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Supporter or Rival: Developing a Network Governance Approach About the Role of Surrogate Inspectorates in Regulatory Governance

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ABSTRACT

Regulatory agencies work in a rapidly changing context: their activities are under increasing scrutiny, in which they intensively interact with societal stakeholders, such as media, labor associations, and grassroots organizations. In this article, we argue these (societal) stakeholders have the potential to take on the role of a *surrogate inspectorate* and contribute to making regulatory processes more network-like. These informal regulatory stakeholders have no formal authority, but criticize the regulatory agency or regulatee, advocate for other regulative actions, and set agendas for new regulatory issues. These activities make surrogate inspectorates an important actor in regulatory processes. This article defines the role of surrogate inspectorates, which strategies they employ, and how their presence and strategies affect the dynamics (and outcomes) of regulatory governance processes. Building on insights from theories of regulatory governance, network and collaborative governance, mediatization and blame theories, this article provides insights into how surrogate inspectorates can be understood and what angles can be taken to analyze their influence on regulatory processes.

INTRODUCTION

The Dutch Human Environment and Transport Inspectorate is supposed to inspect and regulate truck drivers' driving- and rest periods. In 2018, the Netherlands Trade Union Confederation published a report showing numerous transgressions of these regulations by a certain organization, with truck drivers driving too long and resting too little. To the surprise of labor union, the regulatory agency concluded that this transport organization had not violated any existing regulations. Despite the multiple inspection requests of the labor union, the agency did not investigate this transport organization. Consequently, the Dutch labor union decided to go to court, where the regulatory agency was compelled to inspect the organization. (Schrijver 2022).

The environment of regulatory agencies has changed, with the above example demonstrating how various societal stakeholders can influence regulation. The involvement of non-regulatory stakeholders within regulation is frequently described within regulatory governance literature as an important development (Abbott, Levi-Faur, and Snidal 2017; Levi-Faur 2010; Maman, Feldman, and Levi-Faur 2022); yet, to fully understand what is happening in the example above, but also in today's regulatory governance, we need to take a closer look at the function these societal stakeholders may fulfill. We argue these stakeholders have the possibility to adopt an informal, or surrogate, regulatory role: the stakeholder does not perform a formalized regulatory function but does play an essential role in motivating the regulatory

agency, regulatee, or public opinion to enforce, comply with or consider the existing regulations. Acting as a *surrogate inspectorate* and the consequences for regulatory governance processes has not received as much attention within the regulatory governance literature as it deserves, given its impact on regulatory practices.

The activities of these actors create a different dynamic within regulation processes, where regulation is changing to a complicated horizontal process, identified as *networked regulation* (Black 2008; Isett et al. 2011; Klijn and Koppenjan 2016). In this view, the regulatory domain is characterized by a network rather than a top-down process initiated by a regulatory agency. While the literature acknowledges this networked regulation to some extent (e.g. Coen and Thatcher 2008; Levi-Faur 2011), additional theorizing and conceptualizing is needed to understand the positioning of surrogate inspectorates within these networks. Surrogate inspectorates make the regulatory processes more dynamic and complex, featuring what has been conceptualized in network governance literature as complex interactions between more or less interdependent actors (Klijn and Koppenjan 2016).

At the same time, these networked regulation processes draw attention to another specific character of the interactions in regulatory governance processes: the news media. It is argued that media is increasingly relevant in modern society (Bennett 2009; Hjarvard 2008) and regulation is no exception (Carpenter 2010). Media is also essential in strategies of surrogate inspectorates to create attention to issues and change behavior of regulatory agencies. In particular, surrogate inspectorates use blame games to highlight regulators'

activities and to receive more attention (Hood 2011). In this way, they threaten the reputation of regulatory agencies, which is a relevant asset in the regulatory processes (Carpenter 2010). Thus, this article argues that an important strategy surrogate inspectorates use to get regulatory issues on the agenda is the utilization of blame and pressure, hereby using the media as a vehicle for that strategy. This distinguishes regulatory governance processes from how governance processes are usually conceptualized and analyzed in network governance literature, as we show in this article.

THEORIZING SURROGATE INSPECTORATES AND DYNAMIC NETWORK PROCESSES

To understand the concept of surrogate inspectorates and its consequences for regulatory processes, this article draws on several strands of literature, alongside the literature on regulatory governance. For theorizing the role of surrogate inspectorates, this article draws on the literature on network governance (Ansell and Gash 2008; Klijn and Koppenjan 2016), mediatization (Hjarvard 2008), and blame attribution (Hood 2011). Overall, the goal of this article is to (a) understand what surrogate inspectorates are, (b) what activities and strategies they employ, (c) what this means for (the dynamics of) regulatory processes in these regulatory networks, and (d) what the consequences are for possible outcomes in regulatory processes. The article uses several case illustrations placed in boxes to clarify our conceptualizations.

The contributions of this article are an extension and further development of regulatory governance theory with the concept of surrogate inspectorates and theorizing about their consequences. Recent *regulation* scholarship increasingly touches upon aspects of the changing context of regulatory agencies, such as regulatory networks (Abbott, Levi-Faur, and Snidal 2017; Salomonsen, Boye, and Boon 2021). The literature is thus increasingly aware of the role of non-regulatory actors within regulation; however, these studies focus more on regulatory networks consisting only of public and private regulatory actors or regulatory intermediaries. There is less attention to surrogate inspectorates, their blame strategies, and the resulting regulatory dynamics; all themes explicitly addressed in this article, which need more theorizing and empirical research. Furthermore, the article contributes to network governance theory by applying network insights to the concept of surrogate inspectorates and networked regulation. In addition, there is growing attention to another theme—the bureaucratic reputations of regulatory agencies—which is also related to the topics we are dealing with in this article (Carpenter 2010).

The rest of this article first discusses the concept of surrogate inspectorates and their used strategies. Then, the article looks at the consequences of surrogate inspectorates for the way we conceptualize regulatory governance processes. We also discuss the role of media and blaming in these processes and then turn to the possible consequences of surrogate inspectorates. The article finishes with some conclusions and reflections; to outline our main points, we developed 14 theoretical propositions, which can be tested empirically in future research.

Zooming In: The Role of Surrogate Inspectorates

Traditionally, the actors in a regulatory interaction are limited to the regulatory agency and regulatee, who have a

unidirectional, vertical relationship (Abbott, Levi-Faur, and Snidal 2017). This formal, state-centric, and command-and-control relationship results in an effective, manageable, and rational interaction between two actors: the independent, responsible, and authoritative regulatory agency inspects and regulates the regulatee using its technical expertise (Busuioc and Rimkutė 2020). However, many scholars, such as those in the field of regulatory intermediaries, have already challenged this classic image. Scholars have argued that regulatory agencies are doing their task in an environment that contains a lot more actors that are relevant to consider (Coen and Thatcher 2008), that interactions are much more complicated and network-like (Levi-Faur 2011), and that reputations of regulatory agencies are important for their tasks (Carpenter 2010).

