

# Twenty years of principal-agent research in EU politics: how to cope with complexity?

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# RESEARCH

## twenty years of principal-agent research in EU politics: how to cope with complexity?

*tom delreux<sup>a,\*</sup> and johan adriaensen<sup>b</sup>*

<sup>a</sup>Institut de sciences politiques Louvain-Europe (ISPOLE), Université catholique de Louvain, Place Montesquieu 1, bte L2.08.07, 1348 Louvain-la-Neuve, Belgium

E-mail: tom.delreux@uclouvain.be

<sup>b</sup>Centre for European Research in Maastrich (CERiM), Maastricht University, Grote Gracht 90-92, SZ 6211 Maastricht, The Netherlands

E-mail: j.adriaensen@maastrichtuniversity.nl

\*Corresponding author.

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### Abstract

In the 20 years after its introduction, the principal-agent model has seen increasing use to study political processes in virtually all policy domains in which the EU is active. Relaxing the strict assumptions that guided the original economic applications has greatly widened the scope for potential applications. This very phenomenon has also created an existential challenge to the model's contemporary use, which is combining the reductionist aims of the model (from which it derives its strength) with the complex empirical settings to which it is increasingly applied. To facilitate this balancing exercise, we propose a two-step approach to principal-agent analysis, in which the mapping of the principal-agent proof relation is separated from the effective analysis that examines the reasons, modalities and consequences of delegation and control in the EU. In doing so, we show how the principal-agent model can continue to provide new insights at the various stages of the research process.

**Keywords** principal-agent; control; discretion; rational choice institutionalism; agency; European Union; European integration

## INTRODUCTION

**W**ho drives European integration? Is it the member states ceding powers to the European level but remaining, as masters of the European Treaties, able to take these powers back? Or can we attach any causal influence to supranational actors such as the European Commission or the Court of Justice liberally interpreting the Union's competences? In an effort to identify the conditions under which the former – intergovernmentalist – or the latter – neofunctionalist – logic would apply, Mark Pollack introduced the principal-agent model to the study of the European Union (EU) (Pollack, 1997, 2003). The model studies hierarchical contractual relations between a principal who delegates authority to an agent who continues to act on the former's behalf. Borrowed from the field of economics, introduced in political science for the study of American politics, and then customized to study the EU, the principal-agent model focuses on the initial decision to delegate as well as the ensuing tug-of-war between an agent's strife for autonomy and the principal's aim to maintain control.

Twenty years after its introduction in the field of EU studies, the principal-agent model has been increasingly used to study virtually all policy domains in which the EU is active, simultaneously accounting for the various political and administrative structures through which these policies are determined. The empirical scope of application goes from external negotiations on trade (Kerremans, 2004) or environmental policy (Delreux, 2009) to the interaction between European Council and the Council of the European Union (Kroll, 2017), or from the Commission's selection and management of scientific committees (Dunlop and James, 2007) to the independence of the European Central Bank (Elgie, 2002). What

mainstream principal-agent applications to EU politics have in common is that they tend to relax the strict assumptions that guided the original economic applications. On the one hand, this has greatly widened the scope for potential applications contributing to a better and more fine-tuned understanding of the reasons, modalities and consequences of delegation in contemporary EU politics. On the other hand, critics would claim that the model has been extended excessively losing its original empirical purchase. In this article, we argue that the principal-agent model holds a promising future if forthcoming applications succeed in striking the right balance between the model's reductionist assets and its potential to cover some of the complexities of today's EU.

Rather than presenting a historical overview celebrating the diversity of the model's use, its analytical value in comparison to other frameworks and the findings uncovered in previous principal-agent studies, this article takes a more prospective outlook and engages with the current challenges the model faces from within. Back in 2003, Kassim and Menon already argued that the principal-agent model held great promise but that much of it was left unfulfilled (Kassim and Menon, 2003). Echoing similar claims more recently, Doleys confirmed that principal-agent research on the EU constitutes a 'progressive research agenda', but he concludes that its progressiveness is contingent on the manner in which users of the model will deal with the theoretical and empirical challenges (Doleys, 2016). In short, the normative prior to this overview is the expectation that a qualified and well-considered use of the principal-agent model will continue to advance our understanding of EU politics. To achieve this objective, we focus less on

the type of questions that can be addressed through the model and more on how principal-agent analyses can be improved to lead to meaningful insights. Rather than the intrinsic analytical potential of the model for the study of EU politics, it is the way the principal-agent model has been applied that has attracted criticism. By exploring how the reductionist aspirations of the model can be balanced with the growing complexity of EU decision-making, we simultaneously endeavour to reassert the model's contemporary usefulness as an analytical tool and to advocate the need for meticulous applications.

