

# The Interplay of Language and Law

## — Exploring Power Dynamics Within the Legal Systems in Nigeria

Isaiah Aluya and Oladeji Folasade Olukemi\*

### Abstract

Previous studies have examined the nexus between language and law in order to address various issues unique to the Nigerian legal systems. However, little attention has been accorded to how this relationship within the legal system reflects linguistic dominance, lack of language access, power imbalances, and inequality, all of which have an impact on the pursuit of justice by marginalised groups in a multilingual and multiethnic society like Nigeria. Consequently, this article investigates the nexus between language and law as well as the power dynamics present in the Nigerian legal system. The study attempts to elucidate the discursive tactics and underlying power dynamics in Nigeria's legal system that affect legal representation, court proceedings, and access to justice. The discussion points to solutions for resolving the problems of linguistic supremacy, limited language access, power disparities, and inequality. The article makes several recommendations, including offering language access services and interpretation to improve comprehension of documents and court proceedings; providing culturally aware legal education and training to practitioners; encouraging the use of plain language in court documents and proceedings; guaranteeing reasonably priced legal services; and addressing systemic biases and barriers by encouraging diversity and representation among legal professionals. The study is exigent because it provides facts that could lead to policy changes that would balance power disparities in the legal system, revitalise indigenous languages, and promote a more inclusive and equitable legal system in Nigeria.

### Keywords

Language, law, legalese, power, dynamics

---

\*Isaiah Aluya: Department of English and Literary Studies Bingham University, [isaiah.aluya@bingham.edu.ng](mailto:isaiah.aluya@bingham.edu.ng); Oladeji Folasade Olukemi: Department of English and Literary Studies Bingham University, [folasade-olukemi.oladeji@binghamuni.edu.ng](mailto:folasade-olukemi.oladeji@binghamuni.edu.ng)

## 1. Introduction

Beyond serving as a vital means of communication, language has the capacity to be an effective tool for controlling and influencing behaviour. All professions have their own register, which is defined as any varieties of language used in a particular social context (Knowles, 2014). The understanding and implementation of laws and legal procedures are influenced by the language of law, which is heavily employed in the declaration of rights, duties, and responsibilities. Gallego Balcells (2023) thus opines that in order to prevent misunderstandings and ensure a fair and efficient legal process, one must have a solid grasp of linguistic principles. Nigeria is a multicultural and multilingual nation where access to justice, legal representation, and the administration of justice are all significantly impacted by the linguistic decision and widespread usage of English, which was left over from the colonial era as the official language and the language of law. Individuals lacking a firm command of the English language may find it difficult to navigate legal proceedings. Power dynamics in the Nigerian legal system also arise when legal professionals use language as a tool of control or manipulation during court proceedings (Aina et al., 2018, 134–135), favouring some languages and dialects over others, and using terms and expressions that are too complex, technical, or ambiguous for the average person to understand (Folarin & Sobola, 2019). This leads to a power disparity between the people for whom laws are enacted and legal professionals.

Numerous studies have been conducted on the relationship between language and law to address a range of concerns unique to Nigerian legal systems. For instance, the study conducted by Opeibi (2012) focuses on examining the characteristics and discourse patterns found in some Nigerian courts. The results demonstrate how court cases in a particular L2 sociolinguistic setting can highlight some distinctive characteristics of a non-native English speaker in this situation. Ashipu and Umukoro's (2014) study examines how the legal register is used in certain court cases and finds that it differs from other language registers due to the written text's character and its professional application. Folarin and Sobola (2016) investigate how difficult it is for the public to grasp court documents and processes due to the complexity of the legal language. They suggest that plain or simpler English be used instead. The nature of power and control in the interrogation pattern in two Nigerian judicial proceedings is examined by Aina et al. (2018). The research findings indicate that the structure and methods of questioning employed in Nigerian court procedures may have practical and socio-pragmatic implications for the country's socio-political and cultural milieu. In their 2019 study, Muhammad-Lawal and Abubakar called for a paradigm change to safeguard human rights and advance gender inclusion, criticising the Legal Practitioners Act for its use of masculine pronouns, which marginalises women in the legal field. Kalejaiye et al. (2019) base their investigation on legal difficulties in a subset of Nigerian court decisions. The study draws the ju-

diciary's attention to the issue of court rulings that are riddled with lexical and contextual ambiguities, which may provide significant risks to the economy, society, and security.

