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**The Intellectual and Institutional Worlds of Independence in Contemporary Democracies. A Comparative and Historical Inquiry into Courts, Central Banks, Regulators**

The past three decades have seen the parallel “re-discovery” and “re-working” of the notion of independence in a variety of policy domains, academic disciplines and institutional contexts ranging from the ever-expanding field of regulatory agencies to the rise of constitutional and European courts and the increasing saliency of central banking. Yet, this proliferation and expansion of the concept in our political vocabulary has not been met with its clarification. The workshop will aim at making sense of the variety of intellectual genealogies, legal meanings (scope, functions, counter-balances principles) and institutional forms of “independence” in contemporary law, economics, and politics. It will address the following questions: Can we compare theories of independence across policy fields (finance, rule of law, regulation, etc.) and institutions (courts, central banks, etc.)? Are there forms of interdependence between the independent institutions? Ultimately, the workshop will question the notion’s central paradox as both a foundational notion of contemporary democratic regimes (through the role that courts or regulators play in securing equal rights and access to the public sphere) and a limitation thereto (through the diffusion of an episteme of expertise at the core of democratic politics).

**Conveners:**


Prof. Dr. Armin von Bogdandy, MPIL Heidelberg  
Prof. Dr. Antoine Vauchez, Université Paris 1-Sorbonne  
Prof. Dr. Stefan Vogenauer, mpilht Frankfurt

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**MAX PLANCK LAW**



**Max Planck Law Conference:  
Independence in  
Contemporary Democracies**

**1 - 2 September 2022**

Max Planck Institute for  
Comparative Public Law and International Law

Im Neuenheimer Feld 535, 69120 Heidelberg  
Room 038

# PROGRAMME

THURSDAY, 1 SEPTEMBER 2022

13:30 h - 18:00 h

Introductory Remarks

Antoine Vauchez, University of Paris 1 Sorbonne, CESSP

## *THE WORLDS OF INDEPENDENCE*

Independence Through Interdependence? Legal Expertise, Biographical Experience, and Philanthropic Strategy in Transnational Constitutional Integration

Alexandra Kemmerer, MPIL, Heidelberg

## *THE LAW AND POLITICS OF CENTRAL BANKS' INDEPENDENCE*

Independence From Whom? Elements of a Transformative Approach to Central Banking and Monetary Policy

Kanad Bagchi, MPIL, Heidelberg

A New Theory of Independent Institutions. The ECB as a Case in Point

Matthias Goldmann, MPIL, Heidelberg/EBS University, Wiesbaden

Independence as an Ordoliberal Lesson from the Past? Exploring ECB Speeches through Text Mining, 1997-2022

Anselm Küsters, mpilht Frankfurt

The Law's Limits and the ECB's Powers. Delimiting the Boundaries of a Mandate

Joana Mendes, University of Luxembourg

FRIDAY, 2 SEPTEMBER 2022

9:00 h - 12:30 h

## *THE LAW AND POLITICS OF INDEPENDENCE OF NATIONAL AND EUROPEAN COURTS*

Three Conceptions of Independence in the History of ECJ Decision-making

Christoph Krenn, MPIL, Heidelberg

EU Judicial Independence: A Discrepancy Between Symbolism, Doctrine and Reality

Michal Krajewski, iCourts, University of Copenhagen

Judging Independence: Independence of the Judiciary? Independence from the Judiciary?

Mitchel Lasser, Cornell Law School

Concluding Remarks

Armin von Bogdandy, Stefan Vogenauer