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Intermediary roles in regulatory programs: Toward a role-based framework

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Abstract

This paper develops a role-based framework of intermediaries in regulatory programs. In examining the types of roles that organizations adopt in regulation and governance, we argue that roles have important implications for understanding organizational and program level dynamism and outcomes. We use the Regulator–Intermediary–rule-Taker framework to describe how organizational roles can be adopted through assignment, appropriation, or promotion. We then go deeper into how intermediaries adopt a variety of different roles in key regulatory programs. We examine generic intermediary roles across programs that involve four main groups of activities: creating and/or organizing, coordinating between programs, supporting implementation, and voicing an opinion. All in all, our role-based framework allows for a novel relational way to understand interorganizational and institutional dynamism in complex, interactive, and ever-changing regulatory regimes.

Keywords: intermediary role, organizational role, regulatory intermediary, transnational regulation.

1. Introduction

The landscape of both transnational and national governance has changed significantly in the past decades. We have seen the rapid growth of transnational multistakeholder initiatives alongside governmental and intergovernmental regulation (Levi-Faur 2005; Djelic & Sahlin-Andersson 2006; Bartley 2007; Waddock 2008; Abbott & Snidal 2009; Ménä & Palazzo 2012; Brès *et al.* 2018). At the same time, companies are rapidly adopting voluntary self-regulatory measures, often titled corporate social responsibility, to address pressing social and environmental concerns (Aguinis & Glavas 2012; Pisani *et al.* 2017). Both old and new actors are adopting novel roles in the middle ground between hierarchical rulemaking and market-based mechanisms (Powell 1990; Peterman *et al.* 2014). In this study, we explore a range of regulatory programs and highlight the intermediary roles in these programs.

Recent studies have explored intermediary roles in regulation that provide assistance to regulators and/or rule-takers (Abbott *et al.* 2017a,b; Brès *et al.* 2018). However, we still have a rather limited understanding of the types of organizations that become regulatory intermediaries, the activities that they perform, their dynamic interaction with other organizations, and what makes them successful. This special issue provides particularly important insights into the functioning of these actors (Brès *et al.* 2018). While studies of individual

intermediaries are emerging (Auld & Renckens 2017; De Silva 2017; Lytton 2017; see also the contributions to this special issue), their motives, resources, relationships, and activities, in and across governance programs, have received less attention (Abbott *et al.* 2017a,b). Thus far, the focus of recent, especially empirical, research has been on specific actors, instead of an evaluation of how different elements need to be aligned to successfully enact a regulatory intermediary role and how dynamic interaction takes place in and across regulatory programs.

Our emphasis is on transnational regulatory programs, which we define as any type of governance initiatives targeting business conduct involving multiple organizations and occurring in more than one country. We are in line with Brès *et al.* in seeing these programs as the product of the "social construction of rules for global business conduct" (2018, forthcoming). Examples include government-led regulation (e.g. European Union Corporate Law Directives), civil society programs (e.g. the Fair Trade Label and the Forest Stewardship Council), and business-organized initiatives (e.g. Business Social Compliance Initiative).

This paper poses the following research question: What kind of intermediary roles do organizations adopt in regulatory programs? Our objective is to provide a classification of governance programs regulating business conduct and a framework of related intermediary roles and role processes. The first parts of the paper review and expand the Regulator–Intermediary–rule-Taker (RIT) framework posited by Abbott *et al.* (2017b) and examine the emerging notion of an organizational role. We then present a classification of governance programs, clarifying the drivers and implementation barriers of each program, and explore the possible intermediary roles in these programs. Next, we discuss the key insights of our role-based theorizing for regulation and governance, and particularly the area of regulatory intermediaries. Finally, we conclude by summarizing our key contributions and suggesting topics for further inquiry. All things considered, we argue that roles are a useful framework for providing an inclusive relational account of organizational behavior and interorganizational dynamism in regulatory programs and that they have important implications for both organizational and program level outcomes.

2. Regulators, intermediaries, and rule-takers

Recent research has recognized the significance of intermediary actors in the implementation of regulatory programs on the intended rule-takers. The RIT model has been utilized to express the (mainly) top down assignment of a specific role or set of roles for intermediaries (Abbott *et al.* 2017b). While the "T" in the framework has been referred to both as Targets and rule-Takers, we use the latter to emphasize the agency of these actors (Abbott *et al.* 2017a,b; Brès *et al.* 2018). The RIT framework has also highlighted the organizational variation of intermediaries in terms of, for example, their legitimacy, impact, and efficiency (Abbott *et al.* 2017b). Other studies have emphasized the challenges of such arrangements as a regulator–intermediary principal–agency reliability problem (Kruck 2017), a networked actors' coordination issue (Jordana 2017), or a challenge of regulatory capture (Maggetti *et al.* 2017). Further studies have found variation in context ranging from the type of regulatory setting – private, public, or hybrid (Abbott *et al.* 2017a). Thus, it is clear that regulatory intermediaries offer an exciting area of research as a result of their complexity, dynamism, and the related challenges and opportunities (Brès *et al.* 2018).

In today's transnational regulatory context involving multiple actors, it can be observed that in practice, intermediaries are not always assigned specific or discrete roles and this assignment is not done by regulators alone (see Lytton 2017; Abbott *et al.* 2017a,b). As Abbott *et al.* note, "regulators and targets can expand their capacities by selecting, engaging and even creating intermediaries" (2017b, p. 16). Intermediaries' interaction with, and influence by, the takers of regulation certainly contribute to the practice of implementation of regulatory programs (Abbott *et al.* 2017a). Furthermore, the resources and capabilities of the intermediaries not only affect the performance of the assigned mediation itself, but also allow for the expansion of intermediaries' roles (van der Heijden, 2017), and even introduce actors with independent agency to the RIT framework.

