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Governing Inside the Organization: Interpreting Regulation and Compliance¹

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Looking inside organizations at the different positions, expertise, and autonomy of the actors, the authors use multisite ethnographic data on safety practices to develop a typology of how the regulator, as the focal actor in the regulatory process, is interpreted within organizations. The findings show that organizational actors express constructions of the regulator as an ally, threat, and obstacle that vary with organizational expertise, authority, and continuity of relationship between the organizational member and the regulator. The article makes three contributions to the current understandings of organizational governance and regulatory compliance, thereby extending both institutional and ecological accounts of organizations' behavior with respect to their environments. First, the authors document not only variation across organizations but variable compliance within an organization. Second, the variations described do not derive from alternative institutional logics, but from variations in positions, autonomy, and expertise within each organization. From their grounded theory, the authors hypothesize that these constructions carry differential normative interpretations of regulation and probabilities for compliance, and thus the third contribution, the typology, when correlated with organizational hierarchy provides the link between microlevel action and discourse and organizational performance.

In what ways do social interactions within organizations influence compliance with legal regulations? How do ground-level personnel, as the ac-

¹We are grateful for insightful comments from Roberto Fernandez, Ruthanne Huising, Kate Kellogg, Viebeke Lehmann Nielsen, Christine Parker, Tanina Rostain,

tors who perform day-to-day work, interpret and respond to laws designed to specify and bound their work practices? To develop answers to these questions, we adopt the empirically validated sociological understanding that the organization is a patterned network of humans with distinct roles, distributed authority, and varied expertise, that is, both a single collectivity and many individuals embedded in an even larger network of transactions and norms (Blau 1962; Crozier and Thoenig 1976). If organizational behavior is the outcome of coordinated action across the distributed actors, how might variations across organizational actors influence an organization's capacity to govern itself and comply with legal rules?

Organizational governance refers to the capacity of an organization to coordinate and channel its collective action. As such, organizational governance addresses phenomena within organizations that demand compliance with norms concerning issues as specific as financial disclosure, shareholder value, and management compensation in publicly traded corporations to general processes of bureaucratic control in chains of command in all organizations with divisions of labor (Weber [1903–17] 1997; Edwards 1979). “Governance models are articulated systems of meaning that embody the moral order as they explain and justify the proper allocation of power and resources” (Fiss 2008, p. 291; see also Bendix 1956). Since the mid-20th century, minimal economic and bureaucratic norms have been supplemented by extensive legislation regulating a wide array of matters, including hours and wages; racial, gender, and age discrimination; workplace harassment; as well as health and safety as prominent examples. Similarly, contemporary research on organizational governance draws from a range of perspectives, from a relatively narrow economic framing of governance as a set of principal-agency problems related to compliance with and enforcement of property contracts (Jensen and Meckling 1976; Fama and Jensen 1983; Hart 1995) to broader institutionally and culturally oriented analyses that do

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not limit governance processes to fundamental property rights. Whether we conceive of organizational norms as a product of contracts, legislated regulation, or institutional logics, however, the problem of organizational governance and compliance is identical. How does a collectivity act as one to achieve conformity with normative or legal requirements?²

From institutional and cultural perspectives, organizational governance and normative conformity are understood as the consequence of “articulated systems of meaning that embody the moral order,” both explaining and justifying “the proper allocation of power and resources” across and within organizations (Fiss 2008, p. 391). “Emphasizing the symbolic nature and cultural embeddedness of corporate governance” (p. 391), institutional analysts focus on ideational systems and logics emerging from widely circulating cultural schemas that provide legitimated templates for similar practices across organizations (Wuthnow and Witten 1988; Thornton 2004; Lounsbury and Crumley 2007), including, for example, such basic processes as commensuration (Espeland and Stevens 1998) and normalization of deviance (Vaughan 1996). Although the system of circulating signs and practices we analyze as institution (Selznick 1969) or culture (Sewell 1992) may account for many similarities across organizations, researchers nonetheless document widespread decoupling of organizational practices from institutional norms whether legitimated through cultural schemas, professional expertise, or legal coercion (DiMaggio and Powell 1983).

From a legal perspective, organizational governance is not a theoretical issue of institutional or cultural homologies, but a fundamental question of the practical effectiveness of law. Notably, studies that begin with an interest in the effectiveness of law or consequences of regulation, what some call a law-first perspective (Sarat and Kearns 1993), usually document a gap between law on the books and law in action, not unlike institutionalists’ accounts of decoupling between institutional norms and organizational practices (Meyer and Rowan 1977; DiMaggio and Powell 1991) or economists’ concerns with misaligned incentives (Bebchuk, Cohen, and Spamann 2010). Focused primarily on the performance of regulators in transactions with regulated firms, studies pursuing a law-first approach for the most part also conceive of the regulated organization as a single entity. Consequently, most of this research gives minimal attention to the ways in which action within the organization is coordinated to produce, ignore, or resist compliance with legal regulations (Baldwin, Cave, and Lodge 2010).

To explain the observed variations in governance and compliance *across* organizations, we go *inside* organizations to examine how regulations are experienced by organizational actors. We find not only variations across

² We draw on Black (1976) here to refer to law as formal social control and normative regulation as informal social control.

organizations but also variations in compliance within a single organization. Drawing on relational sociology (Emirbayer 1997) and ethnographic data from three distinct fields (trucking, manufacturing, and scientific research), we propose that differential patterns of transaction among the actors in regulatory relationships influence how organizational actors experience and interpret regulators who serve as human conduits of legal regulation. Importantly, these variations are not a consequence of competing institutional logics (Sauder 2008; Wakeham 2012). We show how variations in the occupational positions of actors within organizations—distinguished by autonomy, expertise, and frequency of interaction with regulators—influence how these workers understand, negotiate, and enact compliance with regulations and, in turn, how law may come to inhabit the organization or may fail to become routine practice and as such fail to govern the organization (cf. Gouldner 1954; Hallett and Ventresca 2006). We join organizational theory with sociolegal scholarship to explain the common observation of uneven and unpredictable compliance with law. Our grounded theory suggests that the hierarchy of roles and positions within an organization—constituted by variations in autonomy, expertise, and the temporal pace and duration of face-to-face engagements with regulators—has an effect on and may predict organizational compliance with legal regulations.

With this close observation of regulated practices in different organizational fields, we make three contributions to the current understandings of organizational governance and regulatory compliance. First, we document not only variation across organizations but variable compliance within an organization. Second, although some observers have documented competing cultural logics within an organization (Heimer 1999; Gray and Salole 2006; Sauder 2008), the variations we describe do not derive from alternative institutional norms or logics, but from variations in positions, autonomy, and expertise among actors within each organization. Thus, our second contribution involves a renewed attention to organizational structure and hierarchy that seem to have been displaced in recent attention to cultural schemas and institutionalized norms.

Following a synthesis of relevant literature and account of our research methods in the next two sections, we show in the third section below how actors continually engage in interpretive processes concerning the relevance, competence, and power of regulators as they assess what constitutes compliance with governing norms, whether they are obligations imposed by legislated regulations, professional standards, or organizational rules. We induce from the data generated in these different locations and organizations our third contribution: a typology of constructions of the regulator by the regulated population. Across our studies, we observed three variations in the ways actors interpret and enact their relationship with regulators: (a) *regulator as threat*, (b) *regulator as ally*, and (c) *regulator as*

obstacle. Variation in expertise, workplace autonomy, as well as the frequency of interactions with and presence of the regulators seem to account for the distribution of these interpretations among different organizational actors. By reintroducing hierarchical variation into the analysis of organizational compliance, the typology allows us to derive hypotheses concerning variations in organizational governance. We hypothesize that these constructions carry differential normative implications and probabilities for compliance, and thus our third contribution, the typology, when correlated with different patterns of organizational hierarchy, provides the link between microlevel action and organizational performance. We offer these as hypotheses for future research in the concluding section.

SHIFTING FOCUS FROM REGULATION TO REGULATORS TO THE REGULATED ACTORS INSIDE ORGANIZATIONS

Studies of regulatory enforcement have occupied scholars for a long while, often as part of an effort to explain macroeconomic processes (Williamson 2000), organizational homologies across institutional fields (DiMaggio and Powell 1983), or the relationship between law on the books and law in action (Pound 1910). Taking the instrumentality of law quite seriously—that law is not merely a symbolic articulation of general norms but a use of state power for organizing social relations and producing specific conditions—research has attempted to document the ways in which law succeeds or fails in its regulatory and governance missions.

Variations across Organizations

An extensive body of literature, across several disciplines and professional fields, argues that organizational compliance with regulations is uneven and unpredictable (e.g., Dobbin et al. 1988; Fligstein 1990; Edelman and Suchman 1997; Heimer and Staffen 1998; Scott 2001; Kellogg 2009). More often than not, the literature has documented regulatory failure.³ The research accounts for the variation in organizational compliance in terms of

³Recent analysis suggests that regulation succeeds more than it fails and that researchers have been neglecting the evidence of regulatory success (e.g., safe drinking water, inoculations for children, air transport safety, drugs that do not kill). Looking at what may be the exceptional instances of failure, researchers may be looking for the key under the proverbial streetlight (Heimer 2012). Sociologists of law have noticed a similar attraction in much empirical research that attends to normative failures and mistakenly generalizes from the cases of deviance to characterize legal institutions and practices; in response, some researchers have developed methods to study the everyday, quotidian rather than deviant experiences of legality (Ewick and Silbey 1998).

the styles and performance of the enforcement agents and agencies themselves (Bardach and Kagan 1982; Grabosky and Braithwaite 1986; Gray and Scholz 1993; Hutter 2001; May and Wood 2003); national differences (Vogel 1986; Gormley and Peters 1992); philosophies (May and Burby 1998); tactics, such as “bargaining and bluff” (Hawkins 1989); or, in the most extensive model, variation in responsiveness disciplined through a hierarchy of increasingly punitive tactics (Ayres and Braithwaite 1992; cf. Mascini and Van Wijk 2009; Parker and Nielsen 2011).

Much effort has been devoted to explaining how agencies mandated to serve the public become ineffective and indolent, often ending up serving the very same organizational interests they were meant to control (Bernstein 1955; Kolko 1965; Shapiro 1968). The explanations for poor enforcement, and thus variable compliance, range from analyses of the symbolic nature of the legislative process that produces inconsistent mandates (Edelman 1964) and the inevitability of discretion (Kadish and Kadish 1973) to analyses of the segmented structure of a political system that encourages a division of the commonweal among interested parties to the exclusion of the unorganized public (Lowi [1969] 1978). Looking closely at enforcement practices and strategies, observers document how individual regulators become agents of clarification, specification, and elaboration of their own authorizing mandates by choosing among courses of action and inaction in their relations with regulated firms. In the process of working through and with legislative mandates, regulators cannot help but modify the goals they were designed to serve (Silbey 1980–81, 1984; Silbey and Bittner 1982; Hawkins and Thomas 1984).

When researchers focus on the regulated firm rather than the regulatory agency, variations in compliance are explained by organizational motives, capacities, and characteristics. In this line of work, studies describe symbolic compliance with legal norms, looking legitimate (Edelman 1992); variations in material and economic pressures (Simpson and Rorie 2011); the environment of social pressures on the firm (Kagan and Scholz 1984); as well as moral commitments of the organization (Tyler 1990). In one well-cited study, the regulated organizations are categorized as either amoral calculators, political citizens, or organizational incompetents (Kagan and Scholz 1984). A more recent study identifies five different management styles that respond to combinations of social, legal, and economic pressures; the styles depict probabilities of organizational compliance arrayed along a continuum from laggards and reluctant compliers to committed compliers and true believers (Gunningham, Kagan, and Thornton 2003).⁴

⁴Pearce and Tombs (1990) argue that these streams of typologies (on the motivations of firms) are based on a promanagement bias that tends to ignore stratification and issues of power within firms. For a rebuttal to Pearce and Tombs, see Hawkins (1990). Refer to Gray (2006) for a summary of this regulatory debate.

