Contents

List of Figures				
Preface				
Acknowledgements				
Table of Cases				
	List of Abbreviations			
1	Inti	roduction	1	
	1.1	Why We Need a Normative Theory of ECJ		
		Decision-Making	1	
	1.2	The Argument: An Incomplete Transformation	5	
	1.3	The Method: How to Research a Black Box	7	
	1.4	The Course of the Book	9	
2	Wh	at Courts Do: A Normative Theory of Court		
		ision-Making	10	
	2.1	The Right to a Fair Trial as a Minimum Standard	l 10	
	2.2	A Liberal Theory: Christoph Möllers	13	
	2.3	A Rule of Law Theory: Niklas Luhmann	16	
	2.4	A Democratic Theory: Jürgen Habermas	20	
	2.5	Conclusions	24	
3	On	the Template of the ICJ: The Court's Liberal		
-	Roc		26	
	3.1	The Coal and Steel Court: Protecting Member		
		State Interests	27	
	3.2	European Judges as State Representatives	29	
		The Parties' Case: Participation in the Coal and		
		Steel Court	34	
	3.4	Deliberations and the Equality of Judges	36	

IX

Cambridge University Press & Assessment 978-1-009-24794-8 — The Procedural and Organisational Law of the European Court of Justice
Christoph Krenn
Table of Contents
More Information

X CONTENTS

4	Luhmann in Luxembourg: The Rise of the Rule				
	of Law Model				
	4.1	A New Role for the Court: Establishing			
		a European Rule of Law	41		
	4.2	The ECJ Judge: From State Representative to			
		Neutral Expert	44		
	4.3	Repeat Players and Outsiders: The Many Roles			
		of the Court's Inner Circle	58		
	4.4	Specialisation and Hierarchies: How the ECJ			
		Maintains a Consistent Case Law	80		
5	Completing the Transformation: Proposals for				
	Democratising the ECJ				
	5.1	The ECJ after Lisbon: A Democratic Organ			
		of the EU Polity	102		
	5.2	The Selection of ECJ Judges as a Democratic			
		Process	105		
	5.3	Opening the Inner Circle	116		
	5.4	Time, Contestation and Equality: The Democratic			
		Character of ECJ Decision-Making	135		
6	Cor	aclusion	155		
Bił	Bibliography				
Ind	Index				