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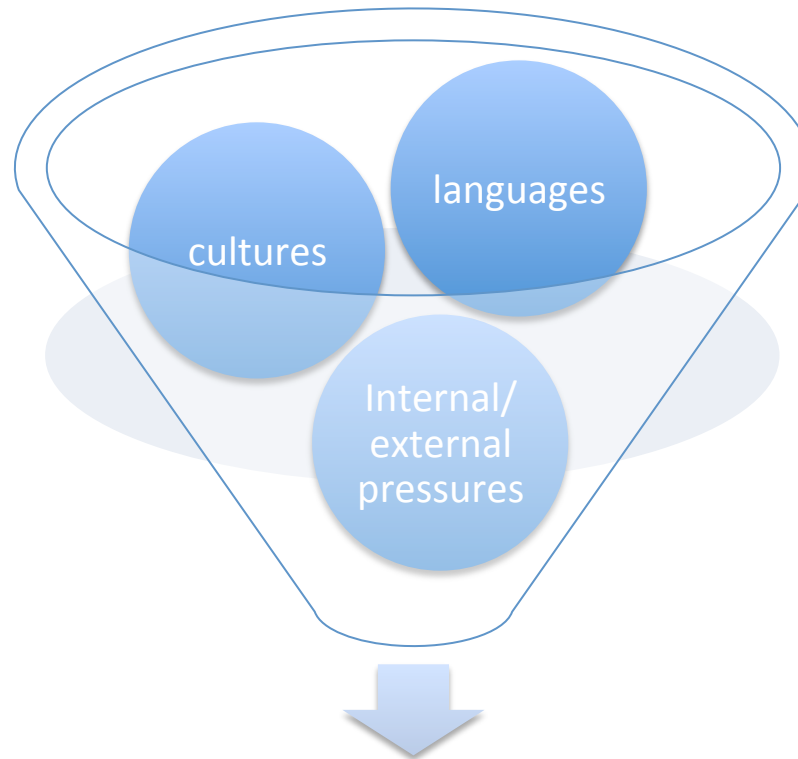
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Law and Language at the European Court of Justice

The LLECJ Project



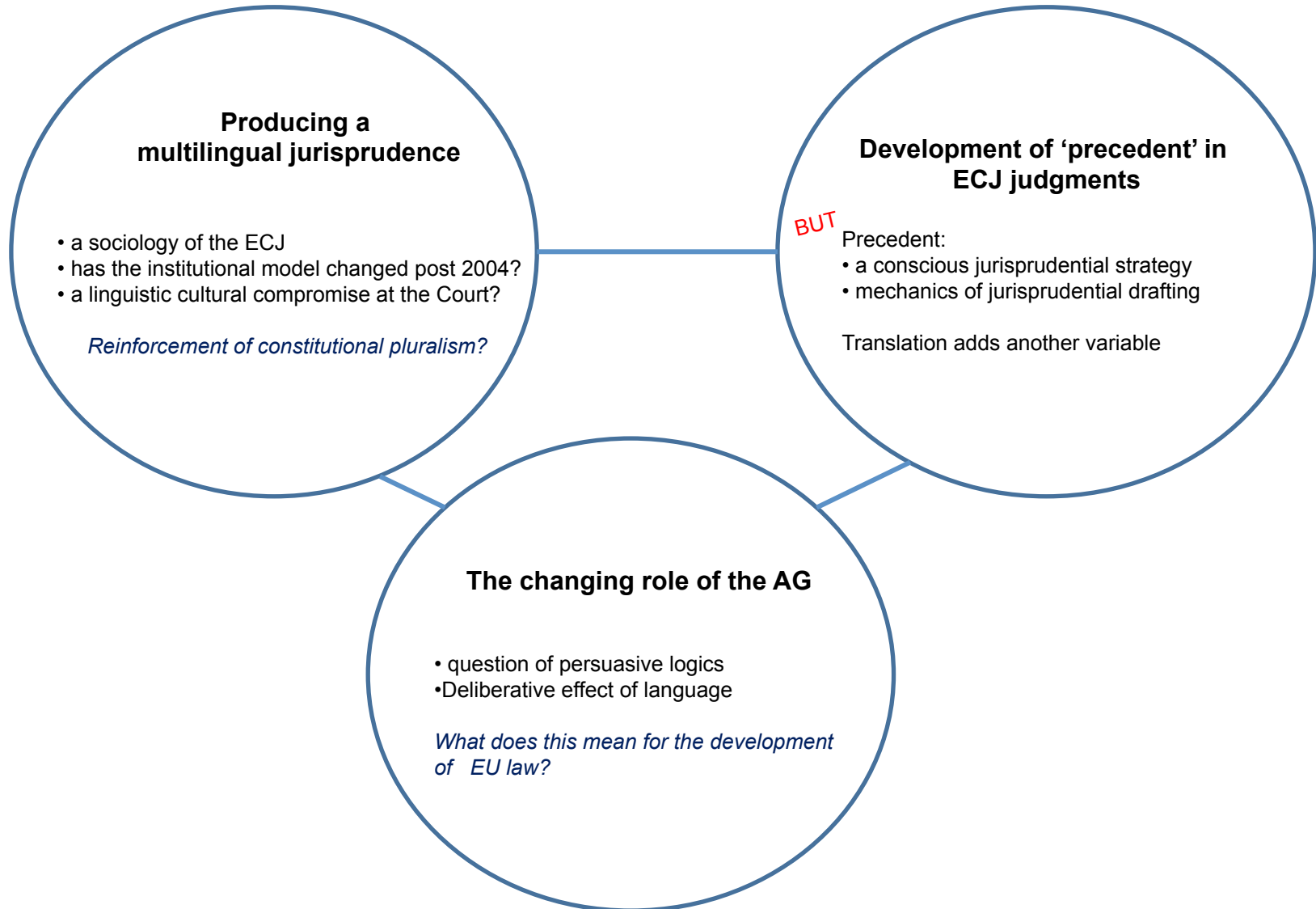
‘Cultural Compromises’



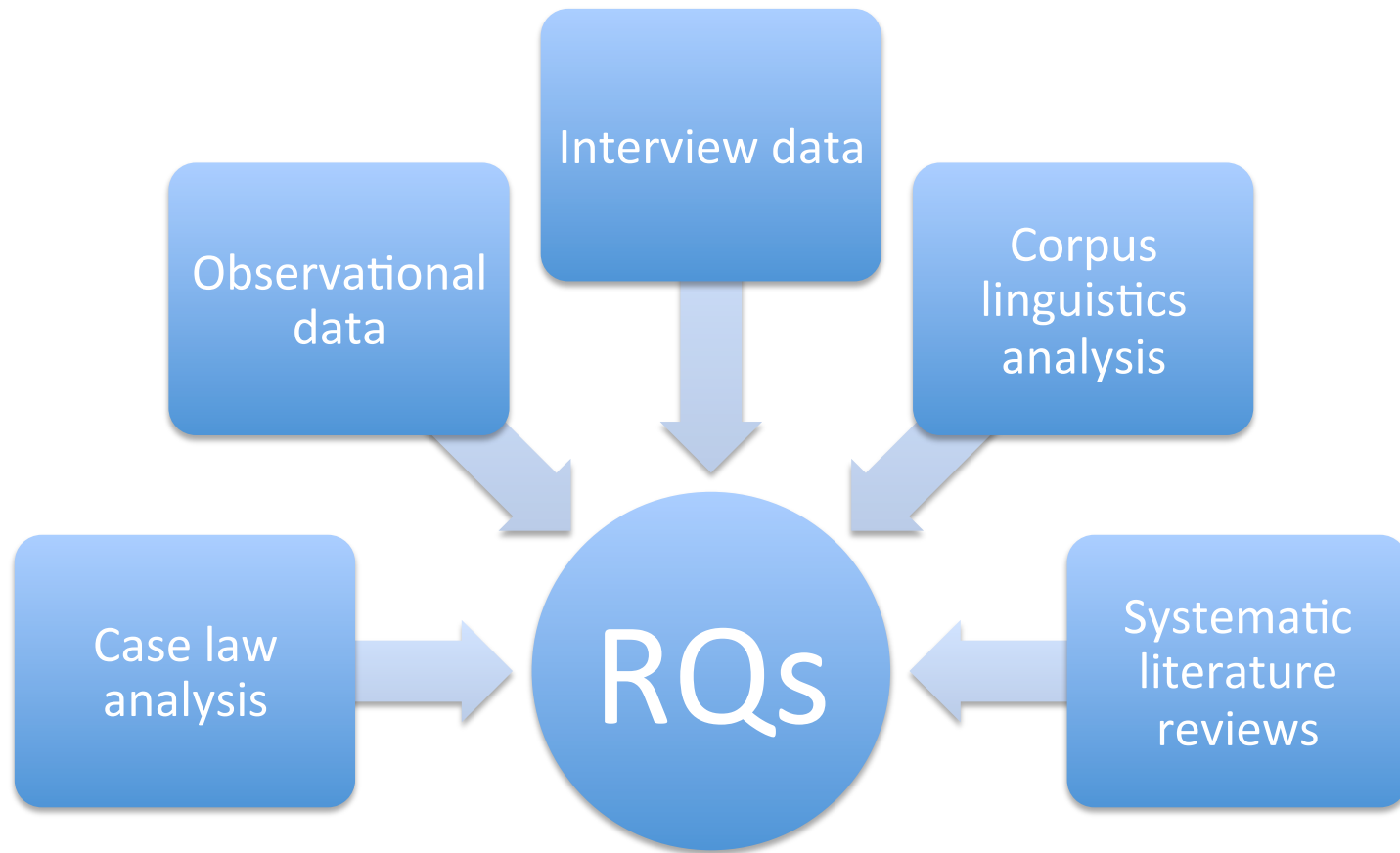
- Marc Abélès
- Irène Bellier

Output: cultural compromise

The LLECJ Project



Methodology



Why Language?