We structure our argument in three sections. First, we provide a brief overview of how the principal-agent model has evolved in EU studies. We do so, not for the sake of conventions, but because those developments carry the seeds for the very tensions that we observe in contemporary use of the model, i.e. the balancing between the reductionist aims of the model (from which it derives its strength) and the complex empirical setting to which it is increasingly applied. In a second section, we elaborate and contextualize this challenge and proceed by providing guidelines to help researchers in this balancing exercise. In our final section, we show how the suggested guidelines can be implemented at the various stages of the research process.

## THE PRINCIPAL-AGENT MODEL IN EU STUDIES

In his seminal article, *Delegation, agency and agenda setting in the European Community*, Pollack focused extensively on the motives of member states – as principals – to delegate authority to supranational institutions – as agents – and the principals' concomitant efforts to control the agent's behaviour after delegation took place (Pollack, 1997). That article,

and the subsequent book *The Engines of European Integration. Delegation, Agency, and Agenda Setting in the EU* (Pollack, 2003), meant the breakthrough of the principal-agent model in the study of EU politics. As part of the new-institutionalist turn in EU studies, the principal-agent model allowed to overcome the increasingly redundant debate between intergovernmentalists and neofunctionalists, who, respectively, assumed that the member states and the supranational institutions were the dominating actors in the European integration process. The principal-agent model offered an intellectual exit from this academic stalemate by putting forward a framework to analyse under which conditions principals or agents drive European integration (Billiet, 2009).

Following the rational choice institutionalist logic applied in principal-agent studies on American Congressional politics, Pollack argued that national governments delegate authority to European institutions in an attempt to reduce the transaction costs of policy-making. The principal-agent model indeed assumes that delegation is functional for the principals (Epstein and O'Halloran, 1999; Kassim and Menon, 2003). Yet, the same act of delegation that is beneficial to the principals simultaneously confronts the former with a potential cost, namely the risk that the agent will act opportunistically and against the principals' wishes. That is why principals also establish control mechanisms when they delegate. The result is a dyadic, contractual relationship between the principal and the agent based on delegation and control.

The assumptions underlying the principal-agent model as applied in political science have been less stringent than those in the original principal-agent analyses in the field of economics (Moe, 1984) – and the loosening of the assumptions has even been strengthened when the principal-agent model found its way

across the Atlantic. The canonical understanding of the principal-agent, as applied in economics, assumes for instance that there is an information benefit for the agent, that the principal and the agent always have different preferences and that they are unified actors (Bendor, 1988; Miller, 2005). Yet, these assumptions are seldom applicable to real-life political processes, as a result of which political scientists – and particularly EU scholars – have opted to lessen the assumptions and to investigate how these conditions as *variables* affect the principal-agent relationship (Waterman and Meier 1998). Evidently, with every assumption being relaxed the model's scope of applications grew. In so doing principal-agent analysis started to encroach on themes that were originally studied through alternative analytical models. At present, the principal-agent model increasingly acts as an umbrella term under which a wide range of hierarchical contractual relations can be examined.<sup>1</sup>

Besides relaxing the canonical assumptions, the principal-agent model's use in 20 years of EU studies has undergone two main developments: the initial study of macro-delegation dynamics has shifted to instances of micro-delegation, and the focus on the politics of delegation has been complemented by the analysis of the politics of discretion. Each of these developments has shown the versatility of principal-agent analyses, but also generated questions about the usefulness and the limits of the model.

### **FROM MACRO- TO MICRO-DELEGATION**

Initial principal-agent research treated the European Union as an international organization. It studied the process in which member states delegated more and more powers in more and more areas

to newly created institutions at the supra-national level (Tallberg, 2002). In the ensuing decades, applications of the model have outgrown their original focus on integration. As the EU matured, it bore increasing semblance to traditional political systems, or at least scholars increasingly treated the Union as such (Kreppel, 2012). The principal-agent model's focus consequently shifted from instances of macro-delegation (i.e. delegation of authority to the EU and its institutions in general, for instance in the European Treaties) to cases of micro-delegation (i.e. delegation of authority to an agent in everyday decision-making, in a particular time period or even in a particular policy-making process). In other words, principal-agent scholarship increasingly focused on delegation *in* the EU rather than on delegation *to* the EU.

This process unfolded first in those contexts where the act and object of delegation are obvious and marked by a clear mandate. External trade negotiations are a prime example as the treaties clearly stipulate the provision of a negotiating mandate from the Council to the Commission and accompanying instruments of control (da Conceição-Heldt, 2010; Elsig, 2007; Kerremans, 2006; Meunier and Nicolaidis, 1999). Yet applications of the principal-agent model to EU decision-making quickly went beyond the area of external representation and trade policy. Parallels were also drawn between delegation in the EU and delegation in other 'traditional' political systems. The transferability of hypotheses developed in studies of delegation in the American political system to the EU proved a fruitful source of inspiration (Pollack, 2002). This applies to the scrutiny of EU affairs by national parliaments through the chain of delegation (Bergman, 2000) as well as the study of delegation of executive competencies to agencies (Franchino, 2002). Much of this literature confirmed the potential of the model. Still, one had to

acknowledge that the European political system raised additional challenges due to its multi-level nature as well as its reliance on non-majoritarian institutions (Thatcher and Sweet, 2002).

