

F Bibliography

- Adams, Maurice; de Waele, Henri; Meeusen, Johan; Straetmans, Gert (eds), *Judging Europe's Judges – The Legitimacy of the Case Law of the European Court of Justice*, Oxford, Hart, 2013.
- Arnall, Anthony, 'The Americanization of EU Law Scholarship', in Arnall, Anthony; Eeckhout, Piet; and Tridimas, Takis (eds), *Continuity and Change in EU Law*, Oxford, OUP, 2006, p. 415-431.
- Arnall, Anthony, *The European Union and its Court of Justice*, Oxford, OUP, 2006.
- Aust, Helmut Philipp, 'Von Unionsbürgern und anderen Wählern – Der Europäische Gerichtshof und das Wahlrecht zum Europäischen Parlament', (2008) 11 *Zeitschrift für europarechtliche Studien* (2) 221-242.
- Barceló, John J., 'Precedent in European Community Law', in McCormick, Neil; and Summers, Robert (eds), *Interpreting Precedents – A Comparative Study*, Aldershot, Dartmouth, 1997, p. 407-422.
- Beck, Gunnar, *The Legal Reasoning of the Court of Justice of the EU*, Oxford, Hart, 2012.
- Bengoetxea, Joxerramon, *The Legal Reasoning of the European Court of Justice: Towards a European Jurisprudence*, Oxford, Clarendon, 1993.
- Biondi, Andrea, 'Recurring Cycles in the Internal Market: Some Reflections on the Free Movement of Services', in Arnall, Anthony; Eeckhout, Piet; and Tridimas, Takis (eds), *Continuity and Change in EU Law*, Oxford, OUP, 2006, p. 228-259.
- Bredimas, Anna, *Methods of Interpretation and Community Law*, Amsterdam, North Holland, 1978.
- Calliess, Christian, 'The Dynamics of European Citizenship: From Bourgeois to Citizen', in ECJ (ed.), *The Court of Justice and the Construction of Europe: Analyses and Perspectives on Sixty Years of Case-law*, The Hague, Asser, 2013, p. 425-441.
- Cappelletti, Mauro, *The Judicial Process in Comparative Perspective*, Oxford, Clarendon, 1989.
- Chevalier, Roger-Michel, 'Methods and Reasoning of the European Court in Its Interpretations of Community Law', (1964) 2 *Common Market Law Review* 21-35.
- Colneric, Ninon, 'Entwicklungslinien in der Rechtsprechung des Gerichtshofes der Europäischen Gemeinschaften zum Status von Ausländern', in Barwig, Klaus; Bichel-Benedetti, Stephan; and Brinkmann, Gisbert (eds), *Perspektivwechsel im Ausländerrecht*, Baden-Baden, Nomos, 2007, p. 49-60.
- Dawson, Jack, *The Oracles of the Law*, Ann Arbor, University of Michigan Press, 1968.
- Dawson, Mark; De Witte, Bruno; Muir, Elise (eds), *Judicial Activism at the European Court of Justice*, Cheltenham, Edward Elgar, 2013.
- de Búrca, Gráinne; Weiler, Joseph (eds), *The European Court of Justice*, Oxford, Oxford University Press, 2001.
- Eichenhofer, Eberhard, *Sozialrecht der Europäischen Union*, 5. edition, Berlin, Schmidt, 2013.

