

How Private Politics Alters Legislative Responsiveness

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ABSTRACT

Private politics occurs when citizens and activists seek policy change outside the democratic legislative process. This includes boycotting companies and/or boycotting products so as to influence market practices (e.g., increased wages, more attention to environmental impact). The rise of private politics complicates our understanding of democratic responsiveness — legislators may be less incentivized to respond to citizens' preferences. This occurs because legislators receive less credit for policy change and may view themselves as less necessary for policy-making. We present a survey experiment with state legislators to explore how legislators react to private politics. We find that a constituent communication that references private politics vitiates legislative responsiveness. In particular, Republicans become less likely to say they would take policy action or move their positions. Moreover, reference to private politics decreases the likelihood of constituent engagement among both Republican and Democratic legislators. Our results accentuate the importance of considering private politics in conversations about how democracies work.

Keywords: Private politics; representation; responsiveness; policy-making; state legislators; interest groups

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The democratic ideal is that public policies reflect citizens' preferences. This works most straightforwardly when elected representatives enact policies that echo the desires of their constituents. However, alternative mechanisms for citizen input exist, such as direct democracy where citizens independently shape public policy (e.g., Gerber, 1996). Another alternative, which has become increasingly impactful, involves citizens and activists expressing themselves in the private realm via boycotting businesses and/or boycotting products. They often do this to bypass formal democratic (legislative) practices and induce companies to alter their behaviors. This approach has become more feasible as non-governmental organizations (NGOs) exploit communication technologies to orchestrate boycotting and/or boycotting efforts (e.g., Baron and Diermeier, 2007; Reid and Toffel, 2009). Examples include consumers refusing to buy Nike products due to worker conditions, shunning Home Depot and Kinkos due to their deforestation practices, and boycotting Walmart due to low worker wages (e.g., Baron and Diermeier, 2007; Copeland, 2014; Kam and Deichert, 2017).

How does private politics affect legislative responsiveness? Do actions outside the public sphere cause elected officials to become less directly responsive to their constituents? If so, this complicates our understanding of democratic governance. Decisions about public policy would lie increasingly in the hands of the interests that organize boycotts and buycotts rather than government that, in theory, represents citizens writ large. That said, practically speaking, citizens are not always equally represented via democratic legislative representation (e.g., Soroka and Wlezien, 2010); it could be that extra-systemic private politics efforts offer a mechanism for "better" representation.¹ Either way, any effect of private politics on legislative behaviors accentuates the need for scholars to carefully consider alternative routes to policy outcomes, and democratic functioning more broadly (also see Malhotra *et al.*, N.d.).

Public versus Private Politics

Public politics refers to activities taken by citizens or NGOs to push an agenda through governmental means such as the legislative process. This includes citizens contacting their representatives or attending public meetings, and interest groups lobbying legislators. These activities are meant to induce governmental responsiveness, such that policymakers enact laws that reflect citizens' preferences. The literature on the extent to which and to whom policymakers respond is large (e.g., Bartels, 2008; Druckman and Jacobs, 2015; Gilens, 2014; Soroka and Wlezien, 2010). Of particular note for our purposes is work that utilizes field experiments or surveys to identify how individual legislators — often

¹For example, efforts to boycott Uber induced the company to change security practices that may be more in line with consumers' preferences — and this may not have happened through formal governmental processes.

at the state level — respond to constituents’ messages (e.g., Bergan, 2009; Butler, 2014; Butler and Broockman, 2011; Butler and Dynes, 2016). For example, Flynn (2018) asked state legislators to consider a sample e-mail from a constituent who appeared well-informed, uniformed, or misinformed about the state sales tax. He finds legislators report that they would be more likely to respond to uninformed constituents and less likely to respond to misinformed constituents; legislators also report a higher likelihood of responding with factual information when the constituent is uninformed or misinformed.