Law: a culture-specific communicative system

ECJ: multilingual output (up to 24 languages)

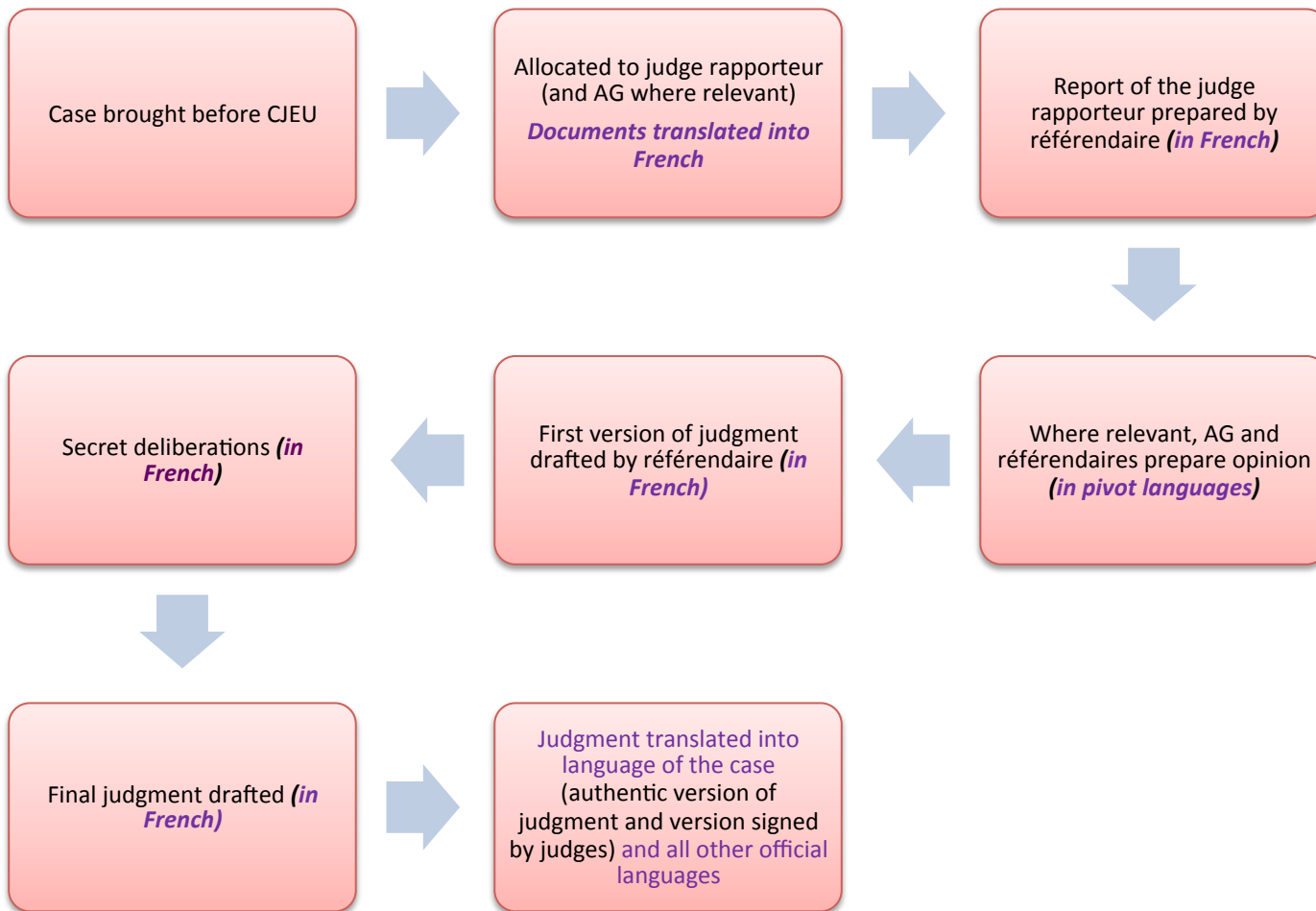
Translation and the incongruency of legal systems

Why Language?

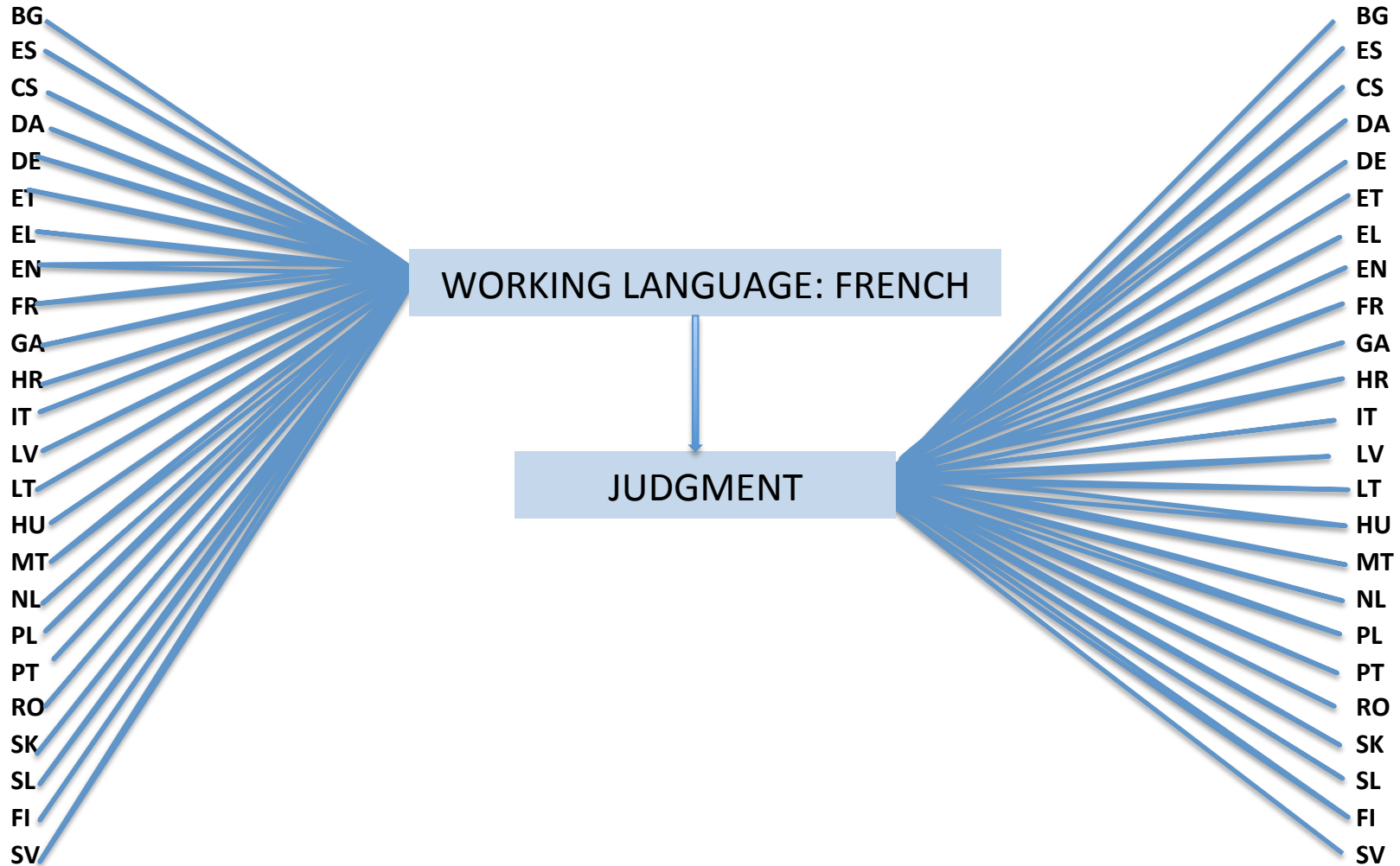
Pommer (2012): The task of the legal translator is “*to make the foreign legal text accessible for recipients with a different (legal) background*”

Sarčević: “*the ultimate goal of legal translation is to produce parallel texts that will be interpreted and applied uniformly by the courts*”

