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# UNDERSTANDING THE ORGANIZATIONAL REGULATION OF SOCIETAL RISK THROUGH THE COMBINATION OF NEW INSTITUTIONALISM AND SOCIAL REGULATION THEORY. A PROPOSAL.

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## UNDERSTANDING THE ORGANIZATIONAL REGULATION OF SOCIETAL RISK THROUGH THE COMBINATION OF NEW INSTITUTIONALISM AND SOCIAL REGULATION THEORY. A PROPOSAL.

### **Abstract:**

This contribution proposes to articulate the New Institutionalism with the Social Regulation Theory with the aim of studying the organizational regulation of societal risk. As the New Institutional background provides a framework for grasping how levels of regulation articulate, the Social Regulation theory deconstructs the social dynamics underpinning organizational regulations occurring at the level of the public agencies in charge of managing societal risk. Taken in their institutional context, organizational responses to societal risk can then be depicted as the result of organizational interactions and compromises between the actors involved in their formulation. The case of the Advisory Committee of the Belgian Food Safety Agency is developed for illustrating the explanatory potential of the model.

### **Résumé:**

La présente contribution propose d'articuler le Néo-Institutionnalisme et la Théorie de la Régulation Sociale dans le but d'étudier la régulation organisationnelle du risque sociétal. Alors que l'apport néo-institutionnaliste constitue un cadre pour saisir l'articulation entre niveaux de régulation, la Théorie de la Régulation Sociale permet de déconstruire les dynamiques sociales s'opérant au sein des agences publiques en charge de la gestion du risque sociétal. Prises dans leur contexte institutionnel, les réponses organisationnelles adressées au risque sociétal peuvent ainsi être décrites comme résultant des interactions sociales et des compromis entre les différents acteurs impliqués dans leur formulation. Le cas du Comité Consultatif de l'Agence belge de Sécurité Alimentaire est déployé afin d'illustrer le potentiel explicatif d'un tel modèle.

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## **Introduction**

This contribution, presented at the 27<sup>th</sup> EGOS Colloquium in Goteborg, is at the intersection of organizations studies, public administration and public policy analysis and proposes to combine New Institutionalism and Social Regulation Theory to understand organizational regulations of societal risk. While the former contributes to understand how the different levels of regulation articulate, the latter allows an in-depth and dynamic understanding of the organizational regulations at stake, at the level of the agency. In this context, organizational responses to societal risk can be seen as the result of social interactions or as the expression of a compromise between the actors involved in the formulation of the organizational response.

The first section of this paper delineates the different concepts. Having discussed the notions of risk and regulation, it will point to the necessity to examine both external and internal dynamics for understanding organizational responses of public organizations handling societal risk. The second section will expose the main principles of New Institutionalism by illustrating its potential application in public sector research. The Social Regulation Theory will then be presented as a theoretical corpus likely to complement NI. A discussion of both theories will highlight the point of convergence and will lead to the design of a theoretical model set up around the notions of external and internal organizational regulations. This model will then be applied to the Belgian Food Safety Agency. A specific focus will be put on the role played by the Advisory Committee in the production of regulatory standards setting. Finally, the main theoretical and empirical observations made in this contribution will be put in perspective in the final discussion and its limitations will be emphasized.

## **Organizations and Risk Regulation**

The ambition of this contribution is to design a theoretical model for understanding organizational responses to societal risk. Before initiating that conceptual discussion, it seems important to give a finer description of what we define as organizational responses. To do so, the concepts of risk and regulation will be briefly presented and positioned in the light of the research object of this paper, i.e. public agencies in charge of handling risk. Then, pointing several key contributions in the literature about risk regulation and organizations, this section will be concluded by emphasizing the importance of both including external and internal dynamics for studying organizational responses of public regulators managing societal risk.

### *Risk and Regulation*

#### **Defining Societal Risk**

With regard to the impressive amount of literature that has been accumulated around the concept of risk, an exhaustive review of the research that has been produced would be unthinkable in the context of this paper. The recent definition provided by Aven and Renn (2009: 1) proposes an operational definition of risk by referring to “uncertainty about and severity of the consequences (or outcomes) of an activity with respect to something that humans value”. Societal risk is made peculiar by its scope of consequences (Fuller and Vassie, 2004), its complexity (Ball and Floyd, 1998) and the various forms it can take depending on the context in which it is considered (Merhofer, 1987). As the concept has moved to a prominent position within social sciences, Lupton (1999) describes the different schools of thought that have nurtured the reflection about risk. Whereas one trend tends to concentrate on the micro-context of risk meanings, the other puts the focal on the macro-social processes and structure underlying interpretations of risk.

At micro level the cultural perspective of risk shows how the perception of risk is related to the configuration of the social structure as well as power, justice and legitimacy. Risk is functionally depicted as separating the self and the other and, by doing so, as ensuring social order and to avoid deviance (Douglas et Wildavsky, 1983; Douglas, 1985; Thompson et al., 1990; Rayner, 1992; Dake, 1991; Tansey et O’riordan, 1999; Swedlow, 2002). The psychometric approach considers the perception of risk as a cognitive process influenced by several factors such as familiarity and puts the stress on the differences existing between experts and laymen (See Slovic et al., 1980, 1985; Slovic, 1992; 1993; Sjöberg, 2002; 2004). Kaspersen et al. (1988) have focused on the idea of social amplification by focusing on various vectors – be they psychological, social, institutional or cultural – which tend to amplify or attenuate public responses vis-à-vis risks.

The French school puts the emphasis on the selection and the emergence of risk as public problems resulting from social and political processes. Gilbert (2003) proposes an operational approach of the development of risk policies by pinpointing the social dynamics occurring between/within the public authorities and the civil society. More formally, Borraz (2008) is inspired by the literature about agenda-setting and policy-making for explaining how risk can access the status of public problem. Once an activity has been characterized as risky, processes of mobilization transfer the issue from the private to the public sphere. The newly created public problem emerges in a controversial context where its measurement, its intensity and the means to control it are debated.

At a macro level, the governmentality perspective, inspired from the Foucauldian thought, examines risk as a technology of government disciplining individuals and ensuring the self-regulation of individual behaviors (O’Malley, 2009). Authors such as Beck or Giddens have broadened the scope of analysis by integrating risk in the context of modernity. The Risk Society is “a phase of development of modern society in which the social, political, ecological and individual risks created by the momentum of innovation increasingly allude to the control and protective institutions of industrial society.” (Beck, 1994: 27) According to Mythen (2004), the Beck’s argument rests on three pillars. Firstly, the transition to the Risk Society has materialized with the apparition of man-produced risks which are not limited either geographically or temporally. Secondly, risks now open space for total self-destruction as their amplitude is much greater than in the past periods of history. Thirdly, as opposed to the industrial era where risk assessment and management were ensuring a relatively safe society, the nature of modern risks cannot be fully and flawlessly addressed by public institutions. As a consequence, risk-regulating institutions are perceived as more and more fallible, engendering doubt and skepticism among the public. This latent lack of trust is also pointed by Giddens (1991) as a key feature of modernity affecting the dynamics of risk policies.

#### From risk to risk regulation

In social sciences, Hutter (2006a) proposes four general perspectives on regulation. The first two forms of regulation are respectively associated with the promulgation of authoritative rules and with the activities aiming at steering the economy. Along these lines, Baldwin and Cave (1999: 2) define regulation as “an activity that restricts behavior and prevents the occurrence of certain undesirable activities (...) [and] may also be enabling or facilitative.” In economics, Majone (1994; 1997) advocates the idea of “Regulatory State, claiming that the Keynesian conception of the interventionist state has been superseded by the expansion of the regulatory State. Due to privatization, liberalization and deregulation, the author observes multiple changes underpinning his argument: a shift from redistributive and macroeconomic policies toward a greater focus on the correction of market failures, a shift from taxation and spending to rule-making and the emergence of new political conflicts based on methods of regulation rather than budget allocations. A third perspective of regulation draws on sociology as it refers to social control designed for examining social dynamics as maintaining

of rules and discriminating of deviance. In the following of Durkheim, social control can be seen as the means by which the members of a society are able to impose conformity for guaranteeing common life (Cusson, 1983). The fourth perspective of regulation is directly related to risk. It aligns with the definition proposed by Hood et al. (2001: 3) describing risk regulation as the “governmental interference with market or social processes to control potential adverse consequence to health”. It materializes through an organized response to control risk which does not only involve the State but also considers the role played by other actors, active in the business sector or in the civil society. Interestingly enough, as one goes across these definitions, “the sources of regulation multiply and expand, and perspectives become even more inclusive.” (Hutter, 2006: 205) Encapsulating is the Black’s (2002: 20) definition taking into consideration this necessity for ‘decentering’ the concept of regulation: “the sustained and focused attempt to alter the behavior of others according to defined standards or purposes with the intention of producing a broadly identified output or outcome, which may involve mechanisms of standard-setting, information-gathering and behavior-modification.”