Why would legislators respond to constituent requests at all? The answer is simple: 1) most legislators on the national and state levels aim to be re-elected, and 2) being responsive allows them to placate voters by taking positions preferred by voters and claiming credit for representing voters (e.g., Druckman *et al.*, 2009). Private politics, however, is an alternative process that may alter legislator incentives. Private politics refers to “actions by private interests such as activists that target private agents, often in the institution of public sentiment” (Baron and Diermeier, 2007: 600; also see Baron, 2003). As mentioned, in many cases, NGOs coordinate large-scale boycotts of companies so as to induce firms to alter their practices (e.g., wages, climate change efforts, worker conditions).² Our interest is in the consequence of such practices on legislators’ behaviors and responses. As far as we know, this question has gone unaddressed (although see Malhotra *et al.*, N.d.). Emergent literatures study citizens’ decisions to engage in private politics (Benstead and Reif, 2017; Endres and Panagopoulos, 2017; Kam and Deichert, 2017; Stolle *et al.*, 2005; Zukin *et al.*, 2006) and NGO-firm strategy (e.g., Baron and Diermeier, 2007; Reid and Toffel, 2009), but not legislative responsiveness.

Our focus is on legislators’ responses to constituents. However, given private politics is most credible when an NGO is in play (Diermeier, 2007), we attend to a situation where a constituent references NGO activities. Likewise, public politics efforts have more impact when reflecting collective opinion and/or campaigns (e.g., Bergan, 2009), and thus we include an NGO reference when conceiving of a public politics communication. Without an underlying NGO campaign, it is not clear that legislators would respond to a single or even a few e-mails: signaling the larger NGO effort is an important part of the communications. Our “private politics” therefore has the constituent reference an NGO campaign aimed at companies in the market place. Our “public politics” involves a constituent contacting a legislator in accordance with an NGO call to pursue change via governmental channels.

²Endres and Panagopoulos (2017: 7) report that, in January 2016, 35% of respondents (from a nationally representative survey) reported that they participated in a boycott and/or boycott during the previous 12 months. This is similar to the 2016 American National Election Study pilot that shows 32% of respondents engaging in boycotting and 22% engaging in boycotting within the past 12 months. As Kam and Deichert (2017) point out, these percentages rival or exceed the percentages of governmental and many forms of campaign participation (e.g., 28% report contributing to campaigns).

When an NGO coordinates a private politics campaign, it vitiates the extent to which legislators can claim credit for a policy change (because the change occurs outside of the public domain). This leads to our first prediction: relative to a constituent communication referencing public politics, a communication referencing private politics will decrease the extent to which a legislator believes he or she can claim credit for a policy, all else constant (Hypothesis 1).

It follows that an inability to claim credit means that legislators will be less incentivized to take action, such as pursuing legislation on the issue. That is, because the constituent (and accompanying NGO) will attribute credit to their own market actions, legislators will prove less likely to allocate their capital and resources to pursuing the issue. In contrast, when a public politics track is taken, the legislator has a clearer payoff to taking action and thus will be more likely to do so. Alternatively, it could be that reference to private politics leads a legislator to believe that the market is providing an adequate policy solution and therefore there is no need for (state) legislative action, regardless of credit. Whether due to credit-claiming opportunities or market efficiency, we expect that relative to a constituent communication referencing public politics, a communication referencing private politics will decrease the extent to which a legislator will take action on the issue mentioned (e.g., sponsor legislation), all else constant (Hypothesis 2).

Related to this prediction is whether the legislator will move his or her issue position in response to the constituent's communication. It could be that lost credit-claiming opportunities and/or a belief in effective market solutions leads to less position taking movement in the private politics case. However, position taking, even sans credit, is an important re-electoral strategy (Mayhew, 1974). It also does not entail the resource expenditure that comes with bill sponsorship: why not align a position with what constituents seem to want if it helps re-election, even if there is no credit-claiming opportunity or a need for government intervention? Thus, we expect equal position taking stances, regardless of whether private or public politics are pursued — in both cases, we expect alignment in the direction of the position advocated, all else constant (Hypothesis 3).

