

The Strategic Value of Ambiguity for the Authority of EU Law in the Dialogue between the European Court of Justice and the National Courts

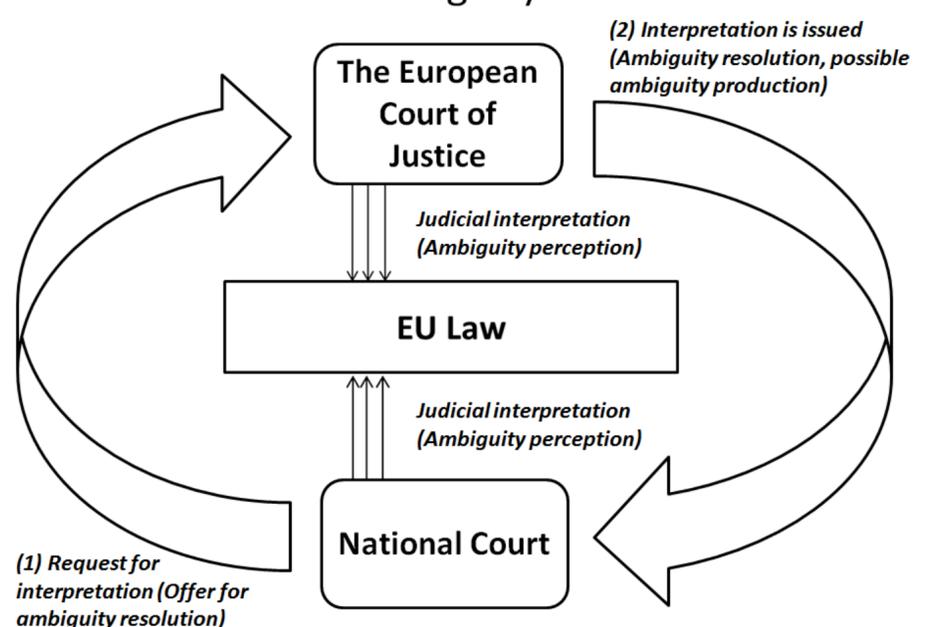
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Project summary

This project examines the language of case-law arising out of the dialogue between the European Court of Justice (ECJ) and the national courts, which is primarily concentrated in the preliminary ruling procedure. This study is interested in instances of ambiguity found there, which hold key significance for the delimitation of competences of the ECJ with respect to the regulating and shaping of the national legal orders (the authority of EU law). This project also explores the opportunities and methods for using ambiguity strategically, which may be available to the participants in the dialogue. Lastly, this study shows ambiguity may be utilised strategically in legal texts as a complement to legal certainty, in order to stabilise the system (Paunio, 2013) by increasing its flexibility, effectiveness (Piantadosi et.al., 2012) and coherence (Leczykiewicz, 2008).

The Preliminary Ruling Procedure and Ambiguity



Methodological approach

This study intends to use the results of Derlen and Lindholm's empirical analysis of the characteristics of precedent to determine the clusters of case-law with the highest degree of persuasive and precedential power (Derlen and Lindholm, 2015). Thus, it aims to find the cases with the highest strategic value for the implementation of the authority of EU law. Instances of ambiguity with strategic value will mainly be found when analysing the English versions of the judgments. However, in certain cases, a semantically linked multilingual corpus (Zhang, Sun and Jara, 2015) may be compiled out of the official translations of the term or phrase of interest in the judgment, as ambiguity is likely to be preserved during translation (Bengoetxea, 2011).