In this paper, we conceive organizational responses as the way public organizations in charge of risk handling react to external pressures influencing their mission of societal risk regulation, i.e. their mission of altering behaviors with the aim of producing specific outcomes through standard setting, information gathering and behavior modifying. Understanding these organizational responses can be done by seizing the internal dynamics through which public organizations (including structures and actors) organize for fulfilling their mission of risk regulation.

### *Risk Regulation and Public Organizations*

Risk regulation has two main centres of interest: risk and governance issues, and risk regulation and organizations (Hutter, 2008). The former focus is on how the regulatory State responds to risk in the broader context of policy making. Discussions are extended to the shift from the government to the governance of risk. The latter focal point is about how organizations take their place within systems of risk governance and how they “respond to the full range of regulatory and risk management pressures to which they are subject.” (Hutter, 2008: 2).

### Public regulators in context

Regulation and enforcement theory was originally structured around two contrasted models promoting either deterrence or compliance (Hawkins, 1984; Reiss, 1984; Hutter, 1989). Going beyond this binary perspective, research has shown that these two opposite enforcement approaches are combined by regulators depending on the attitudes of the regulated and on various factors such as the policy context or circumstances (Grabosky and Braithwaite, 1986; Kagan, 1989; Bardach and Kagan, 2002). This conception derives from the Scholz’s game theory-inspired demonstration setting the fundamentals of the tit-for-tat strategy: cooperation is preferable until the other player defects (Scholz, 1984). As a result, a new conception of regulation has flourished on the idea of responsiveness as developed by Braithwaite and Ayres (1992). A range of potential regulatory strategies (from C&C to self-regulation) and instruments (from persuasion to license revocation) become available for regulators: “law enforcers should be responsive to how effectively citizens or corporations are regulating themselves before deciding whether to escalate intervention” (Braithwaite, 2006: 886). More recent contributions highlight the need for adopting “really responsive” regulation by including cognitive and institutional dimensions (Baldwin and Black, 2007). Smart regulation differs from responsive regulation as its locus is different: “For Smart Regulation, the focus is the cultural, economic and institutional contexts in which regulatory arrangements are embedded (...) rather than the normatively laden negotiation of responsiveness and rational strategizing.” (Wright and Head, 2009: 202). It conceives

regulatory designs as deriving from a set of principles promoting creative and context-related strategies while encouraging the involvement of non-state actors through participative mechanisms of governance (Gunningham and Sinclair, 1998). Moreover, this pluralist view of regulation promotes the combinations of regulatory instruments whose articulation is underpinned by motives of efficiency and pragmatism (Gunningham and Sinclair, 1999). Along the same vein, research has paid attention to the other side of the coin by concentrating on the different regulatory pressures prompting companies and industries to compliance (Gunningham and Rees, 1997; Gunningham et al., 2004). This type of research has highlighted the presence of multiple regulatory influences within the regulatory space supporting the alleged transition from risk government to risk governance (Hutter and Jones, 2007). Hutter (2006b) notably puts the stress on the role of the economic sector – firms, insurance companies, auditors or consultants – and the civil society – NGO's, standards or professional organizations. In sum, public regulators operate in a complex community composed of different types of institutional actors involved in regulatory activities, what VanAsselt and Renn (2011) interpret as a paradigm shift questioning the role of non-state actors as well as the normative fundamentals of responsibility in risk handling. Despite this 'de-centring' trend supporting the thesis of a Post-Regulatory State, some insists on the persistence of the State in regulatory policies and its crucial role in the anticipation and management of societal risk (Crawford, 2006; Bartle and Vass, 2007).

### Organizing the regulation of societal risk

In this complex regulatory environment, organizations constitute a keystone of the Risk Society as they constitute "centres for processing and handling risks and potential producers and exporters of risk" (Hutter and Power, 2005: 1). Within this complex regulatory environment, our paper is interested in public agencies set up for conducting risk regulation policies. Thatcher (2002) operates the distinction between two types of independent regulatory agencies, the second being at the core of this contribution. The first type is in charge of the regulation of markets the correction of market failures. The second type includes bodies in charge of promoting public interests through standards, licenses, information and prohibition in various sectors such as environment, food or health. These organizations are embedded in a regulatory regime defined as the "institutional geography, rules, practice and animating ideas that are associated with the regulation of a particular risk or hazard". (Hood et al., 2001: 9).

Delegation of risk regulation to independent agencies raises questions about the dispositions assuring the imperatives of transparency and accountability. Power (2004) observes the explosion of risk management and hints at the proliferation of the methods of reputational risk management. These external imperatives and injunctions have led to the 'colonization of risk by risk' in reference to the more and more prevalent management of institutional risk among public regulators of societal risk: "In other words, there has been a growing emphasis on the risks of risk-management" (Rothstein et al., 2006: 3). In the same vein, French scholars have demonstrated that the internal activities of these organizations were becoming increasingly bureaucratized as a corollary of the growing societal expectation of independency and transparency (Benamouzig and Besancon, 2005; 2007). When delegation is conceived through the connection between risk game and blame game, Hood and Rothstein (2002) identify organizational strategies resulting from these pressures for openness and transparency, and materializing in different forms of reactions such as rebuttal, delayed response or re-orientation. These forms of blame-prevention engineering has a significant effect on risk regulation: "Defensive risk management, intended to minimize blame and liability falling on individual institutions and individuals, may both produce negative side-effects and substantial distortions in the handling of risk at society-wide level." (Hood, 2002: 34) One could also highlight the increasing pressure for public participation in risk regulation deriving from the general distrust towards expertise stemming from the thesis of modern reflexivity (Beck, 1992). Participation can be thought as the deliberative process

mechanism feeding the decision-making process by associating the public in the policy process. Authors have stressed the proliferation of these analytic-deliberative processes accompanying decision-making of public regulators in charge of societal risk and the growth of hybrid forums gathering experts, politicians, administrators and citizens around risk issues (Renn, 1999; Callon et al., 2001; Kaufmann et al., 2004).

This section has exposed the complexity of the context in which public risk regulators are embedded and has put forward some forms of influence of this environment on the way they organize for fulfilling their mission. As this paper aims at understanding the processes underpinning organizational responses, it appears essential to set up a theoretical model articulating internal and external dynamics in order to provide a realistic insight into public regulators handling societal risk. Although New Institutionalism could be used to understand the impact of institutional pressures on the way public regulators organize for dealing with societal risk, it presents some limitations for seizing organizational dynamics. The following discussion shows how New Institutionalism and Social Regulation Theory can be taken together in order to develop such an interpretative framework.

### **Theoretical Discussion**

The New Institutionalism has been influential in the study of organizations for explaining the adoption of practices and the tendency to isomorphism within organizational fields. However, it seems limited when having to investigate variations across organizations and to identify the organizational dynamics underpinning these differences. As a corollary, it is suggested that Social Regulation Theory can compensate for these shortcomings. It is argued that both theoretical corpuses, although sharing some elements of dissimilarity, can be mutually reinforcing and can offer an interesting framework for examining public regulators' responses to societal risk.

#### *Deploying New Institutionalism in the Public Sector*

Emerging as a reaction to behaviorist views of social phenomena, New Institutionalism (NI) has been echoed in various disciplinary fields such as economics, political science and sociology. As he traces back the foundations of this theoretical trend, Scott (2008: 45) insists on the discrepancies existing across these three fields along different lines including the relationships between institutions and behaviors, the origins and the nature of institutions, or the various emphases proposed by existing variants. Facing this conceptual diversity, some have opted for an original posture with respect to this inherent multiplicity of NI. This is notably the case for Scharpf (1997) who articulates “decision styles” and “decision rules” in its actor-centered institutionalism based on game theory to grasp the influence of institutional systems on individual actors. He bridges the different existing schools by encapsulating both rational dimensions and normative/cognitive elements.