A final area of responsiveness concerns legislator engagement with the constituent (e.g., Fenno Jr., 1978). As Neblo *et al.* (2010) make clear, many citizens value interactions, which can generate efficacy and increased trust (also see Neblo *et al.*, 2018). We suspect that when a citizen prioritizes private politics in communications, legislators will be less likely to respond, presuming such citizens are less likely to be supportive in the domain of public politics (vote, donate, etc.). Relative to a constituent communication referencing public politics, a communication referencing private politics will decrease the likelihood that a legislator will respond to the communication, all else constant (Hypothesis 4). When a legislator does, however, respond to the private politics communication, relative to the public politics communication, he or she will

be more likely to cite legislation, all else constant (Hypothesis 5). A legislator does so to perhaps try to make clear that public politics is another possible channel and one where the legislator could obtain some credit.³

In sum, we suspect that private politics can alter political responsiveness by de-incentivizing legislators from engaging their constituents and from pursuing legislation. This then complicates the nature of democratic representation: citizens' policy input via the private politics route lessens their influence via the public politics route. This, in turn, might lead citizens to further avoid unresponsive legislators and continue to pursue private politics with greater frequency.

Survey Experiment

We tested our predictions with a survey experiment conducted with state legislators (for similar approaches, see Butler, 2014: Chapter 4; Butler and Dynes, 2016; Flynn, 2018; Harden, 2013). State legislators face analogous electoral logic to members of Congress, are much larger in number, and are more likely to respond to requests for completing a survey.⁴ Further, Anderson *et al.* (2016: 615) offer evidence that state legislators' survey responses map onto their actual behaviors (i.e., roll call votes) (also see Anderson *et al.*, 2018).

We sought to gauge response to constituent messages on the issue of raising the state's minimum wage to at least \$15 an hour. Interest groups have actively targeted both businesses (e.g., McDonald's) and state legislatures to raise the minimum wage. In our treatments, we referenced one of the more notable groups, *Fight for \$15* (<https://fightfor15.org/>); we do so because, as mentioned, private politics are most effective/realistic when orchestrated by a larger NGO (Baron and Diermeier, 2007).

We conducted the survey experiment in the summer of 2016 by sending an e-mail invitation to every legislator in 48 states; we excluded New York and California because they had already passed laws to increase the wage in 2018 and 2023, respectively. We utilized an assembled database of 7,338 publicly listed email addresses for legislators (Williams, 2015); 663 individuals responded (a 9% response rate, which compares with that found in Butler and Dynes, 2016: 978 and Flynn, 2018). Of those 663, though, roughly 109 exited the survey after answering no or only a few questions (i.e., none of our outcome variables). The median age in the sample is between 55 and 64, 63.3% reported being male, 12.52% reported being a racial minority, 48.8% reported being Democratic, and 48.1% reported being Republican. This makes for a

³That said, Hypothesis 5 may not hold if the legislator strongly believes that private politics should be continually pursued, with the legislature/state being left out of the process.

⁴We did not use an audit study approach because we hoped to capture responses on a number of key outcome variables and it was unclear how to do this with an audit approach.

fairly heterogeneous sample that is in line with population figures on state legislators where, albeit from a time slightly before our survey, the average age is 56, about 76% are male, and 52% are Republican (Anderson *et al.*, 2016; Kurtz, 2015).⁵

We invited respondents to participate in a survey about “how state legislators interact with constituents who send them e-mails.” After obtaining consent, respondents were randomly assigned to one of three conditions, as portrayed in Table 1. Each condition involved providing the legislator with an e-mail that could come from a constituent arguing that the state’s minimum wage should be increased to \$15. The public politics condition mentions *Fight for \$15*, stating that the goal is to have constituents contact representatives as it is the most effective way to enact change on this issue ($N = 227$).⁶ In contrast, the private politics condition accentuated how the *Fight for \$15* is focused on encouraging boycotts as it is more impactful ($N = 213$). We included a third control condition that only had the constituent state that he or she believed the minimum wage should be increased to \$15, with a vague reference to a group ($N = 223$). The control serves as an interesting baseline where there is no coordinated reference to public or private politics (a pure control sans an e-mail would not have worked, given our interest in studying explicit legislator reactions). We utilized a constituent e-mail because prior work has shown that e-mails can be effectual (e.g., Bergan, 2009), and we are directly interested in the impact of messages from constituents. As discussed, we included explicit reference to NGO activities so the message was not seen as the sentiment of just a single constituent (i.e., any treatment effects likely reflect reactions to NGO-led tactics and not the single e-mail).