Thus, we utilize the RIT framework of Abbott *et al.* (2017a,b) to show the complexity of intermediary role adoption. As Figure 1 indicates, intermediary roles can be adopted though processes of: (i) role assignment in which the regulator formally defines the intermediary role; (ii) role appropriation in which the intermediary takes the lead on defining its role in the relationship between regulator and rule-taker; or (iii) role promotion in which rule-takers support and propel the intermediary into its role (see also Brès *et al.* 2018). Instead of emphasizing the regulator's role assignment and a unidirectional flow of intention and action, we aim to discuss the role
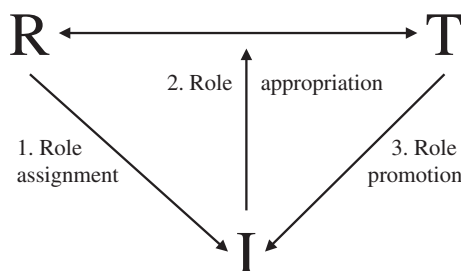
Figure 1   Role adoption processes within Regulator–Intermediary–rule-Taker (RIT) framework (adapted from Abbott *et al.* 2017b).

adoption processes of regulatory intermediaries. By "role adoption" we simply mean an actor taking on or developing a role, whether assigned by another actor or by the actor itself (i.e. role assignment, appropriation, or promotion). Thus, the activities related to role adoption may be officially defined, such as by the regulator, or may be the result of role innovation or another informal or emergent dynamic within and/or across actors, as discussed by Brès *et al.* (2018).

The RIT framework (Figure 1) allows us to explore the dynamics between, and the agency of, all key actors (regulators, intermediaries, and rule-takers or targets), as well as move away from unidirectional top-down or bottom-up type thinking to an understanding of the regulation of business conduct as an emergent process (see Abbott *et al.* 2017a; Lytton 2017). In principle, any type of actor can become a regulatory intermediary and this process can be more or less formal depending on the type of role adoption. Indeed, the process by which the roles themselves are defined and imagined necessitates an emergent process of both formal and informal social constructions of meaning (Brès *et al.* 2018).

Generally speaking, role assignment by regulators is likely to be more formal in nature, followed by rule-taker-driven role promotion, and, ultimately, role appropriation by intermediaries themselves typically being more informal in nature. Abbott *et al.* (2017a) discuss the variation by which intermediaries may enter a regulatory setting via contract, delegated authority, other formal engagements, orchestration, or tacit emergence. It is also common for multiple organizations to aim to adopt a similar intermediary role in situations of competing standards and certifications, or for organizations to compete to become the relevant intermediaries of particular regulatory programs. In this emergent process, regulators, intermediaries, and rule-takers adopt a variety of organizational roles. The processes of role assignment and promotion can be seen as similar in the sense that there is one actor who assigns another actor to a role (see Havinga & Verbruggen 2017; Lytton 2017). Nonetheless, it matters whether the actor assigning the role is a regulator or a rule-taker. A regulator is usually motivated to implement a common minimum standard (compared to a taker's possible aim to resist regulation or to use it as a competitive tool), and is more resource-rich and connected in terms of relationships (typically coming from a more legitimate and powerful position) than the rule-taker. Role adoption can be seen to involve organizational motives, resources, relationships, and activities, which we explore next.

3. Organizational roles

The notion of an organization adopting a role is not novel in regulation and governance, but the term has typically been used either implicitly or in a loosely defined way. Traditionally, scholars have assigned the societal sectors of government, business, and civil society specific and fairly static roles. As regulators, governments have mandated, facilitated, partnered, or endorsed (Fox *et al.* 2002), using informational, economic, legal, and/or partnering instruments (Steurer 2010; see also Gulbrandsen 2014). For instance, a government could mandate companies to produce environmental and social reports, or it could support an intermediary initiative, such as the Global Reporting Initiative's guidelines for sustainability reporting. Corporations, as takers of regulation, have been seen as leaders and laggards, or dirty and clean (e.g. Bansal & Roth 2000; Prakash & Kollman 2004), while social or sustainable entrepreneurs are often perceived as innovators (Cohen & Winn 2007; Dacin *et al.* 2010). For example, perceived corporate sustainability leaders, such as Unilever and Patagonia, tend to be active in a

range of regulatory programs, while laggards tend to be more passive or can adopt strategies to influence legislation through, for instance, lobbying (Ruggie 2017). Civil society, on the other hand, has played many roles toward business and regulation, such as so-called sharks, orcas, sea lions, and dolphins (Elkington & Fennell 1998; van Tulder & van der Zwart, 2006), or preservers, protesters, modifiers, and scrutinizers (Ahlström & Sjöström 2005). For instance, Hoffman (2009) conducted network analyses to identify distinct roles that environmental nongovernmental organizations (NGO) enacted toward industry. In this study, World Wildlife Fund was labeled as a mediator at the core of corporate networks, Rainforest Alliance was seen as a bridge across industries, and Friends of the Earth was called an isolate because of its adversarial relation to corporations.

While these mostly descriptive studies have often defined roles in a conceptually loose way, more recent work has attempted to develop a more systematic role-based framework for analyzing organizational activities across sectors. For example, recent studies have examined the roles that environmental NGOs adopt in relation to industry in the United States (US) – Bertels *et al.* (2014) identify portals, coordinators, members, fringe players, and purists – and the roles of different organizations in industrial symbiosis networks in the United Kingdom (UK) – Paquin and Howard-Grenville (2013) emphasize the central role of network orchestrators. Similarly, Peterman *et al.* (2014) explore the roles that US government agencies adopt in an energy efficiency network with public, corporate, and civil society members. The authors lab government agencies as commissioners, interpreters, marketers, or users. In a follow-up study, they find that role adoption – in this case whether you take central versus more passive roles in the network – has important consequences on the types of knowledge that participants gain from the program (Peterman *et al.* 2015). Finally, using survey data, Nasiritousi *et al.* (2016) distinguish between a range of activities or roles that non-state actors enact when taking part in climate change conferences.