Thus, we must explore the regulatory domain more broadly to identify those actors involved in, but not directly related to state regulation (Grabosky 2013). Regulatory governance literature increasingly pays attention to these non-regulatory actors; from this discussion, we highlight the role of surrogate inspectorates. To define the theoretical term “surrogate inspectorate,” we adhere to a functional definition: “the fulfilment of an informal regulatory role through (a set of) persistent activities directed at influencing a specific type of implementation, compliance, or enforcement of regulatory rules.”

The term *surrogate*, inspired by the literature on non-regulatory actors in regulatory governance, refers to the fact that the actor fulfilling the role of surrogate inspectorate does not have formal or legal regulatory power, but does try to influence the existing regulation dynamics and especially regulatory actions. The term *inspectorate* is chosen because these actors are eventually focused on the enforcement/compliance dimension of regulatory activities. In exploring the activities used by these surrogate inspectorates, we draw on earlier observations in (regulatory) governance literature about the importance of media in governance processes (Klijn and Koppenjan 2016; Salomonsen, Boye, and Boon 2021) and that media attention enhanced the possibilities of actors with fewer resources (e.g. citizens) to voice their criticism (e.g. Korthagen and Van Meerkerk 2014). Nevertheless, the concept of surrogate inspectorates needs more clarification; we dive into who these actors are (1) and what kind of activities they perform (2).

Surrogate Inspectorates: Who, What, and When

First, we must consider when an actor can be identified as a surrogate inspectorate. Not every, for example, grassroots group or media outlet can be identified as a surrogate inspectorate; we theorize that it is more a matter of taking up a *surrogate regulatory role*. To label an actor as a “surrogate inspectorate,” the actor must attempt to influence the activities of a regulatory agency or regulatee, especially regarding the implementation of regulatory rules. As already described, the type of organization that can take up this role—and thus act as surrogate inspectorate—is highly diverse. Recall the starting example of this article: the labor union, identified here as a surrogate inspectorate, also performs other activities, such as collective bargaining, and thus cannot always be designated as the surrogate inspectorate. **Box 1** shows another example of the Dutch consumer TV program *Radar*: they criticized the underregulation and non-enforcement of a

Box 1—Radar and Autoriteit Consument en Markt (ACM)

The Dutch consumer program Radar has critically analyzed the procedures and strategies of the Dutch inspectorate Autoriteit Consument en Markt (ACM; Authority for Consumers and Markets) regarding the regulation of energy companies and Aquifer Thermal Energy Storages. According to the consumer program, the incompetence and powerlessness of the ACM results in underregulation and unacceptable activities of some energy companies (regulatees). Also, the program has given attention to the limited protection of clients regarding failing heat pumps and the extremely high costs for clients. By bringing attention to this issue multiple times and critically interviewing the relevant actors, Radar tries to motivate the ACM to take action and pushes the energy company to adhere to the current regulations. Furthermore, the media attention given to this issue helped the ACM to put their limited capacities regarding the recent rise of these storages on the political agenda. Taking this into account, we can view Radar as a surrogate inspectorate, who via (in)direct strategies try to protect the consumer (Radar 2021, 2022).

regulator, but they also performed other activities unrelated to the regulatory domain, such as product tests. This shows us that a dichotomous view (i.e. an organization is or is not a surrogate inspectorate) on surrogate inspectorates is unsuitable for understanding this new dynamic. Instead, we argue that to be a surrogate inspectorate, one should *persistently* perform surrogate activities, thereby taking on a *surrogate regulatory role*. The word persistent, indicating that more than one action is required and some determinacy, shows that more than criticizing the regulatory agency is needed to be considered as a surrogate inspectorate. In other words, the activities rather than the actor make the surrogate inspectorate, which also explains our functional definition described earlier.

Although we propose a functional classification of surrogate inspectorates, we must differentiate the term from concepts in the literature. We need to start by differentiating surrogate inspectorates from a *formal regulatory agency*. A key characteristic of the formal regulatory agency is its formal regulatory capacity, whereby they are the legitimate owners of regulatory power. Surrogate inspectorates have no formal regulatory power.

Second, surrogate inspectorates should be distinguished from more activist or interest groups. While an activist actor opts for the creation or obstruction of change within, for example, policy or legislation, surrogate inspectorates focus explicitly on influencing the regulatory agency or regulatee and their concrete decisions (Mena and Waeger 2014). This does not mean that an activist actor cannot take up the role of a surrogate inspectorate; we argue that the concept in itself is not the same as activism. Box 2 helps to show how this functional definition works in practice.

Third, and probably most important, the differences with regulatory intermediaries (Abbot et al. 2017), a well-known concept in the literature and an important actor within the regulatory network, must be emphasized. To do this, we want to reflect on two kinds of streams of literature: the original work of Abbot et al. (2017) and the recent subsequent work (e.g. Brès, Mena, and Salles-Djelic 2019; Carter 2019).

Box 2—Greenpeace and European Environment Agency (EEA)

To show the functional working of the concept, the Greenpeace and the EEA case provide interesting insights. Although Greenpeace can be considered an activist actor, we observe that the organization takes up a surrogate regulatory role in this example. Greenpeace published a report on the present chemicals in the clothing of fast-fashion brand Shein. The report shows that the chemicals break European regulations. Greenpeace (2022) is "...calling for the EU to enforce its laws on hazardous chemicals." Without the intervention of the EEA, Greenpeace cannot have its desired impact, that is, enforcing the existing regulations on Shein. This shows that the surrogate inspectorate, in this case Greenpeace, often depends on the formal resources of the regulatory agency (Greenpeace 2022). However, here we see the other side of dependency: with the research of Greenpeace, the EEA is notified about the current malpractices performed by Shein and can evaluate whether intervention is necessary. This shows that an activist actor, such as Greenpeace, can notice that the implementation or enforcement behavior is inadequate, and take up this role of surrogate inspectorate. With this example, we hope to show that a broad range of actors can fulfill the role of the surrogate inspectorate.