Selznick (1957) contributed to transfer institutional approaches into the realm of organizations by exploring the process of institutionalization through which values are diffused within organizations. At a micro level, March and Simon (1958) show how organizations – via rules, values and routines – tend to guide individual behaviors. The emergence of the NI within organization studies is marked by the publication of two seminal articles by Meyer and Rowan (1977) and Zucker (1977). The former holds that, under the impact of institutional environments, organizations “incorporate elements which are legitimated externally, rather than in terms of efficiency” (Meyer and Rowan, 1977: 348). The organizational conformity fostered by the incorporation of externally legitimated structures and the creation of myths for rationalizing them enhances their chance of success and survival as they obtain legitimacy. Articulating macro and micro processes, the latter echoes the argument by pointing that organizations are crucial sources of institutionalization through routines and practices (Zucker, 1977; 1987). As Powell and Colyvas (2008: 277) summarize:

“Institutional forces shape individual interests and desires, framing the possibilities for action and influencing whether behaviors result in persistence or change.” These approaches sharply contrast with the conceptions postulating the rationality of organizations as well as the prevalence of coordination and control as factors of success for organizations. This pivotal question has led DiMaggio and Powell (1983) to conceptualize three types of pressure explaining the phenomenon of organizational isomorphism reflected in their idea of ‘iron cage’. The authors identify three forms of institutional pressure – coercive, normative and mimetic – exerted onto organizations and likely to explain their similarities in terms of structure and practices. Along the same line, Scott (2008: 48) has developed three ‘pillars’ of the institutional order that align with his definition of institutions: “Institutions are comprised of regulative, normative and cultural-cognitive elements that, together with associated activities and resources, provide stability and meaning to social life”.

The specific emphasis on legitimacy as an organizational driving force is a cornerstone of NI (Selznick, 1996). Suchman (1995: 574) defines legitimacy as a “generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions.” The author identifies three main forms of organizational legitimacy based on different grounds being pragmatic, moral and cognitive. Contrasting with instrumental approaches considering legitimacy as a resource that is being accumulated by organizations, new institutional scholars suggest that the environment “construct and interpenetrate” organizations (Suchman, 1995: 576). Another distinguishable concept is the organizational field which is described as a community of organizations (producers, consumers, suppliers, agencies, ...) sharing their engagement for similar activities and subject to common institutional pressures (Di Maggio and Powell, 1991). As such, fields are not only limited to actual interactions between organizations but also integrate cultural-cognitive and normative referents contributing to provide converging meanings within a system of organizations. Finally, it would be providing an incomplete image of the NI not to evoke that organizations can react pro-actively to institutional influences. Actors are not seen as passive and the pitfall of falling into determinism must be avoided; institutional entrepreneurs can use and transform institutions for realizing their own interests (Di Maggio, 1988). Rejecting a determinist postulate, Oliver (1991: 151) has stressed that institutional theorists have overlooked the reactivity of organizations and disregarded the variety of potential responses to institutional pressures: “Institutional theorists, by virtue of their focus, have tended to limit their attention to the effects of the institutional environment on structural conformity and isomorphism and have tended to overlook the role of active agency and resistance in organization-environment relations”. She identifies five strategies likely to be adopted by organizations facing institutional pressures: acquiescence, compromise, avoidance, defiance or manipulation.

New Institutionalism and the study of public sector issues: Which limitations?

As Frumkin and Galaskiewicz (2004) observe, early research has presented public organizations as producers and diffusers of institutional pressures. More recently, public organizations have been studied as objects of institutional pressures. For example, Barzelay and Gallego (2006) recapitulate the considerable impact of New Public Management. Deploying the historical version of NI, Pollitt and Bouckaert (2000) reconstitute the patterns and the variation that occurred in the reform process within a whole range of countries. The authors come up with a typology of politico-administrative regimes and institutional factors put forward to explain the variance in reforms from a cross-national point of view. Opting for a rational-choice version, Hood (2000) analyses the reform process through the prism of public service bargains combining both historical and strategic considerations when examining the interactions between politicians and bureaucrats. Based on the bureau-shaping theory (Dunleavy, 1991), James (2003) pushes the reflection further as he argues that a key driver of UK Next Step reforms and the consequent emergence of executive agencies were the bureaucrats’ preferences and strategies. Finally, organizational

sociology – more en phase with this contribution – has also been a source of inspiration for many authors. Sahlin Anderson (2001) illustrates how “actors within a field tend to imitate the more prestigious and well-known actors” by reforming the public sector in the same trend and demonstrates how institutional pressures can explain organizational conformism at international level.

These examples illustrate how the NI can be extensively deployed for analytic purposes in the realm of public organizations. However, Hasselbladh and Kallinikos (2000: 700) pinpoint a salient shortcoming: “Questions such as (...) why some administrative patterns or objects diffuse relatively unchanged while others are renegotiated and reinterpreted to a degree that makes them hardly recognizable cannot be answered by standard versions of neo-institutionalism.” The same type of reflection is echoed by scholars questioning the homogeneity supposedly induced by institutional isomorphism and the lack of consideration for organizational responses (Greenwood and Hinings, 1996; Kraatz and Zajac, 1996). Although Oliver’s development about strategic resistance to institutional pressures contributes to categorize the various forms of responses likely to be addressed, it does not provide any indication about the dynamic process underlying these reactions. These comments call for innovative theoretical constructions having the potential for refining the conceptual articulation between institutions, organizations and actors promoted by the NI.

Inspired by authors such as Scharpf proposing an alternative view on new institutional approaches by re-balancing strategic actors and institutions, we adopt a similar pattern of reflection but we set the cursor at another level of analysis. In this paper, we suggest that a relevant focus could be put on organizational regulations and that the SRT has the potential for upgrading the explanatory potential of the NI. The pivotal argument of this contribution is that the combination of NI and SRT enlightens simultaneously the role of institutional factors and the influence of organizational regulations when exploring organizational responses to societal risk.

### *The Social Regulation Theory*

This section exposes the Social Regulation Theory (SRT) developed by Reynaud in three steps. Firstly, the SRT will be presented with regard to its ambition to propose an original articulation of actors and social systems. Secondly, having pointed the centrality of regulations within the SRT for understanding the dynamics of social systems, key principles of the theory will be brought to light. Finally, the research agenda deriving from the SRT will be presented with the aim of preparing the following theoretical discussion about the complementarity between SRT and NI.

#### Analyzing regulations: from actors to social systems

The project of the SRT originates from an opposition to the functionalist perspective of social systems. Reversing the views expressed by authors such as Durkheim or Parsons, Reynaud (1997) takes distance from the sociological posture which tends to depict social systems as regulated by unifying sets of norms and values. Instead of assuming that social system pre-exists individual actions, the author asserts that actors produce social systems. Before unveiling the key concepts of the Reynaldian demonstration, it seems important to locate both actors and social systems in the light of the theoretical ambition of the SRT.

At a macro level, social actors such as firms, schools or trade unions do not result from market-based mechanisms or normative pressures but derive from the interaction occurring between individual actors. Through the lens of the SRT, collective actors represent a source of autonomous regulation whose legitimacy of the rules is mainly extracted from the project they pursue (Bréchet, 2008). As such, apprehending social systems at the collective level does not dispense with grasping the reality at the individual level, which calls for questioning

the fundamental articulation between actors and systems. Actors are supposed to be able to take initiatives and to participate actively to the production of rules; social systems cannot be interpreted as the aggregation of individual behaviors and interests determined by social norms and values. To that extent, Reynaud aligns with conceptions of social systems as defining and defined by individual strategic actions (Crozier and Friedberg, 1977; Pfeffer, 1981). In short, rationality is about a complex mixture of interested calculations, moral considerations and internalized affectivities in an environment involving interdependent actors and dispositifs of rules and norms (Bréchet, 2008). Reynaud goes further by conceptualizing a form of rationality distinct from strategic rationality. Whereas strategic rationality is based on the maximization of individual interests, a well-entrenched definition of preferences and a stability of the rules of the game, the rationality of social exchange displays dissimilar features; it aims at operating the recognition of rules by creating relationships and promoting social exchange in a context of mutual learning (Reynaud, 1997). As Friedberg (2003) argues, the rationality of social exchange does not necessarily exclude strategic considerations when actors make decisions: actors can create coalitions, objectivize strategies and act opportunistically. In sum, strategic rationality can be conceptualized along a continuum extending from opportunism to cooperation and confidence.

The dynamics of social regulations: a theory of negotiation?

The core concept of Reynaud's contribution is the social regulation. Regulations are formally defined as the process through which rules are created, transformed, modified or suppressed by parties to fix the frame of their relationships and their mutual rights (Reynaud, 2001). Rules are the product of social interactions; they not only provide injunctions or interdictions aiming at orienting behaviors, they also deliver guidelines for action and models for judging activities in the light of the project underpinning their creation (Reynaud, 1997). Rules also contain cognitive and normative dimensions to the extent that they provide a meaning to its existence and allow exchange and cooperation (Reynaud, 2003). In other words, rules are benchmarks guiding interpretations and actions. Consistently with the articulation between actors and social systems, rules can be described as both a social fact – as they result from social interactions – and a social reality – as they are part of the environment shaping the occurrence of these interactions (Paradeise, 2003). Defining rules is an intricate activity whose complexity derives from the fact that they are not separable from the activity creating and sustaining them, i.e. social regulations (Reynaud, 1988). Regulation alludes to an uncertain process through which social actors produce and transform rules giving sense to their action. To this regard, the activity of societal risk regulation – regulatory standard-setting, information gathering and behavior altering – can be understood as the product of organizational regulations.