In this paper, we develop a framework of intermediary roles. In this context, we define an organizational role as a purposive, resource-based, and relational function exhibited through a specific activity or a set of activities in a regulatory program. Building on the work of Peterman *et al.* (2014, 2015), Nasiritousi *et al.* (2016), and Abbott *et al.* (2017b), we perceive an organizational role to involve four key interrelated elements: the activities that the organization exhibits in this program; the motives that an organization has to participate in a particular program; the relevant resources available to the organization; and the relationships to other actors in this program. These four elements are depicted in Figure 2. We see motives and resources as organizational attributes, while relationships and activities take place within the program.

In defining the notion of an organizational role, we explain that it is "exhibited through a specific activity or a set of activities" to indicate that the most visible aspect of organizational roles are the activities that they involve. Nonetheless, to be able to perform a role successfully, these activities need to be aligned with motives, resources, and relationships. For instance, if a civil society organization is highly motivated to appropriate an orchestrating role in a private regulatory scheme, it will need an extensive resource base and strong ties across all types of
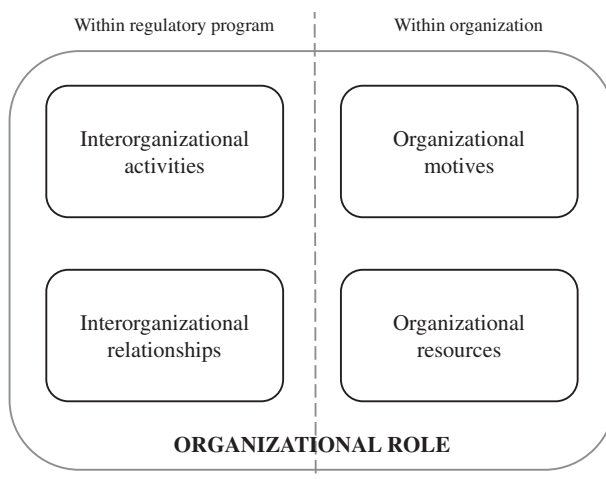

Figure 2 Elements of an organizational role.

relevant organizations. In this paper, we explore different types of intermediary roles by examining how specific exhibited activities need to be aligned with specific motives, resources, and relationships.

Previous research on regulatory intermediaries has also explored elements such as motives, resources, and relationships. Abbott *et al.* (2017b) indicate that the motives of regulatory intermediaries may vary widely, including receiving payment, achieving competitive benefit, creating social value, and/or shaping regulation. Abbott and Snidal (2009) and Abbott *et al.* (2017b) also present essential competencies or capacities that regulatory intermediaries need. We view two of their essential capacities as corresponding to resource-related elements – expertise and operational capacity – and two of their capacities as relevant to the types of relationships regulatory intermediaries have – independence from regulators and rule-takers and representativeness/legitimacy.

While Peterman *et al.* (2014, 2015) describe how an organizational role involves motives, resources, and relationships, each of these elements is also present in recent theorizing on regulators, intermediaries, and rule-takers. For instance, Abbott *et al.* describe how "the U.S. Food and Drug Administration (FDA) enlists independent bodies to accredit private auditors to monitor food imports, supplementing the limited number of agency inspectors" (2017a, p. 15). The motives of the FDA are communicated to private auditors through contracts, standards, and inspection guidelines set by the regulator. The activity of the intermediaries in this context necessitates an understanding of the complementary and available resources of not only the private auditors, but also the regulator and its limited number of inspectors. The FDA is vastly outnumbered by the number of rule-takers to which its regulation is applied, yet its mandate requires a wide inspection. Thus, the need to acquire resources introduces a relationship with intermediaries enacting a role in line with the regulator's, the FDA's, motives. The relationship between the regulator and intermediaries can become more or less formal depending on the provision of the mandate, contracts, and the exchange of resources. In terms of relationships, the FDA is clearly in a central governance position with a formally mandated relationship to the vast number of rule-takers. Thus, examining the activities and their underlying elements contributes to the RIT model and "helps us to better understand both intragovernmental and extragovernmental relationships within regulatory regimes" (Abbott *et al.* 2017a, p. 18). As such, the FDA's role and its interconnectedness to other actors' roles can be better understood by examining interrelated motives, resources, relationships, and activities.

In studying regulatory intermediaries, we argue that it is useful not only to recognize the activities they perform, but also to understand the alignment of activities with elements that allow a role to be adopted successfully. We argue that organizational motives, resources, and relationships are an integral part in understanding organizational activities in regulatory programs. While all of these elements can be conceptually measured independent of each other, they are demonstrably interrelated not only for a particular actor, but also across actors. Thus, roles should not be examined in isolation but inclusively and relative to each other. While it is important to understand the activities conducted and roles adopted by regulatory intermediaries at the organizational level, the development of roles also takes place through interaction at the program level and across programs. In our study, we focus on how regulatory intermediaries adopt roles exhibited by a specific activity or set of activities within regulatory programs, and also propose how organizational motives, resources, and relationships need to be aligned to perform this activity. Furthermore, it should be noted that a single organization can adopt several roles and multiple organizations can adopt the same role in an interorganizational setting.

The inspiration for a more systematic examination of interorganizational roles comes partly from the symbolic interactionist tradition of role theory (see Biddle & Thomas 1966; Biddle 1986; Jones & Volpe 2011), which has a long history in sociology and social psychology. According to this theory, individuals' social behavior is predictable based on socially defined roles. Actors may hold any number of social roles, such as mother, employee, and citizen, each of which involves a set of expectations, duties, and behaviors that a person may or may not fulfill in relation to other persons. While research within role theory has predominantly focused on individual roles, this paper reviews attempts to bring some elements of role theory to the organizational level. Thus, while we do acknowledge that there are differences between interpersonal and interorganizational levels, we perceive that organizations go beyond instrumental benefits in responding to relational expectations. Organizations are able to enact multiple roles and these should be understood and explored as interrelated to other roles within the interorganizational context. In line with Brès *et al.* (2018), this brings to the forefront the socially constructed nature of regulatory programs.

