

The Relationship between Language, Power, and Law

Mutoni Uwase N.

Faculty of Business and Management Kampala International University Uganda

ABSTRACT

This paper investigates the intricate relationship between language, power, and law through interdisciplinary lenses, tracing historical and contemporary trajectories across legal systems, judicial processes, and sociopolitical contexts. Language is examined not only as a medium of legal communication but also as a tool of social control, identity construction, and power negotiation. Through theoretical analysis, historical case studies, and contemporary challenges including multilingualism, legal accessibility, digital communication, and identity politics the study reveals how linguistic practices in law shape legal meaning, reinforce or resist authority, and mediate justice. The paper emphasizes the significance of legal translation, the performativity of legal language, and the sociocultural dimensions embedded within legal texts. It argues for a communicative and interdisciplinary approach that bridges linguistics and legal studies, proposing that more equitable, transparent, and inclusive legal systems require attention to the language through which they operate. The work concludes by outlining future directions for research and practice in an evolving legal-linguistic landscape increasingly shaped by technology and globalization.

Keywords: Legal Language, Power Dynamics, Linguistic Justice, Legal Translation, Multilingualism and Law, Judicial Discourse, Sociolinguistics.

INTRODUCTION

As a system of signs, language influences complex human relationships and has been analyzed in legal contexts. Different legal systems entail varied legal languages, shaped by societal and political structures. Language empowers individuals and groups to interpret and establish norms, with access to legality differing across social and economic backgrounds. In today's technological age, legal language has grown increasingly diverse, with legislation and judicial decisions requiring translation across numerous linguistic systems. This multilingualism enhances legal security for European citizens but complicates understanding legal texts, particularly in foreign linguistic contexts or simplified forms. Legal translation poses challenges due to distinct differences between EU member states' legal languages. Basic legal terms cannot be directly translated, despite some partial convergences among legal families. As language embodies culture, it plays a critical role in legal translation and interpretation, emphasizing the need for a communicational approach in exploring language-law relationships. The evolving language domain, with its linguistic variances, invites further investigation into cultural and power structures. Analyzing current linguistic systems in law can provide insights into public and private political strategies. Thus, legal practitioners may benefit from merging linguistic perspectives with legal disciplines, cultivating a creative use of language that engages with the complexities of power dynamics among political, economic, and social actors [1, 2].

Theoretical Framework

In law, language functions primarily as a communication tool to convey legal rules, statutes, or judgments. It also serves as a reasoning instrument, utilizing arguments and terminology to persuade judges, juries, or opposing parties. Legal documents such as contracts or wills must be clearly understood by all parties involved. Various legal texts can be examined as specialized discourse, reflecting unique

linguistic patterns in communication. Researchers may analyze the lexical, syntactic, and pragmatic traits distinguishing legal language. However, this traditional understanding limits language to its referential role, viewing it simply as a representation of observable facts. To explore the link between language and societal power, one must adopt a broader lens, considering "speech acts" as actions that contribute to social practices. The linguistic turn in philosophy and human sciences emphasizes language as foundational to human existence, suggesting the world is shaped by words. This approach rejects the theory-practice divide, proposing that theoretical frameworks are integral to practical activities. In legal studies, this perspective highlights the use of law as a complex form of language that helps define power dynamics, social hierarchies, and societal norms, determining which realities are recognized as valid. There is an increasing body of literature exploring the intricate connections among law, language, and power. A critical review of key theoretical frameworks can serve as a "toolbox" for researchers interested in this expansive topic [3, 4].

Historical Perspectives

Laws have always been written to control and influence lives, defining what is acceptable. This raises important questions: Who writes the law? In what language and form is it presented, and to whose benefit does it serve? These inquiries have been prevalent in Western societies throughout history. In medieval and early modern periods, the credibility of oath-takers often weighed as much as written law. Oaths affirmed truthfulness, with concerns about false statements reflecting social inequalities and corruption within legal systems. While written texts represented objective legal evidence, oaths continued to hold significant weight. The legitimacy of legal interpretations and uses of texts has a long history, particularly with the transformations in the Ottoman legal language, analyzed through Islamic legal documents. The apparent rigidity of legal genres frequently masks underlying interventions. Linguistic intervention plays a critical role in explaining and interpreting legal texts, while clever use of paratexts and honorifics allows for subtle persuasion, challenging the participants' roles within the legal framework. The dawn of modernity brought technological advancements, colonization, and globalization, significantly impacting the late Ottoman Empire. These changes revealed cracks in the existing legal balance, prompting extensive reforms in legal and educational systems. A critical examination of the Ottoman legal language illustrates how legal texts serve as a focal point for ideological insertions, affecting legal realities. At a micro level, this historical perspective emphasizes how language and textuality reveal and shape power dynamics within legal structures, particularly through the scribe's manipulation of paratexts [5, 6].