- Epiney, Astrid, *Umgekehrte Diskriminierungen*, Köln, Heymanns, 1995.
- Everson, Michelle, 'The Legacy of the Market Citizen', in Shaw, Jo; and More, Gillian (eds), *New Legal Dynamics of European Union*, Oxford, Clarendon, 1995, p. 73-90.
- Garth, Bryan G., 'Migrant Workers and Rights of Mobility in the European Community and the United States: A Study of Law, Community, and Citizenship in the Welfare State', in Cappelletti, Mauro; Secombe, Monica; and Weiler, Joseph (eds), *Integration Through Law: Europe and the American Federal Experience*, vol. 3, Berlin, De Gruyter, 1985, p. 85-163.
- Gerken, Lüder; Rieble, Volker; Roth, Günter H.; Stein, Torsten; Streinz, Rudolf, "*Mangold*" als ausbrechender Rechtsakt, München, Sellier, 2009.
- Grimmel, Andreas, 'Judicial Interpretation or Judicial Activism? The Legacy of Rationalism in the Studies of the European Court of Justice', (2012) 18 *European Law Journal* (4) 518-535.
- Habermas, Jürgen, 'Bringing the Integration of Citizens into Line with the Integration of States', (2012) 18 *European Law Journal* (4) 485-488.
- Hakenberg, Waltraud, 'Der Europäische Gerichtshof – 59 Jahre Gestaltung von Europa durch Recht', in Meng, Werner; Ress, Georg; and Stein, Torsten (eds), *Europäische Integration und Globalisierung*, Baden-Baden, Nomos, 2011, p. 233-247.
- Halter, Ulrich; Bergmann, Andreas (eds), *Der EuGH in der Kritik*, Tübingen, Mohr Siebeck, 2012.
- Hanf, Dominik, 'Le développement de la citoyenneté de l'Union européenne', in Hanf, Dominik; and Muñoz, Rodolphe (eds), *La libre circulation des personnes – Etats des lieux et perspectives*, Brussels, Peter Lang, 2007, p. 15-28.
- Hufeld, Ulrich, 'Vom Wesen der Verfassung Europas – die Freiheit der Unionsbürger als europäisches Legitimationsfundament', (2011) 59 *Jahrbuch des öffentlichen Rechts der Gegenwart* 457-475.
- Hunnings, Neville March, *The European Courts*, London, Cartermill, 1996.
- Ipsen, Hans Peter; Nicolaysen, Gert, 'Haager Kongress für Europarecht und Bericht über die aktuelle Entwicklung des Gemeinschaftsrechts', (1964) 17 *Neue Juristische Wochenschrift* (8) 339-344.
- Jorens, Yves; Schulte, Bernd (eds), *European Social Security Law and Third Country Nationals*, Bruxelles, La Chartre, 1998.
- Kahil-Wolff, Bettina; Greber, Pierre-Yves, *Sécurité sociale: aspects de droit national, international et européen*, Basel, Helbing, 2006.
- Kutscher, Hans, 'Methods of Interpretation as Seen by a Judge at the Court of Justice', in *European Court of Justice* (ed.), *Judicial and Academic Conference*, Luxembourg, 1976, p. I-1-51.
- Lasser, Mitchel de S.-O.-L.'E., *Judicial Deliberations – A Comparative Analysis of Judicial Transparency and Legitimacy*, Oxford, Oxford University Press, 2009.
- Lecourt, R., *L'Europe des Juges*, Brussels, Bruylant, 1976.
- Maduro, Miguel Pinares, *We, the Court*, Oxford, Hart, 1998.
- Mann, C. J., *The Function of Judicial Decision in European Economic Integration*, The Hague, Nijhoff, 1972.