Although studies of organizational misconduct and top management leadership do recognize the importance of intraorganizational factors for explaining organizational variations (e.g., Clinard 1983; Daboub et al. 1995; Simpson and Koper 1997; Smith, Simpson, and Huang 2007; Schaubroeck et al. 2012), studies focused on regulation and compliance less often take account of the stratification of authority, expertise, or ability to comply within organizations. Too rarely do they look at actors across the organization, up and down its hierarchy, to trace the ways in which regulations come to inhabit the organization (Hallett and Ventresca 2006). One is hard pressed to find a reference to power, group interests, conflict, or inequality within the regulated firm. This may be the most striking feature of the history of studies of regulatory compliance. Across too many of these studies, the regulated organization is a black box, a singular unit of analysis, “the firm,” represented by a management that acts and speaks in its name (Kagan and Scholz 1984). Perhaps because of access issues or the efficiency of simple explanatory models, studies of regulatory enforcement and compliance contribute to the reification of the organization and reproduction of the legal fiction of the corporation as a person. The empirical studies report observations made primarily during interactions between regulators and firm managers and therefore do not show us what takes place beyond the visibility of the regulator in the inner working life of the organization. By focusing on the role of the regulator in achieving regulatory effectiveness, this body of research has given less attention to the organizational dynamics that permit or inhibit regulatory compliance (cf. Turner and Gray 2009; Huising and Silbey 2011). Attending to the formal agents of law and formal organizational representatives, researchers often miss the most predictable and thus powerful aspects of law and legality: its habitual quotidian enactment, particularly when the official agents of law may be absent and its coercive force less visible.

Variations within Organizations

Institutional and organizational research has, however, redirected observation from the firm qua firm to the ways in which organizations are sites of competing institutional logics. As such, variations in compliance with regulations or mandated changes are explained in terms of the availability and accessibility of plural institutional logics and competing cultural norms and schemas for actors within the organizations (Marquis and Tilcik 2012; Thornton, Ocasio, and Lounsbury 2012). Research on institutional logics across numerous fields, such as publishing in higher education (Thornton and Ocasio 1999; Thornton 2004), occupational prestige rankings (Zhou 2005), stock market values (Zajac and Westphal 2004), and French cuisine (Rao, Monin, and Durand 2003), supports the idea that there are “broad

cultural beliefs and rules” that are always multiple but that nonetheless “structure cognition and fundamentally shape decision making and action in a field” (Marquis and Lounsbury 2007, p. 799). Because the practical as well as theoretical importance of institutional logics hinges on the idea that these abstract cultural frameworks “are enacted at the interactional level in day-to-day organizational activity” (McPherson and Sauder 2013, p. 167), much work undertaken within this framework explores the firm as a network of persons, actions, heterogeneous symbolic and material resources, spaces, and times coordinated to achieve recognized purposes and interests. Nonetheless, observed variations remain unexplained, for the most part. The empirical accounts of organizational decoupling from institutional norms offer such a diverse array of variables that identification of an organizational or institutional mechanism becomes difficult. Thus, the explanations for why similar organizations respond differently to regulations—resist, comply, or move beyond compliance—include managerial incentives, authority and succession, subunit, competition, economic performance, age of facilities, perceived risks and benefits of noncompliance, top management ethics and tone, offending history, and finally managerial experience with regulatory compliance systems (Daboub et al. 1995; Howard-Grenville, Nash, and Coglianesi 2008). Given the plurality of individuals, actions, resources, spaces, and times as well as cultural norms and schemas that compose an organization, the concept of organizational compliance as a singular conceptualization ultimately breaks down, and the institutional puzzle of decoupling remains (Parker and Nielsen 2011).

Nonetheless, this body of work offers insights on which we can build to develop an alternative account of organizational governance. Clearly, upper-level management plays an important role in securing compliance (Simpson and Koper 1997), especially if the demands are consistent with their professional identities (Rao et al. 2003), the behavior of high-status actors in their organizational field (Rao, Monin, and Durand 2005), and their background preferences (Fligstein 1985). Contemporary regulations and managerial logics may also “responsibilize” workers, meaning that organizational actors are held individually responsible for speaking up and enforcing regulation themselves (Gray 2006, 2009; Shamir 2008; Silbey 2009). In addition, middle-level managers may become advocates of changes consistent with regulations (Kelly 2003; Bendersky 2007; Dobbin and Kelly 2007), when they are consistent with personal values (Tyler 2005), and may increase their authority within the organization (Edelman 1990; Dobbin, Sutton, and Meyer 1993). Noncompliance and illegality may flourish, however, where middle-level managers bring a financial orientation to the organization (Clinard 1983; Smith et al. 2007). Regulatory compliance may also demand changes in routines and habits and, as such, demand increased resource commitments of time, energy, and personal authority from man-

agers (Dutton and Ashford 1993; Kalev and Dobbin 2006; Huising and Silbey 2011). “While adoption and strong support of new programs by middle-level managers is important, it is but one step in the process of changing institutionalized work practices. For real change to occur, subordinate employees must actually . . . change their day-to-day work behaviors” (Kellogg 2009, p. 661).

Recognizing the greater power of upper- and middle-level managers to influence organizational compliance, research on organizational governance and regulatory compliance may nonetheless fail to recognize adequately both the diminished power and unique resources of those in subordinate positions in firms (Edwards 1979; Hodson 2001; Gray 2002). Both Vaughan (1996, 2003) and Perin (2006) refer at length to the dysfunctional consequences of the hierarchical credibility gap in organizational governance (e.g., in pursuing safety), a gap that derives from embedded but unacknowledged stratification rather than rules or norms. Lower-level actors are often repositories of critical information and counter hegemonic views, and yet they are often unable to persuade those higher up in the organization of either the credibility of their knowledge or the relevance of their perspectives for safety or other regulatory goals. Moreover, most individuals inside an organization never see or experience a direct interaction with a regulator, notwithstanding that organizational compliance usually requires coordinated action at all levels of the organization, and especially at the ground level of service and production. Yet, the frontline workers, whose activities most often produce violations or compliance, have only recently been incorporated into the literature on regulatory enforcement.

To fill this lacuna in our understanding of the practices of organizational governance, that is, to explain how organizations facing similar regulatory schemes and institutional pressures respond differently, we draw from recent work suggesting that rather than dictating the behavior of actors, institutional logics more closely resemble tools that can be brought out to solve dilemmas and break impasses among organizational groups. “The same logic, for example, could be used in different situations to achieve opposite goals, and the same actor may choose to employ different logics at different times depending on the perceived needs of the immediate situation” (McPherson and Sauder 2013, pp. 167, 165). Similarly, in a study of juvenile sentencing decisions in which an array of competing professional frameworks and interpretations of the child, the crime, and the sentence must be resolved to achieve agreement on the sentence, Wakeham (2012) suggests that competing logics are not resolved at all but accumulated as layers of justification for a surface agreement in a negotiated sentence. Relying on Goffman’s (1967) notions of deference and ritual performance, as well as American pragmatism, Wakeham shows that coordinated social action can happen even in the absence of cognitive or normative agreement,

or deep, shared, understanding among the actors involved. In other words, organizational actors can agree to act without agreeing as to why, without shared institutional logics. These authors suggest that actors possess a great deal of discretion in choosing which logics they use and how they use these chosen logics.

Notably, the organizations we observed, and the particular regulations and rules on which we focused, are not examples of organizations with competing institutional logics. We observed workers in a steel plant, independent and firm truck drivers, and scientists (lab technicians, students, professors) in university laboratories. Across these three fields, the safety, health, and environmental regulations about which we report were always subordinate to the dominant institutional logics of profit that prevailed in manufacturing and trucking and knowledge production that prevailed as the grounds of professional status in science. Using standard sociological concepts for organizational hierarchy (authority, autonomy, expertise, resource availability, and control of time and space, which we discuss below), we analyzed our interview and observational data to map our subjects' experiences and interpretations of regulation. From these experiences and interpretations, we develop a typology of regulatory transactions that acknowledges the heterogeneous contributions from actors at all levels of the organization. Although we cannot produce substantiating data within the scope of this article, we hypothesize relationships between the actors' constructions of the regulator and the patterns of compliance. In other words, the often observed and reported institutional decoupling may be a consequence of organizational variations in terms of regulated actors' autonomy, expertise, and familiarity with the regulators rather than competing institutional logics. Organizations may have small, subtle, or significant variations in the ways in which work is allocated internally while nonetheless sharing membership in an institutional field.

COLLECTING ORGANIZATIONAL ACTORS' ACCOUNTS OF REGULATORS

Beginning with the observation that regulatory enforcement (or compliance) takes place through transactions among regulatory agents and organizational actors, we analyzed ethnographic data we had collected in several fieldwork projects designed to study safety practices in university laboratories, an industrial factory involved in automotive and steel production, and trucking. This mixture of case studies provides cross-case comparisons of meaning-making processes at the ground level within organizations, across the range of positions within the organizations, and across three occupational fields. We chose these sites because they include sites that are both typical cases for studying enforcement of safety regula-

tions (factory) and a rare case for studying regulatory enforcement (university laboratories) but one with sites of intractable governance (Huising and Silbey 2013), which might nonetheless be common in many other organizations (Van Velsen [1967] 1978; Small 2004). We included the data from our interviews with truckers because individual entrepreneurs or employees who work in isolation from others or managerial observers have also been studied less often.

We make no claim that these organizations were selected randomly or constitute a representative sample of contemporary workplaces. We hoped that this range of cases would offer sufficient variation to induce some hypotheses concerning organizational actors' interpretations of regulators. Following Trost (1986) and Small (2009), our cases offer a range of variation in what we anticipate will be distinguishing conditions for regulatory transactions. Both the factory and the university are formally organized bureaucracies with varying degrees of hierarchy, and thus variations in authority and autonomy, which we assumed at the outset might influence organizational actors' interpretations of regulation and regulators. We had not originally posited that expertise and frequency of interactions with regulators would have the influence we ultimately observed.

These distinct projects took place in Canada and the United States between 2001 and 2010. In the factory project, an in-depth five-month ethnography was conducted inside a unionized steel extrusion plant in Canada. Over 1,000 hours of fieldwork, sometimes seven days a week, and often with abundant overtime, was undertaken by Garry Gray, who was employed as a production worker during a period of five months. During this fieldwork, observations of a variety of departments were conducted in order to take into account differences in work-group cultures as well as the varying compositions of workers in each group. The ethnography was specifically undertaken to understand how health and safety regulation is experienced and shaped in the course of routine production in the factory. A publicly traded corporation that has been bought and sold several times in the last decade, it is managed locally on-site by a president and general manager. The factory is subject to labor, environmental, and employment regulations in Canada, which are periodically subjects of onsite inspection. More often, the plant is audited for compliance with industry standards. Frontline workers make little distinction between private and public inspectors.