Originally, regulatory intermediaries were defined as "any actor that acts directly or indirectly in conjunction with a regulator to affect the behavior of a target" (Abbott, Levi-Faur, and Snidal 2017, 19). The intermediary functions thus as a formal or informal extension of or acts in collaboration with the regulatory agency to effectively affect the target, that is, the regulatee. Surrogate inspectorates differ from this since they are not explicitly or implicitly called upon by the regulatory agency and are, therefore, autonomous actors with their own goals and values, who do not work 'in line' with the agencies. Moreover, the regulatory intermediary is often involved in regulatory processes, because they have more fitting capacities or can deliver some services more effectively than the regulatory agency (Abbott, Levi-Faur, and Snidal 2017). Surrogate inspectorates are not involved in this regulatory process because of their characteristics and can, for example, also criticize the regulatory intermediary for not properly enforcing the certification rules. A regulatory intermediary, in its original formulation described by Abbott, Levi-Faur, and Snidal. (2017), can be a surrogate inspectorate if they perform this specific function (but this is not the expectation). Following this *original* conceptualization of regulatory intermediaries, surrogate inspectorates thus fulfill a different role within the regulatory network.

Yet, subsequent work on regulatory intermediaries uses a broader perspective. For example, in his book on the usage of intermediaries by the United States Department of Agriculture, Carter (2019) describes the diversity in intermediaries with the help of two factors: the relationship of intermediaries with other actors in the regulatory domain, and their functions compared to these other actors. One intermediary that results from these dimensions is, for example, the *information intermediary*, which focuses on collecting, providing, and sharing reliable information. Although surrogate inspectorates can indeed focus on information activities, surrogate inspectorates can also employ and combine a different range of activities

(see “Strategies of surrogate inspectorates” section). Another example that broadens the scope of regulatory intermediaries are the four different typologies developed by Brès, Mena, and Salles-Djelic (2019). Next to the formal intermediary, the authors also identify *emergent intermediation* in the article, referring to unanticipated intermediaries, who “have the capacity to affect, control and monitor relations between rule-makers and rule-takers” (Levi-Faur and Starobin 2014, 21). Yet, important to note is that surrogate inspectorates can sometimes desire to, for example, affect the regulatee, but they do not always have this capacity because of the available resources and their existence within a broader regulatory network. Instead, as will be pointed out in the upcoming sections, surrogate inspectorates *try* to be influential. Although there are some sidenotes, the broadening of the concept makes it possible to see surrogate inspectorates as a subcategory of regulatory intermediaries.

In other words, surrogate inspectorates remain a specific group of actors or phenomena within the regulatory network; however, depending on the conceptualization one uses, surrogate inspectorates may be categorized within the broader stream of regulatory intermediaries. Now the “who” aspect of surrogate inspectorates is clearer, we focus on the “what” aspect, in terms of different types of strategies surrogate inspectorates can use.

Strategies of Surrogate Inspectorates

A central question is which activities or tasks belong to performing a surrogate role. Since these actors do not have any formalized regulatory capacity, surrogate inspectorates must explicitly push for (additional) inspection, regulation, enforcement, or compliance. Inspired by network management literature, surrogate inspectorates can accomplish this via direct and indirect ways, using either negative or positive appeals. With *indirect strategies*, surrogate inspectorates criticize and perform actions to influence either the regulatory agency, formal regulatory intermediary, or public opinion (see table 1). For example, a grassroots interest group starts measuring the air quality in their neighborhood near the airport to show the regulatory agency that the rules are violated, and enforcement is necessary. Surrogate inspectorates can also positively encourage enforcement behavior. This will likely happen when the surrogate and regulatory agency share the same values and perceptions, something that is often mentioned in network governance theories (Emerson and Nabatchi 2015). Of course, pressure from surrogates may also help regulatory agencies to enforce rules with regulatees as it enhances informal pressure (Nielsen and Parker 2012) (see table 1). For example, a media program openly criticizes the malpractices of organization X; in fear of losing customers, the organization adjusts its activities, thereby complying with the existing regulations without interference from a public regulatory agency or an intermediary. These situations where surrogate inspectorates employ strategies to directly encourage compliance from the regulatee are conceptualized as *direct strategies* of surrogate inspectorates. Box 1 shows an example of a surrogate inspectorate targeting the regulatee. Although both types will be seen within regulation, we expect the indirect ways to be more present. For example, Rimkuté (2020) shows that, within the glyphosate discussion, several non-regulatory actors actively scrutinized the involved regulatory agencies instead of the regulatees that used this substance.

This is also related to the image or reputation of the regulatee, which has become more relevant given the mediatization of society (Bennet 2009). We return to this aspect later, as reputation is also important for regulatory agencies (Carpenter 2010). Within both goals, surrogate inspectorates may emphasize either under- or overregulation: the surrogate inspectorate may criticize, for example, the regulatory agency for focusing too much on the strict application of regulations (overregulation), but can also criticize the regulatee for not complying with the existing regulations, thereby implicitly pointing to underregulation. Research shows that the regulatory agency often acknowledges criticism focused on underregulation more than messages focused on overregulation (Gilad, Maor, and Ben-Nun Bloom 2015).

When choosing relevant activities, surrogate inspectorates may go via the official or societal route, both creating different dynamics. With the official route, surrogate inspectorates can, for example, submit an enforcement request to the regulatory agency. Via the societal route, surrogate inspectorates can apply several types of strategies:

1. **Information/research activities:** collecting, analyzing, and highlighting information are crucial to shaping political agendas (Jones and Baumgartner 2005). As such, surrogate inspectorates may inform others on specific issues by collecting data on a regulatory issue. An example is grassroots groups that perform research on things like airplane noise. Due to rapid technological advancements, it has become much easier for citizens to collect and share data/information with others (Ruijter et al. 2017a). Also, grassroots interest groups increasingly use existing (open) government data to highlight pressing issues (Ruijter et al. 2017b).
2. **Legal actions:** as more and more areas of society have become regulated, court litigation has become an increasingly common way to force government action and resolve societal conflicts (Friedman 1994). Surrogate inspectorates can choose legal action to demand enforcement action by the regulatory agency or compliance by the regulatee with the court (as the labor union does in the opening example of this paper).
3. **Activism:** in this category we position all activities related to a specific social movement or collective action (Bobel 2007). Think of demonstrations, petitions, sit-ins, and so on. The main goal of these actions is social (or, in this case, regulatory) motivation through influencing the general opinion, key players in the regulatory network, or media reporting of regulatory events.
4. **Blame activities:** blame is described by Hood (2011, 6) as “...the act of attributing something considered to be bad or wrong to some person or entity” and is thus also stronger than criticizing someone. Surrogate inspectorates frequently use blaming activities (Hood 2011). Since they depend on adjusting or discontinuing the regulator’s or regulatee’s actions to reach their goals, surrogate inspectorates often use naming and shaming. The media age we live in helps surrogate inspectorates: reputations of both regulatory agencies and regulatees are important, and these actors will not sit by and leave the damaging of their reputation unrefuted.