- Mertens de Wilmar, J., 'Reflexions sur les méthodes d'interprétation de la Cour de Justice des Communautés Européennes', (1986) 22 Cahiers du Droit Européen (1) 5-20.
- O'Leary, Siofra, 'Free Movement of Persons and Services', in Craig, Paul; and de Búrca, Gráinne (eds), *The Evolution of EU Law*, 2nd edition, Oxford, Oxford University Press, 2011, p. 499-545.
- Paskalia, Vicki, 'Co-ordination of Social Security in the European Union: An Overview of Recent Case Law', (2009) 46 Common Market Law Review (4) 1177-1218.
- Pennings, Frans, *European Social Security Law*, Antwerpen, Intersentia, 2010.
- Plender, Richard, 'The Interpretation of Community Acts by Reference to the Intentions of the Authors', (1982) 2 Yearbook of European Law 57-105.
- Rasmussen, Hjalte, *On Law and Policy in the European Court of Justice*, Dordrecht, Martinus Nijhoff, 1986.
- Rogers, Nicola; Scannell, Rick, *Free Movement of Persons in the Enlarged European Union*, London, Sweet & Maxwell, 2005.
- Sankari, Suvi, *European Court of Justice Legal Reasoning in Context*, Groningen, Europa Law Publishing, 2013.
- Schermers, Henry G.; Flinterman, Cees; Kellermann, Alfred E.; von Haersolte, Johan C.; van de Meent, Gert-Wim A. (eds), *Free Movement of Persons in Europe*, Dordrecht, Nijhoff, 1993.
- Shaw, Jo, 'A View of the Citizenship Classics: Martínez Sala and Subsequent Cases on Citizenship of the Union', in Maduro, Miguel Póaires; and Azoulay, Loïc (eds), *The Past and Future of EU Law – The Classics of EU Law Revisited on the 50th Anniversary of the Rome Treaty*, Oxford, Hart, 2010, p. 356-362.
- Snyder, Francis, *New Directions in European Community Law*, London, Weidenfeld, 1990.
- Spaventa, Eleanor, *Free Movement of Persons in the European Union – Barriers to Movement in their Constitutional Context*, Kluwer, Alphen aan den Rijn, 2007.
- Stone Sweet, Alec, 'The European Court of Justice', in Craig, Paul; and de Búrca, Gráinne (eds), *The Evolution of EU Law*, 2nd edition, Oxford, Oxford University Press, 2011, p. 121-153.
- Stone Sweet, Alec, *Governing with Judges – Constitutional Politics in Europe*, Oxford, Oxford University Press, 2000.
- Thürer, Daniel, 'Die Worte des Richters – Gedanken rund um die Verfassungsgerichtsbarkeit', in Hammer, Stefan; Somek, Alexander; Stelzer, Manfred; and Weichselbaum, Barbara (eds), *Demokratie und sozialer Rechtsstaat in Europa – Festschrift für Theo Öhlinger*, Wien, WUV, 2004, p. 272-297.
- Thym, Daniel, 'Toward 'Real' Citizenship? The Judicial Construction of Union Citizenship and Its Limits', in Adams, Maurice; de Waele, Henri; Meeusen, Johan; and Straetmans, Gert (eds), *Judging Europe's Judges*, Oxford, Hart, 2013, p. 155-174.
- Tobler, Christa, *Indirect Discrimination: A Case Study into the Development of the Legal Concept of Indirect Discrimination under EC Law* Antwerpen, Intersentia, 2005.

- Tryfonidou, Alina, 'In Search of the Aim of the EC Free Movement of Persons Provisions: Has the Court of Justice Missed the Point?', (2009) 46 CMLR (5) 1591-1620.
- Van der Mei, Anne Pieter, *Free Movement of Persons Within the European Community – Cross-border Access to Public Benefits*, Oxford, Hart, 2003.
- Vaucher, Antoine, 'The transnational politics of judicialization. Van Gend en Loos and the making of EU polity', (2010) 16 European Law Journal (1) 1-28.
- Waelbroeck, Michel, 'Le Rôle de la Cour de justice dans la mise en oeuvre du Traité CEE', (1982) 18 Cahiers du Droit Européen (4) 347-380.
- Weiler, Joseph, *The Constitution of Europe*, Cambridge, Cambridge University Press, 1999.
- Weiler, Joseph H. H., 'The Transformation of Europe', (1991) 100 The Yale Law Journal (1990-1991) 2403-2484.
- Weiss, Friedl; Wooldridge, Frank, *Free Movement of Persons within the European Community*, 2. edition, Kluwer, Alphen aan den Rijn, 2007.
- White, Robin C. A., *EC Social Security Law*, Harlow, Longman, 1999.
- White, Robin C. A., 'Social Solidarity and Social Security', in Arnall, Anthony; Barnard, Catherine; Dougan, Michael; and Spaventa, Eleanor (eds), *A Constitutional Order of States?*, Oxford, Hart, 2011, p. 301-319.
- White, Robin C. A., *Workers, Establishment, and Services in the European Union* Oxford, Oxford University Press, 2004.
- Wollenschläger, Ferdinand, *Grundfreiheit ohne Markt*, Tübingen, Mohr Siebeck, 2007.

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