Each subunit in the factory (e.g., sheet milling, auto parts, tubing, receiving, shipping) has a supervisor (historically known as the unit foreman). Within each division or subunit there are teams of unionized workers, one of whom serves as the team leader. Team leaders, although unionized laborers, function as middle-level mediators between management and subordinate workers; team leaders rotate in and out of these positions and

do not occupy them permanently. The team personnel—production workers—are of three ranks: students or temporary workers come and go with seasonal and business cycles and are not part of the union; junior union workers are assigned to teams and divisions by management; and senior union members bid on the division and team where they would like to work. Unlike newer or junior production workers, a bid-operator has greater authority and expertise and when confronting a manager or inspector is more likely to be listened to because bid status, rather than occupation, secures the particular organizational position. The bid-operator cannot be moved to another job and replaced with someone who might be more malleable or subordinate, who will follow orders more consistently, either to achieve safety or to avoid complaints about unsafe work. However, the small amount of control bid-operators do possess is limited to the particular job they have achieved through the bid. In addition, the union includes skilled trade workers such as tool-and-die makers, electricians, and millwrights. They are regarded as highly expert craftspersons. Thus, authority and autonomy among factory workers varies and is not coincident with their occupation (Gray 2002, 2011).

In the trucking study, one-on-one interviews were conducted with 158 truck drivers at three different truck stops in the United States (two in Massachusetts, one in Connecticut). The 158 drivers were from 68 different trucking companies (128 drivers were corporate drivers, and the remaining 30 were owner-operator truck drivers). The sample consisted of truck drivers living in 30 different states and three Canadian provinces. The majority of drivers indicated they were long-haul drivers (69%) who are on the road, away from home, longer than one week at a time. The project was designed to determine the ways in which truck drivers interpret and respond to safety regulations, experiences of threat and violence to themselves, and ways in which their work intersects with other drivers and road conditions—what we might call the culture of the road. Company drivers are employees of a trucking firm; they receive their assignments from a dispatcher daily, weekly, or at longer intervals depending on whether they are a long-haul driver who may be away from home base two to three weeks at a time (69% of the sample), a regional driver who might be away two to three days a week (26.7% of the sample), or a local driver, who is generally home every evening and makes numerous client stops throughout his work shift (4.3%). Clearly, drivers who are out on the road for days and weeks at a time have greater autonomy. Expertise and frequency of transactions with inspectors, however, may vary greatly among the drivers as a consequence of local traffic patterns, highway conditions, as well as climate and weather. Owner-operators, responsible only to themselves as well as the legal rules, keep logs only for the inspectors and

need not worry about oversight by the company dispatchers and managers. However, owner-operators are small businessmen, holding themselves more directly accountable to the client whose repeat business they seek and require. Company drivers are employees experiencing more levels of oversight and monitoring, whose relationships with clients are mediated by the dispatcher and firm management. The world of lone work represents a unique sphere within workplace relations that has received relatively little attention. In this way, the truckers are quite different from the factory or laboratory workers we study, for whom production is always dependent on the coordinated labor of various others. Importantly, most drivers work alone in their trucks, although some do work in teams for heavy deliveries for which the receiving or sending organization does not provide the lifting power. They make periodic stops at locations to pick up and deliver goods. Rather than assume homogeneity among all truck drivers or among lone workers, we examine variation among and within these workers.⁵ Truckers are governed by myriad public regulations concerning the condition of the vehicle, the length of the workday, and the rules of the road, which cumulate to produce an experience of hyperregulation.

Finally, from 2001 through 2007, Silbey conducted, with a team of collaborators, ethnographic fieldwork at a university in the eastern United States to document and analyze the creation and implementation of an environmental health and safety management system for the university's research laboratories. Additional fieldwork was conducted in laboratories in a second university. The fieldwork activities included observation, interviews, and document collection. It was supplemented by data collection with standardized instruments for some observations and via surveys of lab personnel and environmental management staff. Data about how university personnel (professors, doctoral and postdoctoral students, undergraduates, lab technicians, and administrators) experience and interpret safety are taken from field notes and interviews. Each researcher on the team observed and recorded the design and introduction of the management system from the perspective of one or more of the different groups of actors: scientists in several science and engineering departments, administrators (within and across departments), environmental and safety spe-

⁵ Because we studied drivers across 68 firms and 30 individual owners, this project is not exactly analogous to the factory or the university. We cannot say how the data would vary if we looked at only one large trucking firm. Our sense, however, is that having drivers from multiple firms, whose organizational structures may vary somewhat, provides more valid accounts of the drivers' experiences across that variation.

cialists, and information technology designers. Some observed committee meetings in which the system was being designed; others worked in laboratories and waited for the changes planned at the meetings to trickle down through the coordinators into the academic departments and laboratories. We met weekly to share observations and to read and code notes and interview transcripts, producing, discussing, and revising synthetic and interpretive memos. Our notes were shared using Atlas.ti. For laboratory scientists, regulations are imposed by the university as well as by local, state, and federal governments. Each of these public agencies may send inspectors at any time, although they almost always give notice beforehand. Within the university, compliance with public regulations as well as university rules are the responsibility of specialized administrative staff who are regarded by lab personnel as internal regulators.

Across all research settings, informal interviews were also conducted with workers while they were at work or, in the case of the truckers, while they were visiting truck stops. The informal interviews were designed to probe informants' interpretations of events that were taking place in their work setting at the time of the interview. They also allowed us to differentiate the capacities and constraints attached to the different roles of the actors inside these organizations. We rarely asked specifically about regulations and certainly did not begin or focus our interviews on governing procedures. We asked about how the work is done, problems and successes in the work, and the ways in which this actor's work was the same as or different from that of others. We asked what was satisfying and what was frustrating. Out of these conversations, we learned about the actor's apprehension of and interpretations of governing rules and procedures. Within the different organizations, few persons—with the exception of faculty scientists—were able to act with freedom and autonomy relatively unconstrained by formal rules. Rather, the majority of individuals inside the organizations derived authority from their expertise and organizational role (see table 1). This categorization of organizational actors by autonomy/authority is useful given the lack of research exploring how actors inside organizations conceptualize regulators. However, even within an occupation, such as a production worker in the factory or truck driver, variation in authority appears. Because variations were noted within occupations and also across organizational positions, we hypothesize that it is the relative autonomy and expertise that influences interpretations of regulations and regulators rather than particular occupations per se.

The data reported and analyzed in this article were collected as part of the three distinct fieldwork projects on the legal regulation of work and science. Conversations between the authors about our various projects suggested that we were independently observing similar phenomena across

TABLE 1
 QUALITATIVE DATA COLLECTION ACROSS THREE ORGANIZATIONAL SETTINGS

Organization/Field and Qualitative Method Strategies	Organizational Positions of Interviewees	Expertise	Autonomy	Interaction Frequency	Interpretation of Regulator, Regulation
Factory: 5-month in-depth ethnography of an industrial factory in Canada (over 1,000 hours of participant observations; $N = 210$)	Skilled workers	High	Low-medium	Low	Threat
	Production workers	Low	Low	Low	Threat
Trucking: in-depth interviews with truck drivers from 30 U.S. states and 3 Canadian provinces at 3 different truck stops in the U.S. ($N = 158$)	Company drivers	High	Medium	Medium	Threat/obstacle
	Owner-operator drivers	High	High	Medium	Threat/obstacle
University research labs: in-depth interviews with university laboratory workers (scientists, postdocs, technicians, graduate students), environmental health and safety staff, and university administrators at 55 universities, plus 6 years fieldwork in one major U.S. university ($N = 281$)	Faculty members	High	High	Low	Obstacle
	Postdoctoral fellows	High	Medium-high	Low	Obstacle/threat
	Graduate students	Low-medium	Low-medium	Low	Threat/ally/obstacle
	Undergraduate students	Low	Low	Low	Threat
	Lab technicians	Low-high	Low	Low	Threat
	Department EHS officers	Medium	Medium-high	High	Ally
	University EHS officers	Medium-high	Medium-high	High	Ally
	Lawyers	Low-high	High	Low	Threat/obstacle

NOTE.—Some actors are characterized with multiple designations in one or more of the descriptive variables because the persons we observed and the positions vary along these dimensions. N refers to number of persons interviewed.

our different projects.⁶ Therefore, we used the interviews and field notes from the three cases to make one large data set in which to search for organizational actors' interpretations of the regulators. Although each of the projects began with an interest in regulatory enforcement and compliance, and variations in organizational governance more generally, we did not originally focus the studies on the issues of hierarchy, autonomy, and expertise; nor would we ever ask specifically about such issues because they would as likely as not generate formulaic answers legitimated in popular culture. However, since we are sociologists of organizations and law, these concepts are never absent from our work. The virtue of in-depth fieldwork and data analysis using the model of grounded theory is the opportunity for surprises the researcher did not anticipate; the analysis is iterative and is repeated as hypotheses appear from reading the transcripts and notes to develop inductive codes in response to the text rather than predetermined topics and concepts (Glaser and Strauss 1967; Charmaz 2006). Although we did not ask a specific question, for example, about whether an actor's expertise, or positional authority, affected interactions with inspectors and supervisory personnel—and would be unlikely ever to pose a question in quite such a direct manner—we did inquire about the way work is done. For example, what problems and challenges have you encountered in your work? What is working well in your job? What is not going so well? We repeatedly ask for examples, elaborations, and stories that allow interviewees to talk about all sorts of matters that are part of doing their work. In the course of describing how the work is done and helping the interviewee to walk through a day's work, repeatedly asking for clarifications and descriptions of materials, persons, and events, a great deal of information is conveyed beyond the originally posed question (Mishler 1986).

The analysis of the field notes and interviews began from our general understanding of the literatures on the sociology of organizations generally and on regulation in particular. We collected all references to and descriptions of regulators and regulations by organizational actors. Because the projects had individually begun with general interests in the ways regulation is experienced in the workplace, it was not difficult to piece the

⁶Unlike the much heralded practice of multisited ethnography in which one researcher exits the "conventional single-site location . . . to multiple sites of observation and participation" (Marcus 1995, p. 95) or the classic model in which a team observes and interviews in the same organization (Gouldner 1954; Becker et al. 1961; Huising and Silbey 2011, 2013), this project adopts a third variation on ethnographic practice. We interviewed and observed independently and then collaboratively discussed and analyzed the data. Because the data developed from three distinct ethnographies, with different research designs and multiple researchers, they offer a methodological extension on multisited ethnography.

data together. We worked with three separate data files, one for each project, and searched across the three sets of inductively created codes for references to regulators, inspectors, regulations, audits, visits, and so forth.

We adopted Ewick and Silbey's (1998, 2003) four dimensions of social action (i.e., normativity, capacity, constraint, and time/space) as categories with which to analyze the variations in the actor's accounts. Table 2 displays the questions we used to analyze our field notes and interviews as well as the results and typology of interpretations. The goal of the analysis was to discover the various ways in which our participants across these sites (truckers, factory workers, and university laboratory workers) express and interpret their relationships to legal regulations and regulators, specifically, the regulations governing their workplaces and practices. Although originally articulated within a study of law and legality in everyday life, Ewick and Silbey (1998) develop a standard frame for analyzing institutional logics by organizing actors' representations in terms of the basic units or categories of social action as deployed in sociological theory (again, normativity, capacity, constraint, and time/space). Acknowledging that competent social actors also "do sociology," if not alongside, in addition to professional sociologists (Garfinkel 1964, p. 250), the memes, language, and discourses that members of society use can be categorized and analyzed within the concepts sociologists have developed to name forms of social action. As ordinary citizens, going about our daily lives, we operate on the basis of understandings of how and why people behave as they do and of how and why things happen. We are constantly testing and revising our practical, lay theories against our observations and experiences, even as we interpret those observed events and experiences in the context of our theories. Garfinkel noted the critical role of such practical, rather than professional, theories in both sustaining social order and generating resistance. Ewick and Silbey (2003) suggest that by analyzing and organizing cultural discourses within these fundamental sociological concepts, or what they refer to as dimensions of cultural schemas and narratives, we have at hand a means of furthering a social science of culture: making explicit the lenses sociologists and other social scientists use for categorization, and in this way provide more reliable grounds for valid comparison and generalization across cases and empirical projects.⁷

We interpret our respondents' accounts in terms of these four analytically distinguishable dimensions of social action. These dimensions should be understood as axes of interpretation that provide alternative vantage points from which to view, and thus depict, actors' relations with and

⁷ Ewick and Silbey (1998, p. 82) describe these dimensions as both empirically induced and logically deduced categories, developed interactively by analyzing transcripts and social theory. Maxwell (1992) offers five criteria for achieving validity and understanding in qualitative analysis.

