

# PRECEDENT IN EU LAW: THE LINGUISTIC ASPECT

One-day workshop, 5 December 2015, Dublin, Ireland

Exeter University, in conjunction with the Irish Centre for European Law, is holding a one-day workshop on 'Precedent in EU Law: The Linguistic Aspect'

The development of a de facto precedent in EU law has recently been the subject of significant academic debate, centering round questions of what it means for a supreme court to 'make law' and when it is possible to say that its decisions are 'precedents'. While there is no official doctrine of precedent in EU law, the Court of Justice of the European Union (ECJ) does on occasion appear to regard its previous decisions as establishing law that should be applied in later disputes: 'tying down' national courts without establishing a formal hierarchy in the strict sense.

There is, however, one important aspect of the development of a de facto precedent in ECJ judgment which has been thus far largely overlooked in the literature: the linguistic aspect. The notion of 'precedent' in any court is the product not only of a conscious jurisprudential strategy, but is also produced by the mechanics of jurisprudential drafting. While those two elements exist in any court, the multilingual nature of the judgments of the ECJ introduces another variable. The judgments of the ECJ are collegiate documents, drafted in French (the working language of that Court) by jurists whose

mother tongue is generally not that language. The pleadings, observations and other documents which inform those judgments undergo many permutations of translation into and out of up to 23 different languages, and the 'authentic' versions of those judgments, as presented to the outside world, are for the most part translations. Questions considering the approximation inherent in translation, how consistently formulaic techniques in the drafting language (which go to the development of precedent) can be carried over to translated versions, and how to ensure the uniform reception of ECJ judgments across 28 member states are all relevant to any consideration of a de facto precedent in EU law.

This workshop seeks to address the gap in the literature by bringing together scholars from the fields of language/linguistics and law, as well as practitioners, to consider to what extent language may affect a de facto precedent in ECJ judgments.

The workshop forms part of the European Research Council funded project 'Law and Language at the European Court of Justice'.

## Speakers include:

- Karen McAuliffe, Exeter University
- John Cooke, former judge at the General Court of the EU
- Elina Paunio, Court of Justice of the EU
- Mattias Derlén, Umeå University
- Johan Lindholm, Umeå University
- Gunnar Beck, SOAS, University of London
- Urska Sadl, iCourts, Copenhagen University
- Lawrence Solan, Centre for Law, Language and Cognition, Brooklyn Law School
- Alex Trklja, Exeter University
- Anthony Arnall, University of Birmingham

**Venue:** Dun Library, No 6 Kildare St, Dublin 2, Ireland

**Registration:** This is a free event but spaces are limited.

Please register online at <https://icel2015.eventbrite.co.uk>