In Reynaldian terms, organizations are the product of rules being constantly modified and redefined as the result of the interactions of the actors of the organization. More precisely, they result of the permanent negotiation between control and autonomy (Maggi, 2003). Following the way paved by Crozier and Friedberg (1977), this reverses the traditional conception of organizations seen as functional sub-systems of social systems and the classical definition of bureaucracies built on a pre-established set of rules deriving from an allegedly reason-based conception of organizing. By articulating control and autonomous regulations, Reynaud (1988) goes beyond the traditional distinction operated between formal and informal rules. On the one hand, control regulations are those coming from actors having the status to constrain and being directed from the top to the base, supported by specific control mechanisms or specific services. As ideal-types, the examples of the prescriptions diffused by the management towards the employees or the injunctions addressed by the State to citizens can be used. On the other hand, autonomous regulations are associated with the autonomy disposed by those on which control is exerted. Actions related to this autonomous regulation are not necessarily associated with resistance or fiddling around but

are related to aspiration for legitimacy. Whereas it is marked by subordination and cognitive asymmetry, this opposition, which has within it the seeds of conflict, is far from being an endogenous anomaly of the system but becomes a normal way of functioning where actors try to impose their views to each other. Reynaud consequently reaches the following conclusion: effective work in organizations is a compromise between these two forms of regulations. The meeting of both regulations potentially calls for the formulation of a third type – joint regulations – based on negotiation. Negotiation is not a bargain via which parties strive for obtaining advantageous solutions; it is about an exchange where social actors produce rules for framing their interactions (De Terssac, 2003). To paraphrase the author, joint regulations resulting from negotiation are not the passive output of the meeting of autonomy and control. Rather, it is to be approached as the meeting of two regulations with their own legitimacy that actively produce a new set of rules considered as legitimate. Negotiation is featured by the occurrence of an explicit debate and the consequent creation of a dispositive rules being made possible by a mutual recognition of actors and the existence of common referents laying common grounds for collective action. Let us note that, on general, the meeting of control and autonomous regulations does not systematically result in this third type of social regulation.

As rules are produced, it appears relevant to investigate how they are maintained and stabilized: legitimacy and sanction are the key elements of this process. Such as rules, legitimacy is socially constructed and provides no guarantee for remaining constant overtime. Such as rules, legitimacy is related to the community who built it up and to the project to which is it attached. One source of legitimacy is the effectiveness social actors tend to convey to rules in question. As Reynaud (2003) observes, although the involvement of those being under the influence of rules is essential, sanctions are the second important lever that can be activated to anchor legitimacy. This demonstration can lead us to digress about how power is conceived in the SRT. Power is a central component of negotiation as it is used by social actors for imposing their views and moulding the output of the meeting of regulations (Guérin, 2005). Power finds its origin in different sources, one being the capacity of initiative provided by the existing configuration of power present in the social system. The existing frame of the social exchange will affect the relation of power as it will determine who may intervene, how and at which moment. As such, this “power of initiative” (Reynaud, 2003) is closely bounded to the existing dispositive in which social interactions occur. Another source of power resides in the capacity of actors to ploy the production of rules at their advantage. More generally, the SRT proposes a conception of power which is embodied within inter-group relations and is not restrictively attributed to upper layers of organizations.

#### A research agenda

Reynaud (2003) formulates four principles providing an efficient overview of his theory. At an epistemological level, the object of analysis is action rather than events. As such, it is crucial to seize its meaning, its finality as well as the constraints impacting it. Besides, methodological individualism is preferred to holistic or deterministic approaches. At a theoretical level, social action needs to be understood in the sense of creation of meaning for social actors. Furthermore, interactions between actors involve both power and legitimacy. Power is to be found in the configuration of the relations between actors, in the rules that provide a framework for interactions and in the activities that can be deployed by actors during their interactions (conviction, persuasion, information, ...). Similarly, legitimacy is central to the extent that it guarantees the stability of rules. At macro level, the SRT proposes a model likely to decompose the process of co-production of collective action. Hatchuel (2003), for instance, establishes interesting connections between the SRT and the design of public action. To him, the growing involvement of social actors into public affairs where uncertainty is present – such as the treatment of nuclear waste or the debate about GMO's – and the increasing use of co-production of public action in these areas is worth putting in relation with the SRT. At micro level, it provides a theoretical prism laying the ground for the

analysis of the system of exchange and cooperation between individuals. It allows deconstructing the strategies of actors, tracing the phase of negotiation and giving perspective to the production of rules.

*Articulating New Institutionalism and Social Regulation Theory: A proposal.*

This section has the ambition to contribute to this enriching initiative of ‘theoretical insemination’ by manipulating the theoretical fields that have been presented. It exposes the elements of convergence and divergence that can be accentuated when discussing the articulation of NI and SRT. It then transposes this reflection in the context of public organizations in charge of risk regulation and proposes a unique theoretical model for analyzing the way they organize for fulfilling their regulatory missions.

NI & SRT: Which complementarities?

We claim that NI contributes to understand how the different levels of regulation articulate and that the SRT allows an in-depth and dynamic understanding of the organizational regulations at stake. Consistently with the Reynaldian thought, we define regulations as the social interactions associated with the production of rules related to risk management practices. Internal regulations are produced within organizations whereas external regulations are produced in their environment. On the one side, the NI contributes to explain how external regulations are diffused and transferred across the organizational field. On the other side, the SRT provides the conceptual instruments for grasping the social dynamics of actors behind external and internal regulations. In sum, organizational responses to risk can be seen as the result of both external regulations and internal regulations echoing the compromise between the actors involved in these internal regulations. Klarsfeld and Delpuech’s (2008) assume that institutional pressures can be assimilated to control regulations in Reynaldian terms. As they handle three forms of institutional forces through which isomorphism materializes, as described by DiMaggio and Powell (1983), they allege that coercive and normative mechanisms, for instance, can be related to the imposition of practices whose implementation will generate new rules – a new control regulation – that will guarantee the maintaining of these practices. We tend to concur with their argument as we suggest that institutional pressures represent vectors comparable to external – control – regulations diffused across the field and towards organizations.

Assessing the complementarity of NI and SRT unveils some tensions that need to be discussed. One could oppose that the conception of rationality rests on dissimilar characteristics that make any bridge difficult between both theories. It appears however that a connection can be made if we consider the context-bounded nature of rationality. Both theories reject a utility maximizing conception of rationality as individual decisions are far from being an optimal choice emerging from an infinite number of possibilities; it is rather a choice operated within a set of options legitimated by the social context in which actors evolve. As such, the dialectic actor-structure rests on a joint examination of individuals and the system of rules framing their action, and does not exclude the adoption of strategic considerations providing they are contingent to the context of action. When having to explain the variety of organizational responses to institutional pressures, new institutionalist scholars have developed two types of arguments (Lounsbury, 2008). Inspired by the reflection lead by Oliver (1991) who suggests that “institutional theory can accommodate interest-seeking, active organizational behavior when organizations” responses to institutional pressures and expectations are not assumed to be invariably passive and conforming”, a first movement has proposed a strategic and instrumental conception of rationality arguing that organizations do not react passively to institutional pressures but adopt active strategic stances. A second way of thinking derives from the original Meyer and Rowan’s works and has led to the formulation of the notion of institutional logics referred to as the “broader cultural beliefs and rules that structure cognition and guide decision making in the field” (Lounsbury, 2007: 289).

These logics focus the attention of actors on specific issues, set their degree of importance and determine potential responses or solutions (Thornton, 2002). As these logics can oppose one another, they result in different institutionally dependent rationalities and strategic decisions. This latter conception is not antithetical to the fundamentals of rationality in the SRT as it assumes that rules are also interpretative and normative frameworks shaping interests and providing sense for interpretations and actions (Reynaud, 2003). We tend to align this contribution with Oliver's works as we deploy the SRT for highlighting the dynamics through which organizations respond to their environment.