The shift from macro-delegation to instances of micro-delegation thus broadened the field of application, but also laid bare idiosyncrasies that required further theorizing and refinement of the principal-agent model. By moulding the principal-agent model according to the specificities of the EU decision-making process under study, the model also gradually distanced from its initial reductionist strengths.

### **FROM THE POLITICS OF DELEGATION TO THE POLITICS OF DISCRETION**

A second, parallel trend is a shift from the study of the politics of delegation to the analysis of post-delegation politics.<sup>2</sup> While the former deals with the logic underlying the principal's decision to delegate authority to an agent (e.g. balancing benefits and costs from delegation or the selection of a specific agent), the latter focuses on the ensuing tug-of-war between principal and agent once delegation took place (e.g. the factors that determine the effectiveness of control exerted by the principals or the conditions under which the agent can go beyond the initial mandate without being sanctioned by the principals).

The shift in focus is partly explained by the large body of principal-agent literature studying the EU's external relations. This is a context in which the politics of delegation is relatively straightforward. Often a broad mandate is provided with enough flexibility for the agent to broker an international agreement. Moreover, the issue of agent selection does not need to be addressed with every act of delegation, as it is already resolved by treaty or

custom. The key question in this research pertains to the balance of power between principal and agent post-delegation. Extensive research has been conducted to assess the factors that trigger principal's control and, consequently, affect the agent's discretion. Research along these lines focuses on the effects on preference heterogeneity among principals on the agent's discretion (da Conceição-Heldt, 2011; Elsig, 2010), the extent of goal conflict between principal and agent (Coremans and Kerremans, 2017; Meier and O'Toole, 2006; Waterman and Meier, 1998) or the capacity of principals to effectively exert control (Adriaensen, 2016).

Whereas the politics of delegation takes a static approach to study the decision of a principal to delegate, the politics of discretion requires a dynamic approach focusing on the interaction between the principal and an agent. This implies that the agent's strategic behaviour becomes an integral part of the analysis. In applying the principal-agent model to international organizations, Hawkins and Jacoby raised this issue earlier when noting that the imbalanced attention for the principals has left the principal-agent literature with a 'remarkably thin view of agent behaviour' (Hawkins and Jacoby, 2006, p. 199). This bias has been corrected over the last decade due to the rising importance of what one might call an 'agent-principal' analysis. Such analyses reveal that not only the agent's behaviour, but also the characteristics of the institutional setting in which the agent executes the delegated task, must be considered to fully explain the agent's discretion. Indeed, the degree to which binding decisions can be taken in this setting, its level of informality, the degree of judicialization or the political pressure to reach an agreement there have been identified as discretion-affecting variables (Billiet, 2009; Delreux, 2011; Niemann and Huigens, 2011; Poletti, 2011).

A major contribution of this literature is that discretion not only depends on characteristics proper to the principal-agent relationship but also on factors that are not directly affected or experienced by the principals. These can even be strategically exploited by agents to escape control from their principals (Delreux and Kerremans, 2010).

The relaxing of the canonical assumptions and the identification of a plethora of explanatory factors for discretion – which are related to (1) the control behaviour of the principal, (2) the strategic and anticipatory assessments of the agent, (3) the context in which the two interact and (4) the setting in which only the agent operates – has unmistakably increased our grasp of the complexity of contemporary EU politics. Yet, it simultaneously put at risk the reductionist strengths of the principal-agent model. In the next section, we propose an approach to incorporate complexity and explanatory factors into a sound principal-agent analysis.

## CONTEMPORARY USE

Even though the preceding two decades of principal-agent research in EU studies enlarged the scope of applications, the research agenda has not developed progressively. In expanding the scope of the model, it is often observed that the structure of delegation is complicated, but analyses fall short of explaining the logic behind this observation or its implications for the principal-agent relationship. In other words, the scholarship refines our understanding of the problem, but does not build constructively and progressively towards solutions. Still, we argue that the resulting challenges can be addressed if the model is carefully applied to study questions that are cautiously chosen and precisely conceptualized. This section discusses how

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the principal-agent model can remain useful and relevant to study contemporary EU politics. It first considers what the necessary conditions are to apply the model to the study of a particular political phenomenon and proceeds by proposing a best practice to conduct a proper principal-agent analysis today.