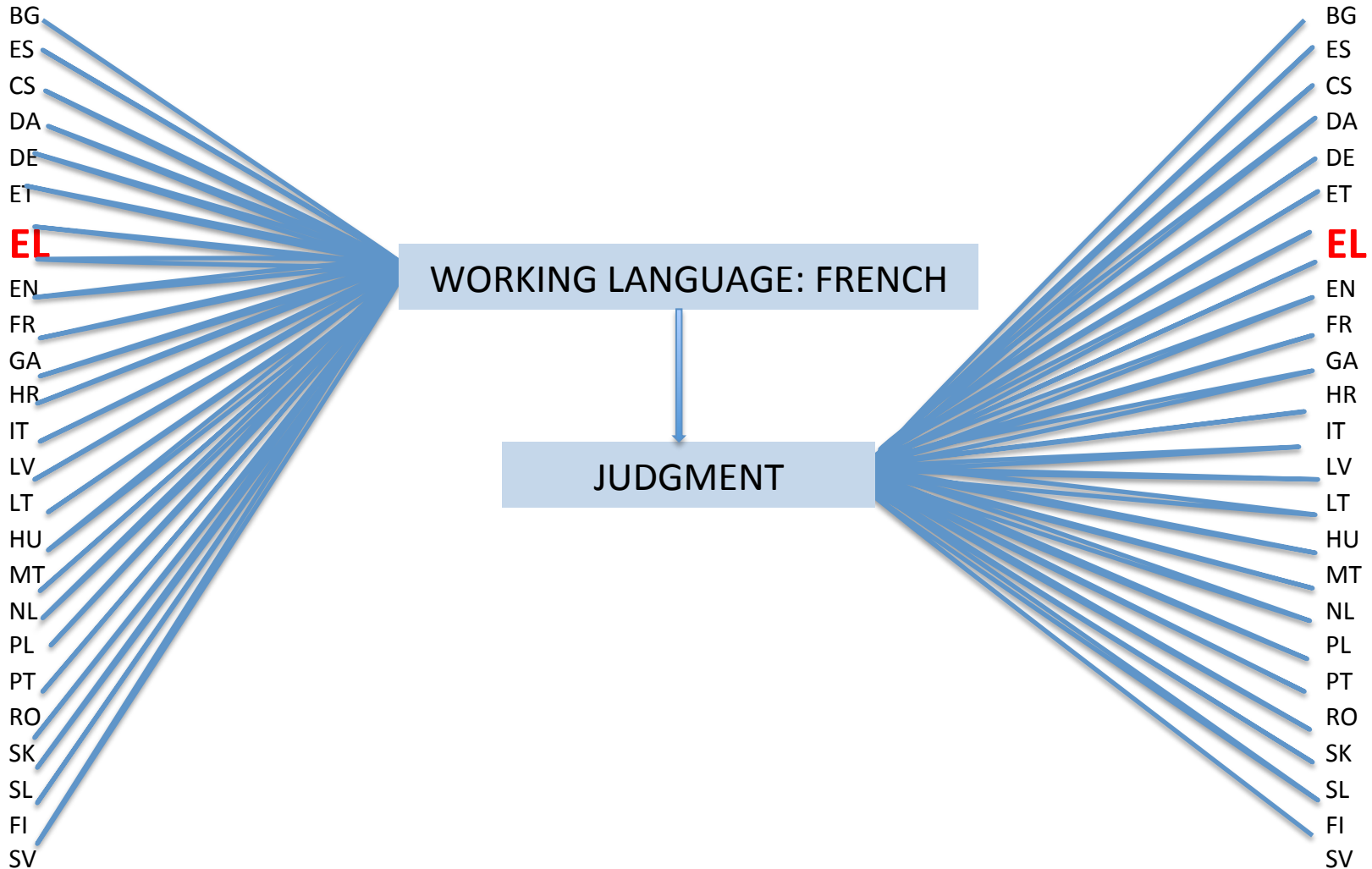
Processing a case through the CJEU



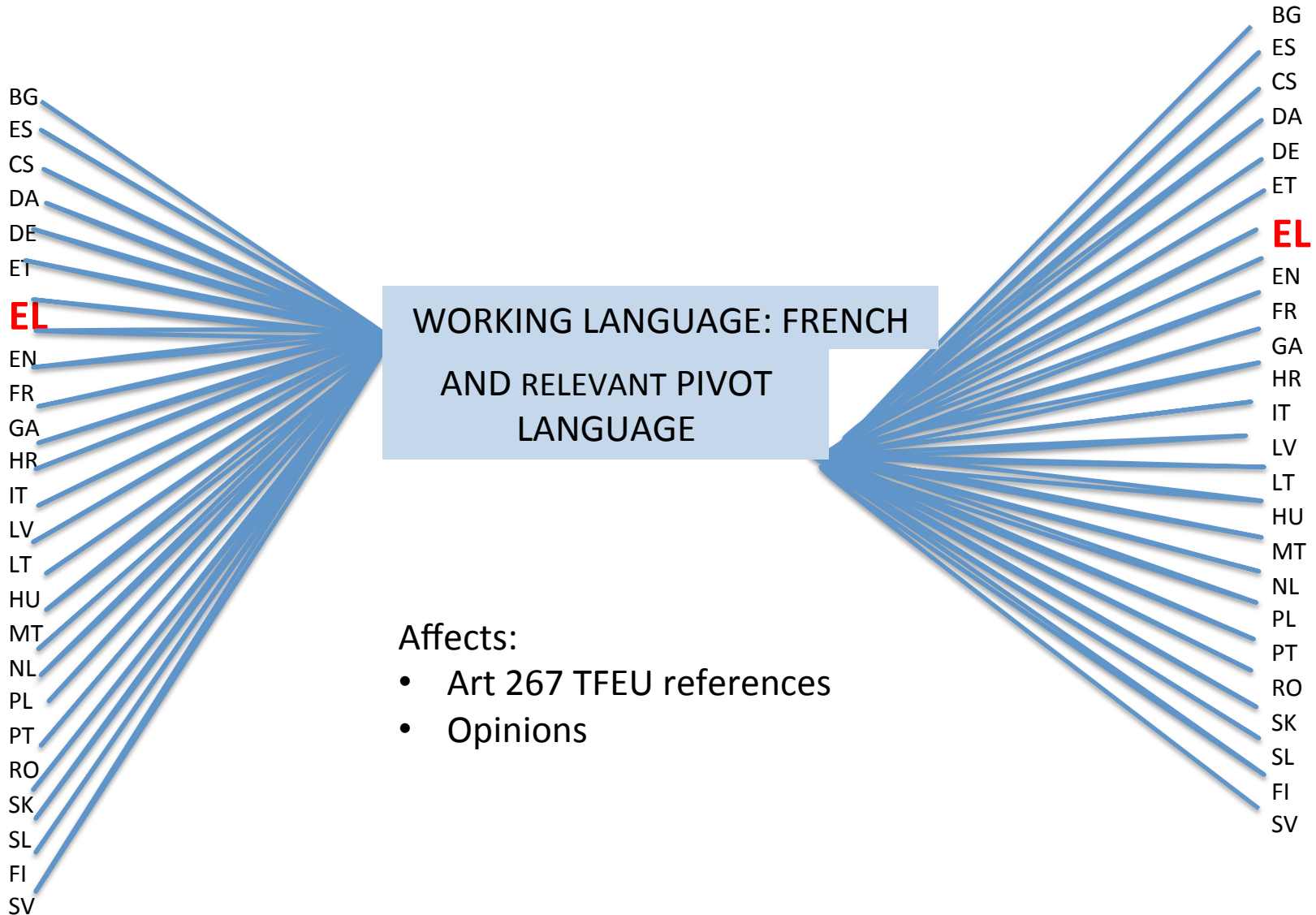
Translation at the ECJ



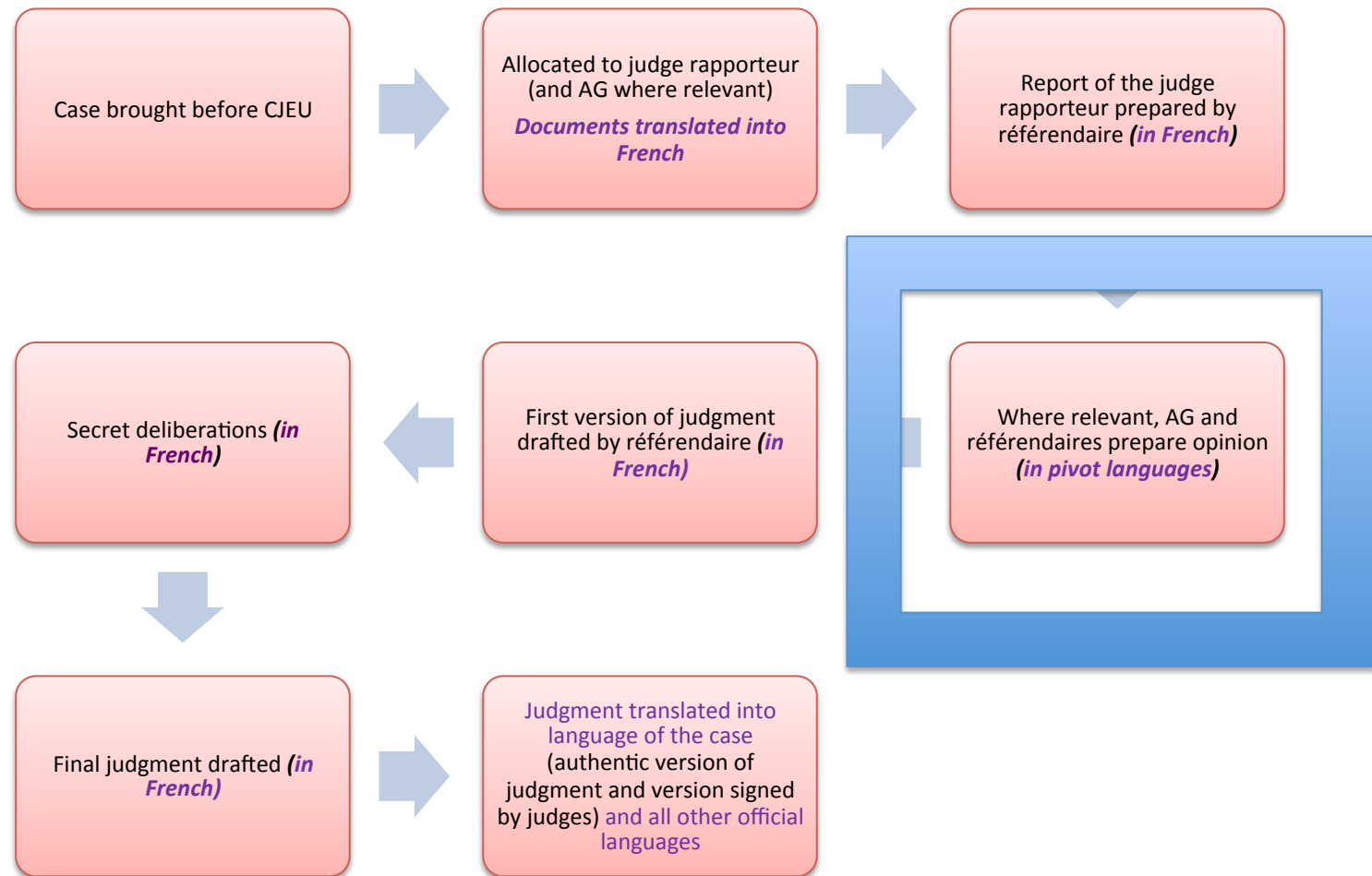
Translation at the ECJ



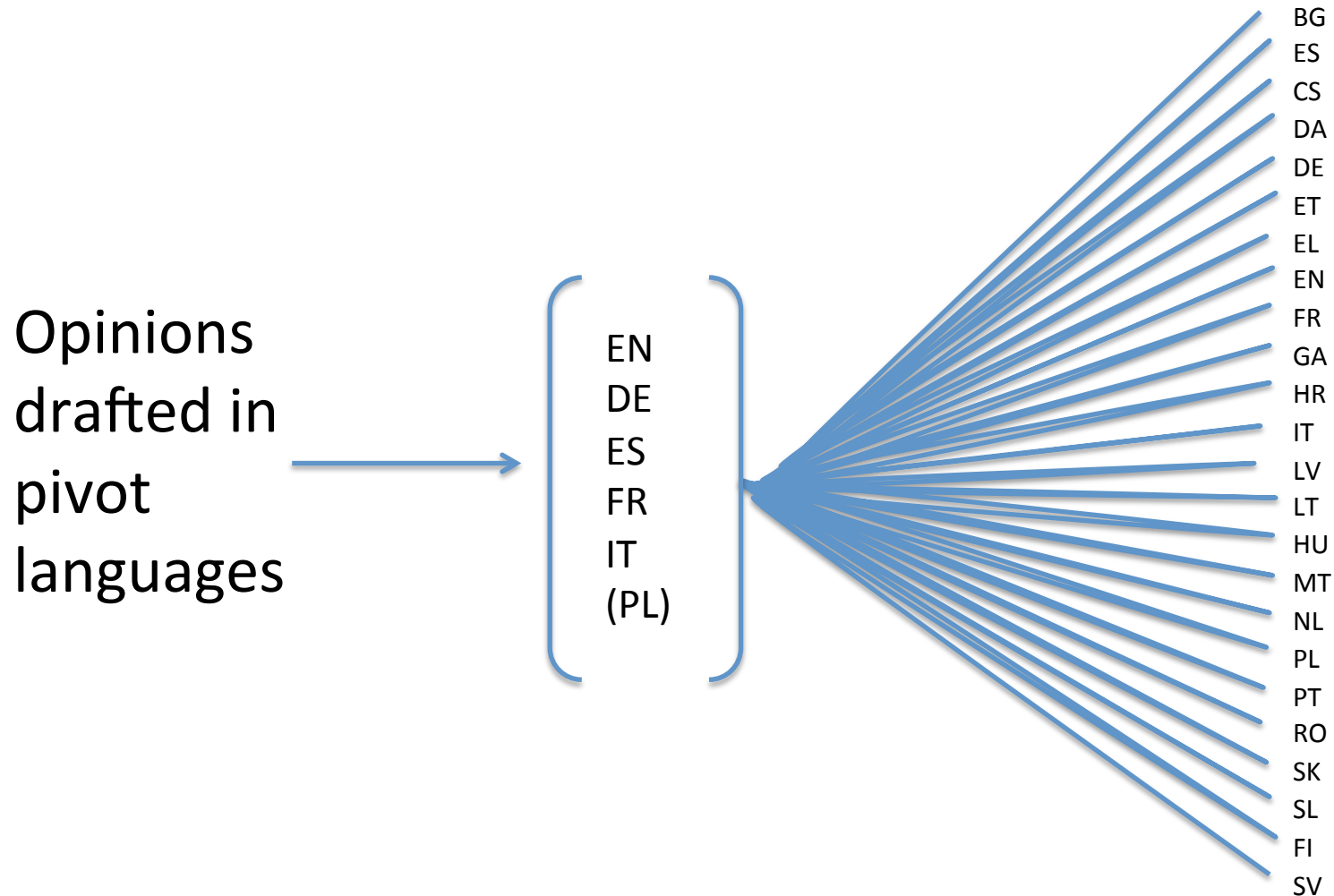
Translation at the ECJ



Processing a case through the CJEU



Since 2004 (Convention)



AG at the CJEU: The Linguistic Aspect

Research questions:

1. Does language use have an impact on the 'usefulness' of opinions?
2. Has the introduction of the 'pivot' translation system had an impact on the language of opinions?
3. Do opinions of AGs drafting in their mother tongue differ linguistically from those drafting in 'pivot' languages?

The AG at the CJEU

Ewelina Tylec: analysis of the literature, focusing on specific (broken down) research questions

Liana Muntean: qualitative interview data

Virginia Mattioli: linguistic analysis of the texts (opinions)



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The Role of the Advocate General at the ECJ: A Linguistic Aspect?

Ewelina Tylec-Bakalarz



Research Questions

1. To what extent has language use had an impact on the usefulness of opinions? (overarching question);
2. How important is the opinion for the development of EU law? (what impact do AGs' opinions have on EU law?);
3. Are certain AGs considered more '*influential*' than others? Why?

Main focus issues:

**Influence of
language on
persuasiveness of
opinions**

**Language in AGs'
opinions as an
element shaping
the law**

Influence of language on persuasiveness of opinions

Persuasiveness:

- Ability of AGs to convince the Court to follow their opinions
- Ability to make a wider long-term impact on the development of the EU law
- Ability to become part of a debate in the academic and non-academic circles outside the ECJ

Three main elements of persuasiveness

Language

Tone of voice

Gestures



To persuade:

'Induce (someone) to do something through reasoning or argument'

Source: Oxford Dictionary

Persuasiveness:

Personal authority of Advocates General

Advocates' General *'tactics'* of convincing:

- AG Maurice Lagrange: difficulties in settling the argument
- AG Alain Louis Dutheillet de Lamothe: regret in choosing one solution over another
- AG Giuseppe Tesauro: *'it is unquestionable that', 'it is only too clear that'*

Vocabulary: *'source State', 'exit restriction', 'social tourism', 'reverse discrimination'*

Perceived/expected quality of opinions + language, personal charisma, reputation for hard work, number of years of experience

Persuasiveness:

Language (diplomatic and tactful or not?)

- AG Maurice Lagrange in HAG II: '*dubious pedigree*', '*spurious doctrine*'

Style

'No matter how eloquent, how persuasive an opinion may be, it may be disregarded for, after all, judges are grown-ups capable of making their own minds.'

Philippe Léger

Language in AGs' opinions as an element shaping the law

'[A]ny interpretation of the supposedly uniform legal text will persistently be coloured by the language, not to mention the culture to which the interpreter belongs'.

Martina Künncke

Opinions:

Individual style and background

Opinions are work of individuals (broader in scope and clear in arguments)

Six different functions of Advocates General (Michal Bobek): Framer, Researcher, Controller, Innovator, Tester, Explainer and Dissenter

Examples:

Obituary of the British Advocate General Jean-Pierre Warner published in *The Times*:

'[B]y patiently anglicizing some of the Court's procedures he laid the foundations of a bridge between the common law and the civil law traditions'

Examples

Advocate General Maurice Lagrange:

- Academic style of writing
- Played a significant role in the development of the European embryonic legal system

Language as an obstacle to the efficient functioning of the Court

'Language is, to some extent, a constraint on the development of EU law'

