



EXPLORING THE INTERPLAY OF POWER AND THE ENGLISH LANGUAGE: AN ANALYSIS OF LEGAL DISCOURSE

Muhammad Mudasir

M.Phil English Linguistics

Institute of Humanities & Arts

Institute of Humanities & Arts, Khwaja Fareed University of Engineering and Information Technology, Rahim Yar Khan

Dr. Muhammad Anwar Farooq

Institute of Humanities & Arts

Institute of Humanities & Arts, Khwaja Fareed University of Engineering and Information Technology, Rahim Yar Khan

Mr. Waheed Shahzad*

***Corresponding Author**

Institute of Humanities & Arts

Khwaja Fareed University of Engineering and Information Technology, Rahim Yar Khan

Dr Sanaullah Ansari

Institute of English Language and Literature, University of Sindh

Abstract

This is a study about the interaction of power with language in legal discourse more particularly in English language legal texts. Based on the three dimensions of Critical Discourse Analysis (CDA) proposed by Norman Fairclough, attempts to view how the linguistic tools are used in legal documents to gain power, to be objective and to also represent institutional status. Further, a qualitative analysis of a subsample of contexts from English-speaking contexts in the domain of court case, agreement, legislation and legal pleadings was also performed. In law, as the study suggests, the language is not just used but it is, in some manner, explicitly pointed towards making the legal power sound legit, formal, but at the same time inaccessible and difficult to understand. It also notes that the complexity and layering of language in the law is often harmful to those on the margins, such as immigrants and non-native speakers, who may not be able to fully understand or follow the entire wording of the law. Thus, legal language can be a selective gate as it can exclude some people from understanding the laws, as well as include them. The study then suggests action measures such as the use of plain language, development of awareness of discourse (DWD) in law-related education and training, and policy development to ensure that the language of access to legal procedures is a reality. Finally, the implications here are not theoretical only, but also apply to legal writing and the common law.

Introduction

Language is actually a social tool, used in everyday life, to construct, maintain and reproduce power relations in society. Legal language, on the other hand, is the language used in the world of law, in court, in legislation, and in contracts, at law schools, etc. Due to its complex structure, style, vocabulary, and the conventions for its organization, this type of language will feel different from other languages. Furthermore, legal language is not only used to circulate legal



information but also to showcase the legitimacy of legal bodies, professional status, and to restrict or regulate access to law (Luo, 2024). International legal language is English. Common usage of the English language here reflects not only to the English-speaking countries like the United Kingdom, the United States of America, Canada and Australia, but to virtually every corner of the world, including countries that were once English colonies. The legalese has been severely criticized. For the layperson, legal jargon is often hard to understand, primarily due to its use of a great deal of Latinate words, antiquated sentence constructions, nominalizations and the passive voice. Legal jargon such as habeas corpus, amicus curiae, sub judice, and prima facie lingers within legal speak, effectively creating a barrier between lawyers and the general public. Therefore, language access to law is a problem that cannot be easily overlooked, as it can lead to other implications.

Norman Fairclough's Critical Discourse Analysis CDA model provides a kind of 3-D perspective, based on text, discourse practices, and social practices, that can help to decipher how language use creates a power structure (Haugaard, 2022). Even when these concepts are translated into legal terminology, it is more evident that legal documents are not truly neutral documents but are rather predictable means by which power dynamics and broader social structures are often expressed. Where the law is really complicated, the authority to interpret it is sometimes the greatest power of the people who have the linguistic and professional ability to do so. A large proportion of the population (immigrants, foreigners, less educated) find it difficult to understand the language used in legal texts, according to research (Nordanger & Bugge, 2025). For instance, in the United States, 86% of low-income survey respondents indicated they had trouble understanding legal language when in legal representation (LSC, 2022).

The study is located in the intersection of three main concepts: language, power and law. It attempts to look in a somewhat pragmatic sense at how legal English is put to use, how it can help to play out power relations and how it can contribute to reproducing social inequalities, etc., and then erect barriers that render access to justice more difficult. The researcher will employ Critical Discourse Analysis (CDA) as a method to analyze the legal documents selected in this research to see what linguistic strategies are used to exert power in this legal setting by using Fairclough's approach. There will also be a focus on the impact of the entire process on vulnerable groups, and why it may be important to contemplate potential changes, particularly with regard to language standardization or the like.