In this paper, we extend the emerging literature on organizational roles and offer a role-based classification to examine different regulatory programs and the work of regulatory intermediaries.

4. Classification of regulatory programs

Transnational governance of business conduct takes place through a variety of programs ranging from mandatory legislation to more voluntary approaches. In this section, we categorize and briefly review existing generic regulatory programs and their interaction in transnational governance. Figure 3, when examined column-by-column, presents the drivers that have led to the emergence of particular governance programs, and names these generic programs and the remaining barriers to the implementation of each type.

The classification provides a sense of this complexity and breath of transnational governance of business conduct by depicting the drivers, forms, and barriers of key generic programs ranging from mandatory international intergovernmental legislation to alliances. The figure does not provide a very detailed account of all programs (e.g. separating between a variety of different guidelines, codes, standards, and labels), but arguably bundles and covers the most important types. It also takes into consideration interaction between different programs over time, the development of hybrid programs, and the emergence of new programs. In terms of the RIT framework, the regulator itself has a formal role in mandatory governmental or international legislation, and typically in the related incentives as well. Incentives can also be developed and implemented by regulatory intermediaries and/or in collaboration with rule-takers. Certifications and alliance programs are forms of regulatory intermediaries themselves in which rule-takers can also participate.

Figure 3 distinguishes between four regulatory programs. First, governmental and intergovernmental legislation aims to create minimum standards, but faces many challenges, including market imperfections and enforcement (Short & Toffel 2010; Wright *et al.* 2012; Bartley 2014). Examples of transnational legislation are European Union Corporate Law Directives or international labor rights agreements. Second, incentives are not a rule-setting program per se, but have been created to facilitate the implementation of technologies and new collaborations (Mitev & Venters 2009). An example is a regional incentive program to support renewable energy, such as a European Union program implemented by national governments. Third, hundreds of certification schemes ranging from forest certification to working conditions in the apparel industry also exist (see Bartley 2007;

Drivers

| Creating minimum standards | Reducing financial burdens | Achieving legitimacy | Closing knowledge gaps |

Programs

| Legislation | Incentives | Certifications | Alliances |

Barriers

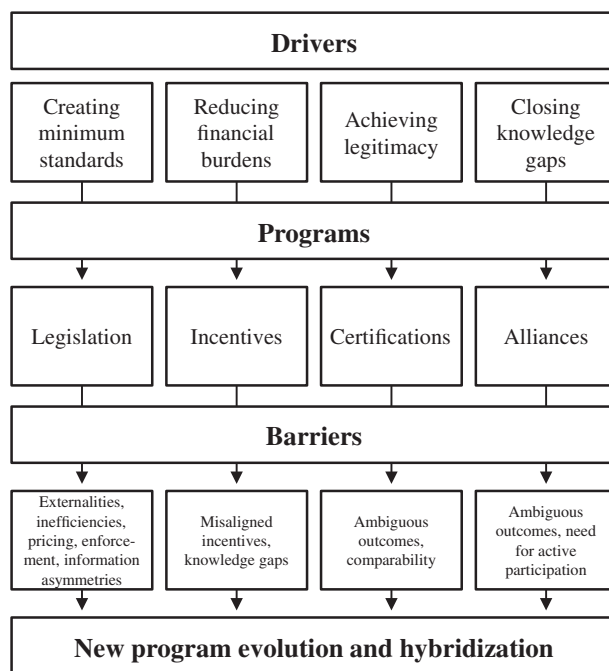| Externalities, inefficiencies, pricing, enforcement, information asymmetries | Misaligned incentives, knowledge gaps | Ambiguous outcomes, comparability | Ambiguous outcomes, need for active participation |

New program evolution and hybridization

Figure 3 Classification of regulatory governance programs and their drivers and barriers (adapted from Peterman *et al.* 2012).

Abbott & Snidal 2009). Prominent examples of this form of private regulation include the Fair Trade label, Forest Stewardship Council, and Leadership in Energy and Environmental Design (LEED). Within the category of certification, we include a range of standardization schemes, guidelines, and principle statements aiming to function as voluntary rule setting. Fourth, we also see a blooming of regional and national alliance programs around issues such as energy, water, waste, and infrastructure. Examples include alliances related to energy conservation of buildings (Peterman *et al.* 2014), industrial symbiosis (Paquin & Howard-Grenville 2013), and zero-carbon built environments (Rydin 2013). These types of initiatives differ from certification schemes as they focus on knowledge sharing and innovation without a rule-setting agenda. Alliances thus support implementation by organizing typically smaller scale interorganizational networks.

All of these different programs have emerged in specific temporal, geographical, societal, and political contexts to deal with existing challenges. The field of governance programs is thus clearly dynamic and intertwined (Abbott & Snidal 2013; Grabosky 2013; Auld 2014; Eberlein *et al.* 2014). As an example of the interconnectedness of programs, incentives are closely linked to legislation. Often certification programs become legislation, as is the case with Global Reporting Initiative sustainability reporting guidelines converting into law in some Nordic countries (Glasbergen 2011) and the LEED building certificate becoming the building code in the city of San Francisco (Peterman *et al.* 2012). Alliances support the implementation and development of other regulatory programs. In Figure 3, regulatory dynamism is indicated by the bottom box of new and hybrid program evolution. Our framework thus allows for the evolution of programs over time to address new barriers.

Our classification of regulatory programs differs from prior categorizations, such as Abbott and Snidal's (2009) actor-centric and Palazzo and Scherer's (2010) form-centric ones. Our categorization tends to be more inclusive, as strictly speaking, it contains not only regulatory programs but also programs related to their implementation – incentives and alliances, neither of which are aimed directly at developing rules to govern business conduct. The reason for taking a more inclusive approach is to be able to explore a wider range of regulatory intermediaries. Nonetheless, it should be noted that in contrast to Abbott and Snidal (2009), we do not include single-actor initiatives. At the same time, our classification is not as fine-grained as Abbott and Snidal's (2009) or Palazzo and Scherer's (2010). For instance, we group Palazzo and Scherer's (2010) standards and procedures of auditing and compliance enforcement together with the marketing of labels and certifications into one category.

