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The crisis of long-termism: time and independence in the European Union

Antoine Vauchez^a  and Jonathan White^b 

^aCentre européen de sociologie et science politique, Université Paris 1 Panthéon-Sorbonne, Paris, France; ^bEuropean Institute, LSE, London, UK

ABSTRACT

Unable to point to a popular mandate, unelected institutions must find another source of legitimacy. This article argues that, in the context of European integration, a solution was long sought in the notion of far-sighted rule. Independent institutions such as the European Commission, Court of Justice and European Central Bank consolidated their authority with claims that they were distinctively well-placed to pursue long-term goals, being insulated from the short-termism to which national democracies are supposedly prone. Having traced the emergence and the logic of these claims, the article examines the preconditions they rest on, and the extent to which these still hold. As we argue, in today's context of volatility and emergency governance, these temporal claims look increasingly outdated, thereby disrupting one key rationale for the EU's division of powers.

KEYWORDS European Union; independent institutions; time; emergency; legitimacy

One of the familiar justifications for the contemporary rise of independent powers is that expert-based institutions are well-placed to pursue rational objectives, free of the constraints of partisanship and public opinion. Nowhere have such claims been more widely diffused than in the history of European integration, where legitimising the place of unelected bodies has been an enduring and pressing task. Typically overlooked is that these claims are often about *time*. The main trio of independent institutions – the European Commission, the Court of Justice and the European Central Bank – have all sought to tie their authority to an idea of temporal long-sightedness, while corresponding transfers of power away from state governments have been rationalised as ways to avoid the short-termism to which democratic institutions are said to be prone. While the justification of independence in the nation state has long appealed to notions of experience, wisdom or technical competence (Rosanvallon 2010; Vibert 2007),

CONTACT Jonathan White  j.p.white@lse.ac.uk

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the supranational sphere has faced particular pressures to defend its arrangements, emerging as a key laboratory for the development of long-termism as a principle of legitimation.

The reliance of EU institutions on non-democratic forms of legitimacy is well established. In Fritz Scharpf's terms, as they struggle to claim the 'input' legitimacy born of public participation, EU authorities invoke the 'output' legitimacy that comes with the capacity to achieve good results (Scharpf 1999). Productive as this distinction can be, in our view it overlooks something crucial. When public policy is closely tied to the fortunes of the market economy – as in the EU case, where market integration was the core purpose from the beginning (Isiksel 2016) – the outcomes it yields will often be mixed. Even at their most functional, markets in no way produce benefits for all: inequality and hardship are the experience of many, tempered perhaps by the promise that these will be alleviated in the long run, that there will be 'jam tomorrow' if not today (Keynes 1930/1963). Accordingly, it makes sense for market-bound authorities to present themselves as playing the long game, grounding their legitimacy not just on discernible achievements in the here and now but their contribution to the public good over the *longue durée*. If 'outputs' are liable to be underwhelming at a given moment, tempting is to invoke a wider frame of reference that can absorb inconvenient facts. All the greater is the lure of the long term if it helps supranational authorities to differentiate themselves from competing sources of authority at the national level.

This article explores how such claims about time have been used to rationalise the institutional distribution of powers in the EU, and critically examines how far these claims are well founded. Building on existing work that looks at how time comes to be institutionalised in transnational politics (e.g. Goetz and Meyer-Sahling 2009), we examine how it is invoked as a basis for authority. We seek to show the role of temporality in legitimating the processes of judicialization and technocratization that scholars of Europe have long described (e.g. Alter 2010; Bellamy 2008), and to bring out the continuities that exist across different kinds of independent institution. While the study of judicial and technocratic authorities tends to be divided across legal and political scholarship, a comparative approach reveals some important parallels. Connecting to work on the EU's emergency politics (e.g. Kreuder-Sonnen and White 2022; Schmidt 2022; Scicluna and Auer 2019), we also seek to highlight how irregular forms of decision-making disrupt these time-based ideas of legitimacy (cf. Schäfer and Merkel 2024). As crisis government becomes a recurring template, it disrupts one of the enduring rationales for the EU's division of powers.

The article begins by looking at how supranational actors over the course of European integration have established their credentials as defenders of the European interest by posing as agents of the long term.

Their capacity to recognise the long-term good, and to advance policies in support of it, are persistent themes in their construction of independence – if not always the keynote then a way to add depth and resilience to their legitimacy. As our account suggests, these ideas have long been present in the discourse and practices of the Commission and Court, and acquired new visibility with the emergence of European and Monetary Union, with the ECB's key value being identified as its capacity to offer 'temporal consistency' in policy (Majone 1996). At the very time that national authorities in post-War Europe were retreating from the long-term ambitions of planning and programmatic transformation (Pizzorno 1998), supranational authorities were carving out a distinctive role for themselves as agents of the long-term good. The effect of such arguments is to make a virtue out of the EU's democratic deficit: where critics lament the unresponsiveness of supranational institutions to public opinion, for the advocates of independence it is precisely this feature that allows them to recognise and act on the European interest.

Understanding the logic of temporal claims to authority requires examining their presuppositions. As the article's second section argues, claims to long-sightedness in public policy rest for their plausibility on certain preconditions, of which we highlight three: that there is a stable social consensus on the policies to be pursued, that the institutions in question are technically equipped to deliver on the tasks they are responsible for, and that they are sufficiently proceduralised in their working methods as to bring out their virtues and sustain themselves over time (cf. Tucker 2018 as below).¹ While independent authority can be justified on non-temporal grounds, to the extent it is justified temporally these supporting conditions are crucial.

