Contents

		-	nts		
Tat	ole of (A 1 least remains of a department of the control of	X1	
			e Book		
			Part I: EU Citizenship and the Equality Problem		
1.	The Evolution of Equality in EU Law: From Nationality				
	Disc	rimina	tion Towards Equal Citizenship	15	
	1.1		duction		
	1.2	The N	Aultiple Face of Equal Treatment Irrespective of		
		Natio	nality in Regard to Private Individuals	15	
		1.2.1	An Economic Right Under Article 45 TFEU	15	
		1.2.2	A Citizenship Right Under Article 18 TFEU	16	
		1.2.3	A Fundamental Right Under the EU Charter	19	
		1.2.4	A Human Right Under the ECHR	21	
	1.3	Beyon	nd Nationality Discrimination: The Emergence		
		of a N	Iew Equality Problem	24	
	1.4		Quest for Equal Citizenship in EU Law:		
		Some	thing Different?	33	
	1.5	Concl	usion	39	
2.	Equa	al Treat	ment: A (Limited) Right of All EU Citizens	40	
	2.1		duction		
	2.2 The Scope of the Right: Comparability				
		Betwe	en EU Citizens	41	
		2.2.1	A Personal Right to Equal Treatment—Comparability		
			Based on What?	41	
		2.2.2	Union Workers and the Status-Based Right to		
			Equal Treatment: A Story of Strong Comparability	44	
			The Status of a Union Worker		
			Accepted Limitations: A Narrow Approach	47	
		2.2.3	Union Citizens and the Residence-Based Right to		
			Equal Treatment: A Story of Weak Comparability	50	
			The Requirement of Lawful Residence	52	
			Unequal Treatment Between EU Citizens as an		
			'Inevitable Consequence' of EU Law?	55	

		2.2.4	EU Citizens' Derived Right to Equal Treatment:		
			The Structural Equality Problem57		
	2.3				
		Betwe	en EU Citizens63		
		2.3.1	Unlawful Discrimination or Legitimate		
			Differential Treatment?63		
		2.3.2	A 'Real Link' with the Geographical Employment		
			Market: A Story of de jure Economic Criteria67		
			D'Hoop: Introducing the Economic 'Real Link' Test67		
			Collins: Constitutionalising the Economic		
			'Real Link' Test?68		
			Vatsouras and Koupatantze: The Combined		
			Application of Directive 2004/38 and Article 45		
			TFEU—Still More Economic than Constitutional69		
		2.3.3	A 'Real Link' Based on Other Social and Economic		
			Factors: A Story of de facto Economic Criteria71		
			Bidar: Towards a Non-economic 'Real Link' Test71		
			Förster: A Formalistic Interpretation of the		
			'Real Link' Test73		
			Commission v Austria and Prinz and Seeberger:		
			A More Substantive, but Still Economic, Version of		
			the 'Real Link' Test75		
			From Brey to Dano: The Contested Role of Individual		
			Circumstances in Defining Relevant Integration78		
		2.3.4	The Lack of Non-economic Criteria for		
			Legitimate Differential Treatment:		
			The Substantive Equality Problem82		
	2.4	Concl	usion87		
3.	EU	Citizens	Responsibility to be Active and its Alternatives89		
06			luction		
	3.2		Citizenship as a Problem of Belonging90		
	3.3		ng Belonging or 'How Economic and Social		
			ty Trump EU Citizenship'95		
		3.3.1			
			Responsibility to be Active96		
		3.3.2	Theorising the Requirement of ex ante Integration		
	3.4		is Wrong with the Activity-Based Account of		
			ty in EU Law?103		
			Egalitarian Justice as a Liberal Ideal of		
			Equal Opportunities		
		3.4.2	Egalitarian Justice as a Democratic Ideal of		
			Human Relations		

		3.4.3	Justifying a More Relational Account of			
			Justice Transnationally: The Crux of the EU			
			Equality Problem	112		
	3.5		Assimilation to Agency: Two Possible Solutions			
			EU Equality Problem	122		
		3.5.1	More Comparability Between EU Citizens:			
			A Cul-de-Sac	123		
			Revising the Reductionist View of Agency in			
			EU Law: A Way Forward	125		
			Linking EU Citizens' Agency to their Subjectivity:			
			A Road-Map for a More Balanced View of Agency			
	3.6	Conclu	sion	131		
		Pa	art II: EU Citizenship as a Source of Subjectivity			
4.			cting EU Citizenship as a Source of Subjectivity			
	4.1		action	135		
	4.2		tivity In and Through Relationships: A Feminist			
			ach to EU Citizenship			
			Citizenship, Agency, and Subjectivity: A Triangle	137		
		4.2.2	Affirming Intersubjective Relations Between			
			Citizens	141		
	4.3	Subject	tivity as a Process: A Psycho-Dynamic Approach			
			Citizenship			
			Self as a 'Relational Subject'			
			Self as a 'Subject-in-Process'			
			Why Political Subjects Need Agency	157		
	4.4		tivity and the Second-Person Perspective:	161		
			nomenological Approach to EU Citizenship	161		
		4.4.1	Subjectivity Through the	1.00		
		1/841/1	'Second-Person Perspective'			
			A Meaningful Relationship to the Other	165		
	4.5	Transn	ational Subjectivity as a Dyadic Process of	1/7		
		Becom	ing Between the Self and the Other	16/		
	4.6	Conclu	ision	169		
5.	EU	Citizens	as Equal Subjects of European Integration:			
	Prac	Practice and Theory				
	5.1	Introd	uction	170		
	5.2	A Cons	stitutional Constructive Perspective on			
		EU Cit	izenship			
	5.3		izens' Subjectivity as a Matter of Law			
			A More Independent Equality Objective			
			for EU Law	175		

x Contents

	5.3.2	A New Test for Legitimate Differential Treatment Between EU Citizens	176
5.4	EUC	itizens' Subjectivity as a Matter of Integration	170
		ry	179
		Meaningful Relationships Between EU Citizens:	
		A Source of New 'Associative Duties'?	180
	5.4.2	European Integration: A Dynamic Process	
		of Deepening Interdependence?	181
5.5	Concl	usion	184
Conclus	ions	8.5.5 Lighting Et / Librens Agency to their Subjectivit	185
			3.6
Bibliogra	phy		192
Index			209