TABLE 2
 TYPOLOGY OF INTERPRETATIONS OF REGULATORS AS ANALYZED WITHIN DIMENSIONS OF SOCIAL ACTION

Theme	Description	Questions Used to Analyze Fieldnotes and Interviews	Threat	Ally	Obstacle
Normativity	Values achieved by regulators through interactions with regulated	Is compliance achieved by punitive measures? Are there assistive relations? Are both parties collaborating? What is the model of regulation that is valued?	Regulator enforces the law regardless of the efforts or intents of the regulated	Regulator achieves public interest through collaborations with regulated	Regulator neither serves public interest nor achieves compliance
Capacity	Conditions, circumstances, and resources that enable regulators to secure compliance	Do they draw on their expertise, knowledge, and credibility? Or do they rely simply on their position as government officials and/or the rules themselves? What enables their ability to achieve compliance?	Roles, rules	Knowledge, credibility, and expertise	Role
Constraint	Restrictions on the ability of regulators to secure compliance	Do their role as a regulator and the rules themselves have negative unintended consequences? Do actors lack expertise, knowledge, and credibility within their regulatory domain? Are they forced by bureaucratic accountability criteria to search for evidence of noncompliance? What limits their ability to achieve compliance?	Seeks literal documentation of rule following rather than performed outcomes	Role, rules	Lack knowledge, credibility, expertise, resources
Time/space	Temporal pace and duration of face-to-face engagements between regulators and organizational actors	Do they conduct periodic observations? Do they have frequent (face-to-face conferencing) interactions with the regulated? Are the interactions mediated by reliance on written forms and particular staff?	Periodic observation	Repeated, continuing transactions, face-to-face, conferencing	Mediated by staff and/or documents and forms

interpretations of regulation and organizational governance. Normativity refers to the values and moral legitimations attributed to persons, events, places, and organizations, the accounts actors provide about the way things should be. Actors also refer to the ways in which their own or others' actions actually occur, including how they are constrained by the actions of others or available resources; such references are collected under the dimension of constraint and in social theory are often discussed under the rubric of structure. Because structure is not entirely determinative, social actors also recognize and speak about their own and others' capacities to shape action, human agency (Sewell 1992). Finally, in addition to normativity, constraint, and capacity, social action is organized by time and occupies space (Giddens 1984). In sum, these dimensions are not variables or textual codes; they are analytic composites aggregating several or many codes rather than ground-level phenomena or observations.

Using these dimensions to correlate data in the coded texts and across actors and settings, we identified three distinct accounts of the regulator: as a threat to the person and his or her employment, as an ally in the organization's production, and as an obstacle to efficient and innovative work (table 2). With this typology in place, we then focused our analysis on the specific relationships with regulators, as we observed in our notes that these relationships seemed to vary. We then began to sort the observations and comments by the role of the actors and noticed that their organizational location or autonomy, expertise, and frequency of interaction with the regulators seemed to correlate with different interpretations of the regulations.

We use standard definitions of our central terms: authority, autonomy, expertise, and frequency of interaction. In a synthesis of much literature and an expansion of Weber's definition of authority as the legitimate exercise of power in a transaction, Wrong (1995) defines authority as the ability to command (achieving intended and foreseen effects in a relationship with others) on the basis of resources to which the subordinate party in the relationship defers: knowledge or expertise, position in an organizational hierarchy, threats of violence or constraint (coercion), promises of reward (induced), or personality (love or charisma).⁸ Although expertise was historically established by exclusive education, by the end of the 20th century the meaning of expertise became diluted and assertions common-

⁸Types of power other than authority discussed by Wrong (1995) include force, manipulation, and persuasion. Following Bachrach and Baratz (1970), Lukes (1974, 1986) defined power in terms of decision-making capacity, ability to thwart decisions or non-decision making, but added a third dimension in terms of ideological or what we might call cultural framing so as to shape discourse and action. Following primarily Weber and Wrong, we refer here only to legitimate exercises of power on the basis of subordinates' deference to requests or commands.

place (Abbott 1988). In most contemporary circulating definitions, expertise can be established by individual demonstrations of skill, but it is generally reserved for professionals whose knowledge base—established through formal training and ability to exercise discretion as communicated through licensing—is offered for sale specifically on the basis of claims to that expertise (Larson 1977; Abbott 1988). We use the term autonomy to refer to the capacity for self-governance, free of constraint “imposed by an outside agency” (Weber 1947, p. 148). Of course, no socialized actors are entirely autonomous, and this applies, even more so, to organizational actors. Thus we use the term relatively so that some organizational actors have more imposed constraint, monitoring, and review than do others. Their vulnerability to the judgments of others on the quality or quantity of work is similarly constrained. Finally, we use frequency of interaction with regulators in a straightforward numerical sense.

We present the inductively produced typology in the next section and hypotheses concerning variation by organizational position and experience in the discussion section.

INTERPRETING/CONSTRUCTING THE REGULATOR

Across three different research sites, we observed that employees within the same organization interpreted the nature of the regulator’s capacity and role in very different ways. However, we also noticed similar variations in the ways in which regulators were constructed by organizational actors occupying similar statuses across the different organizations. While some employees sought feedback from regulators on compliance strategies, regarding (or at least interacting with) regulators as allies in the production and compliance processes, others were defensive and cautious, as though the relationship was fundamentally adversarial, a threat either to the organization or to their own employment security. Some organizational members interacted infrequently with the regulators, often regarding the inspectors as relatively incompetent obstacles to their productivity. Regulators were sometimes seen as barriers to both production and compliance, in the sense that they lacked sufficient expertise to understand the work processes that they were regulating. By exploring constructions of the regulator from the perspective of the organizational actors, what can we learn about how organizational governance and regulatory compliance are performed day to day?

On the basis of our inductive analysis of the data from the three sites, we developed a typology of the regulator to depict the observed variations in the ways in which regulators are interpreted by organizational actors. As illustrated in table 2, the typology identifies three common variations: (a) *regulator as threat*, (b) *regulator as ally*, and (c) *regulator as obstacle*.

These constructions of the regulator are characterized by variations in the interpretations of the regulators' normative role, capacity (expertise, credibility, and knowledge), constraints, and pattern of interaction (time/space) with organizational actors.

The sections that follow use the dimensions of social action to organize the data from the case studies to identify the three most common interpretations of regulators that we observed among organizational actors within and across organizational settings.

Regulator as Threat

Often, frontline individuals in an organization know very little about regulators. Most of their experience with legal regulation stems from what is gleaned during informal workplace conversations, that is, "water cooler talk" or "banana time" (Roy 1959). In most cases, the result is an implicit sense that an inspector poses a threat to one's employer and thus indirectly to one's own job status.⁹ Sometimes, however, the danger is experienced as direct: the individual fears that she or he will be held personally responsible for regulatory noncompliance. Across organizational settings, regulators are routinely perceived as potentially threatening to the daily practices of work, no less to the financial and legal status of the organization. Indeed, inspectors are often described as seeking evidence only of noncompliance, of being preoccupied with issuing citations or other forms of punishment. They are seen as having a limited tool kit with which to secure compliance to legal rules and thus to meet the public interest embodied in their legal mandate. The academic literature on regulatory compliance often describes organizational compliance practices as primarily efforts to avoid sanction. This construction of the regulator as a punitive threat is also one of the most common characterizations invoked in public political debates by those opposed to government regulation of business or government standard setting as a means of promoting responsible organizational performance. When the regulator is interpreted as a threat, compliance is understood to be like a compliance check on a computer, a process that demands perfect correspondence with ostensibly objective criteria, as opposed to a thermostat that maintains variation within limits. Here, compliance demands conformity because variation implies deviance, unacceptable difference rather than variation around a norm.

The construction of the regulator as a threat leads to individual and organizational efforts to "look compliant," regardless of whether or not the appearance of compliance corresponds to the espoused goals of regulation

⁹We use the word inspector interchangeably with regulator to refer to the regulator who visits a workplace site.

(i.e., “appearing safe vs. being safe”). This pattern of looking compliant was illustrated across our collective research settings and is often evidenced by extraordinary efforts to perform in the presence of and for the regulators, perhaps more often when the organizational actor is less familiar with the regulators or has less autonomy or expertise. These performances are choreographed to offer a particular, unvarying, compliant presentation of self among the regulated, one that can resemble during inspection visitations, for instance, what Gray (2006, p. 885) terms “Potemkin villages.” Drawn from the history of 19th-century tsarist Russia, Potemkin villages were fake settlements erected to impress the Empress Catherine II with the value of her new possessions along the desolate banks of the Dnieper River and the competence of her minister, Gregory Potemkin, responsible for the region. As momentary facades whereby organizational actors at all levels temporarily feign compliance during visits by outsiders, Potemkin villages perform a mock conformity reminiscent of Alvin Gouldner’s (1954) notion of mock bureaucracy whereby rules are ignored in practice except for times “when the inspector comes around” (p. 18). Just as in Gogol’s classic drama *The Inspector General* and the Hollywood film of that name, where the local residents and managers of a small town react with terror to the news that one of the tsar’s inspectors will be arriving to investigate them, some organizational actors respond to regulators, richly endowed by official status and legal technicalities, with fear and sometimes loathing. The hazard of expected punishment induces organizational actors to produce the evidence they believe regulators require.

During field research at the industrial steel and automotive factory, Potemkin villages were observed to be routinely created during outsider tours and then shortly thereafter dismantled. The first time this was observed, Garry Gray had arrived at the factory to be surprised by a transformed workplace. Most of the safety-related aspects had been reversed from their normal state: the building was clean (no oil or spills on the floor), all the machines carried their proper safety guards, lock-out procedures that ensure equipment turns off when workers are too close were in place, and workers were wearing protective equipment. It seemed as if all the safety rules were being followed to perfection. In other words, without warning, it suddenly appeared that the organizational culture had completely reversed from what Gray had observed during his first few weeks of fieldwork.

When Gray arrived at work the following day, he found that the safety practices had reverted to normal, that is, the conditions he had been observing since he began the project: safety guards had been removed from the machines, oil spills again dotted the floors, protective equipment was hanging by the lockers, and so forth. During lunch break, he inquired about these transformations and reversals. “Yesterday was a tour day,” he was

told. Another worker commented, "They [management] made me fill out all the [safety] sheets saying yes I have been trained." When Gray inquired why the worker went along with looking compliant when, in fact, he had not received any safety training, the worker stated, "I don't want to be the guy who screws up and causes 450 people to lose their job." He further revealed that while the inspector was asking questions of workers at the front of his line, his supervisor came up to him and said, "They are probably going to come down here and ask you a question." The supervisor then proceeded to tell him both the question and how he should answer it. The visitors' tour created an incentive for management to ensure that the machines and workers and shop floor operated in textbook fashion. Over the course of the five months of the study, Gray learned that Potemkin villages were the routine way in which regulatory inspections or outsider visits were managed. After some time, Gray no longer experienced these breaks as surprising behavioral and physical inversions, but rather as themselves part of the normal effort to "look compliant when necessary."