## **RATIONAL CHOICE INSTITUTIONALIST ASSUMPTIONS AND THE NECESSITY OF AN ACT OF DELEGATION**

The principal-agent model can only be adequately applied when two necessary conditions are fulfilled. First, as the principal-agent model has entered the political science discipline as a branch of rational choice institutionalism, the latter's assumptions should be accepted (Hall and Taylor, 1996; Pollack, 2009). Assuming rationality does not necessarily imply that principals and agents only have narrowly defined self-interested preferences. They might also seek broader or collective goals. What matters is that principals and agents seek goal achievement, irrespective of what their goal exactly is. Moreover, the institutional context in which they act and the rules that are applicable there constrain individual actions, choices and behaviour of principals and agents. This carries with it certain challenges, such as the



specification of the agent's preferences independent from the institutional context in which he operates (see further).

Second, the application of the principal-agent model requires the definition of a precise act of delegation. That act of delegation serves as the contract that defines the principal-agent relationship. In other words, it is the act of delegation that constitutes an actor as principal and another actor as the agent of that principal. In the earliest principal-agent analyses of macro-delegation to the EU, the act of delegation linking the member states-as-principals and the EU institutions-as-agents was rather easy to identify: the European treaties. However, identifying the clear-cut act of delegation in instances of micro-delegation in the EU is in many cases more challenging. When the Council Secretariat prepares draft proposals for intergovernmental negotiations on behalf of the member states (Reykers and Beach, 2017), or when the Commission represents the member states in the G8 (Niemann and Huigens, 2011), the act of delegation is certainly less formal and often implicit. Irrespective of the extent to which the act of delegation is formalized, its mere existence is essential to conceive a social or political relationship as a principal-agent relationship. Merely having the capabilities to control or to sanction another actor is not sufficient to be considered a principal. Conversely, the (quasi) absence of elaborate means of control does not disqualify an actor from being considered a principal.

An act of delegation has two key characteristics: it implies hierarchy, and it founds a dyadic relationship. Hierarchy means that principals retain the power to cease the contractual relationship and to undo the delegation of authority to the agent. This might be very costly for the principals, and it is likely to come with huge consequences – in the case of macro-delegation to the EU it would mean the dissolution of the EU –, but nonetheless it

is a possibility. Hierarchy also refers to the ability of principal-agent models to understand and to explain the relative balance of power: is the actor who controls (the principal) dominating political processes in the EU or rather the actor who enjoys delegated authority (the agent)? The second characteristic, a dyadic relation, refers to the fact that the principal-agent model captures a relation between two (sets of) actors: a principal and an agent. Although a principal can have multiple agents – and an agent can be the agent of multiple principals – a principal-agent relationship model only captures a single dyad. Hence, an adequate principal-agent analysis requires the identification of – and the limitation to – the specific dyadic, hierarchical relation under study.<sup>3</sup> The latter is likely to be embedded in a broader and more complex web of relations, yet that web of relations only serves as the context of the principal-agent relation that one is interested in.

### **A PRINCIPAL-AGENT ANALYSIS AS A TWO-STEP INQUIRY**

Our solution to combine the reductionist assets of the principal-agent model with its potential to capture the complexities of decision-making in the contemporary EU consists of a two-step approach, whereby the first conceptual stage seeks to specify in as much detail as possible the principal, agent and the delegated task and the second step subsequently engages in explaining this configuration (politics of delegation) and/or its effects (politics of discretion).

#### **STEP 1: MAPPING THE PRINCIPAL-AGENT RELATIONSHIP**

The first step entails a scrupulous mapping of the dyadic, hierarchical relation that can be studied through the lens of the principal-agent model. It is the task of a principal-agent researcher to pinpoint the 'principal-agent proof' relationship



amidst a plethora of other type of relations. This requires the identification of the principal and the agent (*who delegates to whom?*) and the specification of the object of delegation (*what is delegated?*).

As we argued above, the mere ability or desire of an actor to control or to sanction another actor is not sufficient to be conceptualized as a principal. What is necessary is that that actor delegates authority and retains the formal power to revoke that authority. Within the EU, it frequently occurs that more than one principal, either jointly or individually, delegates authority to a common agent. Joint delegation implies a single contract between the group of principals, acting as a 'collective principal', and the agent, whereas separate delegations are characterized by a multiplicity of contracts through which each of the 'multiple principals' decide to delegate to the agent (Nielson and Tierney, 2003). For instance, when EU secondary legislation delegates executive powers to the Commission, the Council and the European Parliament act collectively (through the same piece of legislation, which serves as the act of delegation) and not separately (as individual co-legislators). Moreover, in many EU institutions, identifying cases of multiple or collective principals is even more complicated because of the voting rules in force (e.g. majority voting or unanimity in the Council). These rules, together with power asymmetries within the collective principal, give (individual) members of it credible instruments of (individual) control even if they need to act as a collective (Adriaensen, 2016; Dijkstra, 2017).

