

**Legal Certainty in
Multilingual EU Law**
Language, Discourse and Reasoning at the
European Court of Justice

ELINA PAUNIO

ASHGATE

Contents

<i>List of figures</i>	vii
<i>Acknowledgments</i>	ix
Introduction	1
1 Lost in translation	5
Role of language in EU law-making	5
Architecture of judicial interpretation at the Court	20
Summing up	49
2 Legal certainty – form and substance	51
What is legal certainty?	51
The Court's case law	64
Legal certainty as an interpretive tool	73
Legal certainty and judicial reasoning	79
Summing up	97
3 Discourse and legal certainty	101
Communicative underpinnings of legal certainty	101
Discursiveness of law and legal certainty	103
Procedural certainty and rational acceptability	106
Constructing meaning through judicial reasoning	112
Harmonizing EU law meaning at the Court	119
Discursive legal certainty and judicial reasoning	136
Summing up	154
4 Reconceptualizing legal certainty	157
Justification, audience and rhetoric	157
Quest for a shared legal paradigm	173
Priority orders and legal paradigms: the challenge of incommensurable interests	178
Legal culture: a context enabling communication	182
Interaction between EU and national audiences	187
Summing up	190
Conclusion	193
<i>Bibliography</i>	199
<i>Index</i>	217