez 2013), which suggests that the police did not lack the capacity to act. Rather, operations against street vendors remained minimal because the Polo needed the poor's electoral support. A high-ranking government official describes a common sentiment that she was instructed to hold back in her job and exercise forbearance: "In private meetings, we're told not to touch the street vendors. Vending regulatory policies aren't meant to work because this is how the Polo party gains its support base."¹⁹

Petro has gone further to defend the economic needs of vendors: He disbanded the police unit in charge of enforcement against street vending. On the campaign trail, city councilor and Progressive Movement Party spokesperson Yezid García extolled the party's commitment to "the right to work for informal vendors, the suspension of evictions and arbitrary decommission of merchandise."²⁰

The contrast over time is clear. Mayors who drew support from the poor stopped enforcement operations against street vendors. They were motivated by strategic calculations about vendors' ability to mobilize votes, as well as ideological predispositions. Observations that enforcement slowed as state resources improved and politi-

cians enforced in other domains cut against capacity-based explanations.

Cross-Sectional Evidence

The finding that mayors who need the support of poor voters enforce less also can be tested in the cross-sectional data. To begin, I explore the bivariate relationship between enforcement and street vending in the raw data. Figure 3 reveals a negative relationship in the politically decentralized cities, Lima and Santiago, as predicted if some mayors implement fewer enforcement operations and attract more street vendors. The opposite relationship emerges in the politically centralized case, Bogotá. Districts conduct more operations when they face more street vendors. Similarly, enforcement against hard crimes increases roughly in proportion with the number of offenses in Santiago. The observed positive correlation between offenses and enforcement suggests that political supply-side distortions are likely at work to generate a negative relationship in the case of street vendors in politically decentralized cities.

To examine the role of district demographics, I shade poor districts, defined as those with more than half lower-class households. Again, the cities follow distinct patterns based on their electoral structures. In Bogotá, poor and nonpoor districts alike enforce in proportion to the problem. In Lima and Santiago, poor districts have more vendors and conduct fewer police operations. Valence crime occurs in all types of districts in Santiago, and enforcement is proportional to the extent of violations. These patterns are consistent with my theory that the combination of elections and district poverty drives enforcement toward street vending.

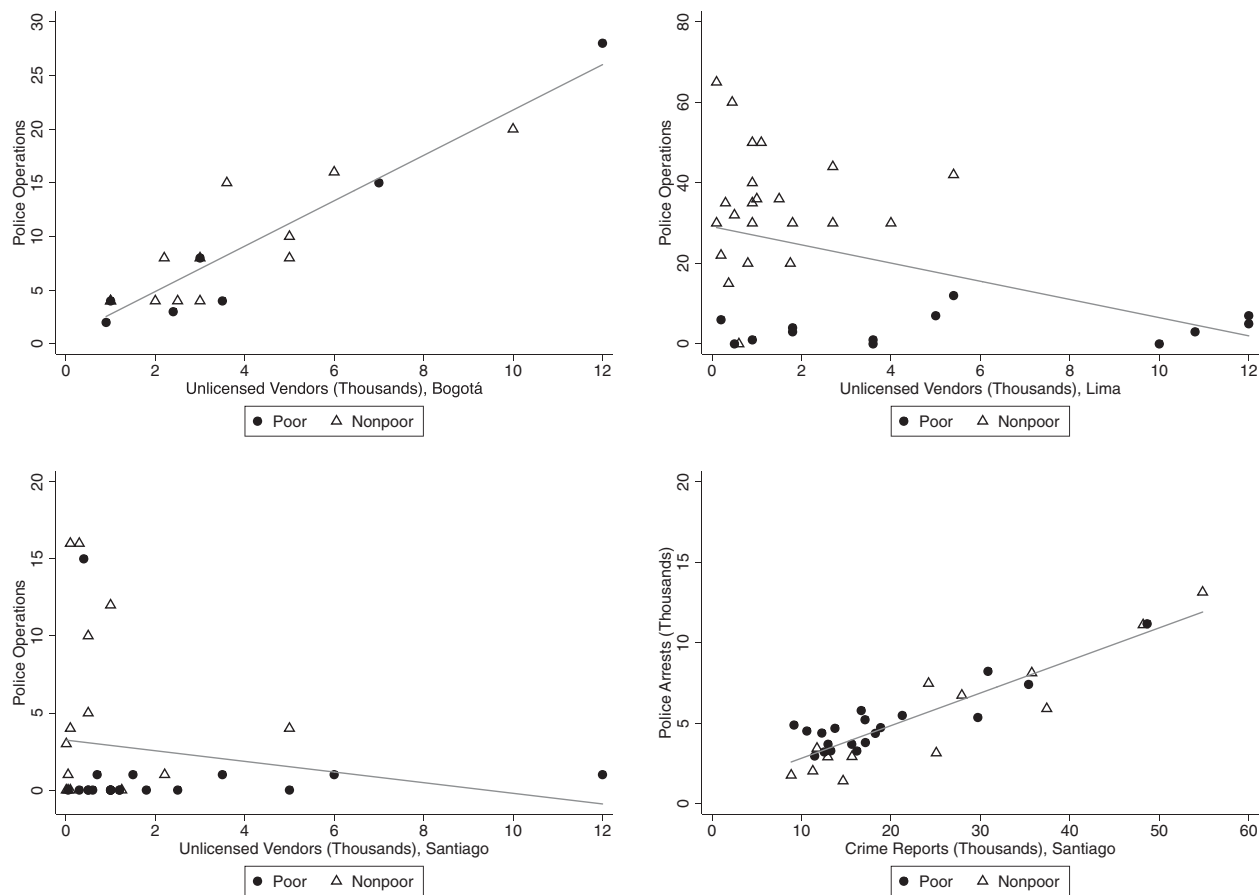
I next use a Poisson regression to probe the relationships of interest. I report the Poisson regression results using the Sandwich linearized estimator of variance to relax the assumption of equal mean and variance. Given the small data set, the asymptotic standard errors are large and may be overstated if the Poisson assumptions are in fact satisfied. I therefore note where results are significant under the Poisson assumptions but lose significance with robust standard errors. To make the results readily interpretable, Table 2 reports the standardized coefficients, or the average percent change in enforcement for a standard deviation change in the covariate.²¹ The size of a standard