The identification of the agent has also become increasingly challenging in the EU. The traditional supranational institutions (the Commission and the Court) are no longer the only agents in the political system of the EU. The last decades of institutional development in the EU have been characterized by a proliferation of newly

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established actors to which specific tasks have been delegated. These 'de novo bodies' include the European External Action Service (EEAS), the European Stability Mechanism (ESM) or more than 30 specialized agencies (Bickerton *et al*, 2015). The expansion of the number of agents has also generated questions about why and when certain agents are (not) selected and what the consequences are of having multiple agents in terms of conflict, cooperation or conflict between them (Helwig, 2017). Next to the phenomenon of 'multiple agents', and mirroring the aforementioned distinction between multiple and collective principals, an additional complexity emerges in the sense that some of these agents can also be 'collective agents', consisting of various subunits and leading to fragmentation inside the agent (Graham, 2013). This raises for instance the question on whether the Commission as a whole or rather individual Directorate-Generals or Commissioners are to be conceptualized as the agent. Additionally, opening the black box of intra-agent politics can reveal how conflict or division of labour within a collective agent affect the principal-agent relationship.

Deciding whether an actor should be treated as a principal or as an agent is not always straightforward from an empirical point of view in the EU context, but it is a conceptual prerequisite to apply the principal-agent model in a way that the trump card of its reductionist strength can be fully played. In some cases, the 'chain of delegation' concept offers a solution, as it allows for simultaneously considering

multiple dyadic principal-agent relations that are linked to each other whereby the agent of the first principal-agent relation becomes the principals of the second one (Bergman *et al.*, 2000; Nielson and Tierney, 2003). But in other cases, the 'chain of delegation' concept cannot grasp the hybrid nature of an actor who has both principal and agent characteristics. This occurs for instance when an agent is selected among the principals and that, consequently, the agent is a subset of the principals.

If member states in the Council delegate a particular task to one or a few member states, these member states become agents but they are simultaneously (part of) their own collective principal. A well-known example is found in the field of foreign policy, whereas a group of member states (the EU-3) represented the EU in negotiations with Iran. Another complexity emerges when some principals are closer involved to the work of the agent than others, which blurs the distinction between a principal and an agent. For instance, when the European Parliament conducts trilogue negotiations with the Council the Parliament is represented by the rapporteur (acting as agent of the EP committee) but also the shadow rapporteurs are member of the EP team in trilogues, giving the latter a different status than the 'normal' principals in the EP committee (Laloux, 2017).

In addition to the identification of the principal(s) and the agent(s), it is important to specify the object of delegation: what is being delegated by the principal to the agent? The authority over which the principal disposes is often fragmented in various components (e.g. representation, negotiation, monitoring or implementation). Each of these components can be subject to delegation, often to different agents. Moreover, within the EU,

national sensitivities or concerns over subsidiarity and sovereignty have resulted in the partial delegation of authority from member states to the EU on sensitive issues. One of the EU's core legislative instruments – the directive – is a good case in point as it shows that the extent of delegation varies depending on the stage in the policy-making cycle. Whereas the member states have delegated authority to the EU with respect to agenda setting and policy formulation, they have retained a considerable voice in the actual decision-making and the ultimate implementation even remains their proper responsibility.

This mapping exercise will set the absolute boundary on the relations that can be studied through the principal-agent model. That boundary is straightforward: if no dyadic, hierarchical relation can be identified, the principal-agent model should not be used and the researcher should resort to alternative analytical models. Still, even if one succeeds conceptually in carving out the principal-agent proof relation amidst the broader policy network, one may still encounter the limitations of the principal-agent model. Should the mapping reveal an overly complex set of relations characterized by soft contracts, overlapping membership structures, non-majoritarian institutions and competing chains of delegation, the reductionist aims of the principal-agent model are clearly compromised. If that is the case, researchers should turn also to alternative approaches and analytical frameworks, which are more useful in such a situation. Policy networks, governance approaches, veto-player theory or (variants of) two-level games are likely – and more suitable – alternatives in case the decision-making context under examination lacks a principal-agent proof relationship.

*STEP 2: STUDYING THE POLITICS  
OF DELEGATION AND THE POLITICS  
OF DISCRETION*

In the second step, and only when the principal, the agent and the object of delegation have been determined, the conditions that have led to the observed pattern of delegation (i.e. the politics of delegation) and/or the consequences of this pattern for the distribution of power between the principal and the agent after delegation has taken place (i.e. the politics of discretion) can be investigated. It is here that the actual principal-agent analysis starts. Questions that are not directly related to the politics of delegation or post-delegation politics fall outside the scope of principal-agent analysis. This constitutes the substantive boundary of the model.

The institutional pattern of delegation mapped in the previous step is the outcome of the (joint) decision of a principal to delegate (part of) its authority to a specific agent. The study of the politics of delegation aims to *explain* that pattern of delegation. It can for instance lay bare the conditions under which member states prefer to create an executive agency over delegating such regulatory powers to the European Commission (Dehousse, 2008; Keleman, 2002). It can also explain why the composition of the European Parliament's negotiating team in trilogues has evolved over time (Laloux, 2017). An older theme of research is member states' decisions to delegate further authority to the European Union (De Bièvre and Dür, 2005; Pollack, 2003) but also the question of why authority is fragmented prior to delegation, and why only parts of this authority has been delegated can provide interesting venues for future research.