As the article's third section argues, one of the striking features of today's EU is how claims to long-sightedness are becoming hard to sustain, as the preconditions they rest on recede. From financial capitalism to climate change to geopolitics, independent institutions are increasingly embroiled in the emergency politics of the here and now. Research on EU and global crisis governance has highlighted the patterns of overreach this tends to engender, harming norms of accountability and procedure (Diessner 2022; Kreuder-Sonnen 2019; Lokdam 2020; Schmidt 2020; cf. Tallberg and Zürn 2019). As we argue here, what is also disrupted is the notion that such actions can be justified in the name of farsighted rule. By spurring policy-making that is reactive, improvised and inconstant, the politics of emergency undercuts the very kinds of legitimating claim that non-democratic actors have sought to invoke.

If the story of European integration hitherto was the making of a division of labour between democratic institutions as managers of the short term and independent institutions as guardians of the long term, that

division of labour is now breaking down, and with it one of the key legitimating principles on which the EU was built. Caught up in the pressures of the moment, the Union's independent authorities increasingly resemble their democratic counterparts, minus a popular mandate. As their claims to long-sightedness become tenuous (Tooze 2020), it becomes hard to defend the unelected bodies at the core of the EU system – all the more given that their powers are continuing to expand (Thatcher *et al.* 2023).

The existing literature on independent institutions has struggled to register these shifts. Most often from a rational-institutionalist perspective (Majone 1996; Moravcsik 2002), authors have long argued for the functionality of non-majoritarian institutions in an EU polity centred on technical policies without distributional effects. Pareto optimality has been the standard expected of them (Scharpf 1999). Pitched at the level of general theory, such arguments underplay the changing historical conditions that shape their validity. They assume what needs to be questioned: the link between non-majoritarianism and long-sighted rule. Our contextualist methodology is better placed to make sense of these crisis times, as we do not assume the rationality of existing institutional arrangements, nor the credibility of the claims that support them. In the tradition of historical and critical approaches to the EU (e.g. Schrag Sternberg 2013), we ask how formalizations of EU power have evolved over time, and how they fare in the face of new pressures. As the first cut at the analysis of a neglected theme, the article is intended to identify some key patterns and convey their importance, inviting further research that explores them systematically in comparative and/or quantitative terms.

Independent institutions and the claim to long-sightedness

As scholars of Europe have often observed, the EU has been a propitious terrain for the development of independent, non-majoritarian institutions. The Commission, the Court of Justice and the European Central Bank are all sources of 'un-elected' power (Vibert 2007) – not without mechanisms of political accountability, but intentionally detached from the rhythms of electoral politics, and with mandates hard to trace to an electoral decision.² Not only were they granted significant responsibilities at the outset, but they have developed over time in ways that outstrip their initial competences (Pollack 2003). Independent institutions have been the cornerstone of the integration project.

In the large repertoire of justifications used to defend this, particular claims to long-sightedness have recurred. As this section aims to show, different institutions express them in different forms. The Court refers

mostly to legal *tradition*, as embodied in its constitutional case-law since the landmark cases of the early 1960s (Vauchez 2010). The Bank tends to draw on the idea of *stability* across time, understood as its privileged tool to secure low inflation in the long run (Tucker 2018). The Commission has tended to claim particular powers of *vision* in the pursuit of its long-term mandate of market integration and ever-closer union (White 2003). These claims are diverse, yet each links independence with time in some way. And notwithstanding their differences, they are united in their intended point of contrast – those institutions whose authority derives from elections, notably member-state governments and the European Parliament and Council.

Historically speaking, the claim for long-sightedness in EU independent institutions is tightly connected with the rise of a constitutional reading of the European treaties, by which the Court and the Commission progressively affirmed their ‘objective’ roles and constitutional duties as guardians of Europe’s general interest. In the context of the ‘Empty Chair’ crisis (1965), which was perceived to threaten the return of national interests and short-term diplomatic deals, the Court and the Commission, together with a group of pan-European lawyers, helped to refashion the Rome treaties as a *de facto* constitution and autonomous legal order. The mandate invoked by the institutions of the ‘independent branch’ (Majone 1993) does not, in this framework, derive its source or its force from the general will of the people as expressed by parliamentary majorities or by the Member States. It stems instead from the existence of ‘Europe’ as a shared project whose supra-national and supra-electoral interests are embodied by the Community/Union independents.

Both the Court and the Commission crafted their institutional identity alongside this constitutional settlement. In the wake of its famous 1963–1964 landmark cases, the CJEU developed the so-called ‘teleological method’ of interpreting European Communities’ founding treaties, viewed as the legal base for ‘a Community of unlimited duration’ (Judgement of the Court of 15 July 1964, *Flaminio Costa v ENEL*). Pierre Pescatore, one of the leading Euro-lawyers of the time (both drafter of the Rome treaty and an ECJ judge for close to twenty years), early on argued that ‘the application of a teleological criterion of interpretation enables us to safeguard the essential dynamism of the Communities by placing the creation of the common work at the centre of our concerns’ (Pescatore 1965: 210). Rather than searching for the original intentions of the treaty drafters, as traditional international judges would have done, the Court built its jurisprudence on the future-oriented ‘objectives’ laid down in the European treaties (‘ever closer union’), in a continuous backward-and-forward movement between the *telos* of the European project as enshrined in these texts and their implications for the cases it was called on to judge

(Vauchez 2012, 2015). One effect was to draw the Court ever deeper into the making of policy.