Legal English is more complex with characteristics like the use of a formal register, technical jargon, the passive voice, and outdated expressions like habeas corpus, sub judice, and amicus curiae (Glogar, 2023). While all such options are intended to allow for maintaining the meaning precisely and neatly, they may also be an actual hindrance for individuals without a lawful background. In practice, legal texts typically fail to be accessible without assistance, thereby establishing a certain distance between legal institutions and the wider society (Crawford, 2024). This distance might, in turn, cause particularly negative effects for groups that are already marginalized, which can include immigrants, individuals who speak a foreign language, and also citizens with low literacy. Therefore, the study focuses on two questions; namely which techniques are used in the legal documents as a sign of power and control, and how arguments are framed to shape the court's decision-making. In fact, it is in the struggle that the law attempts to make the step towards equality, not only in theory, but in access and participation of all people



in society. In general, this study draws attention to the types of difficulties that marginalised people experience when the language of the law becomes overly complicated and it proposes that the language of the law be more democratised in some way, more opened up. The results of this study can then be helpful for developing policies, enhancing teaching strategies even for drafting the law.

Literature Review

The legal discourse is an advanced form of communication and has a significant influence on hierarchical systems in society. Using such discourse is not just an expression of legal ideas using language, but is a way of domination and exclusion from justice. For instance, Amina (2025) argues that the language of the law is exclusive because it is specialized and complicated.

The Role of Legal Language in Power Dynamics

Not only “different” language in a legal sense, it sort of alters the overall tone, jargon level and complexity. The reason why legal jargon seems to rule the show and why it keeps the legal professionals in their little world, is these attributes. Well, I mean, words such as ‘plaintiff’ or ‘habeas corpus’ or ‘sub judice’ are all over the legal literature but most laypeople do not really know them. Hence, in practice the linguistics of law comes to function as an invisible barrier between professionals and ordinary people, as Miller (2020) puts it, legal language is used to create barriers around understanding the law. The research does support the idea, with only 18% saying that they were able to read and understand legal documents without professional help (Glogar, 2023). Ultimately, therefore, much of the legal language becomes unintelligible to many people. Norman Fairclough's approach is one of the angles in analyzing legal text for critical discourse analysis because his three-dimensional approach of legal text analyses is to look at how legal text is produced and then interpreted in discursive and social practices (Alasiri, 2024). Additionally, the passive voice (as in this contract was breached) is often used, making it difficult if not impossible to clearly identify the agent and that is important.

The Influence of Legal Language on Marginalized Communities

All this linguistic complexity is found in legal documents and can be quite injurious to the interests of those already marginalized in society, such as persons whose native language is not English, immigrants, and those who have limited literacy. “Language exclusion in law often serves to exacerbate inequalities,” Moya (2022) asserts, since marginalised people are unable to really access justice if language is part of the law. For example, Page et al. (2021) cite a survey in 2019 in the UK in which the participants in civil cases indicated that 63% had found the legal language confusing. That confusion subsequently impacts on what they believe is going on in court, and sometimes the entire result. In America however, it's worse. According to a 2020 poll from Legal Services Corporation (LSC), 86% of all Americans who did seek legal help were unable to comprehend legal jargon (Johnstone, 2023). Hence, this sort of language imbalance is a real obstacle to justice and grant of power differentials among attorneys and clients. In particular, the English as an additional language (EAL) challenge posed by these legal nuances are problematic for non-native English-speaking immigrants.

The Global Context of Legal Discourse

To speak English as a lingua franca in legal matters really makes legal language feel more knotted, as if it is more complicated, not only in terms of vocabulary. In countries like the USA, UK and Australia, a lot of the language of legal documents is very high-level and there are very



definite syntactical patterns, and that's not something the average person can easily obtain. Even if the legal world is known, US Supreme Court cases are generally written in dense and complicated sentences, with a lot of crammed-in technical jargon (Coulthard, 2021). Besides that, the way language is utilized in order to sustain authority in the law systems is also a means by which the language barrier interferes with the communication. If you travel to international law, it's even worse, or more practically speaking, it's more complicated. Lentner (2020) argues that such a push of English may have the effect of marginalizing other languages and cultures in those global settings and therefore inequality in global justice increases instead of decreasing. For example, states which do not use English are not really granted the opportunity of full participation in international legal discourse, since there is a language barrier.