Related to this first element of discussion, one could also argue that while the NI tends to explore the process of adoption of practices and structures, the SRT has a different focal point at it examines the production of rules. New institutionalists tend to connect institutions with any "social form giving more or less conscious rules for collective action" (Daudigeos and Valiorgue, 2010: 11). As Scott (2008: 43) observes, the rationalization of beliefs associated with legitimated practices is formulated "in ways that specify the design of rule-like procedures to attain specific objectives". While adopting these new practices and structures, organizations produce new rules and set up new dispositifs for consistently orienting individual behaviors, which is precisely what Reynaud describes as the process of regulation.

Organizational responses of public organizations handling risk through the prism of organizational regulations.

This sub-section exposes our theoretical model. Drawing on the framework developed by Knoepfel et al. (2006), the figure 1 positions public organizations handling risk in their environment. The model is structured around two levels reflecting external and internal regulations that have been presented as complementary for understanding organizational responses to risk. It appears interesting to detail its structure and to highlight its analytic potential in the field of risk regulation. External regulations will first be decorticated before putting the stress on the actual focus of this paper, i.e. the articulation of external and internal regulations.

This model reveals three types of external regulations. Regulations diffused from political institutions towards regulatory agencies can be interpreted as control regulations (Cr). They can materialize through the injunction for adopting new practices for regulatory inspection, new standards of organizational transparency or a new system of inspection towards the regulated community. Autonomous regulations (Ar) can be investigated to show how risk regulating bodies respond to these external injunctions. Joint regulations (Jr) can be added to the model especially when analyzing mechanisms of negotiation and bargaining between the two actors of the politico-administrative relation. This model is likely to provide a refreshing conceptual insight into politico-administrative interactions by putting forward the negotiation process likely to occur through joint regulations or the development of alternative internally-developed rules based on diverging forms of legitimacy. Relations between the regulatory agency and the target groups can also be interpreted through external regulations. As the literature abundantly deals with how regulators interact with these groups, the theoretical argument underpinning this model provides an innovative instrument for approaching the dynamics on which these interactions are based. External control regulations allude to the modification of target groups' behavior via information, control or inspection while autonomous regulations refer to the responses addressed by regulated entities in terms of compliance. A fortiori, this is even more pertinent for exploring situations where regulated are reluctant to comply, which materializes through the confrontation of autonomous and control regulations, and reflects the opposition of conflicting rules and legitimacies. As far as joint regulations are concerned, their analytic potential can be helpful for examining the social dynamics underlying arrangements of enforced self-regulation through the dynamics of negotiation between regulators and regulated. Further research

could give echo to the idea of really responsive regulation developed by Baldwin and Black (2007) by exploring the dynamic production of effective joint regulation, defined by Favreau (2003) as common cognitive representations floating beyond partial collective legitimacies. Finally, interactions between regulatory agencies and the public broadly can be associated with the aspirations for democratization and participation in risk policies. New arrangements set up for supporting this growing tendency can be interpreted as control regulations diffused to regulatory agencies as they result in the development of new rules organizing the public regulation of risk. Joint regulations relate to the process through which these consultative or participative procedures are designed in the construction of dialogue between ‘initiated and non-initiated’. More generally, the deployment of the SRT is likely to provide a ‘refreshing’ look on the relations between experts and laymen being at the core of risk policies.

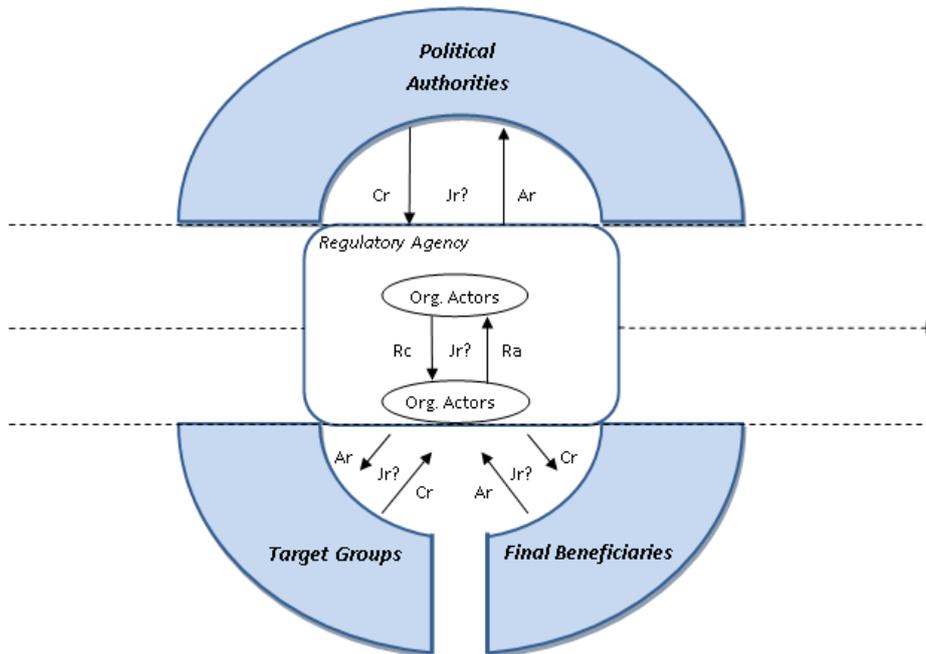


Fig1. Public organizations in charge of risk handling and organizational regulations

As we have shown, this theoretical model provides an interesting instrument for analyzing the interactions public regulators have with their environment by focusing on the production of rules and the dynamics of risk regulation. However, the focus of this paper being on public organizations per se, we have to establish the connection with internal regulations. We have been argued that, while the NI provides a rationale for understanding how the different levels of regulations articulate, the SRT provides the conceptual tools for studying internal and external organizational regulations at stake. It seems essential to develop our reflection a step further by formulating operational guidelines for examining these internal regulations through the Reynaldian prism.

#### An operational approach of internal regulations

Allain (2004) proposes to study regulations via the idea of negotiation that we can depict in Reynaldian terms as the encountering of control and autonomous regulations potentially resulting in joint regulations if negotiation is explicit and results into a formal agreement between parties. Interestingly, her work is anchored in two complementary perspectives on negotiation that are jointly deployed in the Reynaldian corpus. On the one hand, she conceives negotiation as a social process structured around two opposite ideal-types being either the maximization of strategic personal interest or the pure form of problem-solving. If

one puts this continuum in the context of the debate about actors' rationality that has been evoked earlier, it echoes the Friedberg's argument holding that rationality needs to be balanced between instrumental opportunism and problem-solving oriented cooperation. On the other hand, it pays attention to the context of these social interactions and, more specifically, the room for maneuver allowed to actors by the organizational context in which they take place. The encountering of regulations can occur on different modes situated along a continuum extending from unilateral hierarchal mechanisms to delocalized discussion-based forms of decisions resting on the exchange of arguments. Deriving these two interacting dimensions from her analytical framework, we transpose them in the context of this contribution for understanding the dynamics of organizational internal regulation:

**Dispositif of rules:** The dispositif provides the rule-based environment in which internal regulations take place. It is related to the structural properties framing the interactions between actors and to the interpretative dimensions of rules. Two additional elements of analysis can be added for completing this first dimension. First, the specific conditions in which the relationships between actors happen, which notably includes the number of involved actors, their experience, the frequency and organization of their interaction as well the complexity of issues or the visibility of their transactions. Second, the process of framing which refers to the development a common interpretative framework and to the co-construction of the object of negotiation over time (Allain, 2004).

**Dynamics of actors:** Actors can be moved by motivations situated along a continuum extending from the defense of personal interests to the advocacy of collective interests. This implies the need for delineating interests and positions in the process of meeting of regulations. At an empirical level, this prompts researchers to focus on strategic actions carried out by actors and discursive strategy deployed during the activity of production of rules.

## **Case Study**

Having discussed the convergences and tensions between the NI and the SRT, the previous section has elaborated an operational theoretical framework dedicated to the study of organizational responses of public bodies regulating societal risk. In order to illustrate the operational dimension of this reflection, the present section investigates the case of the Belgian Food Safety Agency by paying primary attention to the functioning of its Advisory Committee (AC). The nature of this case study is exploratory and its objective is to assess the relevance and operability of the theoretical model. It will be argued that the AC constitutes an organizational arena where control and autonomous regulations (Cr and Ar) meet and organizational responses to external injunctions are produced in the process of regulatory standard-setting.