The Commission likewise engaged in a reframing of its role from mere *secretariate general* or executive of the Council's decisions to guardian of the European project. As the treaties were turned into a *de facto* Constitution, the formula of Article 9 in the Paris and Rome treaties which prescribed that 'the members of the High Authority exercise their functions in full independence, in the general interest of the Community' took on an entirely new meaning. As theorised by in-house lawyers such as Walter Münch, influential member of the Commission's Legal service, or Erich Wirsing, head of cabinet of commissioner Hans von der Groeben, the Commission's *raison d'être* as an independent body lay in the search for the '*objektive Gemeinschaftsinteresse*'. The future was central to how Commission officials saw their task, encouraging the present to be approached as the future in embryo. In the terms of Commission President Walter Hallstein, Europe was an 'unfinished federation' (Hallstein 1969), and the Commission's role was to lead its completion. Especially in the wake of his clash with de Gaulle, Hallstein emphasised his capacity to play the long game: to secure the Community interest was 'a long-term undertaking' for which 'at least a generation' was needed (Oppermann 1979: 672). Whereas national sovereigntists might be tempted by short-term expediency, the Commission brought a touch of 'vision' and 'futurology' (Hallstein 1969: Foreword), its eyes on the bigger picture.

These institutional claims were progressively codified in new theories of the EC's institutional balance, marked by a temporal principle for the division of powers. The 1972 Vedel Report on the development of the European Parliament explicitly rationalised the Community's structure in these terms: 'As an institution independent of the governments and politically responsible to the European Parliament, the Commission is in a position which allows it to consider the European interest in the long term, so that it can obtain an overall view of the policy to be followed and can play a role as initiator, planner and mediator for the common good' (Bulletin of the European Economic Community 1972: 18–19).³ In what was for long one of the most influential accounts of the 'logic' of the European treaties, Pescatore underlined the shared role of the Commission and Court as representatives of the future of the European project, each enjoying a supranational and supra-electoral mandate in opposition to the discontinuous mandate of the Council and Parliament. 'If we are to achieve policy, the prelude to Community legislation, it is essential first to create an institution with the independence, internal cohesion and means of action essential to the development of projects beyond divergent national interests, in the perspective of the needs of the whole and with a vision for the future' (Pescatore 1978). The so-called

‘Community method’ thus encapsulated a balance of power and of time-frames, in which the Court and the Commission were responsible for the long-term interests of the European project (cf. Dehousse 2003).

The originality of the ECB, as a latecomer to the field of EU institutions, lies in how the management of the future was core to its policy instruments (Braun 2017). It was accompanied from the beginning by a strong claim to long-sightedness. The Delors committee which drafted the proposal for EMU in 1989 is testimony to the diffusion amongst central bankers of new monetary theories that saw independence as the necessary tool to produce enduring low inflation (McNamara 2001). The ECB had defined itself early on as an ‘anchor of stability’ in Eurozone governance that governments and bureaucracies were deemed unable to match. Influential intellectual arguments were already emerging in the 1990s to the effect that the ECB, as an independent institution, enjoyed special advantages of ‘temporal consistency’ (Majone 1996; Pierson 1996: 135–136; cf. Goetz 2014). Breaking away from what appeared like the statist short-termism of Keynesianism in the 1970s, the ECB embraced a new form of planning centred on ‘monetary inflation targeting’ (Braun 2017). So-called ‘forward guidance’ technologies were developed with the aim of guiding financial markets and ‘serving the people of Europe by delivering price stability’ (ECB website 2024).

Incrementally, the claim to long-termism has come to be grounded in a series of cognitive and analytical investments, intended to provide EU independents with particular access to the objective requirements of the European project. For a long time, the *acquis communautaire* could be appraised only on the basis of a database (Celex, now Eur-Lex) established by the European Commission in the early 1970s. Eurobarometer and Eurostat are other instruments it developed. Likewise, the ECB heavily invested in the building of a comprehensive economic infrastructure based on its statistical capacities and the collection of Eurozone data (Mudge and Vauchez 2022). With the development of a vast arsenal of knowledge instruments, the ‘independents’ emerged as Europe’s statistical warehouse, enjoying a distinct advantage over Member States in their capacity to gauge Europe’s future. Only they have the resources for a technically robust calculation of the ‘state of the Union’ or for assessing the costs of ‘non-Europe’, to use the well-known formulation of the 1988 Commission (Cecchini) Report.

Beyond this cognitive material, the Court, Commission, and later the ECB, have built a substantial part of their authority on their analytical capacity. The Commission’s Forward Studies Unit, created in the late 1970s (today the Bureau of European Policy Advisors), provided the Commission with key paradigms such as the notion of ‘European governance’, erected as a new political horizon for Europe in a White Paper

published in 2000. More striking still is the ECB, which has built a reputation as the bastion of European scientific economic research. The 1997 so-called Area-Wide Model (later known as the ‘Smets and Wouters’ model) provided the ECB with the first Eurozone macroeconomic model capable of representing the euro area as a single economy (Mudge and Vauchez 2022). Enabling all sorts of forecasting and simulation exercises, this econometric infrastructure became key to the ECB’s position as the eurozone’s Chief Economist and main forecaster.

While there is no denying that these institutions have progressively sought to redefine themselves in various ways – as branches of a European ‘government’, as ‘political’ or ‘geopolitical’ – the claim for independence and long-termism has endured. Consider the key role played by the Commission in the fast-expanding ‘Stability and Growth Pact’ (established in 1997) and the ‘European Semester’ that emerged with the sovereign debt crisis of the 2010s. In the complex power battles for the design of these supranational rules (Sacriste and Vauchez 2019), the Commission positioned itself as the protector of the long-term interests of the eurozone and the wider Union, defending them against irresponsible governments viewed as trapped in the short-termism of party politics. In the name of securing the financial and fiscal trajectories of Member States, and the ‘medium-term budgetary objective’ of the Stability Pact (keeping the government deficit below 3% of GDP), the Commission claimed new powers to shape the ‘adjustment paths’ they would follow, as well as to authorise short-term ‘deviations’ in view of ‘normal cyclical fluctuations’.⁴ In key respects, the small federal class of independent Euro-statesmen has even gained the status of potential stand-ins for ‘failed’ national political elites in periods of crisis, often with a providential air. In the course of the eurozone crisis, and particularly in states under budgetary pressure, the independents emerged as an alternative political elite. Figures like Mario Monti (former commissioner), Lucas Papademos (former ECB vice-president) or Mario Draghi (former ECB president) have all been called on to restore their countries’ long-term credibility after the misadventures of regular politicians.