The contributions made in the aforementioned studies are deemed relevant to the current study because they explained the nature and peculiarities of legal language and how it is used in everyday circumstances, particularly in courtrooms. Despite the numerous studies conducted on the nexus between language and law in order to address various issues unique to Nigerian legal systems; there is a neglect in the aspect that describes how this relationship within the legal system reflects linguistic dominance, lack of language access, power imbalances, and inequality, all of which have an impact on the pursuit of justice by marginalised groups in a multilingual and multiethnic society like Nigeria. This study aims to address this gap by examining the relationship between language and law in order to reveal how the interaction of the two within the legal system reflects linguistic dominance, lack of language access, power imbalances, and inequality, all of which can influence marginalised groups' pursuit of justice in a multi-ethnic and multi-lingual society like Nigeria.

The study objectives include to:

1. describe the interplay of language and law;
2. explore power dynamics within the Nigerian legal system;
3. outline the negative impact of language barriers on the Nigerian justice system; and
4. examine gender bias in legal language and the challenges of multilingualism.

To achieve these objectives, the study is guided by the following research questions:

1. What is the interplay of language and law?
2. How does power dynamics affect the Nigerian legal system?
3. What are the negative impacts of language barrier on the Nigerian justice system?
4. What are the gender biases in legal language and the challenges of multilingualism?

To answer these research questions, the study is structured in the following order: First, it examines the interplay of language and law. This is followed by a discussion on legal language and power dynamics within Nigerian legal system. Next to this is an elucidation on language barrier and criminal justice system in Nigeria as well as a review of gender bias in legal language and the challenges of multilingualism. Finally, it discusses language and power dynamics in the Nigerian legal proceedings and offers recommendations for reforms and transformation.

## 2. The Interplay of Language and Law

Every country in the world has legal institutions that are crucial to “social re-engineering and social-restructuring” (Opeibi, 2012: 50), and language is a useful tool for achieving this objective in spoken or written discourse (Aluya & Edem, 2023). Language and law are the two main forces holding society together. They influence human behaviour and interaction as well as social conventions, values, and beliefs. Examining some of the definitions of language, law, and legal language will help to grasp how they relate to one another. Language is a system of conventional spoken, manual (signed), or written symbols by means of which human beings, as members of social groups and participants in its culture, express themselves (Crystal & Robins, 2021). Brown (1984: 9) describes it as “the most sophisticated and versatile means available to human beings for communication”. Speaking of its significance, Aluya (2023: 61) avers that language is “a universal tool that serves as the cornerstone of every community on earth”.

Law is defined as a system of rules that a society or government develops in order to deal with crime, business agreements, and social relationships (Hornby, 2015). It is a binding custom or practice of a community: a rule of conduct or action prescribed or formally recognised as binding or enforced by a controlling authority, as well as the entire body of such customs, practices, or rules (Knowles, 2014). Law refers to the system of rules which a particular country or community recognises as regulating the actions of its members and which it may enforce by the imposition of penalties (Solan & Gails, 2016). The term ‘legal language’ has been used frequently to characterise the range of terminology employed by legal practitioners. It is occasionally referred to as ‘forensic linguistics’, ‘language in law’, or ‘the language of the law’ interchangeably (Durant & Leung, 2016: 3). This colloquial term, sometimes known as ‘legal jargon’ or ‘legalese’, is defined by Aprill (1998) as “words used by lawyers and in legal documents that is difficult for people to read and understand”. Corroborating this view, Balcells (2023: 4-5) says, “legal language is known for its complexity and obscurity, which sets it apart from everyday speech and writing and that such language is filled with archaism, outdated words and expressions, and technical vocabulary.” According to Durant and Leung (2016: 5), the phrase has the following specific definition:

Legal language has been called an argot, a dialect, a register, a style, and even a separate language [...] a sublanguage. A sublanguage has its own specialized grammar, a limited subject matter, contains lexical syntactic, a semantic restriction, and allows ‘deviant’ rules of grammar that are not acceptable in the standard language.