¹⁸Author interview with anonymous vending leader, Bogotá, Colombia, September 20, 2011.

¹⁹Author interview with anonymous official, Personería, Bogotá, Colombia, September 14, 2011.

²⁰Author interview with Yezid García, Bogotá, Colombia, September 15, 2011.

²¹I standardize the coefficients and then calculate the exponentiated coefficients and standard errors using the Delta method.

FIGURE 3 Relationships between Enforcement, Offenses, and District Poverty by City

deviation differs by city, so I describe the results for uniform covariate changes in the text.²²

Model 1 tests and confirms the core argument. Moving from a typical district that is 10% lower class to one that is 50% lower class (roughly two standard deviations) reduces enforcement by 71% and 78% in Lima and Santiago, respectively. District demographics have no significant impact on enforcement in Bogotá, as expected given a centrally determined enforcement policy.

In contrast, the coefficient on the number of street vendors is positive and significant in Bogotá. For a typical district, an increase of 3,000 street vendors (a standard deviation) is associated with 75% more enforcement. The number of street vendors has no relationship with enforcement in Lima and Santiago. These findings are consistent with the theory that politically centralized cities determine enforcement policy primarily based on the magnitude of violations.

²²The Poisson regression has an exponential structure, so for an x unit change in a covariate, the percent change in the response variable is $e^{(\hat{\beta} \cdot x)} - 1$.

Among the other variables of interest, an increase of \$800 in the budget per capita (two standard deviations) is associated with 13% more enforcement in Lima. This finding likely reflects the fact that Lima relies on local police, so resources play a larger role in enforcement. Nonetheless, even in Lima, the budget falls just shy of statistical significance and district poverty remains a substantively more important predictor of enforcement. Resources explain just 0.6% of the variation in enforcement in Lima, whereas district poverty accounts for 26%. The results are robust to other measures of local fiscal and administrative capacity.

Models 2 and 3 analyze the second hypothesis on the role of political competition. The margin of victory on its own has an inconsistent relationship with enforcement, but the interaction with district poverty points in the predicted direction (although failing to reach statistical significance using the Sandwich correction). In a typical nonpoor district, a mayor who wins by 30 percentage points implements 42% and 38% less enforcement in Lima and Santiago, compared to one who wins by a hair. Meanwhile, a mayor in a poor, uncompetitive district

TABLE 2 Cross-Sectional Analysis of Enforcement: Standardized Poisson Coefficients

	Bogotá	Lima			Santiago				
	(1)	(1)	(2)	(3)	(1)	(2)	(3)	(4)	(5)
<i>Lower</i>	−0.052 (0.074)	−0.500* (0.069)	−0.473* (0.070)	−0.623* (0.089)	−0.507* (0.237)	−0.490* (0.221)	−0.535* (0.243)	−0.361 (0.259)	0.048 (0.111)
<i>Vendors</i>	0.770* (0.091)	−0.166 (0.113)	−0.150 (0.100)	−0.086 (0.131)	−0.410 (0.306)	−0.495 (0.333)	−0.529 (0.324)	−0.391 (0.202)	
<i>Budget</i>	0.039 (0.051)	0.062 (0.037)	0.127* (0.049)	0.090 (0.060)	−0.138 (0.297)	0.100 (0.353)	0.148 (0.371)	−0.163 (0.240)	−0.628 (0.124)
<i>Population</i>	0.230* (0.076)	0.597* (0.200)	0.595* (0.170)	0.445* (0.172)	0.312 (0.355)	0.797 (0.634)	0.886 (0.695)	0.500 (0.528)	0.101* (0.029)
<i>Margin</i>			0.180 (0.099)	−0.172 (0.171)		−0.493* (0.192)	−0.580* (0.227)		
<i>Margin*Lower</i>				0.530 (0.325)			0.339 (0.777)		
<i>Right</i>								7.028 (4.670)	0.096 (0.093)
<i>Reports</i>									0.492* (0.070)
N	19	36	36	36	34	34	34	34	34
R ²	0.467	0.413	0.441	0.473	0.213	0.294	0.295	0.354	0.388