Karen McAuliffe

Main gaps and findings:

- Lack of scholarship which would address the topic in a more comprehensive manner.
- Literature focuses on the '*output*', not on the process.
- Broad understanding of the term: '*language*'.

Main gaps and findings

1. The research available does not give due consideration to the fact that the outputs produced by the ECJ and Advocates General are [mostly] drafted by jurists in a language that is not their mother tongue.
2. Legal scholars focus on the output rather than on the process which leads to its formulation. Particularly in the multicultural and multi-linguistic environment such as the ECJ this process may have serious implications for development of opinions or case-law.

Main gaps and findings

3. As the field of legal linguistics is still emerging there has still been little attention paid to the issue of legal translation and comparative law considerations that it entails.
4. Because there have been identified some differences in the language used by the Court and by the AGs, it would be interesting to see whether there are any more variations in the language used by them and by the Court.

Thank you!

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The Role of Language in Advocate Generals' Opinions: Consequences for ECJ Case Law?

Liana Muntean



Focus of the study

whether and how AG opinions have been affected by the 2004 pivot languages

whether these opinions have become more constrained, less persuasive

AG opinions - more than an individually drafted opinion

Structure of presentation

General info on AG Cabinets

Methodology

Process of drafting an AG Opinion

Relevant findings from interviews

Advocates General's Cabinets

Structure: 1 AG + 4 REFs (référéndaires or law clerks)

Drafting language – pivot languages

Methodology

In-depth qualitative interviews with:

- 3 Advocates General
- 13 Referendaires
- 7 Lawyer-linguists

Involved in drafting or working on AG opinions;

Challenges and lessons learned while organizing interviews;

Anonymous interviews;

Transcribed, then approved by interviewee;

Process of drafting an AG Opinion

1st layer

- Référendaire – responsible for the first draft;
- AG – intervenes in the drafting process once there is a first draft;

2nd layer

- Linguistic assistance – Final draft sent to lawyer-linguist;

3rd layer

- Translation – lawyer-linguist and/or freelancer;

Publication.

Effects of the 2004 linguistic regime on AG Cabinets

Interviewer: Has it affected in any way your work [...]?

Respondent: No, I haven't seen any.

Interviewer: You haven't seen?

Respondent: No, I haven't seen from our point of view, we haven't seen it. No. No.

(Interview with AG's référendaire)

Drafting in mother tongue v. Drafting in non-mother tongue

*If you can draft in your own language, you are much more efficient and you master the language more thoroughly. I mean, in [mother tongue] **I would be able to give every small nuance, every slight difference of meaning that would use the precise words.** In English, I hope I draft rather well but still I'm not native, so yeah, I'm a bit less efficient and **the result is, I hope, good, but would have been better in [mother tongue].** But hey, that's our job, that's how things work here.*

(Interview with AG's référendaire)

Theoretical view v. actual situation

Yeah, for me it's inevitable that the language you use shapes a little bit the way you think. I think it's inevitable, the concept, the words. But after all, I mean, we are doing cases. It's not that I would ever imagine that by using another language you would get to a different result. [...]if you ask me to draft an opinion in Italian, in English or in French, I could do the three, I will always come to the same result and the arguments would be the same – well, you could have a small difference here and there, but the reasoning and the substance would be the same.