Whereas the politics of delegation lay down the rules of the game to be played between the principal and the agent, the subsequent unfolding game is the subject of the politics of discretion. The agent's

*'... Whereas the politics of delegation lay down the rules of the game to be played between the principal and the agent, the subsequent unfolding game is the subject of the politics of discretion'.*

discretion, to be understood broadly as the room for manoeuvre the agent has in carrying out the delegated authority, partly depends on how the principal acts and partly on how the agent plays the game.

The principal not only affects the agent's discretion by deciding on the amount of authority that is initially delegated but also by establishing and activating control mechanisms. The study of the principal's control complicates when accommodating real-life complexities in a model conceived for simple dyadic hierarchy. A first complexity relates to the difference between the range of available control mechanisms and their actual activation. Whereas the available control mechanisms are revealed in the study of delegation, their actual use and activation are covered by the politics of discretion. The likelihood of activation can be understood as a function of the availability of control and the political cost resulting from activation for the principal. Second, control executed by a collective principal requires a qualified understanding, as the assessment of the necessity and level of control can vary between different members of that collective principal. As the agent's preference is not equally aligned with the preference of each of the members of the collective principal, the latter's assessment of what is a gross overstepping of the mandate by the agent – and, consequently, a good case of the activation of the control mechanisms – can vary too.

Discretion is not merely inversely related to the activation of control mechanisms by the principals. It is equally well the result of whether the agent tries – or is urged – to acquire more leeway than the principals originally delegated. The reasons why an agent goes beyond the mandate are manifold. The agent can behave opportunistically, driven by the wish to maximize its own preferences at the expense of the principals' (so-called 'shirking'). The act of delegation can leave some issues unspecified, leaving more leeway for the agent than the principals could foresee ('slippage'). Discretion can also be affected by various pressures the agent experiences in the execution of its task but from which the principals are excluded. For instance, when the European Commission negotiates in international organizations on behalf of the member states, the former can be confronted with expectations from third countries 'to take its responsibilities' and to deviate from the mandate.

## RESEARCH AGENDA

Whether research using the principal-agent model will continue to progress largely depends on scholars' ability to address the tension between the model's reductionist aims and the understanding of the growing complexity of the empirical reality to be studied. In this context, the EU can be considered an 'extreme case' due to the many peculiarities in its multi-actor and multi-level decision-making structure (e.g. the prevalence of super-majoritarian voting, the coexistence of ideologically and territorially defined interests, the rotating presidency, the 'de novo' bodies with different competencies and governance structures, the involvement of national parliaments).

The two-step approach laid down above aims to facilitate this balancing exercise. To reduce the observed complexity to a

simple – but not simplistic – model, one needs to disentangle the hierarchical relation from the large web within which it is embedded. This final section takes a forward-looking perspective and argues why the mapping we propose above is a necessary condition for principal-agent analyses to develop into a progressive research agenda. Aspiring to provide some inspiration for the practical implementation of future principal-agent research, we focus on three stages of the research process to support our argument: (1) the formulation of research questions; (2) the contribution one can deliver to the existing literature; and (3) the methodology required to address the formulated questions.

## QUESTIONS

There are basically two ways to deal with the growing (understanding of) complexity in EU decision-making through a principal-agent perspective. On the one hand, researchers can apply the model only to those areas where the principal-agent relation is evidently clear and conforms the typical textbook example (singular principal, singular agent and a well-documented act of delegation). On the other hand, scholars can endeavour to apply the model to policy contexts that are less hospitable at first sight. The former approach *de facto* limits the principal-agent model's usefulness in contemporary politics. The latter approach – which we are more supportive of – has the potential to lead to a better understanding of some instances of contemporary EU politics, but carries with it both a risk and a challenge. The risk lies in what we term conceptual complacency. Researchers need to resist the temptation to oversimplify the observed complexity or to interpret the decision-making process imprecisely to let it fit with the classic principal-agent concepts.

The corresponding challenge is that exploratory research needs to be conducted on the decision-making process under study before the precise principal-agent relation can be properly mapped (i.e. step 1 of our two-step approach). Yet, this effort is often rewarding as it reveals richer, and often more puzzling, research questions. It is exactly the observation of anomalies that deviate from the basic principal-agent model which warrant our attention. The principal having an incentive to limit its control over the agent (beyond it being costly) (Majone, 2001), the agent's decision to establish additional mechanisms of oversight (Coremans and Kerremans, 2017) or the motivations of the member states to create the EEAS and the High Representative as means of external representation while continuing their national foreign operations (Dijkstra, 2017), all raise tempting questions that would have remained hidden without a mapping of an institutional set-up in principal-agent terms.