The constituent e-mail message was followed by a series of questions that serve as our main outcome variables. We asked respondents how much credit they believe voters would attribute to the legislature if an increased minimum

⁵The percentage minority is, of those who responded to the race/ethnicity question, the percentage who cited being at least partially Black, Native American, Hispanic, and/or Asian-American. A total of 2.5% reported being Independents, and 0.66% reported being from an “other” party. Also, we asked respondents whether they were the legislator him- or herself, or a staff member. We find that 73.29% report being the legislator (also see Flynn, 2018). Our main results reported below are similar if we look only at the self-reported legislators — while there are some differences in treatment significance relative to the baseline, the reported differences between the public and private politics conditions hold (and in fact the sponsorship result reported below becomes significant at the 0.10 level). When looking only at self-reported legislators, our heterogeneous party effects reported below are consistent but not quite as strong as those reported below (seemingly due in part to a loss of statistical power). Finally, as is often the case due to the large size of the state legislature, we have substantial over-representation of representatives from New Hampshire (about 8% of our sample). Our main results hold if we exclude this group.

⁶The N ’s for conditions include the aforementioned respondents who dropped out; there is not a significant correlation between condition assignment and drop-out. Also, the conditions are balanced based on measured demographics.

Table 1: Experimental treatments.

“We are interested in how your office manages and responds to constituent emails. Please read this sample (hypothetical) email from a constituent and answer the questions that follow.”

“Dear [Representative/Senator],

“As your constituent, I’m writing about our state’s minimum wage with the hope of getting it increased to \$15. [TREATMENT]. We need a living minimum wage.”

[Randomly assigned to one of the following conditions.]

[Control]

“... I am doing so because I have been contacted by a group that is attempting to raise the minimum wage across the United States.”

[Public Politics]

“... I am doing so because I have been contacted by a group called *Fight for \$15* that is attempting to raise the minimum wage across the United States. The group is encouraging people to contact their state representatives. The group argues that taking actions by contacting representatives is the most effective way to communicate my opinion, generate a change in the minimum wage, and engage in politics. I believe in their mission, and have decided to participate in their campaign by contacting my state legislator.”

[Private Politics]

“... I am doing so because I have been contacted by a group called *Fight for \$15* that is attempting to raise the minimum wage across the United States. The group is encouraging people to boycott local businesses that have not raised their minimum wage to at least \$15. This group argues that taking actions against such businesses is the most effective way to communicate my opinion, generate a change in the minimum wage, and engage in politics. I believe in their mission, and plan to participate in their boycott. However, I also am asking for help from my state legislator.”

wage went into effect, on a 4-point scale from no credit to all credit. We similarly asked how much credit would be attributed to interest groups. To test policy effects, we asked legislators how likely they would be to sponsor new legislation in favor of an increase in the state's minimum wage, on a 7-point scale ranging from very unlikely to very likely. We further asked, on the same scale, how likely they would be to move their policy positions in support of the issue. Finally, using analogous 7-point scales, we queried how likely they would be to respond to the e-mail, and if responding, whether the response would include reference to legislation, and interest group activities on the minimum wage issue.⁷ All question wordings are in the Appendix.

Results

To test our hypotheses, we run a series of ordered probit regressions (using robust standard errors) with experimental treatment dummy variables. We exclude the control baseline so as to assess the impact of the private and public treatments independently. That said, recall our hypotheses involve relative comparisons between the private and public treatments. Thus, we report whether those two conditions significantly differ from one another in the regressions in the row included below the main coefficients — this constitutes the key test.⁸ We also include variables for the legislator's age (measured on a 7-point categorical scale), gender, minority status, and partisanship (whether or not the legislator is a Republican). We suspect that Republicans will be less likely to sponsor legislation and move their issue positions, given it is not an issue they typically support.⁹

The first regression in Table 2 offers strong support for Hypothesis 1: relative to legislators who received the control message, legislators who received the public politics message are much more likely to believe that voters will credit the legislature for a policy change. The opposite is true for those receiving the private politics message, meaning that the two treatment conditions significantly differ (i.e., see the row reporting a significant difference between the public and private conditions). The second regression shows that this trend flips when it comes to interest group credit: public (private) politics recipients are much less (more) likely to believe that interest groups will receive credit. The substantive impact of the messages on credit attribution is

⁷We have item non-response on our outcome measures, leading to lower N 's for some of our models. (We also offered the option of "prefer to not answer" for questions about personal actions. We did this to minimize discomfort; these responses were treated as missing data.)