Important to note is that all these activities can be combined with each other. Therefore, we do not expect to see only one

Table 1. Examples of (In)Direct Strategies and Activities of Surrogate Inspectorates

	Indirect strategies	Direct strategies
Information	Organization measures the levels of toxicity in food products. By offering the data to the relevant regulatory agency, the goal is to motivate the regulatory agency to intervene.	Research performed by a news program shows that the working conditions within a specific organization are bad. By showing the size and seriousness of the problem, the program tries to motivate the regulatee to follow the existing regulations. The regulatory agency has not intervened yet.
Legal	A labor union takes regulatory agency to court for inadequate regulation regarding a private organization, where employees encounter bad working conditions.	An animal rights organization takes the farmer business association to court for noncompliance with the existing regulations. The regulatory agency has not intervened yet.
Activism	An animal rights organization organizes a petition to motivate active intervention of regulatory agencies regarding the malpractices of slaughterhouses.	A foundation, consisting of citizens and some politicians, organize protests against the dangerous activities of a factory in their environment. The regulatory agency has not intervened yet.
Blame	Citizens go to the media to express their frustration about the laziness of a regulatory agency regarding their concerns about the activities of the regulatee within their neighborhood.	A consumer program strongly criticizes the activities of an energy company since it does not follow the existing market regulations. The regulatory agency has not intervened yet.

individual activity, but instead, expect to see different degrees of combined activities. For example, surrogate inspectorates can mainly focus on applying information activities but can combine this with a degree of blaming.

Although surrogate inspectorates can use positive and negative approaches to their strategies, we expect negative strategies, especially blame activities, to prevail. There are several reasons for this expectation. First, due to negativity bias and media logic (Bennett 2009; Hood 2011), strategies focusing on regulatory failure are more likely to be picked up by the media. Moreover, blame strategies probably have a bigger impact and are more powerful than strategies focused on credit (James et al. 2015). They are more threatening to the reputation of regulatory agencies. Finally, using blame is a relatively “cheap” strategy, as the growing negative messages on social media and the growing attention to those messages show. It is cheaper than, for example, doing extensive research or investing in lawsuits.

Given that surrogate inspectorates do not have any regulatory power and need as much attention as they can get, often via the media, we can assume that blame will be a fundamental strategy for them. Korthagen and Van Meerkerk (2014) show, for example, that citizens groups actively use more dramatized and personalized (blame) messages to attract media attention and subsequently enter the decision-making process. Thus, we come to our first theoretical proposition:

Proposition 1: Surrogate inspectorates will use blame strategies more often than other strategies, like informational strategies, legal actions or activism.

Table 1 presents an overview of examples of these strategies for either direct or indirect purposes.

The above strategies again highlight the non-regulatory and multi-faceted nature of surrogate inspectorates. Paying attention to these characteristics is relevant for identifying surrogate inspectorates and distinguishing the surrogate from other types of non-state regulation, such as private or voluntary regulation (Grabosky 2013; Levi-Faur 2010). Another differentiating characteristic is that, in contrast to other regulation formats, surrogate inspectorates *try* to influence the behavior of other actors in the network through several strategies. We emphasize the word “try,” since the

autonomous actions of surrogate inspectorates exist in a broader network. The actual regulation results from several activities and interactions within a *regulatory network*. Surrogate inspectorates may thus also fail in their task. This means that assessing the actual influence and effect of surrogate actions needs a thorough analysis of (1) the specific actions of the surrogate inspectorate, (2) the reactions of other actors in the regulatory network, and (3) the resulting dynamics of these interactions and their effects. Specifically, this needs a decision-making and network analysis of the issue and the actors involved (see Klijn and Koppenjan 2016, for an elaboration on this kind of analysis).

To elaborate on the above-identified strategies, Box 3 shows an example of a surrogate inspectorate trying to be influential with the help of informational activities.

The Emergence of Surrogate Inspectorates

Of course, surrogate inspectorates have always been present in regulatory processes. Yet, there are several reasons why it is likely surrogate inspectorates will be more present than in the past. First, this is related to societal trends. Several authors observe a growing trend towards individualization (especially in western countries), where citizens are more critical towards governmental actors (Baumann 2000; Grabosky 2013). This will likely stimulate both citizens and societal groups to function as surrogates.

Moreover, (social) media gives societal actors the possibility to inform and voice themselves with relatively limited resources (Korthagen and Van Meerkerk 2014). Also, technologies make it possible for societal actors to collect and evaluate information within, for example, their own neighborhood (Grabosky 2013), Furthermore, and connected to the former point, the availability of government data (e.g. open data platforms) makes it possible for non-regulatory actors to access and evaluate regulatory information (Ruijter et al. 2017b). These developments make it easier to keep an extra eye on the regulatory domain, and when necessary, take up the role of surrogate inspectorate. Moreover, as several authors note, the increasing complexity and fragmentation of the regulatory domain also give room to the involvement of non-regulatory actors, including surrogate inspectorates (e.g. Black 2008; Van Rooij, Stern, and Fürst 2014). This leads us to a second proposition about surrogate inspectorates:

Box 3—WildFish & Environment Agency (EA)

WildFish is a British charity organization focused on the wild fish populations. In their report *Doing its job?*, the organization highly criticizes the British Environment Agency for having inadequate monitoring, poor inspection rates, weak enforcement, and minimum responses to public reports of river pollution. With this report, the organization explicitly asks the government and the Environment Agency to reserve more resources for regulating the British rivers, such as time, money, and staffing. WildFish observes that the enforcement of the river pollution regulations is inadequately followed. The organization concludes that this is problematic and takes up the role of surrogate inspectorate. With the help of research and some blaming, WildFish focuses on indirect surrogate regulation: it **tries** to influence the enforcement behavior of the regulator; whether the surrogate inspectorate is successful, also depends on the interactions in the rest of the regulatory network (Linley-Adams 2021).

Proposition 2: Over time regulatory processes are characterized by a larger number of surrogate inspectorates.

Next to these societal trends, there are also sector and task-specific characteristics, which may influence the rise of surrogate inspectorates. An important element is the current functioning and capacity of the regulatory agency. Limited resources, the overburdening of the regulatory agency, or observable regulatory failure may motivate the rise of surrogate inspectorates (Eilstrup-Sangiovanni and Sharman 2021; Fernández-i-Marín et al. 2023; Van Rooij, Stern, and Fürst 2014). Next to these characteristics of the regulatory agency, we also expect that types of regulation, which are according to society relevant or directly affect citizens, are more prone to the emergence of surrogate inspectorates. Think, for example, of food safety, labor rights, and animal welfare (e.g. Hysing and Du Rietz Dahlström 2024). To better understand surrogate inspectorates and their positioning in the regulatory domain, we now focus on the regulatory network.