(Interview with AG's référendaire)

AGs

I would say you are less tempted to use sophisticated vocabulary.
(Interview with Advocate General)

*if you do English and you've got prose then I mean you can be slightly more, how shall I put it, concise, snappy, the language wants shorter sentences, easier structure of the paragraphs and of the statements. You do more of individual propositions and do more full stops than everywhere else and so forth with certain drafting. [...] in French of course it might be slightly different yet again when I do that I rarely try to be shorter and comprehensible. [...] yeah. **I don't think there would be a huge difference, no.***

(Interview with Advocate General)

Drafting in mother tongue is a disadvantage

Respondent: I don't know if you have had this response from others, but actually when it is my mother tongue it sort of disturbs the circuit in my brain.

(Interview with AG's référendaire)

Revealing aspects observed during interviews

Attitudes of Référendaires towards their AG

Strong personality of an AG

Meticulous approach to draft opinions

Building up the cabinet to counteract linguistic constraints

Language skills in the cabinet

International profile

Academic and practitioner

Different nationalities

French native speaker – at least one

Adapting working methods

Respondent: Normally, we work bilaterally with the Advocate General. [...] But, there is a point where somebody else from the Cabinet will also take a closer look at the case so that he will give her another opinion, drafting suggestions, structure or even legal solutions.

Interviewer: That's what I was also going to ask, if you have this policies of swapping drafts to correct each other, or to review each other?

Respondent: Yes, this is very helpful, we do review each other, yes.

(Interview with AG's referendaire)

Adapting working methods (2)

Interviewer: Would they swap drafts between themselves [...]?

Respondent: No, what we do here, we have something like a plenary. So, before the opinion is sent to the translation, we discuss in a plenary. So, me and all the référendaires, we are discussing paragraph by paragraph, and I assure the control over all amendments.

(Interview with Advocate General)

2nd layer – Pivot languages impact on Lawyer linguists

*The pivot language [system] was **a necessity** with 22 or 23 languages, yeah. It was not technically possible to produce that many combinations of language.*

(Interview with lawyer linguist)

*I think it's **enabled the court to process** because it was clearly – otherwise, it would have been impossible, I think, – so, I think it was [...] a good way of dealing with this linguistic issue.*

(Interview with lawyer linguist)

*It definitely **makes our work possible**, because otherwise, every linguistic unit would be obliged to cover 23 languages.*

(Interview with lawyer linguist)

Necessary evil?

*I'm not very keen on it. I mean, I can see why we have to have it because there are so many language combinations and you're not going to get 30 or even 40 translators to cover all the possible combinations, so we have to do it. But **it is really second best** because, you know, [...], it's another layer. And if you have no inkling of what's in the original [...] And so it's a necessary evil, I think, doing pivot languages. We have to have it, but it's not ideal. And I think it was just accepted because people could see it had to be done. I suppose **it's made things easier even if it hasn't necessarily made them better.***

(Interview with lawyer linguist)

Drafting in English v. French

[...] the eternal problem with English. Everyone's using it, but hardly anyone really has a sufficient knowledge of the language to really use it in adequate manner in legal reasoning, at least, whereas French, I mean, people tend to be more self-conscious [...] So from a strictly linguistic point of view, [...] I expect that in 90 percent of the cases what we get is something that is, from a linguistic point of view, vastly correct, so there is not much to do. [...] I understand, by talking to friends in chambers, by talking to colleagues from the English unit, that it's not the case for opinions drafted in English by non-native speakers.

(Interview with lawyer linguist)

French and English Lawyer-linguists – the most affected

It seems to me that a growing number of advocate generals are working in either French or English, and English perhaps even more than French, which wasn't the case a few years ago, and it brings specific problems, for obvious reasons, because the members of the chamber concerned are not native speakers and so they basically have to write a legal reasoning in a language that they fully understand but perhaps they are not so at ease with when it comes to drafting.

(Interview with lawyer-linguist)

Extra work/role

*[...] **editing work comes basically on top of the translating work.** And it's a very specific work on top of it. Why? Well, basically because **it can be extremely time consuming** when the author of the document is not at ease, **or it can be extremely easy** when the author of the document is perhaps not a native speaker but has had some academic background in Britain or in the USA. So there are lots of differences, so it's very difficult to predict the amount of editing work involved beforehand.* (Interview with lawyer-linguist)

***Editing has to be done – how shall I say - when the stars are aligned,** when the advocate general has been able to stick to his or her schedule, we have perhaps one week or ten days, but sometimes due to the constraints of the advocate general's work, they send us their first draft at a very late stage.* (Interview with lawyer-linguist)

Substantive contribution to the AG opinion?

*[...] we serve the legal reasoning. We don't alter it. We should not alter it. We should serve it, and serving it means sometimes to **make things more readable, more accessible, to reinforce perhaps the logic of the whole thing** by adding or deleting words, and this is something that is not easy. You need experience in drafting yourself. (Interview with lawyer linguist)*

*[...] when the référendaire, so the legal secretary, is drafting his or her document, they use documents from a variety of sources, which have not necessarily full coherence, and when you do this editing work, you have to **ensure that what is written in one document is fully coherent** (Interview with lawyer linguist)*

Good lawyer-linguist/linguistic assistance

*[...] you have to accept that you **intervene very modestly** on a given document. That's the first quality. Second quality, you have [...] to be economical with your intervention. Also in the sense that you have to be able to make a **difference between essential things and non-essential interventions** [...] You have also – and this seems to be very essential, you have to be a **good lawyer yourself**, because editing work is about understanding the content. You are not merely working on words. [...] So you have to accept that **the author is the author**, so you should be modest in your interventions. So what is in the document is not necessarily what you would like, you would have wanted to write, but what the advocate general will eventually sign. So you have to be modest and say, “Okay, it's his opinion, her opinion,” and you have to accept it. You have to accept that you possibly disagree with the legal reasoning and that it's **not your job now to put everything into question**. (interview with lawyer-linguist)*

Good lawyer-linguist according to AG cabinet

*I had once, twice, not more, discussions on the substance of a case and I had once, specially I remember one case where a lawyer linguist said, “Well, I don’t agree with what you’re saying, and here, this is another argument,” and I said, “Well, of course, that’s the opinion of the Advocate General, so your work is to translate. **If you don’t agree that’s... we can discuss it over a beer if you want, but there is nothing you can do”.***

(Interview with AG’s référendaire)

Freelancers & Translations

*Respondent: I think **there is less of revision going on** there and there is more of workload [...] And **they outsource more than before**, that's for sure. If you look at numbers, they translate more and more and more and more and we produce more and more judgements and opinions, more and more. It's just that they can skip revision [...] And they can outsource.*

Interviewer: So you think there was more revision before?

*Respondent: Yes, of course. Of course. [...] Everything was revised. [...] And things were revised twice after 2004 in translation, even twice. During a couple of first years, I would say, the first five years everything was revised by two people. **Now sometimes there are no revisions at all and it's a freelance translator who does the translation and ...(whistles), it goes through.***
(Interview with AG's référendaire)

Quality of translations

Interviewer: Can you spot the difference when it's a freelancer doing the translation?

*Respondent: I think you would. I think you would easily, yes. But yeah, so the quality, I think, **in the longer run the quality of the translations will be a problem, yeah. Or is a problem already.** I can tell you that the translation of legal acts, legislative acts, is very problematic. That is my experience.*

(Interview with AG's référendaire)

Conclusion

AGs and référendaires are constrained when they do not draft opinions in their mother tongues

Differing perspectives among actors involved in drafting/editing;

The quality of translations is affected;

Persuasiveness?

Hidden actors;

Thank you!



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The influence of the 2004 language reform on the Advocate Generals' opinions: a corpus-based study

Virginia Mattioli



The influence of the 2004 language reform on the Advocate Generals' opinions: a corpus-based study

Virginia Mattioli



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Theoretical framework

Main concepts considered for the linguistic analysis:

The importance of the Advocate Generals' opinions on the European Court of Justice's jurisprudence

The 2004 linguistic reform

Research interest

Observing the influence that the 2004 linguistic reform had on the nature of the opinions from a stylistic perspective.

Style > Eloquence > Persuasive function

Hypothesis

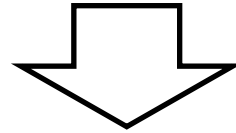
Opinions drafted after the 2004 linguistic reform by non-native Advocate Generals (AGs) are **stylistically simpler and less fluent** than the ones drafted by native Advocate Generals before 2004.

Main objective

Determining if the opinions drafted after 2004 maintain the same eloquent and academic style of the ones drafted before the linguistic reform.

Research questions

Do the opinions become stylistically simpler and less fluent after 2004?



Which linguistic features do represent the fluency and the stylistic simplicity/complexity of a text?

How can such features be identified in the considered opinions?

Do the opinions drafted before 2004 present more features representing stylistic complexity and fluency than the ones drafted after 2004?