The Function of Modality in Legal Language

Modality is another that helps a bit in determining the power-language relationship within legal texts. Verbs such as “shall”, “must”, “may” and “can” partially participate in expressing obligation, permission and possibility and the understanding and application of a rule in a law can vary slightly. As Pils (2022) points out, modality can contribute to establishing those hierarchical relations between legitimate powers and the population. For example, if you come across the word “shall” in some law, it has the feel of obligation, and that in turn makes the laws more authoritative on their subjects: even if they don't consciously think about it.

MLC (Modern Legal Communication)

The term “Modern Legal Communication (MLC)” is simply a description of the way people communicate and write about the law these days, that is, in the digital age. The Internet, electronic communicators, and Web-based legal services are everywhere, and in some ways, the old ways of communicating have been distorted. It also provides new perspectives on research, particularly in the relationship between power and language. In a sense, new tech can even the score, in part because common folks can obtain the means to know what they are required to do and what they are entitled to, according to Choquette (2024). For example, LegalZoom and Rocket Lawyer offer free legal forms and automated procedures and allow individuals without the means for affordable legal services to still receive legal help online. However, smooth online communication is not a given, either. As Williams et al. (2023) note, language accessibility is an issue. Often auto-law services are created on a template that does not satisfy all the linguistic and/or cultural requirements of the users, which results in less efficient and/or more “stuck” communication. Last but not least, the whole artificial intelligence fad in legalese that complicates things. However, like other AI technologies, like chatbots, or document scanning, that can speed things up and make the legal process easier, they can also add to the power imbalance if accessibility is not considered (Thomas et al., 2024). In one case, a chatbot is used to give legal explanations generated by AI; the bot may have not been able to convey the information clearly to the user and gets him/her confused like it was not “registered”. So opportunities and challenges emerge for MLC about legal communication.

Language & Power and Legal Discourse

Language of the law is a reflection of the power dynamics in society and is used as a tool to enact and maintain power. Look at the legal, how the power language – the language of control – is pretty obvious. How the legal jargon, the familiar phrases, make it sound authoritative, push control and emphasize those top down, hierarchical relationships. The next section examines



legal discourse as a potent location - not only in terms of the ideas themselves but also because of the markers that render the discourse official. The legal terms form an important part of the legal language and function as markers of authority and precision. Typically they are imported from Latin or from other more closed legal traditions and they clearly influence the dynamics of power in the law. For instance, words such as 'plaintiff', 'defendant', 'habeas corpus' and 'sub judice' are used as a meaningful aspect of legal language but they are not understood by the general public (Williman, 2025). Their usage sets a linguistic fence, and it is damaging to the lawyers, at the cost of anyone who can't play the game equally. Legal language is also a power tool, which translates the complex multi-layered legal concepts into simpler technical ones, as Glogar (2023) suggests. The codification of such information can lead to easier, more appropriate and more understandable communication between lawyers, and to unification of the legal profession. Think of "habeas corpus," which neatly packages a complex constitutional doctrine: that a person in custody must be brought before a court to have the legality of his detention decided. But it is not easy to learn by anyone who doesn't know Latin well or have a strong interest due to its limited uses. Such linguistic exclusivity is likely to serve as a reinforcement of the power of legal institutions and the professionals who comprise them, particularly because laypeople will need legal experts to provide interpretation of the language of law and to sift through it.

Words, even legal phrases, have meaning in the construction and maintenance of power relations in the legal discourse. At the same time, the formulaic bits and also their positioning within their specific text serve as a means to assert authority, to convey a specific meaning, and to maintain the hierarchical tone of a legal discourse. The phrase "beyond a reasonable doubt," "in the interest of justice" and "subject to the provisions of this agreement" come to mind. Carney (2023) states that legal sentences are supposed to "create formality, as well as authority and in the process, to intimidate or somehow remove the non-expert listener. Beyond a reasonable doubt is basically a principle of criminal law which requires that the evidence be fairly strong. However, the intention of this line is to avoid miscarriage of justice, but it is also sufficiently obscure that the public and especially the jurors will be able to appreciate the line fully. When that happens, however, there can be a difference of opinion regarding the meaning of one of those catch phrases, leading to yet another way that lawyers can be empowered when they interpret and apply the meaning of such phrases (Carney, 2023).