Proposition 3: Regulatory networks dealing with regulation that directly involves citizens or are considered as relevant by society are characterized by more surrogate inspectorates.

Zooming Out: Towards a Network Perspective on Regulation

To get a better understanding of the positioning of surrogate inspectorates within the regulatory domain, it is essential to consider the network dynamics surrounding surrogate inspectorates and regulatory agency. The change in the regulatory domain from a traditional, vertical “dance” between the regulatory agency and regulatee towards a complex interaction process between various actors in a network has generated wide interest within regulatory governance literature (Black 2008; Gunningham, Phillipson, and Grabosky 1999, 212)

Nevertheless, with the existing post-regulatory frameworks, it is difficult to explain this new regulatory setup, including

surrogate inspectorates. The current frameworks mainly theorize about the development of new regulatory institutions, focusing mainly on those who perform *formal* regulatory functions, such as third-party or non-state regulation (e.g. private or civil regulation and regulatory intermediaries) (Abbott, Levi-Faur, and Snidal 2017; Black 2008; Levi-Faur 2010). However, while highly valuable, the role of other *informal* actors, such as surrogate inspectorates, and the changing dynamics this brings to regulatory governance processes remains underemphasized. While the literature acknowledges that the regulatory domain has become more complex, fragmented, and pluralistic, the focus mainly is on those actors **performing** (e.g. private certification systems) regulation and less so on those **asking for** a specific type of regulatory behavior (i.e. surrogate inspectorate). Incorporating this distinction between performing and asking for regulation contributes to provide a realistic view of today’s regulatory reality.

A Network Perspective on the Regulatory Domain

As Black (2008) states, regulation is “dialectical,” where the actors in the regulatory domain are, to a different extent autonomous and, at the same time, depending on each other. This creates horizontal interaction processes between the regulatory agency and other (regulatory as well as non-regulatory) actors, all gathering around a specific issue, policy, or actor (Emerson and Nabatchi 2015; Isett et al. 2011; Klijn and Koppenjan 2016). Following this network reasoning, we theorize that the regulatory domain is characterized by *networked regulation*, where the participation of regulatory and non-regulatory actors creates an interesting institutional landscape within regulation (see Levi-Faur 2010). To further illustrate this networked regulation, the literature on network governance literature can help. As Grabosky (2013) states, these non-regulatory activities, such as those of surrogate inspectorates, give rise to more complex and fragmented regulatory processes. The network governance theory helps us in theorizing the resulting dynamics because of the activities of, amongst others, surrogate inspectorates. Specifically, the network (and collaborative) governance literature usually mentions a few core characteristics of these processes (Ansell and Gash 2008; Klijn and Koppenjan 2016). We discuss them below to conceptualize networked regulation and consider the positioning of surrogate inspectorates in this network.

First, the emergence of surrogate inspectorates contributes to and increases the **number of actors** involved in the regulatory domain, making it a multi-actor process. In networked governance processes, a wide range of actors are usually involved. This is also the case in modern regulatory governance processes, as introduced by Ayres and Braithwaite (1992) or as shown by the RIT model of Abbott, Levi-Faur, and Snidal (2017). The increase in actors enhances the complexity and unpredictable character of regulatory processes as network governance theories emphasize (Emerson and Nabatchi 2015; Klijn and Koppenjan 2016), because:

- These actors have **different perceptions** about regulatory issues and their solutions, which enhances possible conflicts, dissensus, and makes agreements harder to achieve.
- These actors, including surrogate inspectorates, can **enact their own strategies autonomously**. As Klijn and Koppenjan (2016) describe, the actors in these networks

all have their own capacity to act autonomously and thereby also employ strategies of their own choice to influence actors within the network. Also, in networked regulation, this autonomy is present: in simple terms, the regulatory agency can do his job without any help of some other surrogate actors in the field. The same also works for surrogate inspectorates: it does not need the regulatory agency to fulfill its signaling function. This autonomy and resulting dynamic of reaction and counter-reaction may create uncoordinated, disorganized or confusing dynamics, resulting in strategic complexity (Robins Bates, and Pattison 2011).

Consequently, surrogate inspectorates will likely interpret regulatory issues differently from other actors in the regulatory network, such as regulatory agencies, regulatees, or formal intermediaries. In this way, a more complicated policy and regulatory process emerges compared to more traditional pictured regulatory processes. This is often conceptualized as substantive complexity (the presence of many different perceptions) and strategic uncertainty (the presence of many different, sometimes conflicting strategies) (Klijn and Koppenjan 2016). The situation can also emerge that the action of one surrogate inspectorate, for instance, the trade union in our introduction example, triggers the action of another surrogate (like a consumer program), thereby creating a dynamic that is unpredictable and puts additional pressure on regulatory agencies or regulatory intermediaries to enforce. This dynamic is further complicated by strong media involvement. We know that media attention triggers political attention (see Baumgartner and Jones 2009; Opperhuizen, Klijn, and Schouten 2020). Thus, surrogate inspectorates can set a cascade in motion where the actions of surrogate inspectorates lead to more media attention, political attention, and possibly other surrogate actions. This dynamic merits more attention and analytic scrutiny.

This complexity is further enhanced by the fact that all these regulatory actors, especially most surrogate inspectorates, work from different institutional backgrounds with different (in)formal norms and rules. Interactions between, for example, surrogate inspectorates and the regulatory agency or regulatory intermediary are, therefore, complex since each actor has its own objectives, norms, and corresponding (in)formal rules. For example, a citizen group, as surrogate inspectorate, may be unaware of the procedures and organizational arrangements regulatory agencies or intermediaries are situated in and have to abide (and also for instance the limitations regulatory agencies and the intermediaries have in their interventions). This can lead to institutional confrontations, where there are different expectations about, for example, the procedures and rules of the process. This contributes to the institutional uncertainty due to the absence of an overall agreed institutional framework (Klijn and Koppenjan 2016).

Second, surrogate inspectorates introduce a more **asymmetrical interdependency** within networked regulation. Traditionally, the network governance literature describes that involved actors are more or less interdependent. As we explained earlier, this is also visible within regulatory governance since surrogate inspectorates need regulatory agencies and others (such as a regulatory intermediary) to reach their goals (e.g. inspect, enforce, comply, and so forth). Although the resources of surrogate inspectorates may be valuable for the regulatory agency (Van Erp and Loyens 2018), this

dependency also has limitations. The surrogate resources can be substituted, for instance, by the regulatory agency through deploying more internal resources in the field. Moreover, although active strategies (and blaming) by surrogate inspectorates may damage the regulator's or regulatee's reputation, the organization can ignore this. Following the distinction of Klijn and Koppenjan (2016), this creates only a moderate and rather asymmetric dependency for the regulatory agency on other actors in the network. Surrogate inspectorates depend more on the regulating agency (e.g. regulatory agencies or formal intermediaries) and the regulatee than vice versa.