Independent institutions have thus acquired the status of guardians of Europe’s long-term interest. It is not that supranational policy competences are tied to distinctively long-term issues. All political questions have long- and short-term dimensions, and can be approached with a variety of lenses (Mackenzie 2021). Rather, these institutions have emerged as apparently well-placed to adopt a long-term perspective on governing. This, it seems, has become part of the common sense of the EU sphere. Recent research underlines that officials in independent institutions are keen to tie their authority to their capacity to pursue long-term goals. European Commission officials, one learns, like to contrast themselves

favourably on this point with their political counterparts in the European Council, whose terms follows the rhythms of national elections and whose period in office is correspondingly shorter (Vogt and Pukarinen 2022: 8–9).

Only occasionally, we may assume, do such claims have causal effect: there is a variety of explanations for why powers have been transferred to independent institutions, many of them only tangentially related to time. The significance of these claims lies rather in their capacity to rationalise the arrangements arising. In the EU's division of powers, long-termism has emerged as an important principle of legitimation.

Preconditions of long-sightedness

Much more could be written about the details of how EU institutions have positioned themselves as agents of the long-term good and how their positions have changed over time. As heterogenous and evolving entities, they present a complex and moving picture. Yet a general pattern seems clear. Authorities have built claims to temporal long-sightedness that combine notions of *having regard* for long-term concerns – being outside the distorting constraints of partisan politics and public opinion – with notions of being able to *successfully advance* them – having access to the data and methods that allow the effective design of policy (White 2024a). These claims to insight and capacity are expected to convey not just that these institutions are functionally competent but that they are rightfully empowered to act. And when supranational authorities make such claims they are typically contrasting themselves with other actors supposedly more short-termist – notably democratic authorities at the national level, said to lack the expertise or incentives to take the long view.

While a claim to long-sightedness is easily made, more challenging is to ground it objectively. For independent institutions to seek their legitimacy in these terms, certain preconditions need to be present, pertaining to the design of these institutions and the environment they move in. The sheer fact of being formally independent is, we assume, insufficient to ground a claim to far-sightedness.⁵ That institutions are insulated from electoral cycles does not mean they reliably serve long-term concerns: to be examined are exactly the conditions that allow them to make good on these claims. This section identifies some of the key ones, based on what the actors in question tend to argue themselves, what the relevant scholarship has to say about them, and by our own reconstruction of the logic in play. These preconditions, we suggest, apply to independent authorities at all levels; the extent to which they are met in the EU sphere is the focus of the section after this.

It is important to note that, in the contexts of relevance, the argument for independent authority tends to be restricted to particular fields. The

goal is generally not to *substitute* for democratic institutions but to counter the negative tendencies to which they are supposedly prone (cf. Moravcsik 2006). It is a vision of independence within a democratic frame. For the Court in particular, this means securing a supranational legal order which is coherent over time, in a context where EU political bodies are seen to go through frequent periods of stalemate and self-defeating short-termism (Schmidt and Kelemen 2013; van den Brink 2024). Whether such arrangements of independence are themselves stable is clearly open to question. The prospect of ‘mission creeps’ and ‘mission leaps’, whereby independent institutions acquire additional powers incrementally or suddenly, is very real in the under-constitutionalised world of transnational decision-making (Kreuder-Sonnen 2019). Conversely, political authorities may be tempted to interfere with the decision-making of putatively independent institutions (Goetz 2014: 394ff.). But for now our focus is less on the stability of these arrangements than on the temporal arguments advanced for them. Let us highlight the following as three preconditions for credible claims to long-sightedness as these apply to independent authority.

The first is that there be a *stable social consensus* on the policies these institutions are to pursue (Tucker 2018: 101ff.). In order to claim that decisions can be made without consulting public opinion, advocates of independent authority posit that wide public agreement exists on what the general interest is in a particular policy domain and on the policy goals that can effectively serve it. Insulating institutions from public opinion is feasible and acceptable, in this line of thinking, because the public’s support can be assumed. The ‘four freedoms’ of the Single Market, a monetary union based on low inflation, and the underlying goals of stability and growth, are some of the principal elements in the European case. The Court’s case-law can be understood as a form of ‘majoritarian activism’ that uses quasi-legislative powers in the field of the Internal Market to harmonise national rules and thereby promote the rights and policies of a larger European community (Maduro 1998). Were a stable consensus on the relevant ends and means absent, one could expect the legitimacy of independent decision-making to be challenged by populations and political actors, both in word and in deed. Any notion that they are well-placed to govern the long term would ebb away in the face of recalcitrance and non-compliance.

That this precondition of a stable consensus will often not be met is something that defenders of independent authority may concede. Paul Tucker, an influential theorist of central bank independence, presents it as a demanding requirement, one likely to exclude delegation to such institutions in many areas. Climate change, he suggests, is one issue where public opinion is too polarised to permit a consensus on policy to be identified. People disagree on the scale of the threats and the sacrifices to

be made in warding them off. But Tucker's expectation is that this requirement of consensus *will* sometimes be met, notably in monetary policy.