Potemkin villages were similarly observed during the study of the university laboratories. Laboratory workers were observed to aggressively clean and straighten the labs in anticipation of semiannual inspections. Some of this laboratory housecleaning was so frantic that it not infrequently led to accidents. For instance, in the process of hastily dealing with waste before the inspectors arrived (waste must be appropriately capped, labeled, and put into designated holding areas), highly reactive chemicals that must be stored separately were occasionally poured into a single container, with consequently uncontrolled reactions with noxious fumes that took hours to subside or sometimes led to small explosions. Regulators were viewed as threats by lab technicians, who, lacking autonomy, secure position, or advanced degrees, occupy the lowest ranks in the laboratory hierarchy and routinely perform scripted and repetitive procedures (Evans 2010).¹⁰

¹⁰ University research laboratories are populated by status-ranked personnel, with undergraduate students occupying the lowest rank followed by graduate students and postdoctoral fellows working for and under faculty members who assume responsibility for what takes place within the laboratory. Many laboratories also contain paid staff, including technicians and one or more managers, who allocate lab benches, desks, and work assignments, coordinate ordering and distribution of supplies, and generally oversee the laboratory organization. Technicians provide assistance for various procedures and sometimes independently conduct portions of the research. While students and postdocs come and go, technicians and managers are often continuing, sometimes lifetime, members of the laboratory. Experimental procedures are not necessarily distributed by status, and thus the work of a bench scientist can be considered an occupation (specialized labor that constitutes the basis of continual opportunity for employment; Weber 1947, p. 250), although organizational status varies widely (e.g., student, postdoc, technician, professor).

Furthermore, in our interviews with truckers, drivers revealed that they routinely felt compelled to misrepresent the number of hours they had driven in their hour logbooks (which are reviewed by regulators) so as to appear compliant with regulatory limits on driving hours. Employee truckers, rather than owner-operator truckers, often stated that their employers knew (and expected) that noncompliance was needed to ensure on-time product delivery and that “lying on the books” was common. From the truckers’ perspective, the regulators were enforcing the rules legalistically (Friedman and Ladinsky 1967) and unreasonably because they neglected to account for actual work conditions; the regulators were also unreasonable because they ignored truckers’ frequent efforts to comply with safety regulations. The creation of false documents and situationally constrained efforts to comply extended the threat from the regulator-regulated relationship to the manager-employee relationship: lying on the logbooks was done not only to achieve product delivery within demanded time frames and avoid regulatory punishment but, more fundamentally, so that drivers could secure continued employment. As one Florida truck driver notes, “The company puts pressure on drivers to get loads delivered on time.” Another trucker, from Connecticut, pointed out that “you cannot do the logbook legally and make appointments. The problem is to make the logbook ‘look correct’ . . . you have to do it, you just can’t speed up” (and record your speed accurately). And, finally, a company driver from Virginia admitted that there are times when you need to “throw the logbook in the back when running out of time. If you were to run legal it would be hard to make a living.”

The circumstances of looking compliant were different for the factory workers and truck drivers when compared to those in the university labs, as the former faced more transparent and energetic power dynamics at work with middle-level managers (i.e., factory supervisors and truck dispatchers). These direct supervisors, controlling the workers’ continued employment, contributed to the view of regulators as threats. According to a truck driver from Missouri, “Top management spouts safety big time. But dispatchers [middle-level managers] are rewarded for ‘on-time delivery’ and production. Touting safety and telling everyone to be safe. It’s one thing for them to say it. But, they make rewards [for dispatchers] come into direct conflict [with trucker safety]. We deal with many dispatchers over many shifts. The pressure is not so much from daytime dispatcher but from off-shift dispatchers. Off-shift dispatchers say things that ‘sound like they want you to bend the rules.’” Another truck driver, an owner-operator, noted that while he may have independent control, he is not fully independent as he must still work with dispatchers. “I still feel pressure, might not be as hard as company drivers. Where I have a right to refuse a load, they don’t. Company drivers don’t have a right to refuse a load, forced by a dispatcher, while

I am not forced by a dispatcher.” A Virginia company driver of 21 years observed that among company drivers, it is worse for those lower in the hierarchy with less authority as “the dispatchers keep pushing the young guys, and they keep going.”

The creation of “looking compliant” behaviors inside organizations highlights the gap between what is formally expected and performed for an audience and the routine production of work. The success of these choreographed alterations, the Potemkin villages, serves to perpetuate what is often described as institutional homogeneity—homologies among organizations or looking alike—but they turn out to be merely ceremonial compliance practices (Meyer and Rowan 1977). While the threat associated with inspections also gave rise to Potemkin villages in the university labs, there were opportunities for different constructions of the regulator to develop. The middle persons inside the university labs were less adversarial in comparison to the factory supervisors and truck driver supervisors (i.e., the dispatchers). While inspections were considered a threat across all our settings, it is important to ask under what circumstances within organizations regulators might become interpreted as either an ally for, or an obstacle to, good governance.

Regulator as Ally

When organizational actors construct the regulator as an ally, there is, if not an explicit, an implicit, tacit understanding that regulators are willing to work with the organization through a set of continuing relationships in which legal agents and organizational actors collaborate to produce compliance. When experienced, interpreted, and responded to as an ally, the regulator is acknowledged to possess relevant expertise: knowledge of the specific and technical work of the organization, a range of possibly alternative compliant processes, the formal legal requirements, and a range of legal options. A regulator might function as an ally during official inspections or audits but may also serve as a backstage ally, who can be consulted, perhaps confidentially and certainly unofficially, if a regulatory issue becomes problematic among members within the organization or within the regulatory agency. In these situations, regulators are treated as resources available for internal management of uncertainty and risk. For many regulators, this is how they wish to be seen by organizational actors. Indeed, this is the conception of regulation underlying the model of responsive regulation (Ayres and Braithwaite 1992).

Compliance officers who develop collaborative relationships with the regulated are more often closely situated in time and space to provide assistance to the regulated (see Frenkel and Scott 2002; Locke, Qin, and Brause 2007). That is, they are physically proximate, have lower caseloads,

or have greater autonomy within their own organizations (Canales 2011; Coslovsky 2011; Huising and Silbey 2011; Pires 2011). However, simply as a matter of interactional efficiency and limited time, collaborative relationships with regulators cannot be formed with all organizational actors, so that the ally construction is unlikely to be widely shared across the organization (except through circulating narratives rather than firsthand experiences). Indeed, collaborative relationships with regulators were unheard of among the frontline factory workers and truck drivers. In our field research, we observed that actors with a distinguishing degree of technical expertise and organizational autonomy themselves were more likely to regard the regulator as an ally if there was a continuous set of transactions. Other actors in that setting, however, tended to continue to construct the regulator as a threat or an obstacle. For example, environmental, health, and safety (EHS) agents within the university administration developed ongoing relationships with lawyers in the U.S. Environmental Protection Agency (EPA) in whose jurisdiction the university was located. The university EHS agents, who function as internal compliance staff, interpreted the EPA lawyers as allies, while others continued to see them as threats. University safety officers/compliance staff share with some laboratory workers (some graduate students and postdoctoral fellows) a good measure of expertise and have relatively greater organizational autonomy than do students and technicians; they regularly interact with government inspectors (or postdocs with internal regulators/compliance staff), coming to regard these regulatory actors as allies in the effort to minimize laboratory risks and ensure safe working conditions (Evans 2010). Although alliances among regulatory actors (within the organization and with the government regulators) would seem predictable, it was not always the case. Variations in expertise, relative autonomy, and frequency of interaction with external regulators were more influential than positional titles and roles for internal compliance officers' interpretations of government regulators and regulations (Silbey, Huising, and Coslovsky 2009).

With a team of graduate students, Susan Silbey conducted an ethnographic study as Eastern University developed a management system (MS) for containing EHS hazards in its research laboratories. The MS was part of a negotiated agreement with the EPA following an inspection of the laboratories. Although the EPA had not recorded one spill, emission, or instance of environmental damage, the agency faulted the university for not having a documented system for managing laboratory hazards and for not being able to account for the variation in compliance or violations that the EPA observed among the many laboratories inspected. The university's attorney and chief risk manager, along with several compliance managers (e.g., the head of environmental programs and the director of the EHS Office), were obligated to meet semiannually with EPA staff attor-

neys to develop the MS in accordance with terms of the negotiated consent decree.

Going beyond the required semiannual meetings, the university compliance managers regularly met and consulted with the EPA lawyers. The university's attorney, however, was not present at these meetings, during which the EHS compliance managers often sought advice about alternative models for policies, programs, and procedures they were developing. For example, as part of the EHS-MS, the university was required to create a pollution prevention program. As the committee designing the system began to work on the pollution prevention component, the requirements became indeterminate, as was often the case with each of the consent decree's mandates. So the committee members met with the EPA attorney to discuss possible alternative ways that the design committee had come up with to reduce consumption of potentially polluting substances. They inquired about the decree's language to see what room for maneuver and degrees of freedom they had. For instance, would the inventory system they were developing, combined with research on alternative, less toxic solvents, and a program to encourage adoption of these alternative solvents, meet the goal of a pollution prevention program? In the course of these back-and-forth discussions, the university compliance managers established an easygoing, almost collegial relationship that involved ongoing dialogue about the university's local culture, resources, and pragmatic considerations; at the same time they would often exchange stories about other universities' and public entities' struggles with environmental compliance.¹¹ Although the EPA attorneys would not prescribe what should be done and how the EHS-MS should look in its details, they were a source of information about what other institutions were doing, how one procedure worked better than another, and under what conditions.

The EPA did not have a script for compliance. The entire purpose of creating a management system to achieve sustainable environmental health and safety was premised on the notion that the university had to institute means of self-observation and the capacity to respond by and for itself. The central trope here is of a regulatory mechanism that will bring routine practices and behavior within acceptable boundaries, similar to a thermostat. Although all parties were ostensibly bound by the governing federal (and state and local) statutes, as well as the court-sanctioned consent decree, the EPA attorney's stance was more pedagogical and informational than prescriptive or proscriptive. Moreover, the EPA did not expect perfectly uniform performance. It acknowledged the inevitable

¹¹ Interestingly, few of the stories ever involved references to profit-making organizations. It was as if there was an agreement to share information within a boundary of relevant compatriot organizations.

variation but wanted to limit the scope and frequency of those violations. Not infrequently, these conversations were punctuated by humorous quips about the administration in Washington as well as the difficulties of managing arrogant professors. Each side of the table offered confessions concerning their most intransigent colleagues. The EPA and university managers had become allies in the effort to herd the scientific cats of academia, working together to develop a system that would produce safer and more environmentally sustainable research laboratories.

In contrast, throughout the duration of the consent decree, Eastern's attorney interacted with and anticipated interactions with the EPA quite differently. He rarely spoke with EPA attorneys outside the semiannual reports; his transactions were scripted and curt. When he prepared documents, he assumed that they would be interpreted to the detriment of the university. Although an attorney should anticipate that opposing parties may exploit textual lacunae and indeterminacies to serve their interests, experienced attorneys usually adjust their expectations to the particular situation, learning through the various transactions what the work style of the opposing lawyer is, and what kinds of responses to expect, and they adjust tactics accordingly. When negotiations are successful, this can be a process of mutual exploration and adjustment. The university's attorney had successfully negotiated with this EPA attorney what the university leadership assessed to be a very reasonable settlement. Yet, even as the development of the EHS-MS proceeded, and even into the final weeks of the consent decree's time frame, the university's attorney adopted an adversarial stance with the EPA. At times, he became so distrusting and hostile that the university's compliance managers found themselves repeatedly engaged in repair work with the EPA attorneys. Expressing disappointment in this variation in treatment from the university's agents (the attorney as compared to the managers with whom he allied), the EPA attorney said one day, "Doesn't he see the person behind the role? Who does he think he is dealing with? Haven't we been working on this for years now? Am I the enemy?" To the university's attorney, the EPA was the enemy, a threat rather than an ally. Here, an internal compliance officer with almost complete autonomy—the university attorney—lacking technical expertise in the hazards and infrequently interacting with the EPA personnel did not form alliances or regard the external regulators as allies, as did some of the other internal compliance staff. Thus, internal compliance staff may themselves be either compliance promoting or compliance limiting, depending, we argue, not on their formal position alone but on their expertise, autonomy, and interactional frequency with the regulators.

