

Law and Language at the European Court of Justice: The LLECJ Project

Karen McAuliffe, University of Birmingham

This paper explores the aims, research design and empirical strategy employed in the ERC-funded research project 'Law and Language at the European Court of Justice' (the LLECJ project) and considers the methodologies employed and preliminary results of one particular subproject of that project.

The LLECJ project aims to develop a deeper understanding of the development of the case law of the European Court of Justice (ECJ) and by so doing elaborate a new understanding of the development of EU 'constitutional law' by examining the process behind the production of the multilingual jurisprudence of the ECJ. Based on the theoretical assumption that a linguistically 'hybrid' community, such as that of the ECJ, functions primarily through language interplays, negotiations and exchanges (Bellier 2002), and that the 'process' within any institution will necessarily affect its 'output' (Bellier, 1997; Abélès 1993), the aims of the LLECJ project are approached through the lenses of sociology of law, linguistic theories and translation theories. The project is divided into three subprojects:

1. investigation of the limitations of a multilingual legal system by analysing the process behind the production of the ECJ's multilingual jurisprudence
2. analysis of the development of a *de facto* precedent in ECJ judgments
3. exploration of the significance of the linguistic aspect of the role of the Advocate General

This paper focuses on the third subproject relating to the role of the Advocate General at the ECJ and sets out the strategies chosen to address the relevant research questions – namely interviews, observation and corpus linguistic analysis of opinions. One of the reasons for such a range of approaches is to ensure robust triangulation of data analysis, which is also aided by systematic approaches to relevant literature reviews and the use of specialised qualitative research software (NVivo).

The paper concludes with a presentation of preliminary results in the relevant subproject, focusing specifically on the 'added value' of this type of empirical research to the body of work on the ECJ. By approaching questions of EU (case) law in a truly interdisciplinary way, using a range of methods drawn from fields outside of law, we can gain a nuanced and rich understanding of the many layers that come together to produce that case law. That cannot be done through a

traditional doctrinal study of that case law itself. This has implications not only for our understanding of the functioning of the ECJ, but also the development of its case law, and the development of EU law more generally.