⁸We use a chi-square test to the hypothesis that the two coefficients do not differ from one another.

⁹We do not include ideology as it highly correlates with party ($r = 0.85$).

Table 2: Legislators’ credit attribution and policy responses.

	(1) Legislature credit	(2) Interest group credit	(3) Sponsor	(4) Move position
Public politics	0.250	-0.266	0.406	0.391
e-Mail	(0.123)	(0.115)	(0.119)	(0.113)
Private politics	-0.355	0.268	0.216	0.071
e-Mail	(0.122)	(0.123)	(0.122)	(0.124)
Age	0.001	0.069	0.072	0.059
	(0.031)	(0.032)	(0.031)	(0.031)
Female	-0.023	-0.149	-0.005	0.178
	(0.104)	(0.103)	(0.106)	(0.101)
Minority	-0.280	0.487	0.201	0.157
	(0.147)	(0.135)	(0.135)	(0.140)
Republican	-0.072	0.118	-1.799	-1.354
	(0.105)	(0.102)	(0.112)	(0.104)
Significant difference between public/ private conditions?	YES ($p \leq 0.01$)	YES ($p \leq 0.01$)	NO ($p \leq 0.12$)	YES ($p \leq 0.01$)
Log-likelihood	-538.41	-566.13	-769.95	-802.57
N	499	496	527	519

Note: Entries are ordered probit coefficients with robust standard errors in parentheses. A full table with constant cut-points is available in the Appendix.

large: an average respondent who receives a public politics message has 0.89 probability of reporting that the legislature will receive “a fair amount” or “a lot of credit.”¹⁰ This contrasts with an average private politics respondent who has a 0.73 probability. The respective probabilities for interest group attribution are 0.54 and (again) 0.73 (i.e., the public politics leads to much less credit being given to interest groups). Clearly, the private politics route vitiates perceptions that legislators will receive credit and increases interest group credit. Also, minority respondents generally believe that the legislature will receive less credit ($p \leq 0.1$ for a two-tailed test) and interest groups will receive more credit ($p \leq 0.01$), perhaps reflecting lower perceived efficacy among minority legislators (West, 2017).

¹⁰We compute probabilities using *Clarify* (King *et al.*, 2000), holding other variables at their average values. These probabilities are based on simulations, and thus, when replicated will not always reproduce the identical values as reported in the text — but the comparisons between probabilities will always be qualitatively similar to what is reported.

The next two rows of Table 2 show the results for the likelihood of sponsoring legislation that would increase the minimum wage and moving one's position to support an increased wage. We find that both messages increase the likelihood of a legislator sponsoring legislation, with the public politics message doing so a bit more (i.e., the difference between coefficients yields $p = 0.12$). This is consistent with but not strongly supportive of Hypothesis 2. An average public politics recipient has a 0.20 probability of being "somewhat likely" or "very likely" to sponsor legislation, while an analogous private politics legislator has a 0.15 chance of doing the same. The positive effect of the private politics message may stem from legislators' pre-empting policy that would otherwise be beyond their control (e.g., Gerber, 1996). Specifically, if legislators allowed the minimum wage to be set entirely in the market place, they would have no control over the details (e.g., exact level, implementation). If they anticipate a change, want to claim some credit, and oversee the policy details, they may take action. This then also suggests legislators, on average, do not easily cede full control to the market on this policy.

When it comes to position movement, we find that, despite the relative ease with which legislators can adjust their positions to respond to constituents' demands, going the private politics route eliminates their incentives to do so. This is contrary to Hypothesis 3. Legislators report that they would move their positions in response to the public politics message but not the private politics message. Taken together, then, our policy results are not exactly what we predicted, but they make clear that private politics can lessen legislator responsiveness both in terms of bill sponsorship and position taking. This likely reflects the lost credit-claiming opportunities in the private politics scenario, a belief that private politics is a suitable alternative and thus no action is necessary, or some mix of the two.¹¹ Otherwise, not surprisingly, the results reveal that Republicans are much less likely to sponsor legislation or move their positions ($p \leq 0.01$).