We argue that our classification of regulatory programs and subsequent theorizing of organizational roles is applicable to transnational as well as national and local levels. However, it is important to take into consideration several differences at these levels, such as the added complexity of overlapping layers of governance and the sometimes contradictory elements of regulatory prescriptions. Local and national forms of political and social organizing typically have a longer history and thus legacy compared to transnational governance forms that often tackle global problems that have only been recognized in the last few decades. Furthermore, there are multiple regulatory gaps at the transnational level, potentially leading firms to move their operations to pollution havens or to enter a so-called race to the bottom to reach the lowest labor costs. Transnational regulatory programs also face coordination difficulties because of the larger number of actors. On the one hand, there are situations of asymmetric information between different organizations, as well as the potential for added confusion at the organizational level. On the other hand, there are further opportunities for innovation related to translational and coordinative roles. Additionally, the voices of marginalized actors, especially at the local level, may not be heard. These programs bring forth further power elements as the resources and influence of established transnational actors enable them to occupy central positions. All things considered, we argue that our theorizing about roles is applicable to all levels of analysis from the very local to the global, but the inherent differences in these forms of organizing need to be taken into consideration. We turn next to the variety of intermediary roles and related activities that exist in the identified regulatory programs.

5. Intermediary roles in regulatory programs

Recent work has aimed to provide broad overviews of activities related to regulatory programs. While not specifically listing organizational roles, Abbott *et al.* (2017a,b) describe several activities of regulatory intermediaries. Intermediaries' work is varied as they interpret and elaborate, translate into practice, provide assistance, evaluate alternatives, monitor compliance, enforce rules, create dialogue and trust, or combine some of these activities.

"Meta-intermediaries" accredit and supervise monitors themselves to ensure their trustworthiness. Furthermore, grounded in an empirical analysis of actors taking part in climate change conferences, Nasiritousi *et al.* (2016) offer a categorization of non-state actor governance activities, which includes influencing the agenda, influencing policymakers, taking mitigating action, taking adaptive action, proposing solutions, providing expertise, evaluating consequences, raising awareness, representing public opinion, and representing marginalized voices. We use these prior activity categorizations, as well as systematic role analyses (Bertels *et al.* 2014; Peterman *et al.* 2014), as a foundation for our theorizing and examine roles in the context of regulatory programs. We propose a broader view and a less fine-grained categorization by combining many of these activities into roles related to supporting the implementation of a program and voicing an opinion on such a program. In addition to these forms of intermediary activity, we are also interested in the creation of different regulatory programs and, an often-overlooked aspect, the coordination roles between multiple programs.

While recent research has started to examine the diversity of regulatory intermediaries and activities (Abbott *et al.* 2017a,b), little is known about the roles they are adopting, either formal or informal. Table 1 summarizes the intermediary roles that are available to a variety of organizations in each previously discussed regulatory program. Any individual organization can potentially adopt multiple roles and a single role can be adopted by multiple organizations. These roles may of course be shed by the actors that adopt them or, in the case of a mandate, revoked. The roles may also evolve over time in line with, or independent of, the actors, which themselves are not static. Thus, the resulting governance structure emerges from a "trickle-up and trickle-down" process across the fluid regulatory field (Bothello & Mehrpouya 2018) in which both actors and their roles may change and interact. Intermediaries take on different roles to compete and position themselves within the regulatory field (Bothello & Mehrpouya 2018).

We can cluster generic roles emerging from our analysis in Table 1. These roles involve the following four main activities: creating and/or organizing a program, coordinating between programs, supporting the implementation of a program, and voicing an opinion about a program. Each of these activities can be formal or informal depending on the level of development of the program and the dynamics of actors involved. The formality is reflected in the reading, intermediation, and interpretation of laws and social construction of the resulting rules of conduct (Brès *et al.* 2018). Informality can also occur by design, as formal roles tend to be more legitimate, but informal roles can be more flexible. The rigidity of the order can vary across levels, such as local or international organizations, as well as over time, as soft laws can become hard once endorsed by governments (Brès *et al.* 2018. p. 4). The effectiveness of these roles is dependent on a constellation of rule-intermediaries (Bothello & Mehrpouya 2018) and their dynamics.

Creating and/or organizing a program involves the roles of Creator, Commissioner, Convenor, and Disruptor (see e.g. Jiang & Bansal 2003; Peterman *et al.* 2014). These roles tend to be more formal, involving strong motives to affect regulation and develop new (proto)institutional structures aimed at standardization. They tend to involve significant resources and relationships, especially in programs that have been able to gain legitimacy and scale. The exception would be an actor trying to disrupt existing regulatory regimes by creating a new competing program. In this case, the motives for change are likely to be high, but the resource-base and extent of interorganizational relationships will be central to achieving success and legitimacy.

An example of a Creator organization is the Council on Economic Priorities, which established Social Accountability International (Bothello & Mehrpouya 2018). However, as the rule-takers' areas of business conduct become seen as legitimately subject to regulation, they may experience multiple incompletely overlapping programs that vary from the harder local and national to softer transnational level programs (Abbott *et al.* 2017a). These programs themselves – each with their respective regulators, intermediaries, and rule-takers – compete, operate in parallel, and collaborate. Targeted actors have also developed separate programs and have taken on the role of Creator of programs preferring industry self-regulation. The forestry sector, for example, is an early instance of a targeted industry creating a private self-regulation program for its industry (Bartley 2007). The timing of the creation or organization of programs varies across cases ranging from rule-taker developed pre-emptive programs, as per the sweatshop and sustainable forestry examples, to the usurping of regulator required disclosure programs, such as in the case of fracking industry intermediaries (Avidan *et al.* 2018, p. 4). In terms of other roles, within the Better Buildings Alliance, a cross-sector alliance aiming to improve the energy efficiency of buildings, the US Department of Energy took on the role of Commissioner (Peterman *et al.* 2014), while The