Similarly, the word 'subject' is routinely used in contracts, in certain cases as a qualifier for rights and duties. Even if it does have legal specificity, it's a little bit of a hassle for the average reader because they may not intuitively understand what is being targeted. Such uncertainty generally works in the favour of superior parties to the contract like the corporation or the government because they are the ones who can typically afford to read the contractual terms and can enforce them. The usage of legal terms also kind of indicates a hierarchy in legal language, like it's programmed that way. For instance, the phrase "in the interest of justice" is commonly used by judges to legitimize decisions that go against customary practice or norms of law (Engstrom & Gelbach, 2020). While it appears to be impartial and fair, it also provides significant discretion to the judiciary and personal tastes and/or external pressures can lead to further action – often without anyone being aware. This discretionary authority really demonstrates the intervention of language in the production of the authority and legitimacy of law institutions.



Cross-Cultural Perspectives on Legal Discourse

There are a number of differences between cultural and linguistic approaches to a legal language, specifically that it treats authority, exactness, and accessibility a bit differently. In the meantime, English has been a very strong language in the international legal arena, but the way in which power is projected through legal language is not linear, it is different in different countries. The selection of English as an international legal lingua franca raises significant issues of power and access, particularly for those whose first language is not English, according to Baker (2022). Under civil law traditions, as found in continental Europe, the way that law is argued is often more abstract and principle-based than in common law traditions (the United States and the United Kingdom). Which in turn defines the way authority is portrayed and then negotiated in terms of linguistic decisions. For instance, the argumentation in German law often values precision and systematization, and the use of complex compound nouns and specialized terms can also pose challenges and hurdles similar to those of English legal texts (Lisina, 2023). Multilingual legal systems, such as the Canadian, Swiss, or European Union, have special difficulties in guaranteeing that meaning remains constant across languages and accessibility is maintained. Bilingual translation of legal concepts can expose asymmetries of power, such as the way that dominant languages, such as English, can dominate the translation of legal concepts into other languages. As stated, language barriers are a major disadvantage for Amano et al. (2023) in international law, thereby further reinforcing power dynamics.

Ethical Implications of Legal Language

There's a lot of legal mumbo-jumbo and what seems like only the "chosen" can play the game, which creates some real access to justice, professional duty and social equality issues. However, it's not just the capacity to utilize the system—it's not just the functional basic accessibility. But it's much more than that: How does language function in order to recreate – or perhaps unobtrusively to unsettle – power relations in law? A big ethics issue is the impact on access to justice of the use of confused legal language, particularly for those who are already disadvantaged. As mentioned in your report, in 2020, LSC conducted a survey and found that 86 percent of lower income citizens who used legal services were challenged by legal jargon (LSB, 2020). In reality, such a language barrier becomes a cruel denial of justice for many, and prompts ethical questions to legal institutions about their social obligations to provide services that are accessible to all. The use of this sort of legal jargon also introduces questions of informed consent and personal autonomy. Without being able to understand legal documents, such as contracts, consent forms or court documents, individuals are unable to make informed decisions. That power imbalance can then allow for exploitation and unequal results, primarily for certain populations like immigrants, non-English speakers and those with low literacy levels. Then it's the legal practitioners themselves who end up facing ethical dilemmas, as their language choices are not in a vacuum, but on real persons. Conversely, they have a professional responsibility to employ correct terminology that conveys the correct legal doctrine, which will, in turn, be in the interests of their clients (Xu et al., 2024). Moreover, it is important to consider that there is no ethical obligation not to confuse the client and have him fully conscious of his rights and duties. It isn't easy to strike a balance between these responsibilities, and it is all about looking at the use of language in context – it is all about understanding what the language is doing and when.