Taking these characteristics into account, the following theoretical proposition can be formulated:

Proposition 4: The presence of surrogate inspectorates correlates with a) stronger differences within perceptions, b) increasing conflicts, and c) increased complexity in the regulatory processes.

Because of this asymmetry described above, surrogate inspectorates must be noticeable for the regulatory network to be considered. Proposition 1 already indicated surrogate inspectorates' frequent use of blaming strategies, because of their relatively cheap nature. This makes it likely that regulatory networks are, more than is presented in the "classical standard" literature on collaborative and network governance, characterized by blame games and subsequent media attention. Given this asymmetry and the importance of blame games, it is necessary to take a closer look at how these games develop and influence regulatory interactions. Therefore, we now turn to the effects of surrogate inspectorates on the regulatory network.

INTERACTION DYNAMICS WITH SURROGATE INSPECTORATES: THE IMPORTANCE OF BLAME GAMES

Surrogate inspectorates are often strongly motivated to change a situation they see as undesirable or even as morally and legally wrong (Vogel 2010). While surrogate inspectorates try to change the regulatory status quo, the regulatory agency (and/or regulatory intermediary) is formally the only actor who can inspect, regulate, and intervene. This creates a dynamic within networked regulation, which we unravel further in the upcoming sections.

Blame Games as Network Dynamics

As described earlier, we expect blame games to be frequently visible due to, amongst other things, the asymmetric dependencies within networked regulation. Hood (2011) argues that public officials face the risk of being accused of something seen as bad or wrong, that is, the risk of getting blamed. In regulatory issues, surrogate inspectorates are, what Hood calls, the blame makers and the regulatory agencies or a regulatee the blame takers (Hood 2011, 7). Being blamed is mainly experienced as a negative phenomenon; therefore, people try to avoid blame and reduce the risk of getting blamed. A behavior called blame avoidance behavior (Hinterleitner and Sager 2015; Hood 2011). The question is why would regulatory agencies care about the blame coming from surrogate inspectorates? How does this change the asymmetric relationship described earlier?

Blame literature mentions several reasons for this. First, theories of blame emphasize that public officials fear it will affect their personal careers (Hinterleitner and Sager 2015; Hood 2011). Also, psychological factors are important since it is unpleasant to be blamed; it may create a burden for the blamed actor. Especially, the role of (social) media is relevant since they increasingly engage in personal stories and personalization of accountable behavior (Bennett 2009). However, there are more reasons for agencies not to be immune to blame strategies, especially when the media picks up this blame. The media is often seen as a possible trigger of blame risk (Hinterleitner and Sager 2015; Hood 2011), and the mediatization literature emphasizes that media attention has a certain negativity bias (Bennett 2009; Esser and Strömbäck 2014). Ignoring blame, which is present in the media, may thus be risky for the regulatory agency or regulatee.

Moreover, the media is relevant to consider within regulatory governance processes since, as mentioned, it creates positive feedback loops with politics (as media pay attention to issues, politics follow, and vice versa) (see Baumgartner and Jones 2009; Opperhuizen, Klijn, and Schouten 2020). Consequently, the picked-up blame by the media may evoke hostile or critical political attention (Hinterleitner 2020). Thus, it is especially blame combined with increasing media attention that starts a process, where regulatory agencies come under pressure to adapt their activities. In this sense, the blame game is not just an interaction between surrogates and the regulatory agency (or the regulatee) but often spreads through the whole regulatory network. This contributes to the complexity of the interaction already mentioned earlier. Finally, a regulatory agency wants to avoid blame since it can damage its reputation as a reliable, skillful, and competent agency (Carpenter 2010). Reputation becomes an increasingly important asset of regulatory agencies, which needs to be maintained and protected. It is likely that the effects of blame strategies and possible resulting negative effects on reputation are more important on the organizational or meso level than on the individual level. Studies also show that effects on individual inspector level are limited (Klijn et al. 2022). Therefore, three theoretical propositions are formulated (where proposition 6 follows from proposition 1 in this paper):

Proposition 5: A stronger presence of surrogate inspectorates in regulatory issues relates to stronger media attention.

Proposition 6: Due to asymmetric dependency, a stronger presence of surrogate inspectorates results in interactions that are more characterized by blame games.

Proposition 7: More media attention leads to additional political attention and increases strategic and substantial complexity of interactions.

The Importance of Media and Reputation

As discussed in the paragraph above, the blame game dynamics within the network create an institutional environment, where the role of the media is strengthened (Hood 2011; Klijn and Koppenjan 2016). The 24/7 media environment provides diverse opportunities for blame-givers and -takers to produce and deal with blame. Additionally, as mentioned earlier, the increasing media attention on a specific sort of

blame may also serve as triggering events, thereby shifting the attention to the specific topic and regulatory agency (Wolfe, Jones, and Baumgartner 2013).

Besides the media's different roles, we should also consider the effects of this media attention. On the one hand, the presence of the media within the regulatory network may result in more transparency and opportunities for its role as an informal accountability forum. Next to signaling mistakes or regulatory issues, the media also provides opportunities for surrogate inspectorates to hold, for example, the regulatory agency accountable (Bennet 2009; Peci 2021). On the other hand, mediatization literature has a widely shared reasoning that media attention tends to be biased (Esser and Strömbäck 2014; Hjarvard 2008; Landerer 2013). Since media must attract attention and survive economically, they tend to construct more negative, dramatized and personalized stories to make these stories more attractive to readers, followers (blogs), and so on (see Bennett 2009; Klijn and Korthagen 2018; Landerer 2013). Moreover, Hinterleitner (2020) also shows that the nature of the event may matter for the received media attention and blaming from surrogate inspectorates. Distant-salient and proximate-non-salient issues are helpful for blame generation regarding the regulatory agency and can be used to damage their reputation by emphasizing emotional, moral, or personalized aspects of the issue. However, distant-non-salient topics do not enable this since there are fewer possibilities to damage the regulator's reputation, making it harder to get media attention. Thus, if surrogate inspectorates extensively use media and their presence attracts media attention (especially when it covers salient, proximate issues), we may expect more negative media attention for regulatory issues and a more polarized debate about the issue. This reasoning results in theoretical proposition 8.

Proposition 8: A stronger presence of surrogate inspectorates will be related to more negative media attention, especially when these issues are salient and proximate to the public.