Table 1 Intermediary organizational roles in regulatory programs

Governance program	Intermediary role and activity	Alignment with motives, resources, and relationships	Example
1. Legislation	*Harmonizer*: supports consistency of program across regimes	Moderate motives to affect regulation and create social change, relevant resources and expertise, and strong relational network	European Union aiming to harmonize national and international regulation
	Facilitator: provides means for program to take place	High motives to affect change, considerable resources and relationships	United Nations agency providing platform for national regulators to meet
	Bridge: creates connections across programs	Moderate motives to affect regulation and create social change, relevant resources and expertise, and strong relational network	A consultancy advising on effective dialogue structures for multiple programs
	Translator: explains the gap between legal and practical	Moderate motives to create change and/or receive payment, task-specific resources and strong local or user relationships	A labor union explaining global regulation to national organizations
	Marketer: promotes program	Moderate motives to create change and/or receive payment, communications related resources and broad visibility in terms of relationships	NGO supporting particular legislation
	Counselor: participates in creation of program	High participation motives, specific expertise and strong ties to program creator	A stakeholder being consulted in the drafting of legislation
	Expert: provides knowledge	High participation motives, specific expertise and typically independence from program creator	University conducting research on effects of particular regulation
	Critic: criticizes process or outcome of program	High participation motives, specific expertise and typically independence from program creator	A watchdog organization criticizing regulatory process
2. Incentives	*Creator*: builds the program.	Strong motives to affect regulation and standardizing, and significant resources and relationships	Government providing incentive for company to implement international program
	Translator: explains the gap between legal and practical	Moderate motives to create change and/or receive payment, task-specific resources and strong local or user relationships.	Consultancy helping organization make use of incentive opportunity
	Marketer: promotes program	Moderate motives to create change and/or receive payment, communications related resources and broad visibility in terms of relationships	Political party supporting program
	Expert: provides knowledge.	High participation motives, specific expertise and typically independence from program creator	Research institute studying impact of incentives

Table 1   Continued

Governance program	Intermediary role and activity	Alignment with motives, resources, and relationships	Example
3. Certification	*Convenor*: provides platform for program development	Strong motives to affect regulation and standardizing, and significant resources and relationships	NGO providing platform for new multistakeholder initiative
	Enforcer: verifies standard implementation	High motives to create change and/or receive payment, task-specific resources and strong ties to program creator	Consultancy enforcing a certification scheme.
	Expert: provides knowledge.	High participation motives, specific expertise and typically independence from program creator	University conducting research on the development of certification
4. Alliances	*Commissioner*: initiates platform for multistakeholder interaction	Strong motives to affect regulation and standardizing, and significant resources and relationships	Ministry initiating and organizing a multistakeholder initiative
	Marketer: promotes alliance.	Moderate motives to create change and/or receive payment, communications related resources and broad visibility in terms of relationships	Member organization promoting alliance to non-members
	Expert: provides knowledge	High participation motives, specific expertise and typically independence from program creator	NGO supporting alliance by sharing its expertise
New programs and hybridization	*Disruptor*: addresses existing barriers by creating new competing programs or hybrids	Strong motives to affect regulation and standardizing, and significant resources and relationships	NGO launches new type of program to compete with an existing one.
	Consolidator: merges existing programs	Moderate motives to affect regulation and create social change, relevant resources and expertise, and strong relational network	Two separate programs decide to merge into one

NGO, non-governmental organization.

Forests Dialogue (TFD) is an example of a Convenor bringing together a range of stakeholders to explore sustainable forest management and conservation globally. Often the development of new forms of programs has involved a certain level of interruption, as Disruptors aim to bring new competing programs to an existing system of governance programs.

Coordinating between programs is a job for Bridges, Harmonizers, and Consolidators. These roles typically involve moderate motives to affect regulation and create social change, relevant resources and expertise, and a strong relational network. The key success factor of enacting these roles is the embeddedness into multiple networks and the perceived legitimacy as an actor coordinating between multiple programs. These coordinating roles allow for some flexibility across different levels, such as local level adaptation to national or global programs. An example of a regulatory coordinator is the International Council for Local Environmental Initiatives/Local Governments for Sustainability, a regulatory intermediary serving as a Bridge for urban sustainable development policies between the United Nations and local authorities (Bothello & Mehrpouya 2018). Similarly, the European

Union plays a Harmonizer role in coordinating across European national food agencies (Brès *et al.* 2018). Coordination across regulatory programs may be an activity that is divided across a constellation of actors and institutions, as in the case of NGOs, investors, and unions (Monciardini & Conaldi 2018).

In instances of nascent regulatory fields where the structures are yet to be defined, intermediaries in emerging programs may be supported by sponsors from adjacent or proximate fields (Bothello & Mehrpouya 2018). Powerful actors, such as the so-called Big Four audit companies, may also influence the development of corporate social responsibility policies that impact entire supply chains (Fransen & LeBaron 2018). As these intermediary actors diffuse programs across sectors beyond their initial design, they enact a coordinating role. A Consolidator of programs can also emerge in nascent regulatory fields as programs, for instance, competing ecolabel schemes can merge to achieve greater impact.

The broad category of *supporting the implementation of a program* is perhaps the area where research is most needed (and arguably conducted) because of the variety of activities of organizations. These activities are completed by roles of Translator, Marketer, Facilitator, and Enforcer. Similarly, the types of organizations conducting these activities are varied, ranging from consultants to government agencies and NGOs to think tanks (King & Lenox 2000; Palazzo & Scherer 2010; Pierce & Toffel 2013; Brès & Gond 2014; Peterman *et al.* 2014, 2015). The motives are equally varied and can, for instance, involve affecting regulation, achieving social change, and/or receiving payment. The intermediary's activities may also change through the process of program implementation. Expert intermediaries may evolve from apolitical technocrats to consultants (Bothello & Mehrpouya 2018). While motives to participate are typically fairly high, resources and relationships can vary depending on the more specific role. The specific resources and expertise that organizations can offer to support the implementation of programs are going to become very important to successfully enact these roles.