In the factory and among the truck drivers, the view of regulators as an ally was rare or absent. We observed an organizational space or a gap otherwise occupied by middle persons between frontline workers and reg-

ulators. Lacking such positions among the truckers and factory workers themselves limited interactions between frontline workers and regulators, preventing ongoing transactions that might have led to familiarity with regulators and possible alliances. This gap was occupied by middle persons, which inside the factory sometimes included factory supervisors or team leaders and, among the truckers, their supervisor dispatchers. Inside organizations, middle persons may, through their interactions with employees, be compliance promoting or compliance limiting. Lacking meaningful collaborative interactions with regulators and experiencing such rare encounters through the performance of Potemkin villages, they viewed the regulator as a threat more than an ally. A framework of individual responsibility and self-regulation prevailed whereby employees and employers were expected to collaboratively work together in the absence of direct regulator involvement. Inside the factory, which was unionized, workers were often forced to rely on compliance-promoting middle persons such as union safety representatives. Frontline factory workers were able to interact meaningfully with a regulator only if they secretly went above their supervisor and forced a work refusal that eventually led to the appearance of a regulator.

Rare end runs around middle-level actors set the stage for a defensive posturing by compliance-limiting middle persons who regarded frontline workers' interactions with regulators, by themselves, as threatening. For instance, during a departmental staff meeting inside the factory, an engineer instructor told workers, "It's your responsibility to say something if you don't feel you have been properly trained, that includes safety." This led to a heated discussion with a former team leader (who once served as acting supervisor in the factory), who responded by saying, "If a worker, especially a summer student, does complain, they get labeled and get put on a different shit job, and are possibly not hired back the next summer." This comment appeared to fit with the fieldwork observations of Gray and comments made by other workers during the course of the study concerning repercussions for reporting safety violations or being too concerned about safety. However, rather than address the implicit issue of the role of hierarchy in demands for individual responsibility, that is, conditions under which the worker could reasonably exercise individual responsibility, the instructor jokingly dismissed the comment—illegitimate within and contrary to the instruction being offered—by saying that the former acting supervisor was just "bitching and complaining."

Compliance-limiting middle persons perpetuate the regulator as a threat, rather than an ally, by themselves posing the threat of terminating employment. Rather than foster collaborative regulatory relationships with frontline staff, compliance-promoting and compliance-limiting middle-persons create a buffer through which frontline workers with low levels of

authority and autonomy interpret regulations and regulators. However, the interpretation of regulators as obstacles, to be discussed in the next section, varied across both blue-collar and white-collar settings among workers with different levels of authority and autonomy.

A cautionary note.—The construction of the regulator as an ally can be volatile and can sometimes backfire, disrupting organizational relations and positions rather than helping to mediate internal problems, as evidenced by the need for whistle-blower protection. In other words, organizational members sometimes risk retaliation when they regard the regulator as an ally and act on this construction by requesting the assistance of the regulator without support from organizational leadership (Gray 2006, 2009; Tsahuridu and Vandekerckhove 2008). This risk becomes even more amplified with the prospect of regulatory capture (Laffont and Tirole 1991). As Ayres and Braithwaite (1991, pp. 437–38) caution, “the very conditions that foster the evolution of cooperation are also the conditions that promote the evolution of capture and indeed corruption . . . ongoing relationships [also] permit the slow pounding out of the corruptibility and trustworthiness of the other to stand by corrupt bargains” (see also Gray 2013). Paying attention, as we do, to variations in hierarchical position, regulatory capture would also more likely limit actors with less authority and autonomy from exerting agency inside organizations. Although our research provided only positive outcomes of the regulator as ally construction, we nevertheless note that other research may document the darker side of alliances between regulators and the regulated.

Regulator as an Obstacle

In some cases, organization members interpret a regulatory agent as neither an ally nor a threat. Actors regard the regulator as an obstacle to compliance when the regulator is believed to lack expert knowledge about the organization’s work processes or has insufficient additional resources or status to engage organizational actors. The regulator may have designed compliance requirements that are inadequately connected to the underlying regulatory goals, as it appeared when the university committee tried to implement the requirement to create a pollution prevention program. Or the regulator may be unable to provide meaningful guidance and engagement that works to orient an organization’s work processes toward meeting regulatory goals. With regard to the pollution prevention program, the EPA attorneys shared information about other universities’ programs, providing additional grounds for the university staff to regard the EPA lawyers as allies.

In our field research, we noted that regulators were interpreted as obstacles by organizational actors who possessed expertise and autonomy but

little direct or frequent interaction with regulatory agents. The obstacle construction did not necessarily vary exclusively with the worker's social status or technical position, as expertise and autonomy were not located exclusively in high-status occupations or roles. Thus, sometimes a graduate student or postdoc might interpret the regulators as ill informed while other graduate students or postdocs might form alliances because they interacted more regularly with the inspectors. Rather, it was organizational actors' claim of expertise (sense of their own competence) plus the infrequent interaction that seemed to be associated with viewing the regulator as an obstacle. Experienced truckers and factory workers, for instance, often had little respect for the inspectors if they found them to lack awareness of "what really goes on at work," just as the principal investigators, usually professors, in the university labs had little respect for the "nonscientist" regulators. In addition to having some degree of expertise and autonomy, workers who constructed the regulator as an obstacle also tended to have minimal or no face-to-face interactions with the government agents. Their relationship to regulatory requirements and regulators themselves was mediated by forms, such as reporting and accounting documents, or by staff assistants. To the degree, however, that the actor possessed a noticeable degree of independent authority and was less subject to organizational control, he or she was more likely to interpret the regulator as an obstacle than as a threat. In other words, positional autonomy insulated the actor from the perils of punishment.

Thus, we observed that interpretations of the regulator as an obstacle were manifested in ways unique to the organizational setting. For example, compliance is often verified by regulators by observing physical conditions, using standard checklists and documents. Many regulations prescribe required actions within the work environment, while others prohibit specific activities. Regulators conduct inspections to see if, for instance, factory employees are working with machine guarding, truck driver logbooks record that drivers are not exceeding the time limits behind the wheel, or students are consuming food in a laboratory. However, this simple *mandate-and-inspect* approach tends to be completely disconnected from how rule following is accomplished in any particular organizational setting. Thus, it neglects the diffuse pressures and institutional complexities experienced by those inside organizations.

For example, the truck drivers interviewed by Gray frequently referenced the inadequacy of the 14-hour driving limit imposed by the U.S. Department of Transportation. This was mentioned above in our discussion of the regulator as a threat because truckers created documents purporting to show that they drove only within a 14-hour window within every 24 hours (leaving 10 consecutive hours within each 24-hour period in nonoperation mode). Because truckers feared regulators who would revoke their license

for driving beyond the legal limit of hours behind the wheel, they created logbooks documenting compliance with the regulations. The regulators were not only a threat to the truckers but an obstacle to doing the work of picking up and delivering goods. The regulators, according to the truckers, had no idea how trucking was done, how much stopping and resting and driving took place within what the logbook demanded as a recorded driving time. For instance, at the end of the 14-hour window, the truck driver must “find a safe place to sleep.” Yet, a trucker from Pennsylvania notes that “many signs say no overnight parking and [the] warehouses I deliver to don’t let you stay overnight. . . . [In addition,] some low-income neighborhood areas can be pretty violent. I try to wait to go into those areas when it is daylight, when it is a bit safer.” In other words, following the 14-hour rule creates obstacles and problems with following other rules and regulations, as well as creating an obstacle to remaining safe while working. The following 49-year-old truck driver from Texas discussed how meticulously following the legally prescribed driving hours led to one fearful night with little rest (leading to increased sleep deprivation during the next 14-hour driving window):

Just recently I felt one of the most uncomfortable situations while down on the Philadelphia harbor, at one of the ports. I had to stay overnight. The gentleman whose dock I was in told me I would be safe but mentioned that it wasn’t going to sound like you were safe. [There would be lots of noise.] And he was correct. It sounded like a war was going on down there, the police sirens and fire engines and several gunshots. The whole area just didn’t feel safe but DOT [Department of Transportation] hours of service had been locked [into the log], so I couldn’t go, I had to take a 10-hour break there. And, unfortunately, there was not any truck stops close by that I could legally get to and I couldn’t take the chance of getting a ticket so I stayed. . . . I didn’t get any rest that night. All that stuff was just too uncomfortably close. Whatever was taking place, they were looking for bad guys. It was to me one of the most unsafe nights, and I’ve spent nights down in the Bronx in NYC and that doesn’t bother me. . . . It’s very hard to find a parking spot, both safe from quote unquote “bad guys” and safe as in from “law enforcement, enforcement codes, any of that.”

Many interviews noted that the driving hour limit overlooked opportunities in which drivers stopped to rest or had to spend a number of hours waiting at a customer’s loading/off-loading site. According to the regulation, this time had to be included in their 14-hour driving time period, and not surprisingly, drivers felt that it unfairly reduced the critical driving time they had to spend on the road. According to a senior truck driver who has spent the past 33 years on the road, this has also led to a rise in truck drivers taking shortcuts in bathroom breaks, with ecological consequences:

Your logbook keeps running if stuck in traffic. . . . No time to go to the bathroom. Used to be able to go off-duty and take 15 minutes to pull over to go to

the rest stop. Increased use in pee bottles now in the last four or five years. If you take three breaks in a day that's 45 minutes lost, money out of pocket. And the company is more demanding about putting the loads in the logbook frame. I carry my own lunch/microwave with me because I can't afford to stop. I get drowsy in the afternoon but have to drive through it. A [trucking] friend of mine was killed. He used to take six power drinks a day trying to [stay awake and] make deliveries.¹²

Over time, this produced expectations among drivers and their managers that the logbooks could be manipulated, serving as one example of a social outcome of a poorly designed regulation. Coupling the social dynamics of driving, biological functions, traffic, and street crime with the practical inadequacies of the regulation, many drivers have felt compelled to misrepresent their driving hours, and this has served to perpetuate regulators' unawareness of the issue.

As regulatory rules become more complex and compliant behavior becomes less easily scripted, compliance may become difficult to observe except when the system fails (Vaughan 1996, 2003; Perrow 1999). The range of information that may be relevant, and the range of knowledge that may be available, often make complete or formal specification of the proper conduct of work difficult.¹³ The inability to prescribe completely what is needed for responsible or adequate work practice is what has traditionally differentiated, in large part, layers in the stratification of status, authority, and autonomy in work (Weber 1997). When regulations govern practices with multiple actors, actions, and alternative pathways, such as in the case of ensuring patient safety (Singer et al. 2011), practicing tax law ethically and legally (Rostain 1998), or conducting biological research, regulators are no longer able to observe directly whether regulations are being followed. Instead, regulators are left to determine whether a desired level of safety was achieved by reviewing whatever had been recorded and documented of the work practices, as opposed to making this determination on the basis of

¹² The issue of job stress related to the legal driving limits for truck drivers has resulted in an ecological issue for those who must pick up roadside trash. According to one media report, a small county in Washington reported having to pick up in just one year 2,666 bottles of urine, many of them being "trucker bombs, plastic jugs full of urine tossed by truckers" (http://www.nbcnews.com/id/7912464/ns/us_news-environment/t/urine-trouble-some-states-warn-truckers/#.VDvwTk10xjo).