Ashipu and Umukoro (2014) defined legal writing as very exceptionally long sentences with many well-constructed clauses and qualities that make it resistant to misinterpretation. They also stated that it is often difficult to understand when read by a non-legal practitioner. Gavrilovska (2016) classified English legal language as belonging to the English for Specific Purpose (ESP) language family, distinct from ordinary English. In addition to the qualities of legal language already described, he added that the ESP uses

impersonal and passive constructions, as well as nominalisation; legal acts are written in an unemotional, unexpressive, and rational language; and the modal verb *shall* is frequently used. As evidenced by the definitions provided above, language and law are inextricably linked. The following are some major elements of the noticeable links between them. They include legal drafting, communication, evidence, register, interpretation, precision and clarity, legal discourse and argumentation, and cultural and linguistic differences. Legal drafting is the use of language by legislators to create laws and laws must provide for the binding settlement of disagreements on the implications of that use of language (Endicott, 2022). The applicability and meaning of words and phrases can be greatly influenced by their selection. Language is the tool used in communication to convey legal concepts, rights, and obligations to the general public, legal experts, and the judicial system. It is the duty of judges, solicitors, and legal academics to interpret and apply written legal writings, such as legislation, regulations, and case law, as they are written in language. Language is utilized to settle any misunderstandings or controversies that may develop as well as to assess the meaning, intent, and extent of legal legislation. Law functions within a specific cultural and linguistic environment because language is ingrained in culture and reflects the rules, beliefs, and attitudes of its constituents. Language or cultural barriers may cause the definition and use of legal words to change between jurisdictions or legal systems. This next subsection examines legal language and power dynamics within Nigeria legal system.

### 3. Legal Language and Power Dynamics within Nigerian Legal System

Hecker and Kalpokas (2024) avers that power dynamics is the process by which power, or the ability to exercise some form of control, produces change within and among groups in society. The term is viewed by Hecker and Kalpokas (2024) as the methods in which power is allocated and used by people or organisations in a particular setting. To elucidate further, they assert that the notion delves into more nuanced territories of influence, dominance, privilege, and communication styles, going beyond exercising authority and control. It deals with how social characteristics like language, gender, race, and class interact with one another to determine who has access to opportunities and resources. This can be the scene of power struggles that take place in a variety of settings, including families, corporations, and institutions. Hecker and Kalpokas (2024) state that power structures are evident through hierarchies and dynamics between employees and managers, colleagues, and even competitors" in professional environments. It has an impact on strategic direction, resource allocation, and decision-making. The interaction between language and law can have a significant impact on power dynamics



within legal systems, particularly in Nigeria, where over five hundred and twenty (520) indigenous languages are spoken across the country, making it culturally heterogeneous in nature. The support of English as the nation's official language, as stated in Section 55 of the 1999 Nigeria Constitution offers the language an advantage over the other indigenous languages. According to Igboanusi (2001: 362), English in Nigeria "is today the language of government, business and commerce, education, literature, the mass media, the court, parliament, and external communication." It became the legal language through which norms governing social relationships and citizen behaviour are enacted and enforced. Oyedola (1998: 12) explained this by saying:

English is the language of the Superior Courts of Record in Nigeria [...] Suits and petitions are instituted using the medium of English, while advocacy and cross-examinations are done in English, and in the latter case, provisions are made for interpreters. The decisions of the courts are documented and read in English.

Laws can reinforce power disparities and inequalities by using language to both empower and marginalise distinct groups within society. The talks that follow demonstrate how language and law interact to influence power relations in Nigeria's judicial system. Although having English as the official language is meant to promote consistency and facilitate communication, it also acts as a barrier for individuals who lack proficiency in it and as a tool for exclusion. This could be detrimental to marginalised communities and maintain current power dynamics. English fluency might provide one party an edge over the other due to the better position that the language has in the legal system, especially when legal experts have a greater command of the language.

Legal language has a reputation for archaism and complex syntax and lexis, the majority of which were inherited from Latin and French (Coulthard & Johnson, 2007: 37; Balcells, 2023: 5). Examples include expressions like '*In camera*' (a private hearing meeting with the judge), '*Ex parte*' (an application made to the Court without notice to the other party), '*Inter alia*' (among other things), or the example cited by Balcells (2023: 4) '*minimin non curat lex*' (the law does not take account of trivial matters), or the archaic lexicon 'herein' used in most legal contracts as in 'the agreement is herein contained'. The technical, confusing, and archaic grammatical elements of legal language, as well as the complex conversation patterns in legal settings, frequently prevent non-lawyers and non-English speakers from comprehending legal instructions and participating meaningfully in legal proceedings (Abiola et al., 2019). The ability to explain oneself, ask questions, and provide testimony is limited. This frequently results in power disparities between individuals who are fluent in English and those who are not. Duschinski and Bhan (2017) aver that when exploring the power dynamics in the interplay of language and law (with examples from India), the use of may produce disparities in interpretation, which frequently leads to unfavourable consequences for particular groups or persons".