Supporting the implementation of a program includes the types of activities mentioned by Abbott *et al.* (2017b), including interpreting, elaborating, translating, providing assistance, evaluating alternatives, monitoring compliance, and creating dialogue and trust. To implement regulatory programs, intermediaries both read and interpret the law (Brès *et al.* 2018). Through their interpretation of rules, intermediaries can take on a jurisgenerative role, resulting not in dialogue about regulation but the development of legal regimes, as in the case of the Fair Labor Association (Brès *et al.* 2018; Paiement 2018). The intermediaries also specify their own role in the implementation process. For example, a "technocratic" intermediary aims to make issues non-controversial and apolitical (Bothello & Mehrpouya 2018, p. 13). By providing a version of the implementation of the program, intermediaries may also become the targets of capture (Abbott *et al.* 2017a). Alternatively, rule-takers may promote intermediaries to fulfill such a captured role. For example, Avidan *et al.* (2018, p. 1) discuss how FracFocus implements a required disclosure program in the fracking industry and makes important data available but does so in a manner that limits accessibility and reduces the comprehensibility of environmental and public health risks.

Intermediaries themselves may expand their role by appropriation and advancement of their own agenda. For example, the Big Four audit firms arrive at their own interpretation of social and financial outcomes and, in doing so wield influence over public and private regulators and other stakeholder groups (Fransen & LeBaron 2018, p. 4). In cases of wide but inconsistent regulatory adoption, the targeted actors may even become fatigued by the implementation of different audits and standards (Locke 2013).

Finally, *voicing an opinion*, can take the form of becoming a formal Expert or Counselor or a (usually) less formalized Critic role. These roles typically involve high motives to participate (e.g. ranging from shaping regulation to achieving social change and from receiving payment to exhibiting organizational identity), relevant resources, and a varying degree of relational embeddedness. Different actors can take on the various roles available to intermediaries through which they can voice their influence over the regulatory process. In an aforementioned example, the independence and legitimacy of expert intermediaries is highlighted in cases such as the US fracking industry where FracFocus speaks as an intermediary while essentially operating as an industry-driven initiative disguised as a regulator (Avidan *et al.* 2018, p. 1). To complicate the distinctions between regulators and rule-takers, the Expert roles taken on by intermediary actors may well oscillate in terms of their independence and subjective legitimacy. For example, analysts in pharmaceutical companies have been described as knowledge intermediaries that at times serve differing interests (Mehrpouya & Samiolo 2018). Finally, increasing attention has recently been paid to activist participation in regulatory processes, often as Critics (Dubuisson-Quellier 2013; Ména & Waeger 2014; Nasiritousi *et al.* 2016).

All things considered, we see patterns emerging from our role analysis. To understand intermediary roles in regulation, we argue that it is necessary to examine who participates, why they do so, what they bring to the table, who they know and interact with, and what they do. Each factor needs to be aligned to successfully enact a role. We agree that it is necessary not only to analyze particular programs or initiatives but also to assess larger structures including, but not limited to, for example, supply chains and their underlying dynamics (Bothello & Mehrpouya 2018).

6. Role insights for research on regulatory intermediaries

Based on this overview of the range of roles in regulatory programs, we can emphasize the benefits of a role-based framework. It can provide several insights into understanding complex regulatory environments. First, it necessitates a broad analysis of involved organizations, their motives, resources, interconnectedness with other relevant actors in and across regulatory programs, and their activities. It also allows us to explore cooperation and conflict as often several organizations, each supported by their respective configurations of elements, aim for the same or a similar role. Through an analysis of the underlying elements underpinning regulatory roles, individual organizations can better understand the opportunities they have for role adoption and the constraints they may face if changing their role or adopting a new one. They can also better identify the levers of change, and distinguish between more central and peripheral roles.

Second, the framework opens up the possibility to analyze roles that span across regulatory programs, emphasizing coordination and knowledge flows across programs. It is common for one organization to enact different roles across multiple regulatory programs. In comparing role constellations across programs, we can also identify roles that exist in one context and that are missing in another, with potential implications to the effectiveness and impact of a program. Ultimately, when assessing national role configurations, we can estimate why some countries are developing faster or implementing stricter policies than others, why some technologies are adopted while others are not, and why some organizations' voices are heard while others' are not.

Third, role-based analysis of regulatory programs allows for the study not only of the identification of roles and related success factors but also of dynamism and role processes, including both downstream (Abbott *et al.* 2017c) as well as upstream processes (Brès *et al.* 2018). Indeed, by focusing on roles and their elements rather than only the actors, one can more inclusively assess the potential of regulators, intermediaries, or rule-takers to enact that role. Recognizing a competitive framing within regulatory programs, an assessment of the motives, resources, relationships, and activities of the actors is necessary to understand each actor's potential for assigning, appropriating, or promoting program roles. We argue that such a perspective is of use not only for an analysis of regulatory or role capture, but also for the identification of instances of institutional entrepreneurship in the form of governance innovations through the recombination of these relative elements. Thus, a clarification of roles enhances our understanding of the interrelated activities within the RIT framework.

Fourth, examining roles can shed light on how barriers to implementing regulatory programs can be overcome. The identification of the roles and the underlying elements can provide insight into the relative alignment, or indeed, misalignment, among the actors within the regulatory program. Such a perspective can benefit an analysis of program incentives, their misalignment, and potential knowledge gaps from each actor's perspective. Similarly, ambiguous outcomes in certification and alliances can be addressed through a perspective that recognizes the elements required to enact such a role within the program. Our framework can also contribute to comparability of a specific program and across programs. Finally, such a perspective may well allow for comment on the structuring of regulation itself through a better understanding of how particular roles can address externalities, inefficiencies, pricing, enforcement, and information asymmetries.