Language As a Tool of Power

Language serves not only as communication but also as a significant instrument of power. As a complex system of signs, it can control perceptions and shape social realities. This capability makes language a form of power, influencing one's interpretation of the world and affecting institutions and justice. The powerful and the powerless often employ different language strategies; articulate persuasion is generally lacking among the meek. Power imbalances in language reflect broader inequalities. Language has a profound impact legally, politically, and personally, with the sentiment that all law is rooted in language. It is through this medium that ideas and rules interrelate among various speakers. Language becomes law through statutes, regulations, and other legal documents while also being the medium that addresses social issues from different perspectives, including those of judges and advocates. Advocates, regarded as expert communicators, utilize the power of language in their arguments, engaging in what is known as forensic rhetoric. Their performances, particularly in front of juries, carry the weight of linguistic influence and can significantly affect outcomes. The choices in language or style can evoke specific responses, subtly shaping the opinions of others [7, 8].

Legal Language and Accessibility

The intersection of language, power, and law is polysemous, contentious, and normative. Language mediates social power relations, and, in the interests of institutional order, legal language is invested with a particularly sacral mystique. This paper considers the often-intractable debates over the accessibility of legal language, taking as given that while language reflects social structures of power and domination, it also has generative potential (of resistance), and not only does societal power structure operate via and through language and text, but that this observation also applies reflexively to the discursive practices of legal professionals. More than through its conduct, therefore, power is expressed through the normative texts of legal institutions and professions, and so attending to the linguistic operation of law is to attend to its most fundamental operation. These debates surface both theoretical and empirical issues, but they are raised here together in the interests of interdisciplinary scholarship and applied ethics. Language

pervades legal institutions from their internal routines to the background knowledge of their professionals, while law is cherry-picked in various forms and, frequently, through diverse languages and modalities. Yet this systemic language force implicitly disregards that for most citizens, these constructions are largely anomic, ineffable phenomena. To the perennial charges of elitism, legal responses tend towards condescending pedagogy rather than substantial reform, leading to what is widely acknowledged as an ever-widening 'justice gap'. Inclusivity – of gender, race, minorities – is a growing mantra of legal systems, but their often-dizzying lex of paraphrasable need-to-knows remain insurmountable, along with the epistemic-discursive rules enshrined in them. Some go as far as to suggest that inaccessibility is inherent and indispensable to the law [9, 10].

Case Studies

Seeking to locate the case studies of Language, Space and Power: Urban Entanglements in the context of recent academic history, this introductory article explores the manifestations and legacies of the so-called linguistic and spatial turns in urban research. Emanating from such disciplines as anthropology, area studies, cultural studies, and human geography, the studied language-related urban phenomena pay special attention to the conceptual role of place, space, text, and performance. The research-based volume Language, Space, and Power, comprising cases with an evident urban focus, is discussed in relation to themes that it continues, expands, merges, 'second waves', or 'v 2.0s' the above-referenced recent avenues related to language, space, and urban studies. The interactions between language, power, and the law are intricate. This volume presents case studies that illustrate these interconnections across civil, criminal, and administrative law within English and Scottish legal frameworks, including cases involving legal aid requests. The examined cases reflect a diverse exemplification of the convergence of language, power, and the law. They also assess the interpretation of legal contracts, statutory language requirements, and the informational authority of various language communities. The subsequent analysis reveals that a limited number of cases can still showcase the extensive relationship between 'the law' and its linguistic practice. These cases, while not exhaustive, emphasize the profound implications of language choices and interpretations in legal contexts, which can significantly impact individuals and communities. The analysis aims for critical reflection on theoretical concepts, encouraging their application in contemporary circumstances. Additionally, these cases emphasize the significance of context in legal discourse and decision-making processes. The notion of 'power' remains central to comprehending the intricate dynamics of language and law [11, 12].

