

# Abstract: The ECJ as a Political Actor

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In both the US and in the EU, the judiciary is often accused of being political. This thesis does not attempt to compare and contrast the two grand judiciaries; they are too dissimilar to be compared in this context. It only deals with the judiciary of the EU, trying to analyse its presumably ‘political’ character: why is it that political and legal scholars label the Court as ‘political’ or ‘activist’?

This thesis seeks to investigate the validity of these accusations by proposing a synthesis of various political theories and a certain clarification of the terminology in the context of the European judiciary. Chapter 1 deals with the ECJ as an institution, discussing its functioning and its presumably constitutional character. Chapter 2 then focuses on the notions of ‘politics’ and ‘political’, firstly in terms of their definitions by various authors and consequently in terms of the various political theories of European integration. Chapter 3 then deals with the central question of the thesis: is the ECJ a political actor or not? The analysis in the third chapter is split into five dimensions: (1) the judges’ motivations in adjudication, (2) the appointment of judges, (3) the subject-matter of the Court’s adjudication, (4) the institutional balance within the Union, and (5) the impact of ECJ’s case-law in the MS.

This thesis should serve as an introduction to an extremely interesting and extremely wide field of research. I have not even come close to exhausting all the topics that could be included in the study of the political role of the ECJ or courts in general. There are numerous works that deal with judicial activism, political aspects of the judiciary, comparative analyses of various courts and many other fascinating topics. What I have studied so far is only a degustation of my future doctoral research in this topic in which will further develop many of the questions which are only briefly outlined in this thesis.