## 4. Language Barrier and Criminal Justice

Language barriers can lead to wrongful convictions because people from rural areas or ethnic minorities who do not speak English as their first language may struggle to understand legal processes, communicate effectively with legal professionals, or fully comprehend the charges or proceedings against them. This can result in unequal treatment, a denial of justice, and the maintenance of power dynamics. As a result, trust and faith in the judicial system may deteriorate, especially among marginalised people. There are many legal vocabularies that appear to be ordinary English but have specific legal meanings or definitions (Coulthard & Johnson, 2007: 46). Examples include words like ‘Intent’ (specific mental state, not just a general intention), ‘Malice’ (special legal meaning, different from everyday usage), ‘Counsel’ (legal representation, not just advice), ‘Jurisdiction’ (court’s authority over a specific case or territory), ‘Property’ (includes intellectual property like patents and copyright), ‘Damage’ (includes non-physical harm, such as emotional distress), and so on. Furthermore, the usage of these specialised lexis in legal document drafting and lawyer-client interaction causes confusion and misinterpretation (Folarin & Sobola, 2019). Furthermore, it creates unique challenges for law students in nations where English is a second language due to colonisation (Coulthard & Johnson, 2007: 48).

A variety of techniques are used to translate and interpret legal documents and court proceedings for non-native English speakers. These techniques include the use of qualified court interpreters, certified translators and agencies, and phone- or video-based remote interpretation services for distant proceedings. Potential hazards, though, may make things more difficult. These pitfalls include: mistakes or omissions; untrained or inexperienced interpreters or translators; technical legal terminology that can be challenging to translate accurately; concerns about confidentiality and privacy that could compromise sensitive information during interpretation and translation; high and unaffordable costs and funding for language access services; limited availability of language services for all languages or dialects; and cultural and linguistic nuances, such as idioms, colloquialisms, and cultural references that could be lost in translation or not accurately conveyed. All of these have the potential to greatly affect how a case turns out.

## 5. Gender Bias in Legal Language and the Challenges of Multilingualism

Legal language in Nigeria frequently reflects power relations that places women in a disadvantage position and is biased towards men. One way to support gender inequality is

through the use of gender-specific terminology or masculine pronouns in legal documents and laws. Muhammad-Lawal and Abubakar (2019) criticised the Legal Practitioners Act for using the masculine pronouns 'he' and 'men in skirt' to refer to female attorneys. They contend that these expressions marginalise women in the legal field, and that in order to prevent this, a paradigm shift in favour of gender inclusion and the protection of human rights is necessary. Nigeria is a linguistically diverse country. According to Aina et al. (2018: 134), the English language used in the judicial system is inadequate to fully convey the sociolinguistic nuances of Nigerian cultures and ways of life. Indigenous cultures and non-speakers of English may be marginalised due to language incompetence. To promote equitable representation and participation, there has been a push in recent years for the legal recognition of indigenous languages. However, attaining linguistic inclusion may be severely hampered by the difficulties associated with translation and interpretation.

## 6. Language and Power Dynamics in the Legal Proceedings

Text and interaction in forensic settings differ from social conversations (Coulthard & Johnson, 2007). In courtrooms, legal practitioners wield authority and control over the discourse. When cross-examining a witness or lay participant, lawyers frequently employ various strategies, such as asking questions to which they already know the answer, using interrogatives, or asking questions that the witness would consider 'irrelevant'. When questioning witnesses, barristers take a unique and unusually extended turn, giving the witness little choice but to respond "yes" or "no" to enquiries requiring specific details. Aina et al. (2018: 135) state that court trials "are usually long depending on the simplicity or complexity of the case, with criminal cases taking longer", which exacerbates the situation. These all contribute significantly to the depiction of power disparities in the legal system.

## 7. Conclusion and Recommendation

This study has revealed that language and law in Nigeria's legal system are inextricably linked, and that language plays a diverse role in the interaction with law, spanning from law formulation and interpretation to judicial processes and legal discourse. The accuracy, precision, and clarity of legal language are critical to ensuring efficient communication, fair implementation of laws, and upholding justice within the Nigeria legal system. The study also demonstrates how the complex interplay of language and law can