In Table 3, we present the results for e-mail response. The first column shows that the public politics message and the private politics message move in different directions (although both fall just short of significantly differing from the control at conventionally used levels; $p = 0.116$ and $p = 0.106$, respectively). More importantly, consistent with Hypothesis 4, the two treatment conditions significantly differ from one another — the average legislator in the public politics to respond to the e-mail, compared to a 0.66 probability for the private politics case. We also see that women are significantly more likely to respond ($p \leq 0.05$),

¹¹Our data do not allow us to isolate the causal mechanism. However, we find no suggestive evidence for the causal story that private politics affects credit claiming, which in turn influences legislative action. There are near 0 correlations between credit attributions and legislative actions. Thus, it seems that faith in market mechanisms or some other calculus is at work when it comes to policy decisions.

Table 3: Legislators’ e-mail responses.

	(1)	(2)	(3)
	Respond	Mention legislation	Mention interest groups
Public politics	0.197	0.211	-0.201
e-Mail	(0.126)	(0.118)	(0.108)
Private politics	-0.194	0.561	0.254
e-Mail	(0.120)	(0.136)	(0.123)
Age	-0.006	0.001	0.082
	(0.032)	(0.032)	(0.030)
Female	0.234	0.217	0.115
	(0.112)	(0.112)	(0.101)
Minority	-0.362	-0.120	0.188
	(0.135)	(0.166)	(0.134)
Republican	-0.139	-0.599	-0.367
	(0.104)	(0.107)	(0.101)
Significant difference between public/private conditions?	YES	YES	YES
	($p \leq 0.01$)	($p \leq 0.01$)	($p \leq 0.01$)
Log-likelihood	-701.51	-662.67	-884.32
<i>N</i>	543	525	520

Note: Entries are ordered probit coefficients with robust standard errors in parentheses. A full table with constant cut-points is available in the Appendix.

and minorities are less likely to do so ($p \leq 0.01$). Further, Republicans move in the direction of being less likely to respond (but just shy of conventional levels of statistical significance) — this may reflect legislators’ presuming the constituent is likely to be more liberal given the policy stance taken (and thus Republicans feel less need to respond).

The last two columns of Table 3 show that the nature of the message alters the content of the legislators’ responses; as Hypothesis 5 suggests, the private politics message increases the likelihood of a reference to possible legislation (perhaps as a reactive measure). Interestingly, it also increases the likelihood of the legislator mentioning interest groups — unfortunately, we have no way to know how interest groups would be invoked (e.g., to counter-argue their effectiveness or praise their actions). Further, Republicans are less likely to mention either approach ($p \leq 0.01$).

A final question concerns the possibility of heterogeneous treatment effects. While we did not formally hypothesize such effects, it seems sensible that legislators from different parties could react differently to the messages. To explore this possibility, we added interactions between Republican and each

treatment message to the regressions. We present the results in the Appendix. The most relevant finding concerns sponsorship and position movement. In those cases, Republicans respond in qualitatively distinct ways from Democrats. Specifically, the results presented in Table 2 hold for Republicans insofar as they increase in likelihood of sponsoring legislation and moving their positions in the public politics conditions but not the private politics one.¹² For instance, Republicans who receive the private politics message have virtually no chance (i.e., a 0.01 probability) of being “somewhat likely” or “very likely” to sponsor legislation. The public message, though, prompts an increase to at least a marginal chance of 0.05. Perhaps more telling though is that, for Republicans the probability of being “very unlikely” to sponsor a bill for the private politics message is 0.80, as opposed to 0.52 for the public politics message. The private politics message then does seem to eliminate Republican legislation efforts, making it very unlikely that they will take action. In contrast, Democrats actually increase in their likelihood of being “somewhat likely” or “very likely” to sponsor a bill in the *private* politics condition, jumping to 0.52 compared to 0.44 when receiving a public politics message.¹³

Similar probabilities hold for the position movement variable.¹⁴ Put another way, when it comes to legislative activity, private politics vitiates responsiveness relative to public politics *only* for Republicans. Democrats engage in legislation, regardless of the private or public politics route, while Republicans are pushed only by the public route. These probabilities also accentuate that partisans, regardless of the treatment, differ dramatically on legislating on this issue: Democrats are much more likely to do so.

¹²In the latter, they even move in a negative direction relative to the control, albeit not to a degree that meets conventional levels of statistical significance.