### *Setting the stage: The Belgian Food Safety Agency*

The Belgian Food Safety Agency (BFSA) was created in 2000 in the following the dioxin crisis that profoundly affected the landscape of the food safety policy in Belgium. The crisis not only revealed serious problems of risk communication but also critical failures in the coordination of the different ministries in charge of handling the crisis, which ultimately led to the creation of the BFSA (Casey et al., 2010). The agency is the result of the merger of several public entities including General Directions from the Ministry of Agriculture and from the Ministry of Public Health, and the Institute for Veterinary Inspection. Its principal tasks are: (1) control, analyses and expertise of food and feed and their primary compounds, (2) control of and expertise in the production, transformation, conservation, transport, trade, import and export of food and feed and their primary compounds, (3) granting approval and authorization to perform specific activities in the food chain, (4) integration and elaboration of tracing and identification systems of foodstuffs and their primary compounds in the food

chain including their control and (5) communication towards the different sectors involved and the consumers (BFASFC, 2007). It is composed of four General Directorates including corporate services, laboratories, control policy and control (See Fig. 2). The Scientific Committee is composed of scientific experts whose main concern is about risk assessment and control planning. The Advisory Committee (AC) is composed of 37 representatives from the different components of the Belgian political system (Federal State, Regions and Communities), the representatives of consumers' associations and the representatives of the sectors subject to the Agency's scope of regulation. Its legal function is to advise the agency on matters of relevance, i.e. the policy that should be pursued in the field of food safety such as risk management, inspections, financing, communication (BFASFC, 2007). The AC provides advice for every bill introduced by the federal government but has also the opportunity to act on its own by investigating specific issues or collaborating more closely with the Scientific Committee.

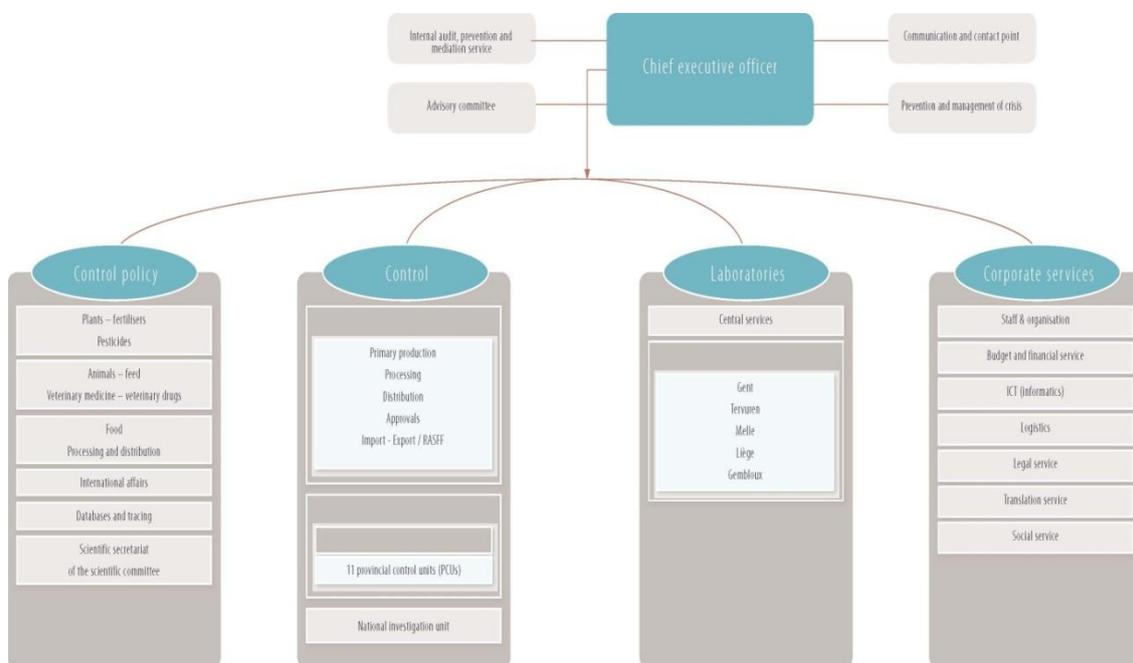


Fig2. The structure of the Belgian Food Safety Agency (BFASFC, 2011)

With the aim of testing our theoretical model, this empirical part analyzes the dynamics through which the BFSA organizes for conducting regulatory policies that we defined as orienting behaviors towards pre-defined outcomes through standards setting, information gathering and behavior altering. The exploratory nature of this section prompts us to put the focal on one of these activities, regulatory standard-setting. As Scott (2010) holds, standards can then be seen as instruments encouraging the attainment of values, goals or outcomes. In the context of food safety, we adopt a broad terminology by defining them as the requirements for the registration of operators in the food chain – that some call registration standards – and the requirements these operators are expected to comply with when being in activity (Salter, 1988). Here, our case rests on a bill introduced by the Federal government related to the modification of the standards and the procedures of registration, accreditation and authorization of food operators.

The strategy of case selection is information-oriented and is based on a critical case with the idea that 'if the model is not deployable in this case, then it will not be operational for any (or only a few) cases' (Flyvberg, 2004). Indeed, the BFSA is well-entrenched in the Belgian politico-administrative landscape, the AC has stable working processes where rules and

actors are easily identifiable, and the access to information has been facilitated by the openness of the organization to the public. By adopting an “instrumental” perspective, the case gives us the opportunity to confront our model “in a suitable context” for empirical validation (Punch, 1998; Stake, 2000; Bryman, 2004: 51). We systematically treated a set of data from the agency and a specific analysis of documents coming from the AC which enabled us to reconstruct the dynamics of interactions between actors within the AC around specific issues (See Appendix 1). Furthermore, we conducted two interviews with agency’s staff members to confront the relevancy of our model and to single out the role of the AC in the production of organizational regulations. We interviewed the coordinator of the CEO services who has been accompanying the AC since its creation and the agency’s CEO who chairs the AC. Considering the exploratory essence of this research design, these two key protagonists have provided us with respectively technical and political views on the AC. The phase of data analysis has been carried out by using a pattern-matching approach (Denzin and Lincoln, 1998; Yin, 2009).

### *The Advisory Committee in the context of organizational regulations*

In the context of the Belgian regulatory policy for the safety of the food chain, the Royal Decree (RD) of 16 January 2006 imposes all the operators active in the Belgian food chain to be registered by the BFSa and fixes the procedures related to the authorization and accreditation of these operators. The objectives of this Royal Decree are twofold. On the one hand, it aims at increasing the effectiveness of controls operated by the agency and to actualize the data bank. On the other hand, it aims at harmonizing the procedure across sectors and broadening the scope of operators concerned by the RD while ensuring compliance with Belgian and European regulations. The RD determines the types of operators for which authorization or accreditation are needed, the role of the agency in the process of inspection and control, and the role of operators in the process. The RD of the 30 July 2008 modifies these conditions as it ambitions to comply with new European regulations, to avoid existing legal loopholes, to pursue the process of harmonization across sectors and the process of administrative simplification. Modifications consist of the extension of the regulatory scope to other types of operators, new derogations for several specific operators, new requirements in terms of diffusion of information for operators distributing food to final consumers, and additional precisions for the procedures of control and sanction. We are interested in the role and dynamics of the BFSa’s Advisory Committee in the process preceding the adoption of this second Royal Decree.

As the Federal government declared in 2007 its intention to modify the existing RD for adapting the modalities of accreditation and authorization and creating new rules for the regulated community, it sends to the BFSa the bill containing all the new requirements and legal injunctions to be implemented. The bill could be associated to an external control regulation as it dictates from the exterior (here, the government) a new set of rules for re-organizing regulatory activities (here, regulatory standards). In Reynaldian terms, this provides the Federal government with a power of control regulation as it is legally designated for dictating the line to follow to the BSFA. In the light of our theoretical model, the question is about the organizational process triggered by this external regulation and the formulation autonomous regulation expressed by the Agency to the government is formulated. An analysis of internal regulations reveals that the response addressed by the organization rests on a dynamics between actors where new rules are being constructed and negotiated by actors within the organization before being formally sent back to the government and transposed in the Royal Decree. AC can be considered as the arena where regulations meet, which bears substantial consequences for the policy. As the analysis of the three operational dimensions of internal regulation will reveal, both the organizational arrangement of the negotiation and the strategic positions adopted by actors are important to be taken into account in order to understand the organizational response that will be addressed by the

BFSA to the injunction of the federal government. The figure 3 positions the AC in the context of our theoretical model.

