
What Van Gend en Loos Stands For (Abstract only)

Damian Chalmers* and Luis Barroso**

This is the abstract only. The full article is published in *Int J Constitutional Law* (2014) 12 (1): 105–134 doi:10.1093/icon/mou003

Three transformational developments flowed from Van Gend en Loos: the central symbols and ideals of EU law; an autonomous legal order with more power than traditional treaties; and a system of individual rights and duties. The judgment also set out how each of these developments was to be deployed. The symbols and ideals were set out to proclaim EU authority rather than to go to what the EU did. What the EU did was, above all, government through law. The EU legal order was conceived, above all, therefore, as a vehicle for the expression of EU government. This, in turn, shaped the allocation of individual rights which were predominantly granted only where they furthered the realization of the collective objectives of EU government. Conceiving EU law as governmental law also left a profound and negative effect on EU legal meaning. This became shaped by EU law being reduced to something to sustain activities valued by EU government rather than to provide a wider, more emancipatory imaginary.

* London School of Economics and Political Science. Email: d.chalmers@lse.ac.uk.

** Catholic University of Lisbon. Email: ldbarroso@hotmail.com.