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Cultivating the art of hearing and being heard: how regulators strategically use public communication in regulatory governance

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English summary

Words are powerful tools for regulators. During regulatory processes (such as drafting new regulations or executing existing legislation) public communication is vital for regulators: As regulators are interacting with a large variety of stakeholders, they are also confronted with a wide range of perspectives and opinions. Public communication is an important way for regulators to signal future actions, respond to criticism, or to directly interact with important stakeholders. On the other hand, suboptimal public communication can also be damaging for the regulator; It can hurt a regulator's public image. In the worst case, a regulator might lose political support, funding, and regulatory authorities. Regulators, therefore, have to use communication in calculated ways to accomplish distinct goals for their organizations.

While previous literature offers explanations about the motives behind a regulator's public communication, we do not fully understand how a regulator pursues these goals. In this dissertation, I dive into the strategies behind public communication of regulators by asking: *How do public organizations use strategic regulatory communication in regulatory governance?* More specifically, I examine public communication of various EU public agencies in various communication venues. By examining multiple different cases, I examine why regulators communicate the way they do, to what ends they may use communication, and which communicational strategies work better or worse in accomplishing a regulator's goals. Ultimately, this dissertation provides new theoretical, methodological, and empirical insights into a regulator's communication by directly investigating how regulators talk to their manifold audiences. The findings aim to contribute to a better understanding of regulatory governance and to help regulatory officials to make better decisions when communicating with the public.

Empirically, this dissertation relies on multiple datasets that were collected in the context of the NWO funded (Vidi) project "2-Capture – The Driving Forces of Regulatory Capture" (PI: Prof. Dr. Caelesta Braun). The underlying data aims to capture public communication by regulators via various communication venues: Press conferences, press releases, newspaper coverage of public agencies, as well as social media. Due to the size of the underlying datasets, I made frequent use of methods from the field of computational social sciences. Toolkits such as machine learning and natural language processing (NLP) made it possible to distill empirical insights from millions of words. Additionally, I rely on methods such as manual coding of newspaper articles to improve the quality of the underlying data.

To better understand strategic communication of regulators, the dissertation relies on four empirical research articles. Chapter 2 addresses a fundamental question of public communication in regulatory affairs: How reactive is a regulator's public communication to their environment? This chapter tests whether and how the European Central Bank (ECB) reacts to changes in newspaper reporting about the organization via means of public communication. I collected all formal communication of the European Central Bank (ECB) and news media reporting about the organization. Findings show that the ECB is

both reactive as well as strategic in what ECB officials talk or write about publicly. If the media increase its focus on one topic, the ECB will soon follow this focus to signal that it cares about the concerns of its audiences. However, the central bank reacts differently depending on which functional profile is at stake. It takes its time to respond to media attention to its core competencies (that it already has an established a sound reputation for); if media attention shifts to evolving competencies or unusual measures used by the central bank, it is much quicker to respond and typically does so in a stronger way. This suggests that regulators do not communicate sporadically but are highly sensitive to their environments when talking to the public. Not only are they sensitive to what audiences are saying about them, but they also relate the audience's concerns to the current state of their reputation and how these concerns relate to their current reputational profile.

While chapter 2 identified reputational concerns as a driver for strategic communication of a relatively uniform regulator in one regulatory domain, chapter 3 tests whether such a pattern also holds for more multi-faceted regulators and across regulatory domains. To do so, I examine media appearances of the heads of the European Commission, the Commissioners, during policy-making processes of the European Union. The chapter finds more evidence of strategic behavior in a regulator's communication output. Firstly, Commissioner statements appear more often in news media articles about technically complex legislation and less often in less complex legislation. Secondly, the observed communication pattern seems to be best described by: "Maximize the positive reputational payoffs and minimize the negative ones". If a legislative proposal is likely to pass the legislative procedure, Commissioners talk positively about the legislation and signal that they strongly support the proposal. If a proposal is politically more contested, Commissioners are much more careful in their statements and remain focused on technical facts rather than verbally supporting the proposed legislation.

Chapter 4 shifts the focus to the modern face of regulatory communication: social media. In contrast to classical news media, communication via social media is much faster paced and offers more means of direct interaction between regulatory agencies and their audiences. However, this interactive potential remains untapped if agencies do not get any attention on social media platforms. This chapter examines the determinants of social media attention (on Twitter) to 38 EU public agencies. Findings suggest that agencies have little agency over the size of their followership on Twitter: The salience that they have on Twitter is closely linked to the salience that they have in the news media. However, the findings also show that attention to individual messages can be influenced by agencies, independent of their pre-existing levels of public salience. If agencies use a more interactive tone and framing, they can provoke more responses from their audiences as well as attract more general attention to such interactive messages. At the same time, agencies rarely seem to make use of such communicational strategies, which in turn prevents them from harnessing the full interactive potential of social media.

The last empirical chapter (5) keeps the focus on social media, but from a different angle: How can agencies make sure that they look competent and relevant via means of public communication? Utilizing a

sample of 38 decentralized EU agencies, I examine how agencies signal their uniqueness during the Covid-19 pandemic – an all-encompassing, complex issue that touches upon many regulatory domains. The findings show that while all EU public agencies in the sample are communicating about the same issue, their messages are mostly unique to their organizations (and audiences) and rarely overlap. Much more, the EU agency landscape seems to dissect the issue of the Covid-19 pandemic into many smaller niche issues – a strategy that I call issue segmentation. Overall, these findings provide support for the idea that public organizations do not only use communication reactively but also proactively to shape their public profile – to signal uniqueness, competence, as well as willingness to defend their areas of expertise against interference.

What do we learn from this research? Firstly, the findings suggest that bureaucratic reputation plays a crucial role in public communication by regulators. Each chapter, one way or another, shows that regulators communicate in ways that seem to be motivated by reputational considerations. They aim to maximize reputational payoffs whenever they can; if their reputation is threatened, they aim to minimize reputational damages. Secondly, regulators are highly sensitive to their environments: They carefully evaluate the current political and societal climate surrounding the issues that they are responsible for and craft communication that considers these environmental factors. Furthermore, they are also sensitive to internal factors, such as current political support, as well as the degree of competition with other, adjacent, regulatory agencies in their field. Lastly, the findings show that what a regulator says has a direct impact on their audiences. I repeatedly find that both the news media as well as social media audiences directly react to regulatory communication by public agencies. This suggests that, beyond reputational considerations, regulatory communication can become a tool of regulation by itself – by tempering and developing the expectations of regulatory audiences.

All in all, this dissertation makes a case for the important role of communication in regulatory affairs. After all, regulation is a collaborative effort – it takes more than just the regulator to regulate. Public communication is a crucial linking pin between the administrative state and society, and we should put much care into communicating regulations effectively.