The Role of Language in Judicial Processes

The interplay between language, power, and the law is crucial. The judiciary's role, including its interpretation and application of laws, relies on precise language. Language significantly influences the fairness of the legal process and the justice received by those seeking it. This discussion focuses on legal language in judicial pronouncements, analyzing its structure and function in conveying interpretations and affecting legal reasoning. Legal language is complex, characterized by precise yet sometimes antiquated vocabulary, elaborate syntax, and intentional ambiguity. Law hinges on intention, revealed in subtle language, where misinterpretation can have severe consequences. Understanding intent is vital, but traditionally marginalized individuals often struggle with this complexity. Language shapes narratives in court, where competing defense and prosecution stories must be legally communicated. The interpretation of any text is subject to multiple viewpoints. Those skilled in legal language interpretation hold power, while those lacking such skills may be disadvantaged. Judges depend on presented narratives, which can be biased or unclear due to witnesses' limitations shaped by fear or trauma. Lawyers craft narratives to persuade or mislead, impacting outcomes based on eloquence rather than moral truth. The judicial process controls evidence entry, leading to language manipulation that distorts justice. As a result, judgments can depend not on ethical facts but on legal representatives' skillful framing. Thus, an undeserving accused may be condemned while a guilty person evades responsibility [13, 14].

Contemporary Issues

This paper addresses contemporary issues complicating the dynamics among language, power, and law. It covers philosophical and socio-legal terrains, including law's estrangement from ordinary experiences, language's relevance to identity, and how discourse embeds inequality. Key concerns include access to legal justice and risks of linguistic coercion in conflict situations. Current debates also touch on public sphere changes, new media impacts on communication practices, and the global character of 'hyper-media,' which can challenge linguistic homogenization tied to power relations. Moreover, it examines the interconnections between law, power, and various discourses—from judicial pronouncements to the volatile meanings attached to disturbances like riots. The law translates matters expressed differently

into its language, affecting their essence. Instrumental words often carry distinct meanings, necessitating clarity and avoiding ambiguity in legal terms, especially in international trade contracts. These contracts must align with international law references to prevent misinterpretations regarding quality, safety, and content expectations. To mitigate misunderstandings, a contract serves essential roles, including operating with irrevocability, highlighted by instruments like the Irrevocable Letter of Credit, emphasizing the importance of thorough reviews before discrepancies arise, as seen in legal discourse around documentation [15, 16].

Digital Communication and Law

The focus on language, power, and law has become increasingly relevant in the digital communication and legal environment. Digital technology is transforming every facet of legal practice, from document drafting and case management to client communication. Courts and legislatures have seen a shift in how cases are practiced, with digital tools changing document filing, evidence collection, and processing. This evolution fosters new skills, such as e-discovery expertise and drafting for constantly updating databases. Legal practitioners often grapple with digital evidence and its implications. Control over language in legal contexts equates to power, allowing those who navigate these complexities to gain advantages in legal disputes. Gatekeepers influence legal narratives and reshape outcomes, including settlements and court decisions, highlighting inherent injustices linked to opaque legal language. Algorithms also subtly influence our perceptions of law, creating challenges for those governed by it. However, the digital landscape offers unprecedented opportunities for understanding and engaging with legal structures, aligning with the open legal and advocacy movement. This movement promotes transparency and analysis in legal language, empowering individuals and communities to effect change. Meanwhile, public perceptions of law and justice evolve under digital communication, increasing vulnerability to manipulation. This paper critically examines digital laws, warning against their uncritical acceptance while recognizing their potential for empowerment through thoughtful engagement [17, 18].