Applying the model to less obvious environments was part of the appeal of the work by Pollack when he first used the principal-agent model in studying the EU (Pollack, 1997, 2003). And while it has also triggered much debate at the time (Kassim and Menon, 2003; Majone, 2001; Pollack, 2007), the ensuing studies further refined our conceptual understanding of the relation between member states and the European Union.

## LITERATURE

Two decades of principal-agent analyses have already made clear that the model is versatile and can be applied to a wide range of empirical contexts. If the research agenda is to become a progressive one, it is important that analyses focus less on the 'novelty' of the empirical domain to which it is being applied and

more on the peculiarity of the principal-agent relation being studied. The bar for proving the principal-agent model is applicable in a given setting is relatively low given the conditions laid down above. Instead, it would be more ambitious to inquire into what makes the studied hierarchical relation similar or different to existing cases. The two-step approach suggested above is instrumental in this process. In situating the contribution to the literature, the mapping exercise (i.e. step 1) is useful for two reasons. First, it helps to position the study within the expanding literature. If the observed type of relation has been studied before, contributions can either strengthen the body of evidence or it can question – or qualify – earlier findings. Second, in the event the specific relation is entirely novel, one should explore if the identified innovations challenge our existing knowledge on the politics of delegation or discretion. If that is the case, empirical applications to novel contexts allow for refining the reasons, modalities and/or consequences of delegation in the EU.

The literature has, for example, long noted the distinction between multiple principals and a collective principal (Nielson and Tierney, 2003). Slowly but steadily, scholars engaged in assessing its implications for the politics of delegation and the politics of discretion (see e.g. Adriaensen, 2016; Graham, 2013; Whitford, 2005; Worsham and Gatrell, 2005). In new research, it would therefore be necessary to build upon this subset of the literature rather than merely stating that there are different principals exerting control or formulating new hypotheses in an *ad hoc* manner. Similarly, various authors have observed instances in the EU whereby the member states have not delegated the full competency over an issue or a policy field to the EU and retained some authority themselves. Yet that mere phenomenon has been conceptualized differently in the literature.

Whereas Dijkstra speaks of 'non-exclusive delegation' when observing the member states fulfilling the same tasks as those delegated to the EEAS (Dijkstra, 2017), Menz used the term 'principal slippage' to describe a similar phenomenon, in this case in the area of EU migration policy (Menz, 2015). Here too, it would be good for subsequent literature to inquire into the motives for the principals to withhold some of their powers or the decision of principals to engage alongside the agent in executing the delegated task and on the consequences for the latter's discretion rather than – once more – describing the observed phenomenon.

The fact that different terms are used in the principal-agent literature to describe a similar phenomenon leads us to a final challenge in identifying one's contribution to the literature: the increasing fragmentation of the principal-agent literature. As (sub-)disciplines of the social sciences have become largely isolated, self-contained and also self-referential – each with their own journals, associations and conferences – it has become increasingly demanding for EU scholars applying the principal-agent model to be aware of recent developments in other disciplines, such as economics, sociology, public administration or even American politics. The above example also shows it can generate separate terminologies that make a cross-disciplinary consolidation more difficult to achieve. While it is naïve to assume one can be aware of all developments in the literature applying principal-agent insights, we do advocate an active engagement beyond one's narrow field of EU studies.

Simultaneously, there is a need for the principal-agent model to remain in touch with broader developments in the social sciences. The apparent reluctance of the principal-agent literature to engage directly with the (network) governance literature – with its appreciation of

horizontal network type of relations between a multitude of actors – has led to a mismatch between an oversimplified principal-agent analysis and the complex empirical context one aims to study. A similar engagement is needed with other theoretical developments such as the recent study of 'orchestration' which specifically focuses on delegation through 'soft contracts' (Abbott *et al*, 2015).

## METHODS

Our proposed two-step approach not only intends to provide clear conceptual guidance, it can also prove helpful in addressing the methodological challenges one faces. A common problem when investigating the politics of discretion is the issue of preference specification. How can we conceptually disentangle the true preferences of an agent from those shaped by the institutional setting in which he is active and from the principals the agent is to represent? The challenge of adequately specifying and substantiating the preferences of the different actors, here the agent and the principal, is quite common in institutionalist – as opposed to behaviourist – theoretical frameworks (Immergut, 1998).<sup>4</sup>

In principal-agent research, it is often reflected in the challenge to deal with observational equivalence (Damro, 2007; Weingast and Moran 1983). In the absence of manifestly activated control, it is not easily distinguished whether an agent acts in line with the principal's preferences because of self-interest or because it seeks to avoid control by its principal. Process-tracing methods in an in-depth case study design can then be useful to dissect an agent's motivations – or more generally to lay bare the causal mechanisms to lead to a specific effect (Reykers and Beach, 2017). Process-tracing has also been proposed in constructivist research as a method to

distinguish preference change due to strategic adaption in the light of altered incentives from preference change occurring through persuasion and socialization (Checkel and Moravcsik, 2001: p. 224). Still, identifying the causal mechanisms that drive the principal-agent relationship requires a clear mapping of the different actors involved, the delegated authority and the instruments of control at the disposal of the principal.