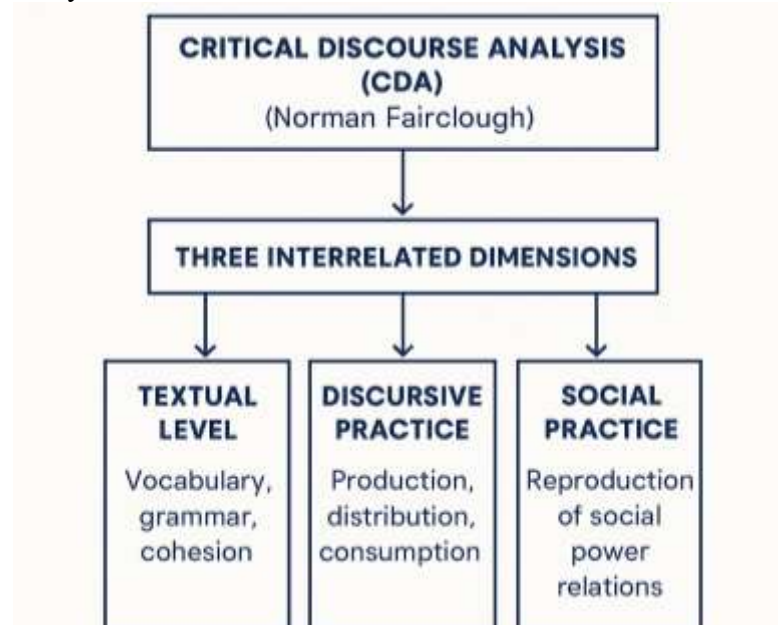
Research Methodology

Research Design

Qualitative research is the suitable design used in this study to describe the relationship between power and language in the legal discourse in a detailed manner. Qualitative research allows for a more in-depth exploration and can be used to understand the operation of language structures and linguistic choices within legal discourse to assert authority and sustain institutional power (McLeod, 2024). The interpretive and somewhat exploratory nature of the research questions means that this approach allows for exploring for recurring patterns, emerging meanings, and the deeper ideologies within the language of the law. Instead of relying on numeracy, here the focus is on interpreting texts and developing a critical awareness of the role of language in the social context.

Theoretical Framework

The theoretical approach applied to the present study was Critical Discourse Analysis (CDA) with special reference to the approach suggested by Norman Fairclough. As a whole, CDA served as an interdisciplinary approach to the study of language, as discourse is considered a social practice and not only words.



Fairclough's model analyzed the language of texts in terms of three dimensions, which are not completely distinct but interrelated: (1) the textual level, which involved analyzing the formal characteristics of the language, such as vocabulary, grammar, and cohesion; (2) the discursive practice, which involved analyzing the production, circulation, and reception of the texts within institutional contexts; and (3) the social practice, which involved analyzing the social functions of the discourse in the reproduction of social relations of power. Subsequently, when this is introduced to the selected legal texts, such as statutes, court judgments and contracts, the research revealed that Legal English has been used as a kind of mechanism of power like an institution in practice.



Data Collection

The data source for this study is limited to printed legal texts such as contracts and court decisions, as well as statutes, and written legal briefs, downloaded from free legal databases (and in a few instances from court filing rooms). It was selected for its relevance and accessibility, and the documents would actually be the formal features and syntactical complexity that are usually associated with English law. The jurisdictions in the data selection included English speaking jurisdictions where the language of laws and policies and in some cases even of legislation – is essentially English, such as the United States, the United Kingdom and Australia. The texts were chosen because they used some linguistic elements that are often cited in the literature as contributing to the complexity and opacity of a law. Modality (e.g., shall, must, may), passive voice constructions, legal jargon, nominalizations, and syntactic complexity were among the characteristics. This means that it maintained its internal consistency with its theoretical and methodological foundations, which are the data it employed, namely written English, although the wording was a bit more formal.

Data Analysis

The method used was Critical Discourse Analysis (CDA) based on the Fairclough three-dimensional model which analyzed the relation of power that is co-produced in legal cases through language. The way it was done was quite methodical, largely because the research was based on legal documents such as contracts and court decisions and analyzed from three perspectives: textual, discursive and social. The researcher then identified linguistic features used to give legal legitimacy after a meticulous reading of the text. The researcher then identified linguistic features used to give legal legitimacy through careful close reading of the text. The next move was more discursive, that is, who the author is (the judges, the law makers, the lawyers) and what they seem to be 'trying' to do (persuade, instruct or both). The importance of other texts and previous utterances for seemingly 'other' texts was also given a close-up look: intertextuality (how seemingly 'other' texts play in the space of legal texts). In the end, the social practices were assessed by linking the linguistic results to broader socio-political settings, especially what this means for marginalized groups. This includes those who do not speak English as their first language and those with limited literacy, who may find legal language difficult to access, or even baffling. In general, this interpretive and reflexive process was consistent with the qualitative nature of the study and enabled the exploration of the ideologies and power relations that may be implicit in legal discussion.

Ethical Considerations

This research was carried out with the utmost respect for ethical research procedures, to keep everything in line. There was no actual need to have human participants in the whole project because only public legal texts, such as statutes, court decisions, legal arrangements and state legal briefs were used. For this reason, there was also, in practice, no risk of damage to persons, misuse of data, or a violation of confidentiality. Thus, the study became very restricted as far as ethical risk is concerned. Despite this, ethical care was still maintained in each of the parts of the works.