¹³ However, see Gawande's (2009) discussion of the safe surgical checklist that requires that at three different points during the surgery process—(i) before induction of anesthesia, (ii) before skin incision, and (iii) before the patient leaves the operating room—the nurse, anesthesiologist, and surgeon communicate with each other by confirming the checking of boxes on a list designed to assist in reducing medical errors and, in turn, surgical morbidity and mortality. The utility of checklists for diverse complex activities is beginning to be explored more systematically, with varying results (Lyneis 2012).

directly observed behaviors or inspected physical spaces and objects. Thus, regulators become auditors enforcing complex rules (Strathern 2000; Power 2003; Robson et al. 2012), but they also pay special attention to negative outcomes as indicators not of random events but of poor practices. Consequently, there is a persistent separation between what the regulator can detect through records and indicators and what actions and dynamical processes take place in work practices as well as in the creation of the records (Silbey 1980–81). This is exacerbated if the regulator lacks the expertise to understand complex decision making in high-skill areas. As a result, regulators are unable to assist meaningfully in compliance, and they are often interpreted as obstacles by accomplished and expert actors.

Our research in university laboratories provided abundant examples of scientists describing regulators—both compliance managers within the university and inspectors from government agencies—not as merely obstacles but as incompetent. At the most general level, the scientists explain that the standard state and federal environmental health and safety regulations that have been written for industrial plants can never work in research laboratories. Industrial sites carry out the same activities over and over again. Because of the repetitive actions, the practices of industrial safety can, like the work, also be routinized. They can be easily scripted for both performance and monitoring by the organization and the government inspectors.¹⁴ In contrast to industrial production, the scientists claim, research laboratories, especially nonbiological laboratories, perform a vast array of different activities, some of them infrequently and many only one time. Research laboratories also typically perform these acts on a considerably smaller scale, using small quantities of chemicals of nonetheless potentially hazardous materials. Because of the variation in processes, low volumes, and infrequency, it is difficult to anticipate the kinds of dangers and the substances that might turn out to be risky. “There are lots of things,” one of the chemists said, “for which hazards are not known. They’re new substances we’ve created as part of our research. And so . . . the laws that are being applied to us really are not relevant.” In other words, the dangers that attach to research laboratories are to a significant degree unspecifiable in advance. And the regulators cannot possibly understand or know what is happening, what is being created in the laboratories, unless they, too, are research scientists. Our informant continued, “Chemists understand chemistry, and also the health effects and other things much more. . . . We understand why something’s carcinogenic, we understand why something is corrosive, we understand things like that.

¹⁴Of course, this is not so. Studies of industrial safety attest to the difficulty of achieving safe work conditions in complex production processes (Perrow 1999; Silbey 2009; Lyneis 2012).

Well, in our minds, that elevates the respect for the hazards.” After all, how could the regulators know what should be done if the scientists are creating new knowledge?

The scientists’ default position is to regard the regulators’ interventions as irrelevant if not detrimental for the laboratory, for which only the scientist creators have adequate knowledge. Notably, the scientists often expressed these opinions having had little or no face-to-face interaction with the regulators. The regulator as an obstacle is a circulating trope produced from diverse sources: public media about regulation, apocryphal stories that travel among colleagues, instructions from university administrators, the training requirements of the management system, and reports from students and postdocs in the labs. If, however, scientists can reinterpret the regulators’ rules and interventions within scientific concepts and protocols, they may be persuaded to adopt a more compliant posture.

Interestingly, from the researchers’ perspective, the regulators’ deficiencies were not only scientific, which we might expect, but also bureaucratic and legal. Often the lab members could not understand what the compliance managers and by implication the government regulators expected of them. While the technicians fretted about this, worrying about being punished (Evans 2010), the professors and senior scientists delegated these concerns to subordinates but also complained about what they saw as the nonsense expressed in the rules. For example, the regulations of the 1976 Resource Conservation and Recovery Act (40 CFR, pts. 260–80) require that, until removed off site, that is, out of the laboratory and then within 90 days off campus, waste must be kept in a “satellite accumulation area,” at the place of generation, in the laboratory, with one active container per waste stream of up to 55 gallons or one quart of acutely hazardous waste. All waste must be labeled with a tag provided by the contractor. The label must indicate what type of waste material is enclosed (e.g., “waste acetone”) as well as the associated hazards (e.g., “ignitable”) and the date. The description must be in English, not in diagrams of molecular structure or chemical symbols. The containers must be situated so that the labels are clearly visible. All containers must be in good condition and all jars capped. Although this latter requirement seems simple and basic enough, it was impossible to understand, according to the scientists:

What does it mean capped? How tightly capped? Acids cannot be tightly capped or they will explode. What does it mean all jars must be capped? If 72 of the 75 unsealed chemicals in the lab are capped, will we be cited for noncompliance? How can my graduate students possibly know? They are going to say 72 out of 75 is good enough. And so I don’t know. Then what happens? You get an enormous amount of information in some central database, where someone is sitting with their feet on the desk in their office, like

monitoring their computer. . . . I mean they're people. I don't know. . . . What are they going to do, sit around looking at this highly edited, uncertain information, provided by graduate students, which is a very crude level and determine if we are compliant?

The inspection and auditing forms, tools designed to help the regulators work trying to encourage, if not ensure, compliance, were regarded as inadequate, if not silly. As a consequence, senior scientists and professors would avoid calling the compliance staff for help until accidents occurred. Short of an accident, they delegated to their students and staff the work of meeting regulatory requirements. Sometimes, however, they tried to manage on their own. One university administrator told us a story about how he had to mediate between a faculty member and compliance staff. Our field notes read:

Dave told me a longer story about what is a typical problem between compliance managers and faculty. A member of the x department had a cracked floor tile in his office and decided that he would fix it himself. When he pried up the tile, he discovered there was asbestos and called the environmental, health and safety office for help. The EHS people came in and apparently something happened during the exchange—Dave was unsure what—whereby the professor kicked them out. They decided to seal his office, and exclude him for a week. Dave ended up in the middle, mediating between the two by having the facilities department (e.g., carpenters and painters) rather than hazardous waste or safety (EHS) deal with it. During the afternoon of the first day, the floor was sealed and the professor had meetings there—that is why he had kicked them out. Within a few hours on the next day, the floor was repaired. But the EHS staff (i.e., compliance managers) would not come back and the professor would not move the furniture.

That the compliance staff would not accommodate the professor's schedule was evidence to him that they were not merely a threat because they were intent on punishing him, that is, sealing his office, but that they did not understand the university's priorities, at least as he understood them. That the professor posed a significant risk confirmed to the compliance staff that they needed to use their full authority and threaten to close him down. Thus, we have here an example of multiple possible interpretations. The regulatory staff were obstacles to important work, inadequate as university members, and thus posed a threat to its basic function. The administrator could get the situation resolved, within hours, because he was well connected within the university community and familiar with its diverse internal networks and resources. The professor could normally ignore the regulators because he had no fear that they could damage his position.¹⁵

¹⁵ While tenured faculty occupy quite privileged positions with protected employment and major roles in the governance of their organizations, not all professors are

DISCUSSION

Whether we call it the regulatory state, the risk society, or the audit culture, we live in a world in which hazards are produced as often by the action of complex organizations as by persons of flesh and blood, and where the scale of damage is often proportional to the size of the organizational actor. Rather than a phenomenal entity, however, these complex organizations are constituted through the interactions of long chains of loosely rather than tightly coupled action. Because organizations pose such substantial risks to the health and welfare of employees and the public and to the larger national and global economy, they are highly regulated by state law as well as by organizational protocols and artifacts. Although these organizations are usually depicted in terms of hierarchical or networked lines of authority and delegation, sociologists have long observed the myriad unscripted, interstitial practices that produce both the intended and the unintended organizational outcomes.

Large-scale, complex organizations rely on diverse techniques of surveillance, review, and revision as well as interpersonal trust and direct observation to govern themselves, that is, to achieve organizational goals and fidelity to legal rules. Yet, the literature on organizational compliance, as well as the popular press and political discourse, is replete with examples of organizations that fail to manage themselves so as to comply with legal regulations or meet organizational goals. Observers note that the legal and administrative apparatus for the social control of organizations has, itself, failed to adequately take account of and respond to the organized causes of organizational misconduct (Vaughan 1999). Instead, focusing on bad actors, “amoral calculators” (Kagan and Scholz 1984), or environmental pressures, much of the existing literature has looked either at the individuals within firms and regulatory agencies or at the organization as a whole—the corporate person. If one adopts an individualist, microlevel of analysis, which is most common, punishment and deterrence are recommended to secure compliance. Yet, the empirical evidence suggests that when the organization is the unit of analysis, even where individual prosecution is pursued, recidivist organizational noncompliance persists, with little consensus in the literature as to the causal mechanisms.

equal. Although many universities defend and protect faculty from external social control to a far greater degree than may be typical of other organizations, faculty “stars” whose public and professional accomplishments contribute disproportionately to a university’s prestige and status are accorded an even greater sphere of autonomy. Thus, our data contain numerous examples of scientists whose laboratories failed safety inspections. If the faculty member was, however, a “star,” university staff would often do the remedial work rather than insist that the faculty member do it.

In this article, we have taken a different approach. Instead of looking at individual actors as moral, immoral, or amoral calculators, we look inside organizations at where and how individuals are located within the hierarchy. We note how groups of actors are differentially able to act autonomously (or not), endowed with technical expertise (or not), and experienced familiarity with regulations and regulators (or not). Rather than rest on either side of an unfruitful divide (individual person vs. organization as actor), we identify the sources of variation in organizational governance in terms of the hierarchical structure and distribution of resources (i.e., autonomy, expertise, experience) and thus bridge the gap between an individualist, micro account of organizational failure as propounded in the bad actor models and macro accounts of the organization qua organization as the actor or unit of analysis.

Recognizing that occupational variation and stratification play as large a role in organizational governance as do rules and norms, we followed actors at different locations in the organizational hierarchy to observe their interactions with regulators and regulations. As the preceding analysis shows, actors within the same organization, and often the same occupation, developed varying interpretations of regulations that often aligned with their positions, expertise, and familiarity with the regulators: as a threat to their employment, as an ally with whom they could work to achieve organizational and public goals, or as an obstacle to the entire enterprise. However, we also noticed that these variations within one organization were repeated in the interpretations by actors in other organizations when the actors occupied similar statuses across the different occupations, and different organizations, both profit-making firms and nonprofit universities and hospitals.

Kellogg's (2011) study of the implementation of regulations limiting surgeons' hours of work provides a useful counterfactual example, illustrating the utility of our typology. Both hospitals Kellogg studied "faced similar environmental pressures, they had similar organizational characteristics and similar top-manager interest in change, and they designed very similar compliance programs to respond to the regulation" (p. 32). In both hospitals, first-year residents wanted to be compliant with the regulation (as it meant that they were to work only 80 hours as opposed to 120 hours a week), but they had relatively limited authority or autonomy and no direct interaction with the regulators.