Notes: *p < 0.05; Poisson robust standard errors in parentheses; two-tailed tests. The indicator variable for “Right” is not standardized for ease of interpretation. Model 5 uses *Arrests* as the dependent variable.

carries out 35% and 11% *more* enforcement in Lima and Santiago, respectively. A natural confound may explain the fragility of these results: A mayor who dominates politics may gain freedom and enforce, but a mayor also may win by wide margins by catering to his constituents’ interests.

Model 4 shows that a mayor’s core constituency—measured loosely by party affiliation—has a substantial relationship with enforcement. Mayors from right-leaning parties carry out seven times more enforcement than left-leaning mayors. However, the result is only significant at the 10% level.

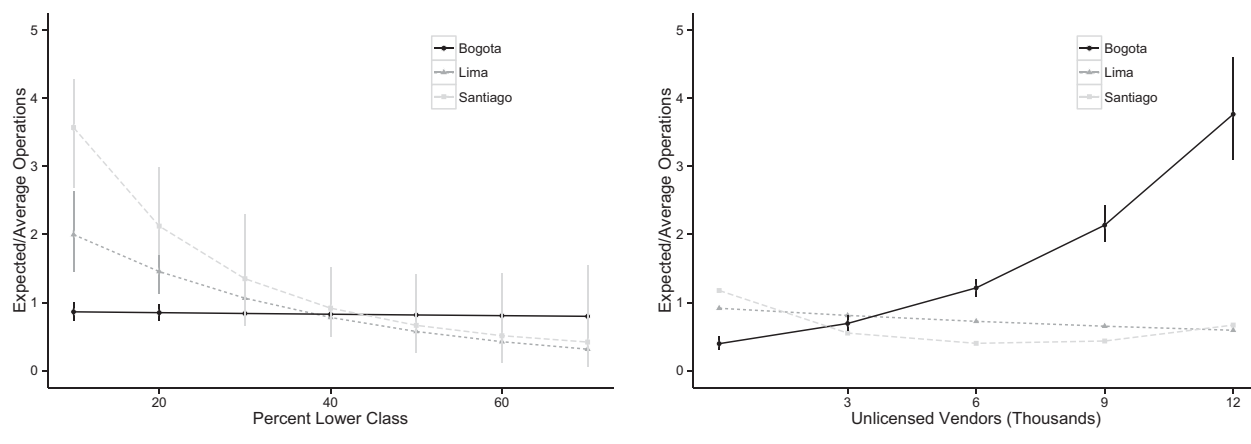
Finally, Model 5 compares enforcement against violence crime. When crime data are used, the number of offenses is strongly predictive of enforcement, as expected. Reassuringly, consistent with my theory, poverty and partisan affiliation do not more broadly predict enforcement against nonredistributive crime.

The regression results confirm that poor districts pursue less enforcement and, contrary to competing theories, this relationship only holds for cities that elect local mayors and for offenses with clear distributive consequences. The differences depending on the electoral structure of a city become even clearer when illustrated with a graph. Figure 4 plots the predicted number of operations relative to the corresponding city average and the 95% confidence

intervals. The left panel shows the predicted relative operations as the share of lower-class residents in a district changes. As the figure makes clear, when the share of lower-class residents is low in Lima and Santiago, districts pursue more than double the usual operations. When the share is high, districts execute less than half the average. The flat line at the city mean reinforces the irrelevance of district demographics in centralized cities like Bogotá. Instead, the enforcement logic in Bogotá becomes clear in the right panel, which illustrates the predicted enforcement operations as the quantity of street vendors changes. More vendors are strongly associated with more operations in Bogotá, but not in the politically decentralized cities.²³

To further probe the causal process through which district poverty reduces enforcement in politically decentralized cities, I asked bureaucrats about their perception of whether the mayor would gain or lose electoral support if she enforces. Consistent with my theory, higher perceived electoral costs are strongly correlated with district poverty in Lima and Santiago ($\rho = 0.54$ and 0.73 , respectively). The relationship is weak in Bogotá ($\rho = 0.25$),

²³The large 95% confidence intervals are suppressed for Lima and Santiago on the right panel of Figure 4 to highlight the Bogotá result.