Results

The analysis reveals that, at least in the case of legal language, language can function not only as a means of law, but also, very often, as a means of institutional power, which is creating



obstacles to access and participation for those who are not experts. The material in the chapter appears to be arranged thematically: that is, based on common linguistic features found in a variety of legal texts, such as judgments, legislation and contractual clauses. It examines for each area the way some of the linguistic options, in particular those of modality, passive voice, nominalization and legalese, support authority, obscure the real agent of the action, or simply make interpretation more difficult. It also connects the dots with broader social impacts, so that legalese can reinforce unequal power relations, and it often resists the efforts of others, such as non-native English speakers and those without legal expertise.

Linguistic Features Constructing Authority and Control

This subsection will examine some of the linguistic features of legal language which create situations of authority, objectivity and control. This section addresses the first research aim, which is to critically analyze the linguistic composition of legal texts, in particular the way in which language constructs authority and control in legal discourse, and looks at grammatical and lexical patterns which recur across legal texts, including legislative provisions, contracts and court judgements. The main linguistic strategies identified were: passive voice, modals, nominalisation and the use of this official legal language, which is closer to procedural language than human language. These features are often used to ensure legal correctness, but also seem to be a part of power imbalance. They do this by creating knowledge inaccessibility and by promoting institutional control (Kong, 2020). One of the most frequent was the passive voice which to a certain extent conceals the agent behind the entire legal process. In many cases, this grammatical form gives the impression that decisions are objective and happen of their own accord, without the agency of the entity or individual making them. For instance: The contract was annulled on cause and the appeal was disallowed without prejudice. 2025, West Virginia Supreme Court. In both, the agent (in this case, the judge or court) is omitted. The depersonalization in turn gives the misleading impression that the consequences are inevitable ones of the law, not the subjective assessment of courts. This is a kind of verbal distancing that is typical of institutional discourse (Fairclough, 1995), as well as what Khan & MacEachen (2021) call a means of enforcing authority through the veiling of personal judgement.

Also significant were the use of modality and the use in particular of modal verbs such as: shall, must, may not. They are frequently used to indicate obligation, prohibition and entitlement – so a certain authority is implied. For instance, rent should be paid by the 5th of every month. As suggested by Lentner (2020), modality in the legal discourse works like a controlling mechanism which narrows down the possibilities of interpretation and, at the same time, imposes the finality of the legal outcome. The lack of co-operative wording in these forms, which is seen multiple times across the legal document is a concern.

Another widespread characteristic was nominalization, that is, converting what people do into abstract nouns, and thus obscuring the question of who did what and making the language sound more highbrow and impersonal. Notice the change: Active: "The judge ended the deal. Nominative: "It was terminated. The interesting use of the nominalized form is that it is as though the agent is 'lost', and the event is regarded as a 'procedural' consequence. Though that language abstraction makes how objective the legal writing appears a little higher, it is at a cost of some transparency.



Also, the analysis was able to see that there's an abundance of legal jargon, a ton of Latin and old fashion words that just don't pose any problems of understanding to the general public. It can be found in words like "Plaintiff", "sub judice", "prima facie", "ultra vires", "amicus curiae". But even if it's the correct answer it's noticeable, if only because it's not used in normal speech. Its continued use backs up what Fidahic (2020) calls "linguistic gatekeeping," where understanding of the law is basically made possible only via legal interpretation. In the end, it creates a hierarchy, between specialists and non-specialists, and it is not unusual at all for the non-specialist to need an attorney, only to have his duties and rights "translocated" in a usable manner.

