**LAW, LANGUAGE AND TRANSLATION AT THE COURT OF JUSTICE OF THE EUROPEAN UNION**

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Abstract

This paper sets out the aims of the European Research Council (ERC) funded project “Law and Language at the European Court of Justice (the LLECJ project)” and explores the impact that language and translation may have on the development of the case law of the Court of Justice of the European Union (ECJ).

The LLECJ project aims to develop a deeper understanding of ECJ case law and by so doing introduce a new facet to the current thinking of the development of the EU legal order. 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) this paper examines the process behind the production of that Court’s multilingual case law. The texts that make up that case law are hybrid in nature and reflect the various linguistic cultural compromises at play in the production process. The paper explores two specific aspects of those linguistic cultural compromises: (a) that by which the ECJ’s case law is created and (b) that by which that case law is filtered out to the wider EU through translation. There are far more elements at play in the creation of ECJ case law than legal reasoning and collegiate intention. Of course this is true in any jurisdiction - the creation of any court’s case law is not simply about conscious jurisprudential reasoning and decision making, but is also affected by factors of jurisprudential drafting, embedded in the culture of the court itself. However, because ECJ case law is expected to resonate and be applied across 24 languages and (currently) 28 member states, the impact of these linguistic cultural compromises becomes more significant.

For more information on the LLECJ project see:

[www.llecj.karenmcauliffe.com](http://www.llecj.karenmcauliffe.com)