

Contents

<i>Note on Contributors</i>	ix
<i>Table of Cases</i>	xiii
<i>Table of Treaties and Legislation</i>	xx
<i>Abbreviations</i>	xxv
1 Introduction	1
<i>Gráinne de Búrca</i>	
2 Mobilizing the European Court of Justice	9
<i>Harm Schepel and Erhard Blankenburg</i>	
I Introduction: Keeping the Promise of an Ever Closer Union	9
II The ECJ as a Kangaroo Court	14
III The ECJ as a Forum for Interinstitutional Debate	18
IV The ECJ as a Regulatory Complaint Board	21
V The ECJ as a Constitutional Review Court	28
VI Conclusion	41
3 Integration and Integrity in the Legal Reasoning of the European Court of Justice	43
<i>Joxerramon Bengoetxea, Neil MacCormick, and Leonor Moral Soriano</i>	
I Some Preliminary Points on Justification and Interpretation	43
II Reconstructing the Judicial Decision-Making Process	48
III Balancing Reasons: The Relevance of Coherence	64
IV Integrity and Integration	82
4 Gender and the Court of Justice	87
<i>Jo Shaw</i>	
I Introduction	87
II Gender, Feminism, and EU Law	93
III The Legal Framework of Equal Opportunities Policy—and Beyond	99
IV The Institutional Context	115
V Interpreting the Court of Justice	118
VI Interrogating the Court of Justice	136
VII Conclusions	142
5 Turning Remedies Around: A Sectoral Analysis of the Court of Justice	143
<i>Claire Kilpatrick</i>	
I Private Enforcement and Remedies	143
II Sectoral Analysis	147
III Effectiveness—Why?	149

IV	The Partial Abandonment of Remedial Effectiveness in Gender Equality Cases	156
V	The Impossibility of Partial Abandonment—National Courts and Leaky Boundaries	160
VI	The Unsafe Haven of National Procedural Autonomy	165
VII	Reassessing Remedies in the Private Enforcement Model	175
6	The Jurisdiction of the Community Courts Reconsidered	177
	<i>Paul Craig</i>	
I	Central Attributes of the Present System	177
II	Reasons for Increase in Workload of the Court	183
III	Current Judicial Mechanisms for Limiting Caseload	185
IV	The Aims of Reform of the Judicial System	188
V	The Reform Proposals: Amendments to the Rules of Procedure	189
VI	The Reform Proposals: The Composition of the ECJ and the CFI	191
VII	The Reform Proposals: The CFI as General First Instance Court in Direct Actions?	193
VIII	The Reform Proposals: Preliminary Rulings	195
IX	The Inter-governmental Conference	210
X	Conclusion	213
	Epilogue: The Judicial Après Nice	215
	<i>J. H. H. Weiler</i>	
	<i>Index</i>	227