One way in which the precondition is made easier to meet is by narrowing the range of policy areas to those in which significant distributional choices are not present (Tucker 2018: 104). Decisions which produce winners and losers are likely to be divisive and controversial. Rather than the stuff of consensus, they are where political contestation and majority voting are needed. (For this reason, fiscal policy in the EU is often treated as the proper concern of elected representatives (Majone 1996; Moravcsik 2006).) For advocates of independent authority, the suggestion is that there are other kinds of policy area where unelected officials can credibly claim to be guardians of long-term interests – those in which it is possible to benefit all members of society, or at least to benefit some without making the lives of others worse.

A second requirement for a credible claim to long-sightedness is that independent institutions should *have the capacity to deliver* on the tasks delegated to them. In the first instance this is about the details of the public goods they are asked to manage – whether the data available to them is a reliable guide to good policy, whether they have the relevant tools at their disposal, and whether the environment they operate in is amenable to their interventions. At stake in the EU context, for instance, is the adequacy of the knowledge housed in the 'statistical warehouse' of the independent institutions, and its useability given the competences they have. Independent institutions are generally expected to have a closely delimited mandate. For advocates of independent authority, this is the price of insulating powers from political influence. Majone speaks of the importance of 'clear and narrowly defined objectives' (1996: 13), while Tucker talks of the desirability of a 'monomission', so that activities can be monitored against an agreed standard (2018: 122). Were it impossible to express the goals of policy in these terms, the arrangement would be weak in accountability. In the case of the ECB, this concern to delimit the mandate finds expression in a focus on quantifiable goals, notably targets on price stability, that allow success and failure to be tracked. If independent authority is to make good on claims to govern effectively the long term, the assumption must be that mandates defined in these terms are a viable basis for policy.

More fundamentally, the capacity to deliver on long-term tasks is about the structure of the regime as a whole, in particular the viability of dividing authority across multiple institutions. Delegating power to independents typically entails delegating power in particular areas to one or a number of specialised agents. This is the organisational expression of an emphasis on delimited mandates. The EU, with its separation of competences between national and supranational levels, as well as between

institutions associated with each, is a paradigmatic arrangement of this kind. Such compartmentalisation of authority comes with risks. A limited mandate entails limited control and the need to square policy with other actors. This heightens uncertainty, since each must reckon with the variable actions of peers. Even the most future-regarding policy-makers will find their task thereby complicated (cf. Smith 2021: 18, 61). To claim the longsightedness of independent institutions is thus to assume that separating powers in this way is consistent with their capacity to deliver on the goals set.

A third precondition for a credible claim to long-sightedness is that the institutions in question are *proceduralised*, i.e. internally organised in such a way as to bring out the qualities they are acclaimed for and avoid them over-stepping their role. That means, in the first instance, that these institutions should be free of unwanted influences. Independent agencies must be on their guard against corruption, since they cannot invoke public opinion as a counterweight to the demands of lobbyists and corporate interests, and because their activities tend to lack media scrutiny. That such bodies are formally independent in the institutional sense does not guarantee that they are consistently independent in the interests they serve. Combatting the potential for maladministration is likely to depend on clear divisions of role, chains of command, and credible sanctions for misdemeanour. Officials should deliver on the goals they are set, but must also be curbed from pursuing dubious shadow goals on the side.

Beyond the avoidance of corruption, proceduralisation is about ensuring the exercise of authority is appropriately deliberative and consistent. Institutions can be undermined from within by domineering personalities, clashing agendas, or habits of groupthink. They can be afflicted by unintended discontinuities of policy arising from the changeover of personnel. Such practices are at odds with notions of cumulative expertise and the capacity to work steadily towards the long-term public interest. Tucker (2018: 106) highlights the importance of strong procedures of committee decision-making, so that these institutions do not – and are not seen to – rely too heavily on the personal discretion of individuals. Procedures are the basis on which institutional memory can be built, and thus cumulative efforts to govern the future. If institutions are to be the guardians of tradition, sources of cross-temporal stability, or agents of long-term vision, they must find ways to de-personalise themselves, such that their policies and expertise can outlive the careers of individual officials.

As will be clear, meeting these preconditions is in part about delegating powers to independent institutions only in favourable circumstances – when social consensus on policy can be expected, for instance. A claim to longsightedness can be protected by deploying it sparingly. But as

advocates of independence tend to emphasise, it is also to be understood as a matter of good institutional design, such that decision-making can be effective and its reasoning transparent. Consensus, capacity and proceduralisation all need to be present if the argument for long-sightedness is to go through.

Towards the limits of long-termism in the sphere of independence

Whether these preconditions have ever been fully met in the EU is an important and challenging question. Arguably some of the EU's structural features – the separation of power across many institutions, the light codification of the relations between them – mean its capacity for long-sighted policy-making has always been weaker than is claimed. Already in the 1970s, Europe's decision-makers were left searching for stability in the face of an oil crisis, abandoning long-standing policies and reverting to informal methods of summitry. Pragmatic adjustment was already the name of the game. Indeed, irrespective of regional integration, there may be reasons to see independent institutions as prone in their own ways to short-termism (Boston 2017: 465; White 2024a, 2024b). Even at the best of times, and with the best of institutional design, it may be unrealistic to suppose they have distinct advantages as agents of long-term governance.

There are good reasons to believe though that the challenges in the EU have become more pronounced over the years. While the willingness to claim long-sightedness has not gone away – indeed, finds new energy in the context of policy problems demanding a long-term approach (climate change, economic stability, and so on) – the course of events since 2008 in particular, including tendencies towards ideological fragmentation, economic volatility and political polarisation, has made honouring these claims more than difficult. As rule-based governing becomes harder (Schmidt 2020; van Middelaar 2019), so too does the task of farsighted administration. The prestige of long-termism may have risen, but the preconditions on which it rests have become more elusive, as one sees if we revisit them in turn.