Specific goals

Compiling corpora of opinions representing texts drafted before and after 2004 from native and non-native Advocates General

Determining the features related to fluency and stylistic simplicity/complexity

Search for the determined features in each corpus

Compare the results obtained from the corpora representing opinions drafted in native and non-native language

Methodological framework

Corpus-based methodology applied to the
opinions drafted in

English

French

Analysed corpus

EN OPINIONS

Opinions drafted by English native Advocate
Generals between 1993 and 2003
(1 914 195 tokens)

Opinions drafted by non-English native Advocate
Generals between 2005 and 2015
(3 319 145 tokens)

Opinions drafted by English native Advocate
Generals between 2005 and 2015
(2 734 426 tokens)

FR OPINIONS

Opinions drafted by French native Advocate
Generals between 1993 and 2003
(2 591 349 tokens)

Opinions drafted by non-French native Advocate
Generals between 2005 and 2015
(3 775 458 tokens)

Opinions drafted by French native Advocate
Generals between 2005 and 2015
(3 801 414 tokens)

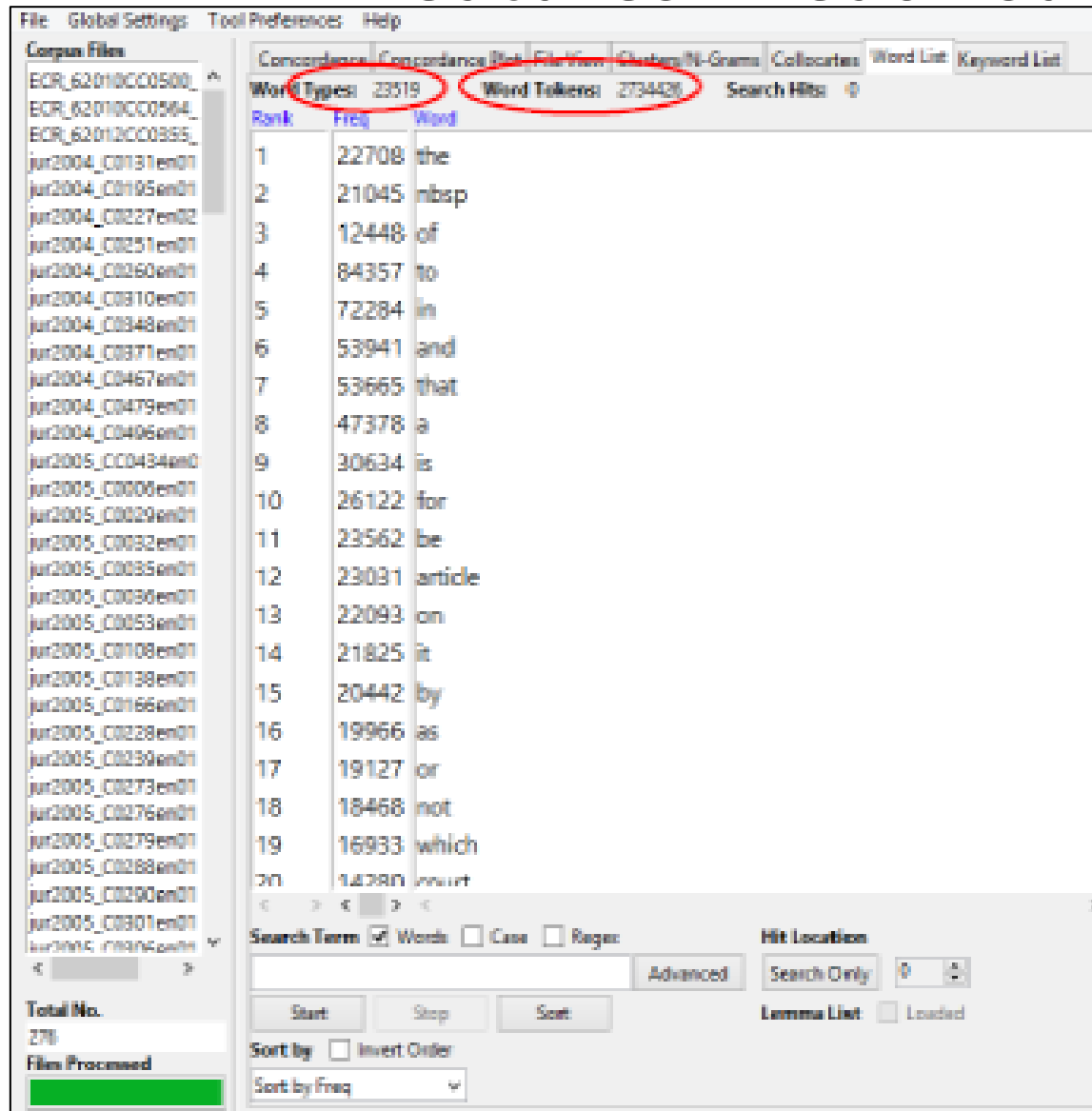
Methodology

1. Determination of the features related to fluency and stylistic simplicity/complexity
2. Search of each one of the determined features in each subcorpus
3. Comparison of the results obtained from the three analyzed sets of texts
4. Extra examinations

1st step: determination of the features related to fluency and stylistic simplicity/complexity

- Lexical variety: the relation between the number of different words and the total words of a text (Xiao and Yue, 2009:253)
- Lexical density: the relation between the lexical and the functional words of a text (Xiao and Yue, 2009:253)
- Sentence length (Baker, 1998:52)
- Presence of hypotactic structures: subordination

2nd step: search of each one of the determined features in each subcorpus



The screenshot shows the 'Word List' tool interface. The 'Corpus Files' list on the left contains various subcorpus files. The main table displays the results of a search, with columns for Rank, Freq, and Word. The 'Word Types' and 'Word Tokens' counts are highlighted with red circles. The 'Search Term' is 'the', and the 'Hit Location' is '0'. The 'Sort by' dropdown is set to 'Freq'.

Rank	Freq	Word
1	22708	the
2	21045	nbsp
3	12448	of
4	84357	to
5	72284	in
6	53941	and
7	53665	that
8	47378	a
9	30634	is
10	26122	for
11	23562	be
12	23031	article
13	22093	on
14	21825	it
15	20442	by
16	19966	as
17	19127	or
18	18468	not
19	16933	which
20	14780	in

LEXICAL VARIETY

Creation of
a WORD LIST

$$TTR = \frac{\text{types}}{\text{tokens}} \times 100$$

2nd step: search of each one of the determined features in each subcorpus

LEXICAL DENSITY

Lexical words: terms with a semantic meaning
e.g. courts, come, article

Functional words: terms with no semantic meaning
used to connect semantic words
e.g. pronouns (you, me, etc.), auxiliaries (to be, to have),
conjunctions (but, so, etc.)

2nd step: search of each one of the determined features in each subcorpus

File Edit View Compute Settings Windows Help								
N								
text file	Overall	620...42	620...13	620...42	620...21	620...24	620...44	
file size	26.216.920	111.838	131.028	63.355	62.934	76.733	72.318	
tokens (running words) in text	2.998.033	13.724	17.113	7.697	8.256	9.478	9.381	
tokens used for word list	2.792.963	12.779	16.136	7.164	7.573	8.578	8.803	
sum of entries								
types (distinct words)	23.472	1.486	1.587	966	990	1.039	1.317	
type/token ratio (TTR)	0,84	11,63	9,84	13,48	13,07	12,11	14,96	
standardised TTR	30,04	30,48	29,34	28,20	28,01	27,21	32,56	
STTR std.dev.	70,25	62,81	65,94	60,93	62,83	63,43	59,05	
STTR basis	1.000	1.000	1.000	1.000	1.000	1.000	1.000	
mean word length (in characters)	4,76	4,84	4,73	4,76	4,48	4,72	4,74	
word length std.dev.	2,83	2,83	2,75	2,75	2,63	2,80	2,88	
sentences	50.714	181	270	84	92	87	147	
mean (in words)	55,07	70,60	59,76	85,30	82,32	98,61	59,88	
std.dev.	66,50	65,75	67,61	76,57	87,02	139,86	61,02	
paragraphs	276	1	1	1	1	1	1	
mean (in words)	10.119,43	12.779,00	16.136,00	7.164,00	7.5...00	8.5...00	8.8...00	
std.dev.	6.444,78							
headings								
mean (in words)								
std.dev.								
sections	276	1	1	1	1	1	1	
mean (in words)	10.119,43	12.779,00	16.136,00	7.164,00	7.5...00	8.5...00	8.8...00	
std.dev.	6.444,78							
numbers removed	205.070	945	977	533	683	900	578	
stoplist tokens removed								
< []								
frequency	alphabetical	statistics	filenames	notes				
77 entries	Row 1	0%	T S	text file				

SENTENCE LENGTH

Wordsmith
tolos 7,0
(Scott, 2016)