Presentation of Legal Arguments and Case Outcomes

The second part of Fairclough's Critical Discourse Analysis framework is concerned with discursive practice, which refers to the "text production, distribution and interpretation which occur within institutional spaces" (Fairclough, 1995: 101). In legal discourse, that means considering the way that legal arguments are assembled, constructed and presented by legal professionals, as well as the effect on their interpretation and persuasion and, ultimately, outcomes in cases? This section focuses primarily on the discursive strategies that shape the legal stories and determine whether particular claims become empowered or continue to be dominant in court, and in judicial spaces more generally. One of the salient features here is that arguments are (subliminally) ordered and organized strategically, which frequently appears to be a matter of a pattern for legal reasoning. The basic approach to legal writing, generally, is to first create authority and precedent, usually beginning with the constitution or previous decrees, and then interpret (Peterson, 2023). For example: "It is well settled that..." (FindLaw, 2025) "In accordance with Article 14 of the Constitution and the ruling in Smith v. Harrison (2012), it is established that..." (FindLaw, 2025). This is double working on two levels: as a reference to precedent, but also because it adds to the feel of the argument being more persuasive, since it's based on accepted precedent. But so does intertextuality – the drawing on of other legal documents, for instance – as this can lend credibility to the point being made and can limit the range of other possible interpretations of the issue (Steel, 2024). But in general, these gestures suggest that legal argument is not "neutral," but shaped to conform to dominant legal ideology, and, by the ordinary rules of discourse, even if on the surface it seems quite commonplace.

Another widely used discursive strategy is hedging and modality to guide the reader's reading and to avoid any absolute commitments. It may be inferred, there appears to be substantial grounds for, are phrases that are often used in legal writing. They enable legal actors to maneuver uncertainty and potential obstacles without compromising claims making power. This has a significant impact on the interpretation of decisions: more precautionary, more balanced, but also more reasoned, and not without a margin of discretion. In appeals, however, this is a tool that can be used to offer counterpoints or at least turn a critical eye on the lower court's findings, without being too provocative (Wood, 2023). Therefore, the legal argumentation is not only rhetorical, but also strategically aimed at influencing judges' decisions.

Further, discursive positioning of the parties in the legal text can help determine outcomes. In most judgments, plaintiffs and defendants are characterized in a judgmental way, which in a subtle manner pushes the reader or the judge towards the side of the plaintiff. For instance: "Claimant did not provide sufficient documentation upon repeated notice." "Defendant was



within his contractual obligations and was diligent.” Lexical decisions here such as “failed”, “despite,” and “due diligence” indicate that it was the fault of one and the faultlessness of the other. These descriptions may appear to be neutral, but they are placed in such a way in the narrative of the text that they exert a steering effect on interpretation and the ultimate decision can be presented as a logical conclusion based on the facts.

Broader Power Relations and Accessibility in Legal Discourse

At the third and final level, Fairclough's Critical Discourse Analysis focuses on social practices, the larger social frameworks, ideologies and power relations which frame and are framed by discourse. This research examines how the language of law and its presence in legal documents and public decisions continues to perpetuate social inequalities, primarily through restricted access to justice and particularly for marginalized groups. This aspect ties in to the third research objective which concerns the observation of how the use of vocabulary and a specific structure in legal texts can influence the accessibility and comprehensibility of the texts and consequently influence the power relationship between the legal experts and non-experts. A knowledge of the law is often taken for granted in legal language, but this is not easy to attain for the general public (Thomas et al., 2024). Legal texts are often written in complex language with many technical terms and Latin phrases, which makes them difficult to access for many, especially immigrants, people whose native language is not English, those with a lower level of education, and those living in poorer neighborhoods (Goźdz-Roszkowski, 2021). For example, it would be difficult to understand most of the legalese used, such as: "Indemnify and hold harmless the party of the second part..." Those words are what keeps the legal system and the people apart; those words help to continue to maintain linguistic gatekeeping. It also suggests that knowledge of the law would be the privilege of the elite, that is, those who have been formally trained in the law (Fidahic, 2020). This inaccessibility limits people's ability to know their rights and responsibilities and to be fully engaged in the judicial system.

To be honest, it is those who are somewhat socially excluded who are most affected by this omission. For example, foreign-born people may find it hard to fully engage in legal processes not only because they are not used to using idiomatic legal English, but also because of institutional power dynamics fears (Lentner, 2020). Likewise, it could be “helpful” on paper, but its effect on access to legal documents by its users will be detrimental to their privacy and autonomy if a third-party mediation is required. Then there's the practical aspect of the legalese, which is not necessarily transparent and accountable. A person that does not understand a contract, judgment or statute is therefore more vulnerable to exploitation or even a legal disadvantage. In the end, then, the power dynamic that is built into language of the law does not sit idly by, but rather reflects and continues socio-political hierarchies. Those who steer legal discourse end up having leverage over rights, remedies, and protections (Lentner, 2020). Khan & MacEachen (2021) focus the discussion on language as a social practice and remind us that language is not passive but active in the making of social relations and has a role in maintaining institutional power.