The assumption that certain policies can be the subject of a *stable social consensus*, allowing independent institutions to take a long-term approach irrespective of swings of opinion, is challenged in various ways. First, those policy areas where such a consensus might have been thought to apply are increasingly the object of contention. Against the literature on the regulatory state that sees Europe's independent institutions as rational solutions to apolitical issues (Majone 1996; Moravcsik 2002), an increasing body of literature highlights their distributive consequences. Central bank scholars have pointed out that moves towards unconventional monetary policy and other forms of crisis policy have tended to

exacerbate inequalities (Dietsch *et al.* 2016). Likewise, legal scholars have observed how the Court's case-law carries uneven benefits and burdens in terms of territories, class, social groups and gender (Diez Sanchez 2021). Such research queries the idea that independents can be treated as technical, sector-specific institutions.

The continuous deepening of the Single Market which was at the basis of the Court's 'activism' has proved increasingly controversial as its distributional consequences emerge. The 2015 *Laval* and *Viking* cases promoting freedom of establishment against national welfare and collective rights revealed a deep fracture between Eastern and Western Europe (Lindstrom 2010), while some of the Court's jurisprudential *acquis* such as the principle of 'direct effect' of EU law now raises unprecedented resistance amongst national constitutional courts and governments (Vauchez 2022). Monetary policy too is increasingly contested with regard to its implications for economic inequality and climate change. Rather than a stable consensus, one sees the emergence of new divides. Consider how the ECB struggles to accommodate green considerations that were less prominent when its mandate was set. Monetary policy geared to the goal of price stability is increasingly criticised for protecting fossil-fuel capital. Greenpeace activists land on the ECB's roof to protest the effects of its policies (Dietsch *et al.* 2024). Within the institution itself, factions dispute how far green objectives and anti-inflation targets can be reconciled, and how to approach trade-offs with employment and growth.⁶ Disagreement concerning how to define the key long-term priorities weakens the institution's claim to be uniquely well-positioned to pursue them. Not only is it normatively questionable to commit indefinitely to a policy in the absence of consensus, but the commitment lacks practical credibility.

In addition to dissensus on particular policies, there are larger challenges to the authority of expertise in general, ones that again make consensus more difficult. Specialised knowledge has been central to independent institutions and the construction of their policy agendas, yet is increasingly confronted with popular scepticism. As expertise is asserted 'from above' with uncompromising certainty, those meeting it 'from below' are prone to reject it (Eyal 2019). Such problems are magnified in the transnational setting, where socio-economic, linguistic and cultural differences mean that expertise can more easily be portrayed by its detractors as something foreign. Note also the increasing salience of issues where the idea of an expert consensus is hard to maintain. Foreign policy questions have become ever more central to the EU since 2022, and independent institutions – notably the Commission – are keen to be involved in their governance. Yet here there is no body of technical knowledge that can underpin a consensus, and accordingly little scope for technocratic or judicial reason. This is an area where different publics have different

priorities, whether because countries are asymmetrically affected by the major policy challenges (military confrontations, migration etc.) or because competing values are at stake.

Institutions may continue to make claims to long-sightedness in these circumstances – indeed, invoking the future can be one way to seek to transcend such conflicts. In the context of the rule-of-law backlash, the Court under the leadership of Koen Lenaerts has continued to affirm and indeed expand its role as guardian of Europe’s constitutional order ‘in order to prevent the political majority of the moment from becoming the tyranny of tomorrow’ (Lenaerts 2023: 27). The ECB continues to invoke the shared goal of price stability and its own unique role in pursuing it, while the CJEU supports it in this.⁷ The same ecological concerns that unsettle the Bank’s definition of its mandate have been invoked by the Commission as central to its pursuit of the long-term public good. The European Green Deal, before it met with a ‘greenlash’, was premised on the idea that supranational independent authority could hold national governments to the deadlines associated with climate science.⁸ In foreign policy, the Commission casts its role as to coordinate, even lead, the long-term development of Europe’s military power.⁹ And then there are the many EU agencies tasked with building its authority in particular areas – the European Border and Coast Guard Agency (FRONTEX), for example. One way to understand their proliferation over time is as an effort to revive the principles of independence and long-termism, creating entities more insulated than the Commission itself from the day-to-day pressures of EU politics (Gilardi 2008; Thatcher *et al.* 2023). But the notion that these pursue technical policies supported by a stable consensus is dubious. FRONTEX has repeatedly been embroiled in controversies to do with the violation of human rights,¹⁰ and charged by the European Ombudsman with doing the bidding of key member-states.¹¹ If these are efforts to revive independent long-termism, they would seem to be self-defeating. Perhaps it is little surprise that the EU’s executive branch has expanded its repertoire of authority claims beyond independence to include concepts like ‘political’ (Juncker) and ‘geopolitical’ (von der Leyen).¹² As its activities impinge on areas where expertise is contested or ill-defined, the boundaries between independence and its opposite become blurred.

As we turn to our second precondition of policy long-sightedness – the *capacity to deliver* on the goals in question – it is again the case that the experience of recent years casts doubt. Since the early 2010s, the supranational institutions of the EU have been repeatedly caught up in emergency modes of rule (Kreuder-Sonnen 2019; Scicluna 2018; White 2019). Comprising reactive governing methods, pursued in a context of social and economic upheaval, these are in many ways the legacy of yesterday’s

short-termism, and look destined to redouble it. Existing analyses of their legitimacy implications often highlight problems of executive overreach (e.g. Heldt and Mueller 2021), but equally notable is what emergency discretion implies for the justification of authority in terms of temporal consistency. When the ECB cast its role as to do ‘whatever it takes’ to save the eurozone (2012), in some ways it was reaffirming a claim to long-sightedness, as guardian of the regime’s survival. But what this meant in practice was breaking with existing commitments, indeed advertising these departures as a mark of resolve. In place of the steady pursuit of a delimited mandate, one saw policy reversals on quantitative easing, and ‘broad discretion’ in methods and goals (Lokdam 2020). Strikingly, it has been argued that the ECB underwent significant ideological change in this period, something quite at odds with the notion that its distinctive virtue is to show constancy of outlook over time (van’t Klooster 2022).¹³ Whether or not new powers were seized, temporal consistency was abandoned.