2nd step: search of each one of the determined features in each subcorpus

HYPOTACTIC STRUCTURES

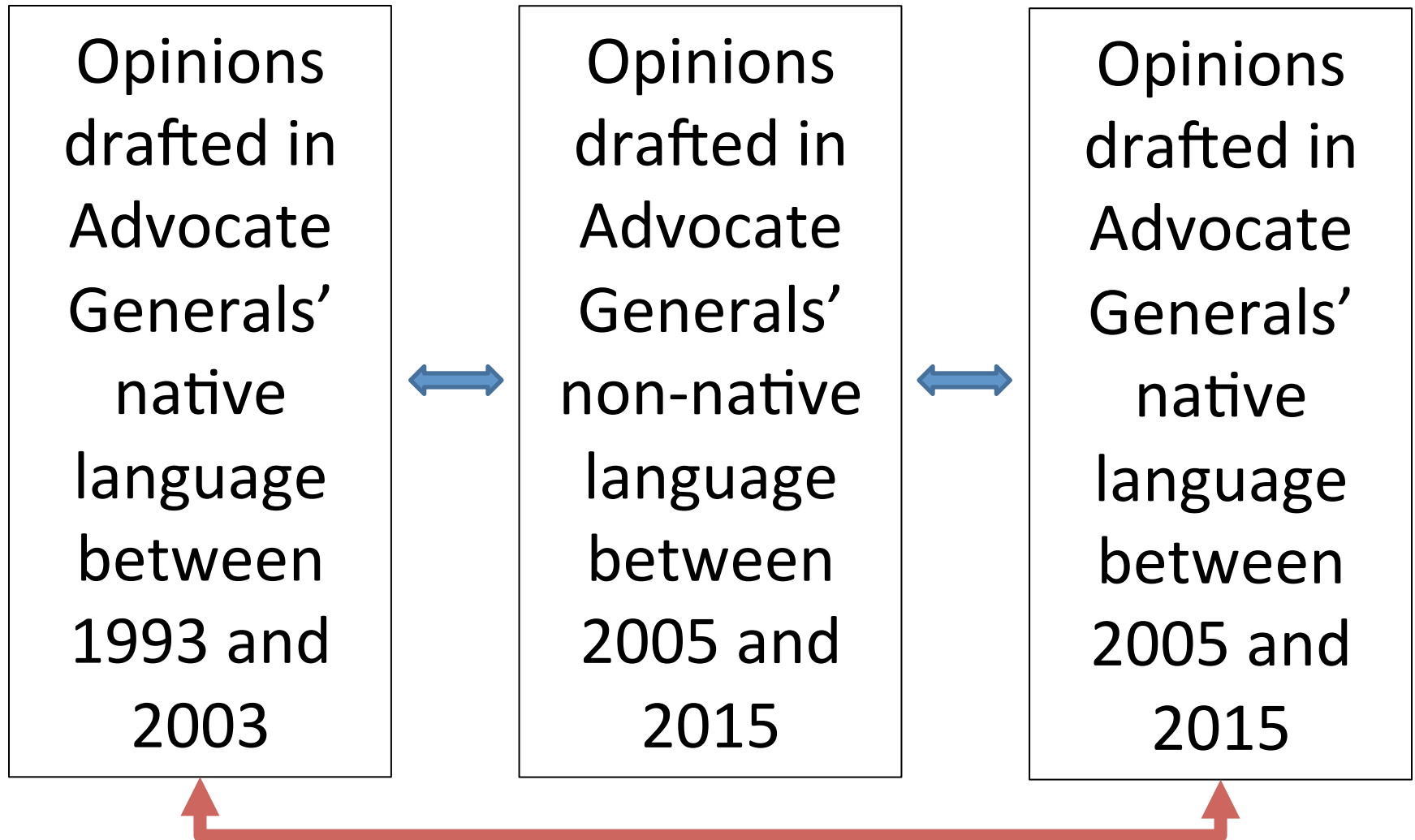
- Choice of an exhaustive list of subordinate conjunctions (e.g. when, than, because, etc.)
- Identification of each conjunction within the wordlist and of its frequency
- Sum of the frequency of each subordinate conjunction included in the considered list

Concordance	Concordance Plot	File View	Clusters/N-Grams	Collocates	Word List
Word Types: 23519		Word Tokens: 2734406		Search Hits: 1	
Rank	Freq	Word			
107	2902	into			
108	2882	than			
109	2863	principle			
110	2863	trade			
111	2835	use			
112	2829	basis			
113	2817	ecr			
114	2815	application			
115	2767	when			
116	2766	measures			
117	2708	same			
118	2699	can			
119	2673	protection			
120	2655	tax			
121	2620	information			



$$2882 + \\ 2767 + \\ =$$

3rd step: comparison of the results obtained from the three analyzed sets of texts



4th step: extra exams

The screenshot shows the Concordance software interface. The top menu bar includes 'File', 'Global Settings', 'Tool Preferences', and 'Help'. Below the menu is a toolbar with buttons for 'Concordance', 'Concordance Plot', 'File View', 'Clusters/N-Grams', 'Collocates', 'Word List', and 'Keyword List'. The main window displays a list of concordance hits for the search term 'than'. The hits are organized into three columns: 'Hit', 'KWIC', and 'File'. The 'Hit' column shows line numbers from 14 to 33. The 'KWIC' column shows the context of the search term, with the term itself highlighted in blue. The 'File' column shows the source file for each hit, such as 'jur2005_CO4' and 'jur2006_CO1'. At the bottom of the window, there is a search bar with the term 'than' and a search button. Below the search bar are buttons for 'Start', 'Stop', and 'Sort'. There are also checkboxes for 'Words', 'Case', and 'Regex', and a 'Search Window Size' dropdown set to 50. At the bottom left, there is a 'Total No.' of 276 and a 'Files Processed' bar. At the bottom right, there is a 'Clone Results' button.

Hit	KWIC	File
14	any purpose other than placing on the	jur2005_CO4
15	for purposes other than placing on the	jur2005_CO4
16	for purposes other than heating or motor	jur2006_CO1
17	a benefit rather than placing them under	jur2006_CO2
18	me that, rather than examining whether the	jur2006_CO3
19	Article 254 EC rather than undermining it. There	jur2006_CO3
20	of Directive 91/414, rather than constituting lex specialis.	jur2006_CO3
21	the legislation, rather than being left to	jur2006_CO3
22	companies which, rather than establishing branches, decide	jur2006_CO4
23	implementing legislation rather than operating autonomously. 89. nbsp;nbsp;	jur2006_CO4
24	no purpose other than fishing for which	jur2006_CO4
25	, for purposes other than fishing (though it	jur2006_CO4
26	any less distortion than rounding down, but	jur2006_CO4
27	by retailers rather than being handed over,	jur2006_CO4
28	’s decision, rather than being limited to	jur2006_CO4
29	narrow way. Rather than looking to precise	jur2007_CC1
30	Directive’ nbsp;(42) rather than repeating the objectives	jur2007_CC1
31	adequate competition’ more than throwing the procedure	jur2007_CO1
32	free-riding rather than blurring. The question	jur2007_CO2
33	the Council, rather than asking the Court	jur2007_CO2

SUSPENDING PERIODS

e.g.
an inspection
system operated
by one or more
designated
inspection
authorities and/
or by approved
private bodies ...

NON-FINITE CLAUSES -ING TO -ED

e.g. the common commercial policy was justified because
permitting the Member States to exercise concurrent powers

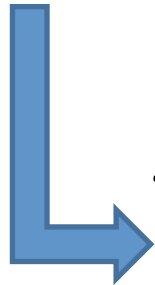
4th step: extra exams

CREATION AND ANALYSIS OF A KEYWORD LIST

KEYWORDS: words which frequency highlights with respect to a reference corpus



They are more used in the analyzed corpus than in the reference one



They are more typical of the analyzed corpus than of the reference one.

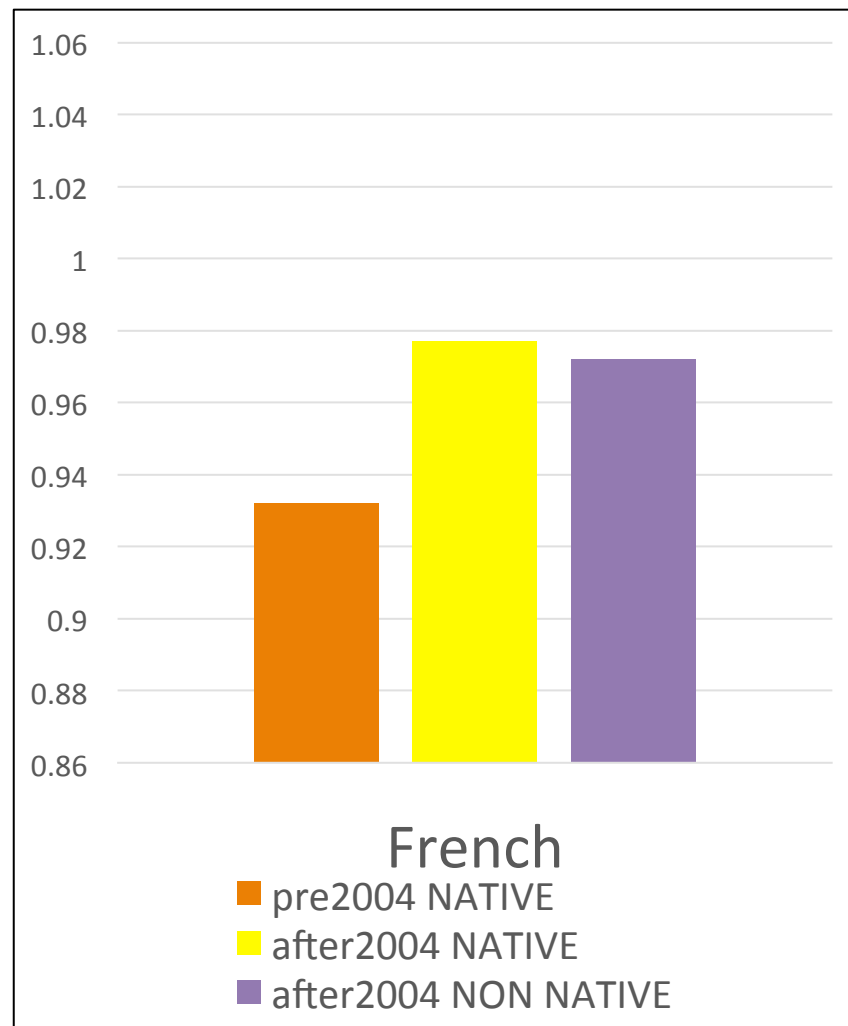
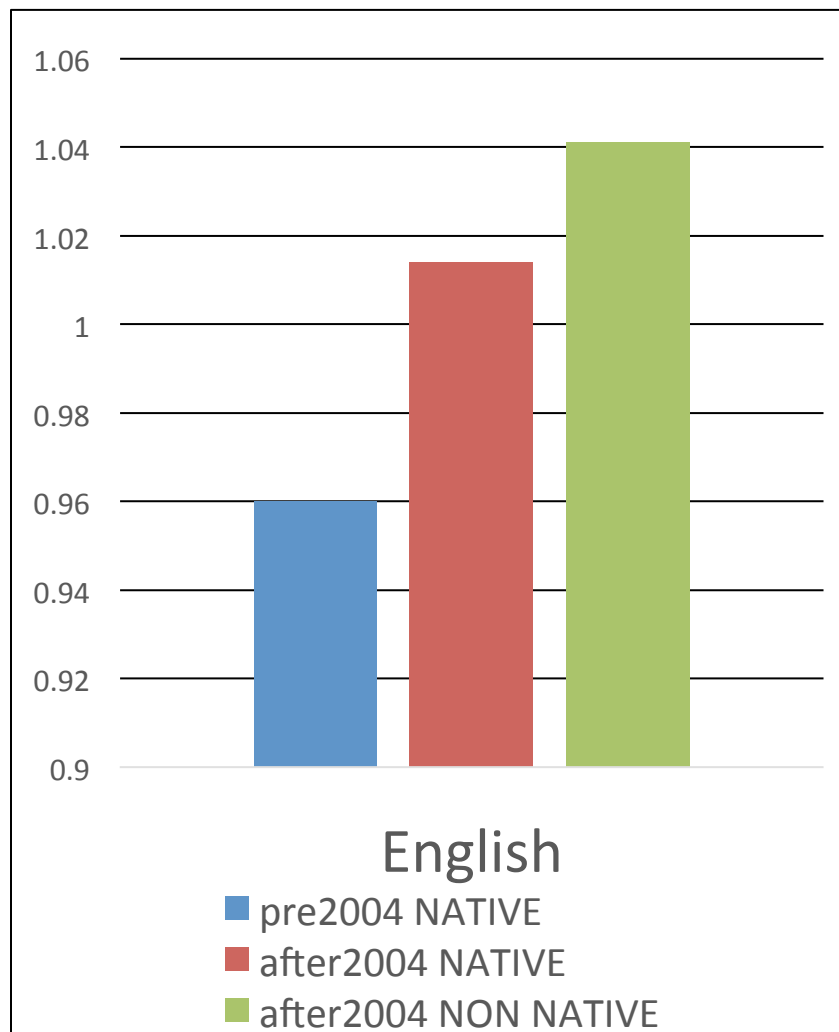
Results