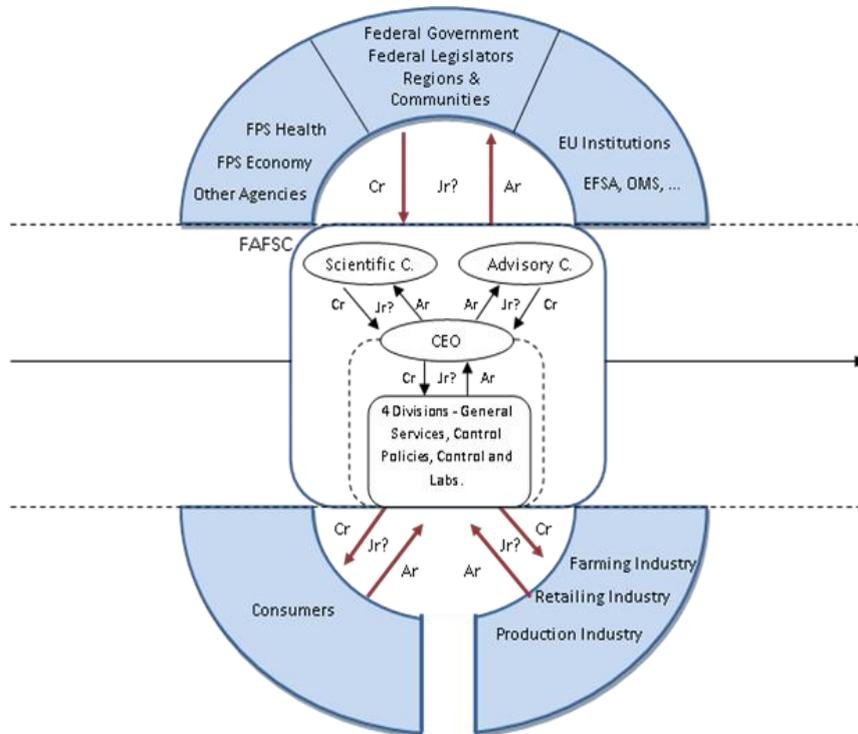


Fig3. The Advisory Committee in the context of organizational regulations

### Dispositif of rules

In the aftermath of the dioxin crisis, the AC emanated from the intention of the legislator to involve the actors of the food safety policy in the decision-making process (participation as we described it above). The AC is set up by the RD of the 19 may 2000 which determines its composition, its procedure of appointment and some key elements of its internal organization. More specifically, the AC has adopted internal rules of procedures (*règlement d'ordre intérieur*) which frame the organization of its activities. Some pivotal elements of these internal rules of procedures can be pointed out as they affect the configuration of the environment in which negotiation occurs (as termed by Allain, 2004). The role and competences of the chairman – who is also the CEO of the Agency – determine its formal function as the manager of the debates. He is notably responsible for fixing the agenda of meetings, although interviews have revealed that members were considerably involved in this agenda-setting process as they can easily submit additional topics of discussion. Particular is also the formal importance attributed to the consensus which is formally pointed in the rules of procedures as a leitmotiv for the formulation of advice. Interesting elements can also be pointed out in the flexibility of the dispositif of rules. Actors have the possibility to form subgroups of discussion for preparing compromises and facilitating consensus. These preparatory spheres of talks are abundantly used by actors and are structured around sectorial concerns such as primary sector, catering sector, cattle rearing sector, etc. Similarly, interviews have highlighted that bilateral discussion also very frequently occurred between the agency and specific sectors. In short, the framework of negotiation formally foreseen by existing rules is particularly flexible as it adapts to the issue and is openly

'consensus-oriented'. This flexibility is also echoed through the frequency at which the AC can meet. As the CEO has let us know, the food safety policy is a policy whose timing is twofold; it requires both long-term views on control and inspection and immediate capacity of response in case of crisis. The AC modalities of meeting are modeled on this particular timing as it plans regular meeting while leaving space for emergency meetings resulting from potential crises requiring instant reactions. Additionally to this set of rules shaping interactions between actors, some key values also shape the interactive dynamics between actors. Interviews have revealed that consensualism was of prior importance both for the chairman in his approach of dialogue and for the representatives of the different sectors of the policy in the way they formulate their interventions. Similarly, the ideas of communication and transparency – both internally and externally – are also key dimensions that structure interactions within the AC. The dispositif also foresees the annual assessment of the AC's activities. On the one hand, the AC evaluates its own work through a set of evaluation criteria including the degree of participation, the number of formulated pieces of advice, the number of intervention from each member within the AC and the degree of transmission of information within member organizations. On the other hand, with regard to the legislation adopted in the following of the AC's advice in terms of regulatory standards, the AC frequently discusses their implementation by reviewing controls, inspections and sanctions. By doing so, it disposes of the report from the policy outcomes observable in the field.

In the light of the regulatory standard setting we decided to study, discussions were held during two meetings, the first in February 2007 and the second in March 2007. The first meeting that initiated the negotiation about the modification of regulatory standards was introduced by a general presentation of the draft proposed by the federal government. A staff member presents the historical perspective in which the original RD of 16 January 2006 had emerged as well as the intentions underpinning it. He outlines the stakes that the proposed modifications raised for the management of the food chain and explains the rationale underpinning the key modifications. Remarks from the different parties were expressed and discussed around several key issues: minimum threshold for registration set of operators involved by the new standards, legal definitions of accreditation and authorization, new information standards for operators, the procedure of inspection and the severity of sanctions. Complementary proposals of modification were also electronically sent by organizations after the meeting; these were related to specific dispensations for particular sectors, transitional periods for the adaptation of new standards, thresholds for registration and the administrative procedure of accreditation and authorization. Some modifications were operated by the agency and a new proposal was discussed at the occasion of the second meeting. Proposals were discussed further within sectorial committees, among which the agricultural group for which the issue of threshold was particularly sensitive. The nature of the modifications in regulatory standards was particularly complex for two reasons. On the one hand, it aimed at defining cross-sectorial measures and, as such, concerned most of the organizations around the table. On the other hand, it affects very touchy issues for the regulated community such as the administrative burden resulting from the regulatory policy. As we have just shown, the flexibility of the structure of negotiation offered by the AC allowed modulating the structure of talks by preparing the decision through sectorial and bilateral meetings. In the context of the modification of the RD of January 2006, the three dimensions intrinsic to the dispositif of rules of the AC – consensualism, communication and transparency – frame the process of negotiation and influence interactions between actors. Frequently, during the discussion, the chairman intervenes for ensuring that this principle is fulfilled in order to move towards proposals promoting common positions. This coincides with the Reynaldian conception of rules as they also provide guidelines and interpretative schemes which, in this case, tend to foster exchange and cooperation. Besides the complex context of negotiation due to the amount of actors involved in the discussion results in the intensive use of the flexibility of the dispositif with the aim of ensuring consensual advice on which parties all agree.

Having emphasized the *dispositif* in which internal regulations are produced, it is interesting to observe the process of framing the interactions between actors, that is, the mechanism through which a common interpretative framework is constructed by actors for making discussions possible within the AC. As Allain (2004) underlines, framing is interconnected with the organization of negotiation itself to the extent that it promotes – or not – procedures and mechanisms fostering the narrowing of actors interpretative frames. As we have observed when studying the *dispositif* and context of negotiation, the structure of the debates itself is prone to establish common framework for understanding the issues raised by the handled question; it is notably based on an exchange of views that allows the Committee to let emerge a position made of successive adaption of the actors' points of view. The presence of experts gives more depth to this observation as it contributes to put in perspective the issues raised by the questions handled by the AC and to set common grounds before initiating debates. More specifically, every advice the AC is demanded to formulate is introduced by a BSFA's staff member who sets the context of the issue by emphasizing its implications and origins. This contextualization sets common ground in the preparation of the talks and decision. More broadly, the systematic analysis of the Agency's annual reports has shown the extension of the set of matters treated by the AC over time. This supports the idea of a progressive co-construction of the object of negotiation, that is, the safety of the food chain. Furthermore, the comments given by the BSFA's staff members were reflecting a mutual comprehension; they were able to anticipate the reactions of the sectors with regard of different issues. Consumers' organizations are for instance very touchy when discussing issues about genetically modified food which prompts agency's actors to be very cautious when initiating discussion around that topic. Similarly, producers' organizations are always very sensitive about the administrative burden engendered by new regulatory standards. In sum, beyond the co-construction of the object of negotiation, actors have a better knowledge of each other to the extent that some can anticipate reactions, which illustrates this idea of framing. This notably echoes the Snow et al.'s idea (1986) of frame extension where participants incorporate others' views or interests.

#### Actors' behaviors and arguments

Actors can be moved by motivations situated along a continuum extending from the defense of personal interests to the advocacy of collective interests, which is, according to Friedberg (2003), far from being necessarily antithetical from a strategic point of view. At an empirical level, this prompts researchers to focus on actors' interests and on discursive strategies. Central are the interventions of the representatives of the target groups for weighing on the modifications of the regulatory standards. Four types of actors seem to emerge among the represented parties who proved to be particularly proactive in the debates. The first includes organizations from the production sector including the Walloon Federation of Agriculture (WFA) and the Belgian Confederation of Milk Industry (BCMI). The second includes organizations from the retail sector including the Belgian Food and Drink Federation (BFDF) and the federation in charge of cafés, hotels and restaurants (HORECA). The third category integrates the organizations in charge of the defense of consumers' interests including Test-Achat. Finally, the fourth category encapsulates organizations in charge of the protection of animals including GAIA (Global Action for the interests of Animals).