The compartmentalisation of authority associated with the EU’s multi-level system has also come to seem like a handicap. Far-reaching as the consequences of their policies may be, independent institutions are nonetheless restricted in the tools at their disposal, often with negative implications. As the policy-making of the ECB suggests, institutions reliant on a limited set of instruments can find themselves ill-equipped for the tasks they face, or tempted to over-extend the means they have available (Matthijs and Blyth 2018: 112). By constraining the policy tools available to any one actor, the compartmentalisation of authority invites improvisation in the moment. This tendency is compounded by the uncertainty associated with coordinating multiple actors. The rapid development of EU agencies with regulatory powers in particular sectors – defence, pharmaceuticals, migration, civil and humanitarian emergency response (Bickerton *et al.* 2015) – can also be understood as an institutional response to the increasing pressure of short-term demands, something this fragmentation of authority redoubles. Emergency rule in the EU is emergency rule without a sovereign, meaning each authority must adapt at short notice to others. Throughout the 2010s and into the pandemic period, the ECB and the Commission found themselves having to contend with uncertain coalitions on the European Council, to which their policies would need to adjust.

This challenge of coordination is also a factor that spells problems for *proceduralisation*. As noted, an effective long-term outlook on public policy requires decision-making structures that are irreducible to the individuals who enact them at a given moment. Yet one of the patterns of recent years amongst the EU’s independents has been the adoption of methods that bypass formal procedures and rely on the unscripted capacity of individuals and their networks. In the eurozone emergency politics of the

2010s, but also in the pandemic and the geopolitical crises of the early 2020s, one saw the use of informal forums of decision-making (e.g. the Eurogroup), the concentration of power within leadership circles, the close cooperation of leaders across institutional boundaries, and a reliance on personalised authority (White 2022). Decision-making at key moments has involved powerful individuals – e.g. Draghi, Lagarde, von der Leyen – surrounded by small circles of trusted aides, governing by informality and discretion, and relying on personal charisma to underpin their authority. These patterns extend longer ones of ‘presidentialisation’ within the Brussels institutions, and of the substitution of bureaucracy with the fluid and informal structures of new public management (Mérand 2021).

Do such methods necessarily undermine claims to long-sightedness? Individuals can of course be visionary in their goals and motivations, and may see it as part of their job to look beyond the constraints of the present to pursue policies of lasting benefit. They may resort to irregular modes of rule precisely in the service of the long term. And sometimes their discretion may be put to good use – think again of those ECB board-members seeking to ‘green’ its agenda. But a succession of visionary individuals is unlikely to add up to coherent and consistent policy across time. Too much comes to rest on personal judgement and interpersonal trust, things which are inconstant and timebound, destined to terminate when the individuals in question depart the scene. If independent authority is to be grounded in claims to long-sightedness, it needs to be rooted not in the inclinations of leaders but the procedures of institutions. One cannot, in sum, applaud the decisive interventions of charismatic individuals while also holding that the distinctive virtue of independence is its cross-temporal rationality.

It may be said that we are in a transitional phase, and that the EU’s independent institutions are currently developing a more reliable basis for far-sighted governance. Out of the fire-fighting manoeuvres of the recent past, a more stable set of arrangements may be emerging, centred for instance on the structures of NextGenerationEU.¹⁴ Ultimately it is too soon to know: claims to long-termism must be judged in the long term. But some of the key challenges to far-sighted policy in the hands of independents – volatile public opinion, the compartmentalisation of authority, the reliance on personal leadership – seem likely to endure for the foreseeable future. While this will not spell the end of claims to long-sightedness, it puts them on a much weaker footing.

The independents of the EU sphere, in their policy shifts and absorption in the controversies of the moment, seem increasingly to resemble the democratic authorities they were meant to distinguish themselves from. When the ECB or Commission intervene in crises today, often it is less on the grounds of their long-sightedness than on their capacity to be

fast-acting executives, able pragmatically to adapt to changing circumstances – a more plausible claim perhaps, though a brittle one for the reason we began our discussion with: tangibly good ‘outputs’ may be hard to come by. At the same time, today’s elected politicians are tentatively reviving the techniques of planning and target-setting, thereby reoccupying the space previously abandoned to technocrats and lawyers.¹⁵ As the independents embrace the short term, their political counterparts shyly reach beyond it. In such ways one sees the blurring of the division of labour on which the European project was founded.

The upshot is simply stated. If a key rationale for the empowerment of independent institutions was that they could better take care of the long-term interest – whether by their mastery of *tradition* (CJEU), *stability* (ECB) or *vision* (Commission) – then the legitimacy of those powers is weakened as their aims and capacities fall into question. Their levels of insulation from democratic control, both national and European, look increasingly hard to defend. Either new ways of justifying their powers are needed, or a rethink in who does what. Furthermore, as emergency methods become a mainstay of EU governance, it seems optimistic to consider its irregularities offset by good-things-to-come, for the same methods put this in question. In their efforts to preserve a claim to farsightedness, independents have acted in ways undermining it. The EU may survive these ructions unscathed, but its *modus operandi* looks out of step with the times. The long-term view as a principle of legitimation would seem to have reached its limits.

