## Establishing the Supremacy of European Law

The Making of an International Rule of Law in Europe

KAREN J. ALTER



## CONTENTS

Abbreviations	xvii
Tables and Figures	xviii
Legal Decisions Cited	xix
1. The Making of an International Rule of Law in Europe	1
I. The establishment of a limited European legal system, 1950–1964	5
II. The transformation of the European legal system III. Explaining the making of an international rule of law in	16
Europe: the plan of the book	27
2. National Judicial Interests and the Process of Legal	
Integration in Europe	33
I. Explaining change in national legal doctrines: the	
dependent variable	34
II. Legalism, neo-realism and neo-functionalism: where are	20
the politics? III. A general theory of judicial interests	39 45
IV. Integrating EC law supremacy into national legal systems	
an (historical) institutionalist account	52
V. National judicial constraints on European legal integratio	
3. German Judicial Acceptance of European Law Supremacy	64
I. The main judicial actors in the legal debate	66
II. Negotiating doctrinal change regarding European law	
supremacy	71
III. Conclusion	118
4. French Judicial Acceptance of European Law Supremacy	124
I. The main judicial actors in the legal debate	127
II. The process of doctrinal change regarding European law	
supremacy	135
III. Conclusion	178

2 11	rt: Why Did National Government ion That Transferred Away Nationa	
Sovereignty?	ion that manorited that I various	182
I. How did the ECJ esc	ape member state control?	183
II. Why did national go	vernments not reassert control?	192
III. What powers do nati	onal governments have over the	
process of legal integ	ration?	202
IV. National governmen	ts and the European rule of law	207
6. The Transformation of the Rule of Law in Europe	ne European Legal System and the	209
I. The vicious circle of	international law: weak legal	
mechanisms combine	ed with poor compliance	211
II. The virtuous circle: l	now effective legal systems enhance	
the rule of law		217
III. Extending the influen	nce of law and courts into the political	
process		221
IV. Conclusion		229
References		233
Index		251