FIGURE 4 Predicted Enforcement Operations Relative to City Average by District Poverty (Left) and Vendors (Right)

where enforcement affects the mayor citywide. Mayors plausibly enforce less in poor electoral districts because there are more severe repercussions.

A competing interpretation contends that district poverty captures corrupt bureaucracies that make it hard for politicians to enforce regulations. This concern is greatest in Lima due to police decentralization and the generalized weakness of the Peruvian state. I asked bureaucrats whether they believe that street vendors typically pay bribes to police to prevent enforcement. Half of the bureaucrats in Lima thought bribes are common. But this perception only weakly correlates with district income, as would be necessary to drive my results. Moreover, not a single bureaucrat agreed that bribes are common in Santiago, and only one did in Bogotá. While underreporting may explain the null result, street vendors corroborate bureaucrats' assessments—half of the dozen street-vending association leaders that I interviewed in Lima reported paying bribes, but the others considered bribes unnecessary due to political protection. Moreover, none of the 31 street-vending leaders whom I interviewed reported paying a bribe to the police in Santiago or Bogotá. While corrupt institutions inevitably limit enforcement in certain contexts, they are not necessary conditions. Distributive politics can be a more powerful and overlooked determinant of enforcement.

Conclusion

This article asks why some politicians opt *not* to enforce the law against the poor. To answer this question, I shift the analysis away from the traditional focus on fiscal and institutional constraints and consider enforcement's distributive effects. Forbearance toward offenses primarily

committed by the poor can help a politician gain votes among the poor, but it may cost a politician support from the middle class. Under political competition, politicians forbear when they require the poor's support to win office.

This article makes a contribution in showing how we can operationalize forbearance empirically. The twin challenges of comparing enforcement effort given unknown offense levels, and separating situations when governments cannot enforce the law from those when they will not enforce it, mean that forbearance has not been documented. A focus on the city and subcity level allows me to collect a measure of both enforcement and offenses, and to use exogenous differences in electoral structure to generate distinct empirical predictions. The results are consistent with the claim that enforcement follows an electoral logic in which politicians choose enforcement levels to serve their constituents. Poverty decreases enforcement when elections occur at the local level, while having little effect on enforcement in less competitive settings or against hard crime that angers all class groups. Mayors who represent poor constituents—operationalized directly through supporters' income in Bogotá and indirectly through party affiliations in Santiago—enforce less despite access to the same bureaucrats and resources. Interviews with politicians confirm that enforcement drops off in poor electoral districts due to political calculations.

These findings contribute to theoretical debates about the sources of property law enforcement. Rather than view weak property rights as a sign of a "weak" or "extractive" state, my results suggest that limited enforcement can be a consequence of electoral democracy. While recent studies suggest that enforcement is manipulated to favor middle- or upper-class groups with political

clout (e.g., Burgess, Olken, and Sieber 2012; Golden and Min 2013; Skouras and Christodoulakis 2011), this article presents an important counterpoint of how enforcement can be altered to favor the poor. The policy implication is that the removal of political discretion over enforcement may be more important than the provision of additional resources to promote uniform enforcement. Nonetheless, in highlighting the distributive consequences, this article raises the question of whether greater enforcement should be the goal.

Future research may probe the normative implications and explore why governments rely on forbearance rather than tax-based social transfers. On the one hand, forbearance appears to be an inefficient way to provide basic goods. It imposes negative externalities, encourages work in the less productive informal sector, and can leave the poor dependent on the whims of politicians. While the poor may prefer forbearance to enforcement, their first-best option is likely legal recognition of their activity or a formal version of the same good. To the extent that forbearance falls short of the poor's distributive demands, its persistence leads to a rather pessimistic evaluation of the quality of local democracy.

On the other hand, forbearance may offer the poor concrete benefits compared to absent or ineffective state alternatives. State welfare provision long has excluded Latin America's informal sector majorities. Governments have made uneven progress to improve coverage, especially of "big ticket" social policies like employment insurance or housing programs. While conditional cash transfer programs have been a boon for national governments, subnational politicians struggle to resolve social demands effectively. Numerous policy experiments by mayors to retrain or relocate street vendors, for instance, end with vendors returning to more profitable public spaces to work. Formalization policies create cycles in which new generations of vendors replace the previous in search of employment, motivating repeated forbearance by mayors. In this light, elections may have aligned politicians' behavior with the poor's preferences for benefits that reach them and offer concrete advantages. The key question, then, is not how to make mayors more accountable. Rather, it is how to strengthen social welfare provision in contexts where the absence of such policies invites legal violations—and local government-sanctioned ones—as a way to access basic goods.

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