Conclusion

The allocation of power to independent institutions can be defended on multiple grounds, of which those related to time are only one kind. Alternative arguments may focus on the benefits of decentralising power for stability, freedom or efficiency, and the history of European integration bears traces of these too. But as we have argued, temporal arguments have been an important resource for justifying the EU’s arrangements. In a context where the challenge for Europe’s makers has been to overcome the sovereignty of the nation-state, to rationalise the accretion of powers by supranational institutions that are not democratic, and to keep people onboard when tangible good ‘outputs’ are hard to discern, the argument from long-termism has had particular appeal. Its function is to highlight what makes supranational authority distinctive, and to make a virtue of its remoteness from popular involvement.

While the claim to long-termism continues to be invoked by independent institutions today, the conditions for it seem decreasingly conducive. Though they have prided themselves on their independence from public opinion and partisanship, Europe’s supranational institutions have been

heavily *dependent* on the fortunes of European capitalism. Associated from the beginning with the market-building project, their promise was to bring peace and prosperity over the long term, whatever the hardships of the present. In an increasingly unpredictable and volatile environment, that promise looks ever more strained. EU politics in recent years has been heavily reactive in style, centred on restoring market and financial order in the face of its disturbance. In place of vision, stability or tradition, it has entailed coping with problems as they arise. To the extent that long-sightedness in these conditions is a challenge for any authority, it is a questionable basis on which to siphon off power to the unelected.

While we hope to have indicated why temporal claims to authority deserve attention, this is also a call for further research. There are many questions a more systematic empirical treatment would need to explore. Can one, for instance, quantify the relative significance that EU independent institutions on the one hand and state governments on the other have attached to the principle of long-termism diachronically? While our article has identified some general patterns, more in-depth study of the details of their discourse, from speeches and documents to press releases and memoirs, would be required to fill out the picture. Further research could also reveal how far actors use different arguments for different audiences – whether, for instance, the claims we have considered tend to be deployed for the general public or are reserved for elite consumption, be it the representatives of political institutions, independent institutions, or private actors. It would also be useful to explore their reception, so as better to understand their legitimating effects.

For now though, what can be underlined are the political stakes. If non-majoritarian institutions increasingly face obstacles to branding themselves as guardians of the long term, this leaves the EU's division of powers in question. The distinctive role they have claimed for themselves no longer looks quite so defined. It may be that stronger powers for the European Parliament and other organs of public opinion would be warranted therefore, with a more modest role for non-majoritarian institutions as sources of oversight and advisory expertise. There are plenty of constitutional issues in play. But note also how the crisis of long-termism in the sphere of independence makes it that little bit harder for political representatives – national and European – to shift responsibility to others for the effects of their decisions. For the significance of these temporal claims lies not just in what they permit independent institutions to do, but what they allow political institutions to ignore. Is it surprising that elected authorities have often been myopic when the big-picture stuff has been outsourced to others? If the breakdown of a temporal division of labour inspires politicians to engage more with the further future, its wider effects may be positive.

Notes

1. Our focus is on the *plausibility* of claims to long-termism, a necessary condition for institutions legitimately wielding power on this basis – though not, it should be added, a sufficient condition, insofar as there might still be good reasons to withhold power from institutions which are credibly long-termist.
2. Moves to tie the Commission's authority to the outcome of European Parliamentary elections are relatively recent and are considered in the final section.
3. The Report continued: 'The fault with the present system, in which the importance of the Council far exceeds that of the other two institutions, is not the position occupied by the Council, but the weakening or fading away of its partners. The defence of national short-term interests prevails over long-term forecasts in which they would, in most cases, coincide with the Community interests'.
4. Council Regulation (EC) No 1055/2005 of 27 June 2005 amending Regulation (EC) No 1466/97.
5. That it may also be unnecessary – i.e. that non-independent authorities need not be short-sighted – is a point not to discount.
6. <https://www.politico.eu/article/ecb-tells-staff-if-youre-not-green-youre-not-wanted/>.
7. See notably the Opinion of the Advocate General Cruz Villalon, 14th January 2015, Case C-62/14.
8. European Commission, 'A European Green Deal': https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en.
9. <https://www.politico.eu/article/ursula-von-der-leyen-military-defense-sclimate-second-term/>.
10. <https://www.euronews.com/2023/03/28/a-collapse-of-the-rule-of-law-how-does-frontex-get-away-with-plain-murder>.
11. <https://www.ombudsman.europa.eu/en/decision/en/182665>.
12. In the case of the *Spitzenkandidaten* process, it did this by explicitly linking its authority to the outcome of European Parliamentary elections.
13. See also the striking emphasis of EU figures such as Mario Draghi on the need to break with the policies of the past: 'our organisation, decision-making and financing are designed for "the world of yesterday" – pre-Covid, pre-Ukraine, pre-conflagration in the Middle East, pre return of great power rivalry. But we need an EU that is fit for today's and tomorrow's world'. Draghi, 'Radical Change is what is Needed', speech at the High-level Conference on the European Pillar of Social Rights (Brussels, April 16, 2024): <https://geopolitique.eu/en/2024/04/16/radical-change-is-what-is-needed/>.
14. On a version of this view within the Commission: Vogt and Pukarinen (2022: 7).
15. See e.g. the European Council's five-years plan to promote Europe's digital and ecological transition (Sacriste and Vauchez 2023), as well as wider contemporary practices of target-setting (White 2025).

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Notes on contributors

Antoine Vauchez is a CNRS Research Professor in Political Sociology and Law at Université Paris 1-Sorbonne. [antoine.vauchez@univ-paris1.fr]

Jonathan White is Professor of Politics at the London School of Economics and Political Science. [j.p.white@lse.ac.uk]

ORCID

Antoine Vauchez  <http://orcid.org/0000-0003-4493-8802>

Jonathan White  <http://orcid.org/0000-0002-4668-698X>

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