¹³Their respective chances of being “very unlikely” are 0.06 in the private case and 0.08 in the public case. Technically, these probabilities are for non-Republicans since that it is what is included in our Appendix regressions, but the results stand if we look only at Democrats (e.g., excluding the few Independents).

¹⁴Specifically, the probability of a Republican being “somewhat” or “very likely” to move his or her position in the public politics case is again 0.05 compared to 0.01 in the private politics case. Yet, the chance of him or her being “very unlikely” is 0.68 in the private politics case versus 0.44 in the public politics case. Thus, again the private case makes movement much less likely. The Democrats are similar in the public and private case. The chance of a Democrat being “somewhat” or “very likely” to move his or her position in the public politics case is 0.32 versus 0.28 in the private politics case. This contrasts a bit with the sponsorship variable since here the private case is less than the public case. The Democrat respective probabilities of being “very unlikely” to move positions are 0.09 and 0.11. We also should note another significant interaction: Republicans are less likely to mention legislation in the public politics case, but they still are likely to do so in the private politics case. This may reflect their partisan position in the public politics case of avoiding talking about legislating specifically on a bill they do not wholly endorse, given their partisanship (in the private case, perhaps they aim to discuss failed legislation; our survey item does not allow us to isolate the content of what they would have said).

Our heterogeneous treatment finding is consistent with the idea that Republicans tend to be more free market oriented and thus prefer not to intercede in market processes when they take hold. We posited that as one possible reason why private politics would lessen responsiveness and it is sensible this would mostly apply to Republicans. In contrast, Democrats may view private politics as threat to government action/oversight and react accordingly. Alas, we are not in a position to make a definitive statement about what drives the heterogeneous effects; another possibility is that the finding is issue-specific such that Democrats acted in the private politics condition because the issue aligns more with their interests.¹⁵

In sum, we find clear evidence that a constituent's reference to NGO private politics tactics alters the nature of legislators' behaviors. Relative to public politics approaches, it leads Republican legislators to be less likely to both pursue and support desired policies, and it leads legislators from both parties to be less likely to engage with constituents.

Conclusion

Technology has altered the course of politics, making engagement between elected officials and citizens much more feasible (Neblo *et al.*, 2018). At the same time, it has facilitated large-scale coordination efforts in the market place where NGOs generate boycotts and buycotts. What drives these private politics efforts, whether they fail or succeed, and how individual citizens decide to follow are all questions that have received recent attention. What has not been considered, however, is how private politics affects legislative responsiveness. In some sense, Diermeier (2007: 7) raised this question over a decade ago: "Private politics focuses on influencing markets and the practices of market participants. This influence moves markets and their participants in particular directions, but what are the consequences of these interactions? In other words, are private politics 'good' or 'bad' for society?"

Answers to these questions are not straightforward, and our study accentuates the interconnectedness between what happens in the private and public domains (also see Malhotra *et al.*, N.d.). Private politics often proceed due to the many built-in barriers to the democratic process: its inefficiency. These activities, though, then dis-incentivize legislators, particularly Republicans, further and could consequently make it even less likely that NGOs and citizens will want to work through the legislative process. In this case, policy is being

¹⁵It is an interesting question why there is no evidence of heterogeneous treatment effects for responding to the e-mail. Even Democrats are less likely to respond in the private politics case. This may be because they, like Republicans, view such voters as less engaged and less likely to vote, but they still want to pre-empt the private politics efforts by taking legislative action.

made based on the resources and skills of those who run private politics campaigns, rather than by legislators who answer to the larger citizenry. On the flip side, though, legislative responsiveness is far from perfect and brings with it distinct types of inequalities; thus, it is possible that extra-systemic efforts are sometimes needed to induce changes that are more in line with citizens' preferences. The larger point is that scholars of democratic representation need to carefully consider the place of private politics and how to appropriately gauge when and whether citizens' preferences are being exercised in policy.

We of course recognize the limitations of our study — it focuses on a single issue and a hypothetical situation. The results also do not provide clear mediational processes for why legislators act as they suggest they will. Much remains to be done, and our hope is that ours is the first of many works that explicitly explore how private politics affects representation. It may very well be that private politics outcomes are more optimal than public politics outcomes, relative to some normative baseline. What that baseline should be is one of the many questions that remains to be addressed.

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