Next to the study of within-case causal mechanisms, principal-agent research also needs thoughtful cross-case comparative research in order to identify the conditions under which a particular pattern of delegation or a certain degree of discretion occurs. Testing in a comparative design whether a hypothesized condition for delegation or discretion can be generalized to a broader population of cases will lead to more progress in the field. Particularly, medium-N comparisons (e.g. by using configurational methods) are a promising methodological venue for pinpointing necessary and sufficient conditions (Delreux, 2009). Such designs allow for systematic comparisons, a certain scope of external validity and a fine-tuned measurement of key principal-agent concepts, such as agent discretion. Although we do not exclude a priori the potential of large-N comparative designs, the latter face an additional challenge, namely a standardized measurement tool to quantify delegation, control and/or discretion.

The methods to deal with the great variety of patterns of delegation, both in a within-case and in a cross-case design, are readily available. Unfortunately, most correspond to what Hay (2016) terms 'high tariff' methods. As they require a significant amount of time and resources from the researchers, it is important to assess whether the expected findings will be worth the investment. This particularly applies to an appropriately conducted process-tracing enterprise, but also to

*'... Principal-agent research needs thoughtful cross-case comparative research in order to identify the conditions under which a particular pattern of delegation or a certain degree of discretion occurs'.*

comparative research methods that necessitate standardized measurement and well-considered coding of both independent and dependent variables. So before starting the intense empirical research, it is best to situate the studied pattern of delegation within the broader literature so that the findings can more readily travel to other similar contexts.

## CONCLUSION

The potential of the principal-agent model as a useful analytical tool of analysis has been well documented over the past 20 years. This potential can, however, only fully be realized with a healthy dose of conceptual ingenuity and critical reflection. The need to balance the reductionist aims of the model with the empirical complexity observed forms a major hurdle for the model's qualified use. The two-step approach advocated in this article – disaggregating the mapping exercise from the study of delegation and post-delegation politics – aims to address this challenge. We consider the mapping crucial for any meaningful analysis to take place, but also caution for mistakenly treating the mapping as the full analysis. A clear separation of both steps can generate new research questions, helps to identify the contribution to the literature more forcefully and facilitates the identification of the appropriate methods.



By now it should be clear that we are optimistic about the future of the principal-agent model in the study of EU politics. Many challenges lay ahead, but we are confident that they can be transformed to scientific progress.

Or as Pollack stated more recently: 'During the first two decades of the study of EU

delegation and discretion, EU scholars were net importers of ideas from other fields of study. [By now], EU scholars have arguably reversed the terms of trade, producing new insights that promise to illuminate the study, not only of the EU, but of politics in general.' (Pollack, 2017).

## Notes

- 1 This includes amongst others studies on incomplete contracting (Farrell and Héritier, 2007; Hix, 2002; Tirole, 1999), delegation to trustees (Majone, 2001; Pollack, 2007) or agency theory (Shapiro, 2005).
- 2 We use the terms 'politics of discretion' and 'post-delegation politics' interchangeably to cover the interaction between principal and agent once the act of delegation has been established. It builds upon the broad conceptualisation of discretion as 'the leeway enjoyed by the agent in the execution of the delegated task' as developed in Delreux and Adriaenssen (2017). The agent's discretion is not limited to the room for manoeuvre granted by the principals and the control exerted by the latter, but is also captures the actions of the agent after the establishment of the act of delegation.
- 3 Extensions of the model can involve a comparison of, e.g. multiple principal's instruments of control, the effects of chains of delegation or the strategic interaction between multiple principals/agents but, in essence, the principal-agent model focuses on a single dyadic relation.
- 4 We particularly like to thank one of the anonymous reviewers for pointing this out.

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## About the Authors

**Tom Delreux** is Professor of political science and EU politics at the *Institut de sciences politiques Louvain-Europe* (ISPOLE) at the *Université catholique de Louvain* (Louvain-la-Neuve). He has published widely on principal-agent relations in the EU's external relations, and he is the author of *The EU as International Environmental Negotiator* (Ashgate 2011), *The Foreign Policy of the EU* (Palgrave 2014, with Stephan Keukeleire) and *Environmental Policy and Politics in the European Union* (Palgrave 2016, with Sander Happaerts).

**Johan Adriaensen** is research coordinator at the Centre for European Research in Maastricht (CERiM) at Maastricht University. He obtained his Ph.D. at the KU Leuven in 2014. His work focuses on European administrative governance, EU trade politics and the scholarship on teaching and learning. He is the author of *National Administrations in EU Trade policy* (Palgrave 2016) and is the current reviews editor at the *Journal of European Integration*.