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## Essays on Autonomy, Legality and Pluralism in European law

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# Essays on Autonomy, Legality and Pluralism in European Law

Justin Lindeboom

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# Essays on Autonomy, Legality and Pluralism in European Law

**PhD thesis**

to obtain the degree of PhD at the  
 University of Groningen  
 on the authority of the  
 Rector Magnificus Prof. C. Wijmenga  
 and in accordance with  
 the decision by the College of Deans.

This thesis will be defended in public on

Monday 6 January 2020 at 14.30 hours

by

**Justin Lindeboom**

born on 19 April 1990  
 in Sneek

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Prof. S. Enchelmaier

O, wij namen wraak, wij leerden talen, waarvan zij de namen nooit gehoord hadden en wij lazen boeken waar zij niets van konden begrijpen, wij doorleefden gevoelens waarvan zij het bestaan niet vermoedden. 's Zondags liepen wij uren en uren ver over wegen, waar zij nooit kwamen, en op kantoor dachten wij aan de slootjes en de weilanden, die wij gezien hadden en terwijl de heeren ons bevalen dingen te doen waarvan wij 't nut niet begrepen, dachten wij er aan, hoe Zondagavond de zon was ondergegaan achter Abcoû. En hoe wij woordeloos 't heelal doordacht hadden, hoe God ons hoofd, ons hart en ons ruggemerg gevuld had en hoe mal zij zouden kijken, als wij hun dat zouden zeggen. En hoe zij met al hun geld en hun reizen naar Zwitserland en Italië en Godweetwaarheen en met al hun knapheid en bedrijvigheid dat nooit zouden kunnen beleven.

Nescio, *Titaantjes* (1915)



## Acknowledgements

In the first episode of *The Big Bang Theory*, Leonard and Sheldon invite their new neighbour Penny for dinner. After entering Leonard and Sheldon's apartment, Penny is heavily impressed by the equations on Sheldon's whiteboard – 'just some quantum mechanics, with a little string theory doodling around the edges' – in turn making Leonard eager to impress Penny with the depth of his equations as well. The following conversation unfolds:

Leonard: I have a board. If you like boards, this is my board.

Penny: Holy smokes!

Sheldon: If by 'holy smokes' you mean a derivative restatement of the kind of stuff you can find scribbled on the wall of any men's room at MIT, sure.

Leonard: What?

Sheldon: Oh, come on. Who hasn't seen this differential below 'here I sit broken hearted?'

[*Meanwhile, Penny has lost all interest and sits down to unpack their takeaway food*]

Leonard: At least I didn't have to invent twenty-six dimensions just to make the math come out.

Sheldon [agitated]: I didn't invent them, they're there!

Leonard: In what universe?!

Sheldon: In all of them, that is the point!

Penny: Uh, do you guys mind if I start [eating]?

As exciting as scientific research is to those who are engaged in its business, surely the 'pleasure of finding things out' – to speak with Feynman – and the equivalent joy of never-ending discussions about the nitty-gritty of our fields of inquiry usually remain obscure to the outside world. Worse so, this abstrusity of academic life – most accurately captured by the familiar question 'so what do you actually *do* at work?' – usually combines with the beguilements of our (sometimes parochial) conundrums and quibbles. Academic interests easily turn into obsessions of the mind which degrade 'normal life' to a matter of secondary importance. At least I gather that this is not *entirely* a matter of personal idiosyncrasy. Regardless, first and foremost I want to express my gratitude to my family and friends who,



notwithstanding frequent puzzlement as to what I do and why on earth someone would spend so much time on this, have borne with me for the past four years. They know who they are.

This collection of essays is the result of four happy years of thinking and writing. I am greatly indebted and deeply thankful to my two PhD supervisors, Professor Laurence Gormley and Professor Dimitry Kochenov, for continuous support, subtle guidance and sharp criticism, and for always giving me the freedom to pursue my own intellectual interests. It has been a great privilege and joy to read for a PhD under their supervision.

Chapters 5, 7 and 8 in this dissertation are co-authored papers. I want to thank Dr. Lorenzo Squintani, my co-author for Chapter 5, and Professor Dimitry Kochenov, with whom I co-authored Chapters 7 and 8, for inspiring and fruitful collaboration. Glancing over these pages brings back several memories, ranging from the fascinating, and at times bizarre, interviews which Dimitry and I conducted with the key players involved in the *Zhu and Chen* case, to numerous hours of discussion with Lorenzo about the doctrinal rationale and graphical representation of the case law on direct effect of directives. It is a great pleasure and honour that this dissertation is partly a collective effort.

I also want to express my gratitude to the members of the reading committee, Professor Sofía Ranchordás, Professor Gareth Davies, and Professor Stefan Enchelmaier, for taking the time to read my papers. This dissertation would not have been possible without them.

The Department of European and Economic Law has been a splendid working environment and I am very happy to have been surrounded by all my colleagues, many of whom I consider friends. Should an anthropologist ever conduct fieldwork in our corridor, I leave open the possibility that (s)he might not automatically recognise the social phenomena as ‘work’ (and surely room 13.15.483 would not be recognised as an ‘office’). I greatly cherish this fact, however, which is only made possible by the collective effort of many colleagues to take ourselves as seriously as is needed, but not more.

I have been fortunate enough to spend part of my graduate studies abroad. I am grateful to the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, the European University Institute in Florence and University College London for hosting me, and want to thank all colleagues and friends at those institutions for interesting exchanges and discussions. This has been a true enrichment of my PhD research.

Finally, I am greatly indebted to ‘the Senator’, who shall remain anonymous, for sharing deep insights – throughout many years – into *καλοκάγαθία*, *ἀρετή* and, most importantly, *εὐδαιμονία*.

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