Given that the new residents, who wanted to comply and viewed the new regulations as a benefit to their work life, occupied a lower position in the hierarchy, they had to deal with those above them in the hierarchy (middle-persons) to reorganize hospital routines and work schedules, just as our employee truck drivers had to deal with the compliance-limiting dispatchers. Some senior surgeons and hospital directors regarded the new work

hour regulations as both a threat and an obstacle because the new work hour regulations, they believed, would affect the quality of patient-centered treatment as well as the development of “can do anything” professionalism among the surgeons-in-training. And, in both hospitals, the directors who sat high in the organizational hierarchy had originally avoided tracking resident work hours for fear that this would give regulators evidence of noncompliance. Hence, similarly to our truckers, these hospital directors created Potemkin villages through manipulation of the work hour tracking systems. By not keeping track, there would be an illusion or a ceremonial compliance with the regulation.

Because the residents in only one of the hospitals were able to achieve lower work hours in compliance with the rule, it may seem that those in similar positions in different hospitals are interpreting regulations differently. However, it turned out that in one hospital, staff across hierarchical strata met in what Kellogg calls relational spaces (e.g., lunchrooms), where they developed a common interpretation of the new rules. In effect, the hierarchical divisions were breached in the relational spaces, where information and varied experience with regulators were shared across lines of differential expertise and autonomy. In the hospital where the rules were not enforced, despite the residents’ interpretations of them as reasonable and appropriate, there were no relational spaces where members from all levels of the hospital were able to discuss options beyond ceremonial, Potemkin-like compliance with the regulation. Although the formal positions across the organizations looked similar, the social interactions in the hospitals differed so that the working organizational practices were not the same and thus position was ceremonial rather than actual. In one organization, the social relations mitigate the effects of organizational hierarchy; in the other, hierarchy was sustained and hindered those low in autonomy and authority to engage in compliance-oriented behaviors. The varying relations across the formal hierarchical strata illustrate the pivotal role middle-level management plays in promoting and ensuring collaborative relationships with regulators.

Similarly, all compliance staff within organizations do not interpret regulators or regulations the same way, as compliance officers do not always command similar authority, expertise, or familiarity with the regulators. In the university, we reported how the head compliance officer, the attorney, regarded the EPA regulators as obstacles to research and threats to his status. The hazard specialists regarded the EPA as allies. The attorney interacted much less frequently with the EPA staff and developed minimal expertise in the various laboratory hazards and practices. This variation among compliance staff was also evident among some of the hazard specialists. Thus, formal position and title alone do not predict interpretations.

CONCLUSION

We often speak about the myriad of transactions that are undertaken on behalf of or in the name of an organization as if the organization itself—an aggregation of activities, symbols, resources—were an agential actor. This personification, or reification, of the organization is achieved not only by the structured coordination of action as a choreographed sequence to achieve specified goals or by a concerted commitment to a set of values and processes that extend beyond instrumental utilities (Selznick 1969, p. 25; Scott 2001, p. 23), but also by the publicly circulating legal fiction of the corporation as a person. As this personification of the organization qua organization is propagated, the diversity among the persons who perform the organizational actions that constitute the links in the coordinated action is also effaced. This is especially so in studies of regulatory compliance and organizational governance generally. Thus, conventional studies designed to explore regulatory relationships have taken a “regulator lens approach.” This approach has led to a wealth of studies on how regulators view, or ought to view, the regulated firm but, in turn, has had the unintended consequence of overlooking what can be learned directly from actors inside regulated organizations.

The erasure of persons in lieu of the organization as actor poses theoretical and empirical challenges to those who seek to channel or change organizational behavior, in particular, through legal regulation. At the end of the first decade of the 21st century, following an escalating series of global financial, economic, and environmental crises, we hear calls for a return to the more active government oversight and intervention that had produced, in the mid-20th century in the United States and Western Europe, the largest transfer of wealth and equalization of social status in recorded history while also providing significant increases in longevity, literacy, and general health and well-being. The neoliberal policies of the last 40 years deconstructed some of the most critical mechanisms of the modern regulatory state that had been put in place prior to and just following World War II, leaving in their wake an abundance of laws, regulations, rights, and organizational forms that instantiate a plethora of inconsistencies and contradictions as residues of a checkered history of 20th-century government regulation, organizational interests, and styles of governance. We also hear abundant criticism of the regulatory, overreaching state. Although we risk escalating crises by ignoring the lessons of history, the circumstances in which we act are never exactly the same and the lessons not always crystal clear. Thus, it is crucial to identify the conditions that distinguish regulatory successes and failures, across history and cultures.

This article proposes a first step in the effort to better understand how public regulation works by rejecting the treatment of the organization as a

unitary actor in debates concerning the efficacy of public regulation and probabilities of regulatory compliance. Looking at different actors within organizations, all with roles and responsibilities governed by legal regulations, we observed variations in the ways in which those organizational actors talked about, anticipated, and responded to regulators and regulations. We illustrate the flip side of regulation: exploring how the regulated, organizational actors subject to legal regulation understand, interpret, and construct legal regulation and regulators. As the preceding analysis shows, we identified three distinct accounts of the ways in which regulators worked with organizational actors: as threats to organizational performance because the regulator attempted to enforce the law regardless of the efforts or intentions of the organizational actor, as an ally seeking to achieve the public interests behind regulation by working in collaboration with the organizational actors, and as an obstacle to organizational production that neither serves the public interest nor achieves compliance with regulations. The proposed typology of the regulator as an ally, threat, and obstacle provides an alternative pathway to understanding the day-to-day practices of regulatory compliance at the organizational level. It not only extends current work on motivations of the regulated but also provides a theoretical avenue to explore further how a responsive regulator, the most well-propagated model, might actually perform in practice (Ayres and Braithwaite 1992). Exploring the “other side of the compliance relationship” (Gray and Silbey 2011), this also provides a microlevel approach to tracking institutional patterns.

Although we create this typology by looking closely at actors at all ranks inside the organizational settings, and not just the upper-level administrators or compliance managers, and ground the typology in variations we observed in autonomy, expertise, and frequency of interaction with regulators, we do not associate the constructs with formal organizational positions or titles. That is, we have not yet systematically analyzed the data to substantiate the intuition that these constructs may vary systematically with organizational position, although our observations suggest the opposite. We observed actors occupying the same middleman positions—as internal compliance officers—who interpreted regulations differently; they also displayed differences in technical expertise, autonomy, and frequency of interaction with the regulators. This analysis suggests several hypotheses, which offer lines of further research.

First, we hypothesize that the constructs of types of regulators will vary with the expertise and autonomy of the organizational actor. Second, frequency of interaction between the regulators and regulated will vary with the expertise and autonomy of the organizational actors. We noted that the interpretations of the regulator seemed to vary with the temporal pace and directness of the relationship between the regulator and the organizational

actor. It is likely that these transactions also vary with the authority of the organizational actor in a curvilinear fashion. Government regulators are unlikely to spend much time with the lowest-level employees in the organization, as those employees are not routinely seen as self-directed, autonomous actors, but rather are subject to the job specification, work processes, and protocols established by management and overseen by supervisors. Conversely, inspectors are unlikely to spend much time with the most senior personnel, as those at the top of the hierarchy have delegated responsibility for implementation of organizational protocols and conformity with legal rules to both staff and line actors. Thus, we expect that regulators will interact most frequently with mid-level actors in the organizational hierarchy. Those positions are often occupied by persons who act with autonomy to those below and with greater production expertise than the organization-wide managers above them.

However, even if there is frequent interaction, regulators must be viewed as credible. The world's most high-profile environmental disaster, the British Petroleum oil spill, stands as a striking example of the importance of regulatory capacity to understand sophisticated technologies. The BP oil spill is being explained as the product of a series of systemic problems that involve not only BP's management practices but also the capacity and oversight problems among government regulators. A U.S. National Commission (2011) found that the Department of Interior's Minerals Management Service responsible for regulating offshore oil drilling had very little understanding of the technological operations of the drilling rigs and platforms that they were overseeing. For instance, a co-commissioner explained, "When we asked [regulatory inspectors] about cementing and centralizers they said very freely, 'We don't know about that stuff; we have to trust the companies' . . . all they get is on-the-job training. It really is fairly startling, considering how sophisticated the industry has become."¹⁶ The lack of expertise and knowledge of the BP oil regulators highlights the extreme potential for damage that the regulator as obstacle construction might signal. Thus, if we use the frequency and forms of interaction between regulators and the organizational actor, the constructs of types of regulators are likely to vary with the expertise and autonomy of the organizational actor. Our research suggests that stratification within the organization affects how regulators are constructed. Additional research should specifically test these relationships.

Third, constructs of regulators are likely to affect patterns of compliance. If the constructs—experiences and interpretations—of the regulators

¹⁶ Brett Dykes, "Some Oil Regulators Knew Nothing of Processes They Oversaw, Panel Finds" (http://news.yahoo.com/s/yblog_upshot/20101027/bs_yblog_upshot/oil-spill-commission-finds-that-drilling-regulators-often-knew-nothing-about-the-processes-they-oversaw).

vary by the autonomy, expertise of the organizational actors, and frequency of interactions with inspectors and regulators, how does this influence compliance with regulations? This is, after all, the ultimate concern from any number of perspectives: understanding organizational governance, principal-agency dilemmas, institutional logics, or whether law accomplishes its purposes. For example, for those who suggest that competing cultural and institutional logics (either as part of the cultural script or for a deliberate purpose) explain variations in decision making and organizational outcomes, this work suggests that researchers should explore the organizational positions and resources of those articulating particular logics. Does the logic contain assumptions that lead to regulators or regulations being viewed as a threat, ally, or obstacle? Are there logics that are more embedded and tacitly understood in the local culture (e.g., such as the academic institutional logic that puts tenured faculty in positions of greater autonomy and privilege unchecked by conventional organizational governance)? And, if so, what does this say about organizational hierarchy? In addition, are there institutional logics that more closely align with positions higher in the hierarchy (i.e., in the hospital, the logic of continual patient care was held by those higher in the hierarchy)? When institutional logics compete on aspects of regulation, what are the resources of those actors inside the organization?

The typology offers a new starting point for going inside organizations and exploring issues of regulatory compliance. If "it is in the crucible of interactions that institutions are infused with meaning" (Hallett and Ventresca 2006, p. 226) and the differential patterns of interaction within the organization lead to varying constructions of regulation, we might infer that the capacity and agency of organizational actors to interpret and comply with regulations will also vary. Future studies would profitably explore variations in compliance by patterns of stratification within the organization. For example, given the importance of middle persons across both blue-collar jobs (factory/trucking) and professional positions (university labs), future research may begin to map out the gap between frontline experience (and interpretations) and middle-level management with the goals of regulators/regulations. Does the frontline regard the middle persons as a threat, obstacle, or ally? Or, in another line of work on ethical standards of research, we might look at how familiarity with the institutional review boards, their practices, and criteria for implementing regulations affects researchers' interpretations and practices. Researchers with limited interaction with the ethics compliance officers are more likely to interpret them as a threat. This is very likely the case with students and novice researchers. If you do have transactions with the institutional review board but the committee does not understand the science of the research, the researcher is likely to interpret the board as an obstacle. However, with face-to-face

interactions and demonstrated credibility (based on our typology) on the part of the board person, researchers are more likely to interpret board regulators as allies in ensuring the ethical conduct of research.

We conclude with a caution about using the typology for predicting compliance and for law enforcement. Developing typologies is one of the core marketing techniques used to target likely consumers; in law enforcement, typologies are used to identify likely offenders and form the ground of profiling. We are not advocating the use of this typology for identifying locations of regulatory compliance or violation. Rather, we are suggesting that organizational governance practices—whether about contract compliance or government regulations—should take account of the differential resources and capacities of organizational actors as contributing to and constitutive of the organization’s ability to govern itself.

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