The created blame dynamic, together with the increasing relevance of the media, make that the activities of regulatory agencies cannot take place in isolation from its societal context and should interact with the wider regulatory network. Regulatory agencies are under more diverse public scrutiny, not in the least by surrogate inspectorates and the media (Carpenter 2010; Hjarvard 2008). Formal accountability processes are supplemented with informal expectations from diverse audiences, such as surrogate inspectorates (Busuioc and Lodge 2017). Consequently, this development strengthens the relevance of reputation and the management hereof. A diverse range of actors (or audiences) monitor, evaluate, and compare the regulator's activities, creating certain symbolic beliefs (*bureaucratic reputation*). Following Carpenter's definition, this reputation has several dimensions (i.e. performative, moral, technical, procedural), thereby reflecting the diverse range of normative perspectives different audiences may have. As the term already indicates, reputation does not necessarily represent the regulator's actual activities, abilities, or performance (although it likely has some relation to it). While surrogate inspectorates have their own symbolic beliefs regarding the regulatory agency, it is also the actor who may have the resources to alter the reputational beliefs of other audiences via, for instance, the media.

For example, focusing on the regulator's reputation by incorporating it in the blame message may be an effective tactic for surrogate inspectorates. This creates multiple, sometimes conflicting, reputational threats to the regulatory agency, where the regulatory agency must decide which to prioritize. As Van der Veer (2021) theorizes, the choice of prioritization will mostly depend on the extent to which the threat is focused on the core elements of the reputation and the available resources of the threat-source, such as surrogate inspectorates. The consequence of a materializing threat is not only important for the "image" of the regulatory agency within the network but also plays a crucial role in building regulatory power, autonomy, legitimacy, and trust (Bustos 2021). Moreover, Busuioac and Lodge (2017) also highlight the role reputational concerns, directed at the core competencies, play in explaining different extents of accountability behavior. Given the relevance of reputation for the regulator, the management of these symbolic beliefs is high on regulators' daily agenda (Bustos 2021).

CONSEQUENCES OF SURROGATE INSPECTORATES

Several effects can be observed because of the presence of surrogate inspectorates within the regulatory network. First, we discuss blame avoidance strategies as possible effects. Then, we highlight the conditions where the presence of surrogates has supporting effects for regulatory agencies. We end with some observations on the complexity of regulatory processes and possible outcomes for enforcement.

Blame Avoidance

The growing media attention, as a result of the involvement of surrogate inspectorates, and the possible damaging effect on the reputation of regulatory agencies may lead to blame-avoiding strategies (Hood 2007). Blame avoidance is the behavioral consequence of blame risk and stems, according to most of the literature, from the fact that potential losses (blame) are weighted more heavily than potential gains (credit). This blame avoidance is often seen as a double-edged sword: avoiding blame can undermine trust and cooperation in the network, but it can also motivate the blame-taker to acknowledge their responsibilities (Moynihan 2012). Various behavioral strategies for blame avoidance are discussed in the literature. Hinterleitner and Sager (2018) discuss the differences between anticipatory and reactive forms of blame avoidance. Hood (2007, 2011) distinguishes between agency, presentational, and policy strategies to avoid blame. Based on the blame literature, one would expect that regulatory agencies generally use blame avoidance strategies.

The question remains when the regulatory agency will use these blame avoidance tactics: does this always happen or only in some specific high-blame situations? To answer this question, we again turn to the bureaucratic reputation of the regulatory agency. As stated earlier, reputation is crucial for the regulator's work, making it a core task to protect and maintain a strong reputation (Bustos 2021; Moynihan 2012). This results in the regulatory agency (and regulatory intermediary) being risk averse, and more specifically averse to reputational damage (Carpenter 2010). Therefore, blame is a risk if it threatens the regulator's reputation, thereby requiring action. This could be enhanced if the blame

strategies used by surrogate inspectorates resonate strongly with other actors in the network. The reputational damage may then increase.

This is precisely what surrogate inspectorates aim to do: use the regulators' reputation as a target to get things done. The politized, mediatised environment, together with the increasing presence of blame attributions from several (surrogate) actors, produce increasing threats to the regulator's reputation (Hinterleitner 2020). Consequently, to protect its unique reputation, the regulatory agency will apply blame avoidance tactics to minimize the chance of the threat materializing on its reputation. These dynamics also explain why the regulatory agency sometimes does not reach out to blame avoidance: some of these reputational allegations are more threatening than others and will, therefore, be prioritized by the actor in question. Thus, different reputational threats elicit different types and extents of blame avoidance (Gilad, Maor, and Ben-Nun Bloom 2015; Rimkutė 2020). Regarding which reputational threats are more threatening for the regulator, the reasoning from Bach et al. (2021) regarding reputational reserves helps. If the regulatory agency has a strong reputation among its audiences, its reputational reserves are more robust, and, as Bach et al. (2021) argue, the regulatory agency will less likely to respond to reputational threats when they have a strong reputation and/or when reputational threats are directed at dimensions that are peripheral to their core mission. This reasoning can be extended towards blame avoidance: when the blame is, for example, directed at a core reputational dimension where the regulatory agency enjoys a strong reputation (and thus has some reputational reserve), the agency is less likely to use active blame avoidance strategies. Nevertheless, the perspective of surrogate inspectorates may also get covered by media (see "The importance of media and reputation" section). Opperhuizen, Klijn, and Schouten (2020) show that media attention and political attention influence follow and strengthen each other (i.e. positive feedback loop). We theorize that when media attention on the surrogate inspectorate increases and thus the (regulatory) network gets informed, this will eventually result in increased political attention (i.e. positive feedback loop). In the context of these circumstances, the regulatory agency will be inclined to respond regardless of their reputational reserves. However, it should be acknowledged that reputational threats are not the only factor influencing the choice for blame avoidance. Consider, for example, the complexity of a case, the availability of resources, or expertise within the organization. Based on the reasoning above, we formulate the following theoretical propositions:

Proposition 9: The more surrogate inspectorates challenge the reputation of regulatory agencies, the higher the chances are for intense conflicts and blame avoiding strategies.

Proposition 10: The relationship between surrogate inspectorates and the usage of blame avoiding strategies is moderated by the reputational reserves the regulatory agency has.

Proposition 11: The regulatory agency is pressured to respond when increased media attention and increased political attention are reinforcing each other, regardless of any other contextual circumstances (for instance: the current reputation, task or specific issue).

Surrogate Inspectorates as Supporter: The Other Side of the Coin

Next to these blame avoidance strategies, the interaction within the network may also create different dynamics where strategies of surrogate inspectorates and regulatory agencies enforce each other rather than conflict.