Discussion of Findings

Findings are relayed via the three dimensions of analysis, text, discursive practices and social practices, each of which points, linked, to a main research aim of the study. At the text level, legal language was observed to feature the passive voice, modals, nominalization and technical



jargon and, overall, create a sense of control and objectivity. In other words, these linguistic choices can obscure the agents that make legal decisions, they demand using commanding modal verbs, and they also 'lean towards' complicated abstract representations which makes reading and interpreting more difficult. Thus, law writing becomes the exercise of institutional power and is also reduced in transparency for non-professional readers. In terms of discursive practices, the analysis implied that it is very important how legal arguments are represented in reaching the fate of cases. The organized reasoning combined with intertextual reference to precedent and institutional tone of legal practitioners creates arguments that have the feel of their conviction and that resonate with dominant legal ideologies. These habits, not only validate some interpretations, but they also affect how a judge perceives a case and how they decide. Thus the "success" of legal arguments can be as much about the fit of the argument – or indeed the strategy behind that argument – with the discursive norms prevailing within the legal system as with the merits of the argument itself. At the social level, the results indicated that the legal discourse is a form of power and exclusion, you know. Legal language is often impenetrable because of its technicality and formality and can have disproportionate impact on marginalized groups including immigrants, non-native speakers, and those that are not trained or legally literate. However, all of these groups face major challenges in accessing, understanding and navigating the law, and as such, are trapped in overall unequal social structures. The study shows that legal terminology can not only be used as a means of communicating norms, but can also be used to sustain institutional structure and reduce the access to equality of access to justice. In general, the argument bears out the fact that the legal language is not neutral or transparent. It serves more as a strong social instrument building legal reality, outlining who is legitimate in the group, who has affinity for it and who knows the pattern of how it's used and how the codes are used. In the next chapter the ideas presented here will be applied to promote the use of more accessible and fair legal language, using these arguments as a foundation.

Conclusion

The research was analyzed in relation to the impact of language power in legal discourse, using critical discourse analysis model of Norman Fairclough. It shows how often these legal texts are used to give the impression of institutional authority, such as through the use of passive voice, high modality, nominalization, and after this, the use of specialized vocabulary – all of this together imbuing these texts with a formal tone and depersonalization. Discursive practice level: The interpretation, and possibly the decision making of a legal professional, in this sense will be influenced by the framings of legal arguments, which result in a narrative that essentially corresponds to the judge's expectations. The exclusivity (this closed approach) generates a gap of communication between jurists and the public and the legal language becomes a tool of social control influencing the marginalized groups. So, it is concluded from the study that there is a need for reform in the language of the law in order to ensure social justice, democratic participation, on the one hand, the complexity of the law simplifies the difficulty of understanding it and, on the other hand, it is difficult to access the justice system and understand what is happening.

Recommendations

This study calls for the language of law to be simplified, making it more accessible for the understanding of the majority of people without reducing the accuracy and precision of the law.



It is not just a set of rules; it is a statement that when drafting legal documents (whether contract, notice or legislation) you need to apply the principles of plain language so that documents are clear, concise and not all tangled up. Legal education, they say, should also be linguistically accessible: so that future lawyers and judges should be educated to understand the social implications their use of language might have, you know. The study also highlights the importance of interprofessional working between linguists and legal practitioners in creating tools that aid in the improvement of legal communication. With all that, there's the other thing, institutional support for marginalized communities, where they can get free legal translation and an easy run-down of what court is about so that the legal system is more accessible and more understandable. Finally, it proposes that this can help to make justice a 'participatory' rather than a 'far away' goal.

Limitations of the Study

This research was limited to the written language of the law in English, primarily from legal systems such as those of the United States, United Kingdom and Australia. The limitation did offer a chance for a fairly broad investigation into the linguistic phenomena in a common law, but it does have an impact on the generalizability of the outcomes. Where the legal rules are in a foreign language or are customary in a foreign culture, including Islamic civil and customary laws, sometimes, as perhaps counter-intuitive, they may be more discursively sophisticated. Not to mention that no one really considers oral legal discourse - debate in the legislature or conversations in the courtroom (one way of communicating the law).

Future Research

Research in the future may further investigate oral legal discourse alone, may compare it with other languages or may combine the methods and then observe the results in other legal contexts. In doing so, it is hoped that these steps will help create momentum towards a more open and transparent, and social, legal system.

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