Social Media's Influence on Legal Discourse

Social media represents a multidisciplinary lens through which the impact of social media networks on the legal field can best be understood. The affordances of digitization, the technological structures, universal design, and communicative conduct combine to determine that a vast, varied, and ever-expanding social media field exerts a deep influence upon the cultural authority, procedural functioning, and substantive content of law, with significant implications for rights, power, and social organization. Despite a traditional focus on the mediation capacities of journalism, both the consumption of news stories and wider legal conduct are today more likely influenced by aspects of social media activity. Exemplified by Facebook and Twitter, these networked publics serve as sites where content resonates with evidence, commentary, contention, aggregation, or deliberation, whilst providing a personalized, pervasive, and real-time stream of data-rich alerts. Such networks, therefore, cultivate existing dispositions, peak moments of heightened interaction, and a tendency to malaise, consternation, or strategic enactment. In so doing, the general coherence of a legal system—the meritocratic processes it administers and the authority that underlies its enforcement—is significantly challengeable. Indeed, the discontent revealed is not just an unhappy relation to specific laws or decisions but rather with the scope of the legal system as a whole, as well as the assembly of legal knowledge about it. This has large repercussions for the perceived legitimacy of the legal system and the conceptions of it that may or may not be held. Although definitive narratives of law may be salient or resilient, individual legal narratives may be defined by a large number of interconnected, multifarious legal stories, symbols, or figures. This is important, for it allows a logistical disjuncture between the potent antinomies of, say, official discourse and legal consciousness as constructed via accounts of terror actions on Twitter [19, 20].

Language and Identity in Legal Contexts

In legal contexts, language significantly influences and reflects social identities. It conveys personal characteristics through accents, word choices, and syntax, indicating cultural heritage. Variations in English highlight geographical, social, and proficiency differences. Bilinguals see their first language as a cultural asset, while linguistic minorities view it as key to heritage preservation. The first language fosters emotional and communal connections, revealing inter-racial or inter-ethnic tensions. Multicultural societies often face legal disputes over language issues, showing the bidirectional relationship between language and social identity; speech reflects identity, yet language can also reinforce or diminish it. Language in legal disputes can empower the vulnerable or sustain dominant narratives, illustrating its role in identity construction. Analyzing language in law requires questioning the "purity" of languages, as rigid boundaries can exclude ethnic groups. Linguistic testing may reinforce stereotypes; adopting a

pluralistic view of language fosters understanding. Culture is a universal right, and language is a transcultural trait that needs attention. Understanding the relationship between individuals and their languages is essential, especially given the prevalence of language and cultural minorities in a globalized world. Careful language use is vital to reduce the marginalization of certain groups in legal settings, where vulnerable identities confront dominant linguistic power—a topic often neglected in legal literature and practice. Those marginalized frequently seek equitable resource distribution, underscoring the need for deeper exploration of the identity, language, and law interplay. Strategies must be devised to encourage equitable discourse in courts and legal environments [21, 22].

Future Directions

This paper set out to explore how the field of law shapes and is shaped by language, highlighting how linguistic insights can benefit legal professionals in their interactions with legal language. Drawing on interdisciplinary research and critical examination, key terminology and approaches related to legal reasoning, multilingualism, and other areas of legal communication were introduced. Throughout the discussion, the broader implications of the language-power-law relationship were foregrounded, illuminating the role of linguistic choices in the execution of legal power and underscoring the ripple effects on the language environment as a whole. In its various contexts, legal communication is rapidly changing: socially, because of evolving communication technologies; technologically, because of the advent of XML and artificial intelligence; and legally, because of globalization and emerging societal needs. A better functional understanding of legal content is also becoming more important in a world where many outcomes in law are driven much more by the quality of written legal submissions than by legal substance. Individually, and particularly in the context of law, these trends represent major challenges, even more so collectively. It is, therefore, becoming apparent that an interdisciplinary approach is the only way to address these emerging challenges. In this regard, linguists, together with legal scholars and practitioners, have a particularly essential role to play. There are an increasing number of exciting opportunities currently being missed. Despite the difficulties of interdisciplinary work, there is also a growing number of successful projects — from which both linguists and lawyers could learn a great deal — whose full potential has yet to be realized [23, 24].

CONCLUSION

The evolving interplay between language, power, and law is foundational to understanding the mechanisms through which justice is articulated, enacted, and contested. As this study has shown, legal language is not neutral—it reflects entrenched hierarchies and, at times, resists them. From the historical manipulation of paratexts to contemporary struggles over accessibility and identity, legal discourse operates as a site where power is both exercised and challenged. In an era marked by digital transformation, global legal convergence, and renewed calls for social justice, legal professionals, scholars, and policymakers must become more attuned to the linguistic dimensions of their work. Bridging disciplinary divides between law and linguistics is not merely an academic exercise but a necessary step toward fostering more inclusive, transparent, and accountable legal systems. Ultimately, understanding law through the prism of language empowers both legal actors and the public to engage more critically and creatively with the structures that govern their lives.

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