For example, surrogate initiatives may motivate cognitive learning (Klijn and Koppenjan 2016). The regulatory agency does not always have the suitable and sufficient capacity to cover the growing demand for regulation, leaving several small but also serious situations undetected (Eilstrup-Sangionvanni and Sharman 2021; Levi-Faur 2010). The presence of surrogate inspectorates within the network may increase the knowledge about a particular case and also show what other perspectives there are on a specific problem. This may result in what Klijn and Koppenjan (2016) describe as *joint image building*: the involved actors create an accepted view of the case and agree on which actions/activities are necessary from which actors. A direct effect of this is that regulatory issues are, for example, being handled more effectively. This leads to theoretical propositions 12 and 13:

Proposition 12: The more the perceptions on regulatory issues of surrogate inspectorates and regulatory agencies are similar, the more likely the actors learn from each other and engage in joint image building.

Proposition 13: Regulatory agencies will sooner take action as a result of surrogate inspectorates' strategies, when the aims of both actors are in line with each other.

Overall Effect of Surrogates: Complexity and Possible Outcomes

To conclude, the presence of surrogate inspectorates will cause regulatory processes to become more complex and dynamic. Due to the presence of these surrogates, the demands on regulatory agencies will go up, mainly when the actions of surrogate inspectorates result in more media attention and activate the actions of other actors or surrogates. However, when regulatory agencies are already overburdened and have limited capacities, this may even reduce effectiveness of regulatory agencies (see Fernández-i-Marín et al. 2023). Yet, the actions of surrogate inspectorates can positively impact the regulatory network. Surrogate inspectorates can, for example, bring more attention to some of the public values at stake in the regulatory processes. The starting example of the labor union creates more attention to the value of traffic safety for truck drivers. Thus, surrogate inspectorates may advocate for certain (public) values and create a more extensive and integral process of weighting values. Another possibility is that surrogate inspectorates help the regulatory agency in putting issues on the agenda. An example is the regulation of Aquifer Thermal Energy Storages (see Box 1). In this case, there is only one provider and no competition on price and quality, which needs additional regulation by the involved market regulator. Nevertheless, the current regulation possibilities and capacities are limited since recent developments and regulations are limited. The surrogate inspectorate has criticized the regulatory agency for underregulation with the help of extensive media attention. The regulatory agency used this negative attention to highlight that additional regulation capacities are necessary for this new development, thereby

enhancing pressure on the parliament to achieve additional legislation. Surrogate inspectorates can thus help to pressure political actors, which may benefit regulatory agencies.

Proposition 14: Especially in under- or unclear regulation cases, the presence of surrogate inspectorates may enhance political attention and create a momentum for regulatory agencies to ask for additional competences and responsibilities.

CONCLUSION

This article highlights the role of informal actors, conceptualized as surrogate inspectorates, in regulatory processes. Scholars within regulatory governance often theorize about the changing context within the regulatory domain. However, to fully understand today's complex regulatory processes, we must expand the current regulatory governance frameworks with these informal actors, who try to influence the implementation, enforcement, or compliance with regulatory rules. Hence, surrogate inspectorates contribute to the creation of more network-like dynamics within the regulation processes.

At least three general developments initiated by surrogate inspectorates will make the regulation domain more complex and diverse. First, the increasing presence of surrogate inspectorates strengthens the complex interactions and network-like character around regulatory issues. Surrogate inspectorates are strongly motivated by issues; their strategic activities and creation of possible media attention will enhance the unpredictable character of regulatory governance processes. This strengthens the complexity of the work of regulatory agencies. Second, looking at possible strategies of surrogate inspectorates, we expect the increasing presence of blame games within the regulatory domain. When trying to get the regulator's or regulatee's attention, expressing blame and using the media as an intermediary will be an easy-to-use strategy by the surrogate inspectorate. Often, this blame focuses on the regulator's reputation by incorporating several reputational threats. Together with possible triggered media attention, this can create interaction processes with other actors (e.g. political attention or other surrogates) and may contribute to the strategic and substantial complexity within the regulatory network. Third, and consequently, surrogate inspectorates and the resulting network dynamics will create either a blame avoidance reaction, where the regulatory agency tries to reduce the blame risk, or a learning reaction, where the regulatory agency adopts the perspective of the surrogate inspectorate. Moreover, it may create support for the regulatory agency in their enforcement as it increases pressure on regulators and can gain political attention for underregulation. These three developments strengthen the network character of regulatory governance.

Focusing the attention on surrogate inspectorates in regulatory issues not only brings their role more to the table but also requires a different, more network-like, analysis of regulatory governance. Future regulatory analysis must be broader than only focusing on the bidirectional interaction between regulatory agency, regulatory intermediary, and regulatee. It should reconstruct the network, identifying the strategies of all the involved actors and the possible impacts on decisions, developments, and so on.

Second, since this framework considers the media as relevant, future research may focus on how the media report on regulatory agencies and (a) how other actors in the network (such as surrogate inspectorates) may influence the way media report on the regulatory agency and (b) how media attention influences the behavior of the regulatory agency and other actors in the network. A media analysis surrounding regulatory agencies or specific cases is thus of added value. Herewith, we endorse the advice of Boon et al. (2019, 188), who urge reputation scholars to “...no longer treat the media as a black box,” and consider the media as an institution, holding its own logic.

Third, and finally, more research is needed on when the regulatory agency sees the application of blame avoidance as relevant. The blame literature shows that salient and proximate issues enable blame generation and media attention. It would be interesting to study if this is also the case in this context for surrogate inspectorates: if the surrogate inspectorate actively scrutinizes the regulatory agency, does the agency only engage in blame avoidance when salient or proximate issues are discussed? Moreover, next to these issue characteristics, the actor's characteristics may also be relevant. For example, does the regulator's reputational reserve, as described by Bach et al. (2021), matter for the reaction on a surrogate inspectorate? The characteristics of different surrogate inspectorates can also be interesting to study (e.g. surrogate inspectorate with less/more knowledge).

Thus, from a regulatory governance perspective, the argument is not only to expand the focus to those actors performing informal regulatory functions but also to bring surrogate inspectorates in new avenues of public management research. This allows us to analyze and clarify the observed trend toward the growing complexity of regulatory governance, as noted in the regulation literature. This fits the developments in the regulatory context nowadays: the regulatory agency encounters, amongst other things, a higher demand for regulation, changing and divergent expectations, more complex and dynamic issues, assertive citizens, and more horizontal relationships within the public sector (Van Erp 2016). In that sense, the attention to surrogate inspectorates and theorizing about these actors fit both empirical and theoretical developments in the field.

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