7. Conclusion

This paper developed a framework of intermediary roles in regulatory programs focused on business conduct. We explored organizational roles as being exhibited through activities and enacted successfully depending on alignment with organizational motives, relevant resources, and relationships with other actors. We first used and extended the RIT framework to describe three role adoption processes: a regulator-driven role assignment for

intermediaries, an intermediary-led role appropriation process, and an intermediary role promotion approach supported by rule-takers. This novel way of using the RIT framework grants agency to all of the actors involved and allows for further complexity in assessing regulatory programs and the constellation of roles therein. Furthermore, we identified four key regulatory programs – legislation, incentives, certification, and alliances – and described the drivers and barriers of each. Building on recent research (Bertels *et al.* 2014; Peterman *et al.* 2014; Nasiritousi *et al.* 2016; Abbott *et al.* 2017a,b,c), we presented generic intermediary roles for each of these regulatory programs. Subsequently, we discussed how role-based thinking at the program level and across programs could provide several insights to the field of regulation and governance.

Previous literature has tended to focus on specific programs, such as legislation or certification, without paying enough attention to the dynamic interaction between programs. Similarly, the empirical focus has often been on a specific actor itself, or in some cases, typologies of activities (Nasiritousi *et al.* 2016; Abbott *et al.* 2017a,b). We build on these works by providing a relational role-based framework to analyze the dynamic complexity of regulatory programs. While the focus thus far has been either on "who is doing what" or "what is being done," we argue that further emphasis should also be placed on what interrelated organizational elements are needed to successfully enact roles of regulatory intermediaries, as well as how dynamic interorganizational interaction takes place and should be organized in and across regulatory programs. In a more dynamic governance environment, new and old actors are adopting novel roles to regulate business conduct and mediate this regulatory process.

Our analysis of intermediary roles raises many unanswered questions and/or un(der)researched areas in transnational as well as national governance. We suggest further studies of a descriptive, normative, and instrumental nature for different levels of analysis. We propose scholars in the field of regulation and governance should aim to describe the types of roles that different actors, especially intermediaries, adopt in different regulatory programs and the related role processes. Additionally, scholars are well positioned to also evaluate what kind of role(s) organizations should adopt and how we should design regulatory regimes as constellations of roles. Finally, at the organizational and institutional level, we can also analyze what roles and role constellations lead to the best outcomes.

At the individual level, organizations need to decide which member should participate in the coordination and implementation of a particular role. Research into the individual level backgrounds of key intermediary personnel may also affect the reading and interpretation of regulation, such as Mehrpouya and Samiolo's (2018) identification of pharmaceutical analysts' business or health policy backgrounds. Based on anecdotal evidence, we can say that company representatives, such as corporate responsibility directors or managers, often experience fatigue in running from one sustainability initiative meeting to another. Instead of only exploring interorganizational interaction, the interpersonal level of regulatory work is understudied and undertheorized.

At the organizational level, scholars can study the opportunities for role innovation – that is, changing their role or adopting a new one – as well as the related limits in particular regulatory contexts. In principle, any actor (public, corporate, or civil society) can adopt any role but obviously there are constraints, such as lack of motivation, inadequate resources, and/or limited relationships. The roles that organizations adopt and the activities exhibited need to be aligned with motives, resources, and relationships. However, more empirical research is required to contextualize these elements within specific regulatory programs. At this stage, we know fairly little about the organizational level consequences of roles. Adopting a particular role can have important implications for knowledge and value creation or achieving other organizational aims. Furthermore, different situations of failure of role adoption should be documented and analyzed. Organizations can obviously take part in multiple governance programs and enact multiple roles at the same time, which poses new challenges of how to manage multiple roles simultaneously. The challenge for regulatory intermediaries becomes how to find the complementarities of multiple roles.

At the interorganizational level, we theorized about role assignment, appropriation, and promotion, but several other role phenomena also exist, such as role consensus, conflict, and ambiguity (Peterman *et al.* 2015). Transnational regulation is obviously not immune to conflict – far from it. Instances of role conflict of actors fighting for the same or similar roles are common, for example, when examining competing standards (often between industry and NGO-led standards). Role dynamism, including the possible transition from informality to formality, as well as the distinctions between intermediaries and rule-takers and regulators (Paiement 2018), should be explored further. As regulation diffuses through programs and actors, further research should look not

only at industries, sectors, or initiatives, but also at intra-organizational relations, networks, and structures (Peterman *et al.* 2014).

At the program level, we have long aimed to understand whether and how it is possible to manage or orchestrate networks (see Provan & Kenis 2008). As roles involve relational expectations, they cannot be understood in isolation. The context of roles, that is, what role constellations exist in different forms of regulatory approaches (e.g. hierarchical initiatives vs. looser networks), is an important avenue for future research. Similarly, we need to further develop criteria for evaluating individual regulatory programs, especially portfolios of programs. When is a regulatory regime (a combination of multiple interacting governance programs) efficient, effective, impactful, and/or sustainable? Do the actors – regulators, rule-takers, and intermediaries – in regulatory programs learn from other programs (Avidan *et al.* 2018)? In its description of interacting regulatory governance programs, Figure 2 is a simplification of a complex regulatory environment spanning multiple regulatory regimes and levels. While it is a useful overview for the purposes of understanding organizational roles, it is likely to need further refinement.

Thus, in terms of directions for future research, we should expand our understanding of organizational roles. The list of intermediary roles presented in this paper is not likely to be exhaustive, thus it is important to expand it using empirical research. Future research should test whether the mentioned elements of roles are indeed the most salient in determining the successful enactment of a role or whether others exist. Scholars should explore what is the potential of any organization to adopt a completely novel role or whether there are path dependencies through which powerful organizations adopt more and more central roles. Recognizing the agency not only of regulators and rule-takers but also of intermediaries, and research into role innovation or entrepreneurship, may also inform inquiry into the emergence of new roles and role adoption by new actors in and across programs. Cross-thematic and cross-institutional studies would be very beneficial to understand the boundary conditions of our analysis. All things considered, intermediary roles in transnational and national regulation offer many fruitful avenues for scholarly and practical work.

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