Opinions drafted by non-native AGs are stylistically simpler and less fluent than the ones drafted by native AGs

- Lexical variety ✓
- Lexical density ✗
- Sentence length ✓
- Presence of hypotactic structures ✓

Results

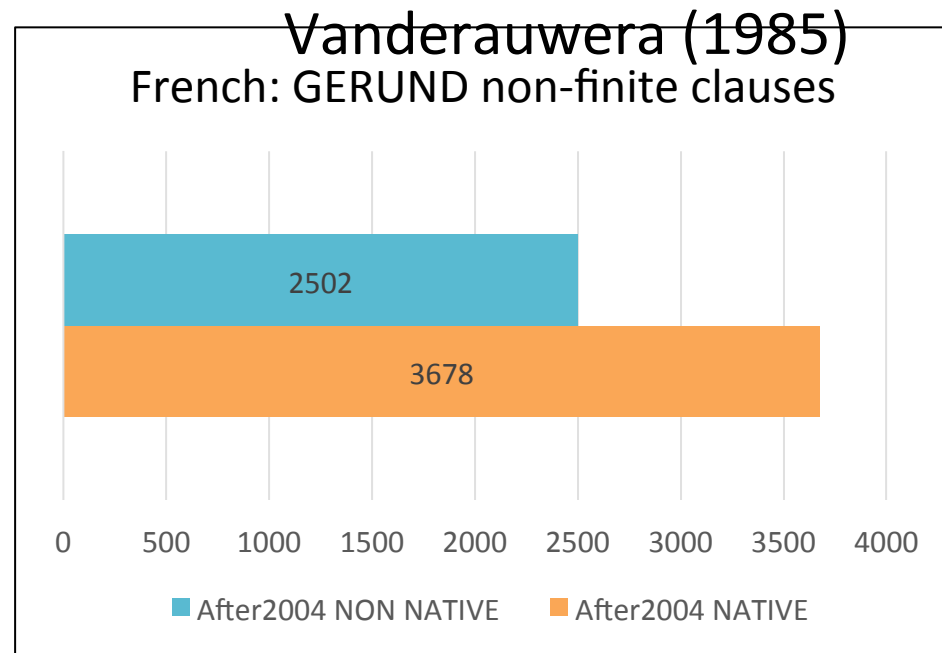
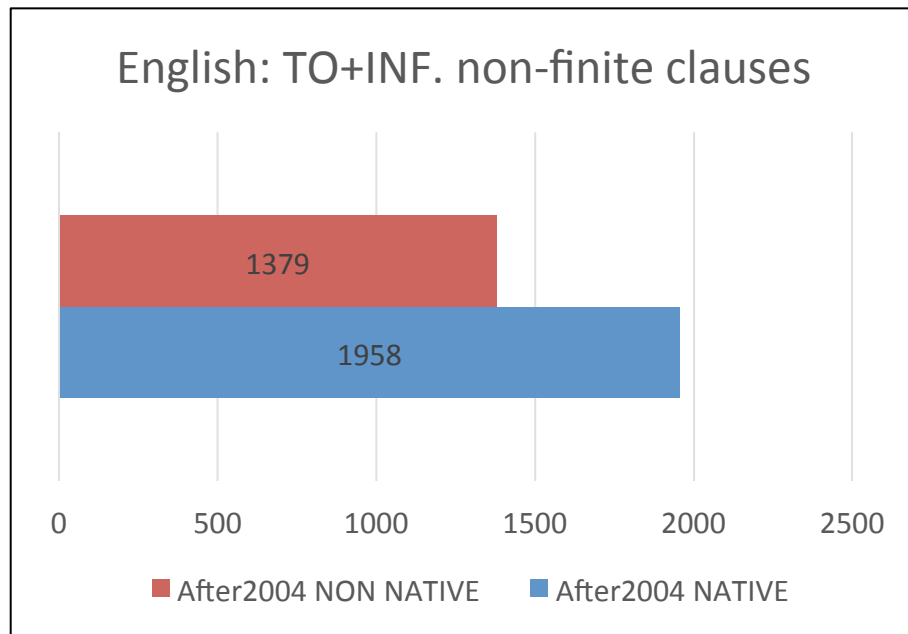
Lexical density changes diachronically



Further results

The opinions drafted by non-native Advocate Generals can be considered a kind of translations in terms of effort and stylistic characteristics

In translation complex syntax is simplified replacing non-finite clauses with finite ones



Further results (English corpus)

One of the features of the translation simplification is the presence of more high frequency words (i.e. repetitions) than original texts

Laviosa (1998)

Items with a frequency higher than 500 occurrences		
After2004 NATIVE	After2004 NON- NATIVE	STATYSTICAL SIGNIFICANCE OF THE DIFFERENCE (LL)
718 350	927 474	LL: 1545.93

Qualitative results

Opinions drafted by native AGs present more keywords related to **current issues** than the ones drafted by non-native AGs

+

Opinions drafted by non-native AGs include **more specific legal terms** than the ones drafted by native AGs



Hypothesis: native AGs are more interested in the topic of the case while the cause of the non-native ones' concern seems to be the linguistic form

	After2004 NATIVE	After2004 NON- NATIVE
EN	8 092 (LL: +318.29)	7 371
FR	7 862 (LL: +82.81)	6 714

	After2004 NATIVE	After2004 NON-NATIVE
EN	214 606	282 155 (LL: +780.12)
FR	286 254	291 016 (LL: +78.72)

Qualitative results

Opinions written by native AGs become gradually more similar to the ones drafted by non-native AGs

Linguistic feature		Pre2004 NATIVE	After2004 NATIVE	After2004 NON NATIVE
Decreasing lexical variety	EN	1,146	0,860	0,849
	FR	1,103	0,893	
Increasing lexical density	EN	0,960	1,014	1,041
	FR	0,932	0,977	
Decreasing quantity of lexical words tokens	EN	LL: +353.76	LL: -1,89	Stat. significance of the difference (LL) with respect to the NON NATIVE OPINIONS
	FR	LL: +3536.62	LL: +41.70	
Increasing number of most frequent words common to both corpora	EN	LL: +185.18	LL: -21.19	
	FR	LL: +466.81	LL: -37.26	
Decreasing quantity of relative clauses	EN	LL: +531.44	LL: +150.78	
	FR	LL: +482.34	LL: -190.15	
Decreasing number of keywords related to current issues	EN	LL: +2928.81	LL: +318.29	
	FR	LL: +4180.83	LL: +3507.6	

Conclusions

The 2004 linguistic reform did have an influence on the style and the fluency of the opinions

↳ Opinions became stylistically simpler

↳ They are less eloquent

↳ They lose part of the influence that they had on the judgments.

Qualitative conclusions

The results point to a DIACHRONICAL
PERSPECTIVE

- To reach a deeper knowledge about the causes of the gradual change of the opinions
- To assess the impact of the change of the opinions on the jurisprudence of the European Court of Justice

References

- Anthony, L. (2014). *AntConc* (Version 3.4.1) [Computer Software]. Tokyo, Japan: Waseda University. Available from <http://www.laurenceanthony.net/>. Last visit 11/07/2016.
- Baker, M. (1998). *The Routledge Encyclopedia of Translation Studies*. London: Routledge.
- Laviosa, S. (1998). «Core Patterns of Lexical Use in a Comparable Corpus of English Narrative Prose», *META* (43-4), 557-570. <https://www.erudit.org/fr/revues/meta/1998-v43-n4-meta169/> Last visit 12/11/2017.
- Scott, M. (2016). WordSmith Tools version 7, Stroud: Lexical Analysis Software.
- Vanderauwera, R. (1985). *Dutch Novels Translated into English: The Transformation of a "Minority" Literature*, Amsterdam: Rodopi.
- Xiao, R. y M. Yue (2009). «Using Corpora in Translation Studies: The State of the Art», in Baker, P. (ed.) (2009) *Contemporary Corpus Linguistics*. London: Continuum, 237-262.