Regulatory capture’s third face of power | Socio-Economic Review

By Wendy Y Li
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The term ‘regulatory capture’ is frequently invoked to describe dysfunctional government institutions. In its casual use, it refers to a phenomenon in which regulations benefit regulated industries, rather than public interests. However, as an analytical concept, social scientists have struggled to empirically identify and define the processes in which capture emerges and sustains. In this article, I outline a cultural framework for regulatory capture by linking cultural sociology and the faces of power to existing capture theory. Through an ethnographic case study of digital trade provisions in international trade agreements, I show how capture occurs through the construction and manipulation of ‘public interests’. I trace how capture (a) *emerges* when industry lobbyists extend existing schemas of a policy network into new frames and (b) is *institutionalized* into regulatory agencies when policymakers adopt and enact these frames into knowledge production and law. Thus, capture appears through a veneer of consensus, which suppresses alternative interests and policy outcomes.

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