Discursive strategies of actors echo the general strategic position they adopt vis-à-vis the different implications these change can bring for the group they represent. Groups representing producers seem to be particularly worried with the development of new thresholds for the small operators subject to registration and expressed concerns about modifications that could irrelevantly additional threats of sanctions on producers. Groups representing retailers prove to be attentive to the new requirements in terms of information and wanted to make sure that the new measures will be practicable for their members. Furthermore, it turns out from the detailed minutes that these actors tend to reinforce one another on some specific positions. This is notably the case around the sensitive issue of the

threshold that needs to be fixed and which imposes a minimum quota of production for producer to be legally bounded to registration and accreditation. The different organizations advocating producers' interests spoke with one voice for attempting to put up this threshold. Similarly, they can have conflicting positions on some issues. This is notably the case for the diffusion of information coming from producers. Organizations advocating the retail industry tend to push for stricter requirements forcing operators to display more clearly information about their registration to inform retailers, notably via invoices. Whereas producers' organizations react quite cautiously to this proposition, the Agency's director in charge of the control policy is doubtful as he expresses the impact this additional measure could have for the burden of inspection at street-level. Interviews have revealed that the strategy of the chairman was to occupy a function of mediator whose function was to foster consensus. During interviews, the CEO has argued that this aspiration for consensus was prevalent in the way he perceives the role of its agency in the food safety policy. To him, obtaining consensus at that level of regulation – the definition of the regulatory standards preceding the phase of control – is crucial for the effectiveness of the measures that are taken and the legitimacy of their implementation. As such, he positions himself as a mediator at the crossroad of different types of interests while attempting to let them converge. The systematic analysis of annual reports has shown that the general director in charge of control policy was frequently conveyed to the meeting, which makes sense in the light of what has been exposed so far. Beyond the expertise these staff members are likely to bring for alighting the phase of negotiation and for contributing to the phase of framing, their interventions are mainly driven by two dimensions: the compliance with supra-level legislation and the concrete applicability of the positions adopted by the AC. This strategy seems to be confirmed through the analysis of minutes which reveal their materialization into discursive maneuvers. During the second meeting where a re-draft has been proposed from the proposals of modification, the chairman attempts more clearly to let points of view converge. When disagreement persists, further responses are addressed or discussions are formally transferred in sectorial committees with the aim of generating a broader agreement around new standards.

At the end of the process, proposals made by some actors are rejected by the chairman as they are not legally compatible, practically impossible to implement or introduce unfair competition on the food market. Nonetheless, agreements were obtained in specific areas and transposed in the final version of the RD promulgated by the federal government. Firstly, operators are forced to supply themselves among producers being registered, authorized or accredited by the Agency. The chairman played an important role at this level as he emphasized the beneficial consequences of this measure for the safety of the food chain and the financial sustainability of food business. Secondly, specific derogations were allowed for specific operators, among which small farmers and operators whose main activity is to open their doors for educational purposes. To that extent, the process of internal regulation managed to soften the bill. Thirdly, as agreed by the Agency under the questioning of the organizations representing the retail sector, shops and restaurants benefited from a transitional period for implementing the new standards. Finally, thresholds related to the operators subject to authorization have been put up as suggested and discussed in bilateral meetings by representatives of producers.

## **Conclusion**

This paper has stated that New Institutionalism is limited for understanding the internal production of rules underpinning organizational responses of organizations in charge of the regulation of societal risk. Building on the Social Regulation Theory developed by Reynaud, the theoretical model we have presented positions organizational responses as resulting from the combination of institutional pressures and internal organizational regulations reflecting interactions and compromise between the actors.

In order to test this model, we have studied the role of the BSFA's Advisory Committee. It has been shown how the process of regulatory standard-setting could not be reduced to an external control regulation that would have been passively transposed by the Agency. Internal regulations produced within the Committee have illustrated the internal dynamics occurring between actors as a reaction to this external injunction. According to Scott (2010), the process of standard-setting is likely to have an influence on the quality and the legitimacy of the standards. The author raises two essential stakes related to the activity of standard-setting that received little attention in the literature: the necessity to encourage compromise between interests in this process and the need to promote participation in order to enhance the legitimacy of the standards. Our theoretical model based on the complementarity of NI and SRT has the potential for giving echo to the Scott's remarks. It has illustrated the operational character of our theoretical reflection in the organizational response formulated by the BSFA to the injunction of the federal government for the modification of existing regulatory standards. The AC has been seen as an arena where organizational responses are produced through internal regulations. It has been shown how the dispositif, the framing and the organization of negotiation coupled with the interactions of actors and the mediating function of the chairman have resulted in the production of an organizational response which takes distance from the initial external control regulation.

A key pivotal theme that emerged from our observations is the prominence of legitimacy as a central marker for understanding the stability of rules and, potentially, as generator of compliance among operators. Indeed, the BFSA's advisory committee tends to produce legitimacy around the production of rules in the terms defined by Reynaud: it is socially constructed through the meeting of regulations with the underlying rationale of creating effective rules and it is constantly alimented by evidence of the outcomes of sanctions taken by the agency against reluctant operations are regularly analyzed by the Committee. One would then question whether this creation of legitimacy is associated with a sustained application in the field. Our theoretical construction suggests answering this question by examining other levels of regulations and, eventually, the external regulation occurring between the agency and the target groups. Building legitimacy by fostering the conditions for the emergence of joint regulations seems to be an interesting way to do so. Besides, the two operational dimensions we highlighted around the idea of negotiation for exploring the meeting of regulation could be exploited for adopting an evaluative view on the different levels of regulations and circling out 'gaps' likely to affect the final application of rules. In brief, the theoretical model we have developed can be turned from an analytic to an instrument for assessing the production of regulations and detecting potential gaps in the process through the analysis of three operational dimensions; this reflection feeds our current reflection around the efficacy of risk regulation policies.

Nonetheless, some limitations can be pointed out. One could criticize our restrictive approach of risk regulation as we did not consider how organizations respond when facing an immediate situation of crisis, as have done other scholars in the literature (Czarniawska, 2009; Lodge, 2011). The reason of this choice is methodological as we wanted to test our model in a stable context and at an identifiable level of regulation whose dynamics between actors are possible to locate in an easily circumscribed environment. The broader research project from which this contribution derives will integrate the simultaneous investigation of two temporalities of risk regulation: routine and crisis. Furthermore, because of the exploratory nature of the empirical test of our theoretical model, we have concentrated on specific levels and aspects of regulation. A more comprehensive validation of the model would require the study of external regulations between the agency and the regulated community. The research project at the origin of the present contribution aims at addressing these limitations by studying additional levels of regulation, approaching agencies handling societal risk from a diachronic perspective taking crises as key turning points and developing the idea of regulatory effectiveness along the way shortly paved in this contribution.

## Appendix 1

This table summarizes the types of organizational documents that have been treated and their use in the context of this paper.

Type of Data	Use
<i>Agency level</i>	
BFSA's Annual Reports (2000-2010)	On an annual basis, these documents detail the activities of the Advisory Committee (AC). They allowed us understanding the AC's scope of action, its interaction with other parts of the organization and the growth of the matters of which it has been in charge year after year.
BFSA's Business Plan (2005-2008; 2009-2011)	The examination of Business Plans has revealed the implication of the AC in key elements of the regulatory policy conducted by the Agency, including strategies orientations, control policy and performance assessment.
<i>Advisory Committee level</i>	
Detailed Minutes	The availability of the detailed minutes has been particularly helpful for reconstituting the dynamics between actors as well as their discursive strategies. Whereas an extensive examination of two minutes was conducted in relation the case study (28/02/07 and 28/03/07), other minutes have been used for extrapolating the observations to other issues handled by the AC.
Appendixes of Detailed Minutes	Two types of appendixes retained our attention. Some of them related the presentation made by staff members to the AC in order to present issues; they contributed to discuss the process of framing. Others echoed the official demands introduced by actors with demands for modifying the bills introduced by the federal government.
Internal evaluation reports (2006-2010)	The analysis of these reports allowed identifying the dynamics, the procedures and the criteria of auto-evaluation of the AC.
Internal rules of procedures	The internal rules of the Committee are detailed in this document that proved to be useful for understanding the dispositif of rules in vigor within the AC.

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