COMMON MARKET LAW REVIEW

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Aims

The Common Market Law Review is designed to function as a medium for the understanding and implementation of European Union Law within the Member States and elsewhere, and for the dissemination of legal thinking on European Union Law matters. It thus aims to meet the needs of both the academic and the practitioner. For practical reasons, English is used as the language of communication.

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Establishment and Aims

The Common Market Law Review was established in 1963 in cooperation with the British Institute of International and Comparative Law and the Europa Institute of the University of Leiden. The Common Market Law Review is designed to function as a medium for the understanding and analysis of European Union Law, and for the dissemination of legal thinking on all matters of European Union Law. It aims to meet the needs of both the academic and the practitioner. For practical reasons, English is used as the language of communication.

Editorial policy

The editors will consider for publication manuscripts by contributors from any country. Articles will be subjected to a review procedure. The author should ensure that the significance of the contribution will be apparent also to readers outside the specific expertise. Special terms and abbreviations should be clearly defined in the text or notes. Accepted manuscripts will be edited, if necessary, to improve the general effectiveness of communication. If editing should be extensive, with a consequent danger of altering the meaning, the manuscript will be returned to the author for approval before type is set.

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Manuscripts should be submitted together with a covering letter to the Managing Editor. They must be accompanied by written assurance that the article has not been published, submitted or accepted elsewhere. The author will be notified of acceptance, rejection or need for revision within three to nine weeks. Digital submissions are welcomed. Articles should preferably be no longer than 28 pages (approx. 10,000 words). Annotations should be no longer than 12 pages (approx. 5,000 words). Details concerning submission and the review process can be found on the journal's website http://www.kluwerlawonline.com/toc.php?pubcode=COLA

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BOOK REVIEWS

Mikael Rask Madsen, Fernanda Nicola and Antoine Vauchez (Eds.), *Researching the European Court of Justice: Methodological Shifts and Law's Embeddedness*. Cambridge: Cambridge University Press, 2022. xiv + 374 pages. ISBN: 9781316511299. GBP 95.

Researching the European Court of Justice is one of the most prominent tasks of European legal scholars, and rivers of ink have been spilt to describe and criticize the Court and its case law. This makes it difficult to avoid repetitions or speculations when talking about the Court, and originality might appear as a mission impossible to young researchers. This edited volume provides some useful examples of how innovative and interdisciplinary approaches can thus come to the researchers' rescue and help them by offering original insights. Armed with new methods, the chapters dare to confront some of the most popular EU law subjects – such as the role of national courts and individuals in the preliminary reference procedure, *Viking* and *Laval*, and the Eurozone crisis – and successfully shed new light on them.

This is not to say that using new methods should be taken light-heartedly as an easy shortcut to original research. In fact, dropping the lawyers' lens and habits is difficult, and acquiring new methodological skills requires a non-negligible amount of time and effort. This is something that the editors of the volume, Madsen, Nicola, and Vauchez, know well, being themselves well-versed in contextual, historical, and sociological analysis of the Court. As they stated in the introductory Chapter 1, their intention was not "to give a coherent and theorized view on methodology but instead, we showcase innovations in research, design, and methods" (p. 11). The book is an excellent window into new theoretical and methodological approaches for studying the Court, being particularly useful for young legal researchers that take up the challenging endeavour of departing from traditional doctrinal analyses.

The authors present an alternative perspective on EU law and the CJEU by questioning the conventional top-down approach. Instead, the book advocates for a closer examination of the various actors and practices at the local level, offering a more detailed and nuanced understanding of the process behind CJEU case law. Through this, the editors' predilection for bottom-up and contextual approaches already emerge, which are indeed the most present in the chapters, making the book quite limited in terms of the methodologies showcased. The majority of the chapters rely on qualitative, sociological, and archival methods: Pavone, Hoevenaars, Louis, McAuliffe, Fritz, Avril, Arnholtz, and Haagensen use interviews, field research, and archival research to depict the lived experience of judges, lawyers, and litigants, and the micro-processes behind the construction of EU law. The remaining five chapters experiment with different approaches: Frese, Krenn, and McAuliffe combine qualitative analyses with, respectively, network, statistical, and linguistic analyses to offer new insights into the decision-making process of the Court; Réveillère, in the sole non-empirical chapter of the book, engages in theoretical research to investigate the "conceptual practice" of EU lawyers; and Dederke, in the only purely quantitative chapter, engages in statistical analysis to study why some CJEU cases acquire salience. The volume concludes with a powerful call by Solanke to make a deeper shift in EU legal scholarship by decolonizing EU legal and empirical studies, unveiling Europe's colonial past, and drawing Black Europeans into the field of EU studies (Chapter 14).

Most of the authors of the chapters are part of a "new generation" of scholars that are exploring and experimenting with innovative methods. Of course, the study of the CJEU is not new to empirical and socio-legal research; the novelty, in my view, lies in the fact that some of this research is conducted in law faculties, by scholars trained in law who became skilled in non-legal methods. This raises the question of whether the standard of the legal discipline is changing, and whether young researchers of EU law are expected to engage more with other methods. If so, we should also ask whether European doctoral programmes are ready to provide

the methodological training needed to conduct such research. While the situation is probably evolving, currently only a handful of PhD programmes in law offer serious methodological training. Solanke, in Chapter 14, warns "momentum [for empirical studies in EU law] should not be taken for granted – it will need to be nurtured and supported in academic institutions through the provision of opportunities for research and recognition in the creation of permanent faculty positions" (p. 344).

A methodological reflection regarding how doctrinal research can be enriched by interdisciplinary exchanges, and vice versa, what useful insights doctrinal research can bring to the social sciences is much needed. On this issue, this edited volume offers some useful insights. Notably, most of the chapters do not use interdisciplinary approaches as a substitute for doctrinal analysis, but to supplement and complement it. This is a possible way to overcome disciplinary boundaries; as the combination of doctrinal and empirical methods has the advantage of bridging academic disciplines, which otherwise are seldom in communication, and merging different methods can enrich both legal and social science approaches. By combining traditional legal analysis with network analysis, for example, Frese in Chapter 3, examines how a precedent gains authority. In Chapter 11, Arnholtz begins with a legal analysis to identify his puzzle (i.e. why, among many other equally important cases, was only *Laval* considered revolutionary?), which he then answers with qualitative research.

Despite the merits of innovative methodologies, the authors also acknowledge the limitations of their chosen approaches, fostering transparency and encouraging further self-reflection in methodological choices. Being a legal scholar that explores empirical and sociolegal methods myself, I found these self-reflections very useful. For instance, Fritz praises the study of CJEU judges' biographies to gain new insights into the early years of European integration, but she also admits that "[e]ven the most in-depth biographies cannot tell us what happened in the deliberation room" (p. 233). Pavone acknowledges the non-generalizability of field research findings, as "other large-N methods are much more appropriate for that task" (p. 47); whereas, conversely, Dederke recognizes that quantitative research "goes at the expense of detailed insights into individual cases" (pp. 316, 328). Such critical awareness strengthens the credibility of their findings and contributes to ongoing discussions about methodological rigour in EU legal research.

Overall, *Researching the European Court of Justice* offers valuable insights for EU legal researchers seeking to explore non-legal methods and cross disciplinary boundaries. While the book does not provide step-by-step instructions on conducting methodologically innovative research, it serves as a source of inspiration for researchers looking to broaden their horizons and explore new options for studying the CJEU.

Virginia Passalacqua
Turin

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