alter power dynamics inside the system, resulting in the marginalisation of specific groups. Recognising and addressing these concerns is critical for ensuring a more inclusive and fair judicial system in Nigeria. To address the language-related challenges outlined in the study, and to promote better accessibility and inclusivity, the following adjustments are proposed: The first step should be to design and implement language access plans and policies in legal institutions and courts. This can be done through interpretation and translation in all legal proceedings and services, allocating adequate funding and resources to support language access services and initiatives, leveraging technology-assisted translation tools to improve efficiency and accuracy in legal translation services, and providing remote interpretation services, which can also expand language access and reduce costs. Second, multilingual legal professionals should be hired, and those who are not multilingual should be trained through language assistance programmes that promote cultural competence. This will improve their understanding of different cultures and languages, allowing them to communicate effectively with clients and witnesses from various linguistic and cultural backgrounds while avoiding cultural misrepresentations. Third, the use of plain language in legal papers and procedures should be encouraged so that people who do not speak English can understand their rights and obligations and easily navigate the legal system without being confused or hindered by confusing legal terminology. It is also critical to create language proficiency criteria for legal practitioners and interpreters in order to assure excellent services. Fourth, education initiatives and community outreach can be used to increase knowledge of language access rights and legal services. Data collecting and study are also helpful ways for identifying language-related challenges and developing effective remedies. Finally, engagement and partnerships between legal institutions, community organisations, and language service providers should be promoted to improve language access and inclusivity.

## References

- Abiola, Kalejaiye, Otagiri, Barrister & Olubunmi, Idowu (2019). Ambiguities in the language of law. A case study of selected court cases in Nigeria. *International Journal of Humanities and Social Science Invention*, 8 (9), 53–59.
- Aina, Oluwasola, Anowu, Anthony & Opeibi, Tunde (2018). The nature of power and control in the interrogative patterns of selected Nigerian courtroom discourse. *Legal Pragmatics*, (288), 133–156.
- Aluya, Isaiah (2023). Language, Literary Studies and Communication as Stimulants of Peace and Security in Nigeria in *English Language, Literature and Culture*, 8 (3), 60–64.
- Aluya, Isaiah, & Edem, Samuel (2023). Language Techniques and Literary Devices for National Messaging in President Buhari's Democracy Day Speech. *Baltic Journal of English Language, Literature and Culture*, 13, 4–17. Available at: [journal.lu.lv/bjellc/article/view/576](http://journal.lu.lv/bjellc/article/view/576) (accessed 26 Sept 2024).
- Aprill, Ellen. P. (1998). The law of the word: Dictionary shopping in the Supreme Court. *Ariz. St. LJ*, 30, 275.

- Ashipu K. B. C. & Umukoro Gloria M. (2014). A Critique of the Language of Law in Selected Court Cases in Nigeria. *Mediterranean Journal of Social Sciences*, 5 (8), 622–629.
- Brown, K. (1984). *Linguistics Today*. Great Britain: Fontana Paperbacks.
- Coulthard, Malcom & Johnson, Alison (2007). *An Introduction to Forensic Linguistics: Language in Evidence*. London, New York: Routledge. 16–51.
- Crystal, David & Robins, Robert H. (2021). *Language*. *Encyclopedia Britannica*.
- Duschinski, Haley & Bhan, Mona (2017). Introduction: Law Containing Violence: Critical Ethnographies of Occupation and Resistance. *The Journal of Legal Pluralism and Unofficial Law*, 49 (3), 253–267.
- Durant, Ala & Leung, Janny (2016). *Language and Law: A Resource Book for Students*. London, New York: Routledge. 3–6.
- Endicott, Timothy (2022). Legal misinterpretation. *Jurisprudence*, 13 (1), 99–106.
- Folarin, Philip & Sobola, Eniayo (2019). Language of Law: Imperative for Linguistic Simplicity. *Journal of Research Findings* 2 (2), 268–284.
- Gallego, Balcells (2023). An Overview of Forensic Linguistics and its Application in Real-Life Cases. *University de Barcelona. From Diposit Digital*. 3–5.
- Gavrilovska, Sanja (2016). The Main Characteristics of English Legal Language. *Teacher*, Vol. 12.
- Hecker, Jörg & Kalpokas, Neringa (2024). What is Qualitative Research? Overview, Types, Pros & Cons. Atlas.it. Available at: [atlasti.com/guides/qualitative-research-guide-part-1/qualitative-research](https://atlasti.com/guides/qualitative-research-guide-part-1/qualitative-research) (accessed 30 July 2024).
- Hornby, Albert (2015). *Oxford Advanced Learner's Dictionary of Current English*. Oxford: Univer. Press.
- Igboanusi, Herbert (2001). Varieties of Nigerian English: Igbo English in Nigerian Literature. *Multilingual Journal of Cross-Cultural and Inter-language Communication*. New York: Mouton de Gruyter. 361–378.
- Kalejaiye Abiola, Barrister Budka & Olubunmi Idowu (2019). Ambiguities in the Language of Law: A Case Study of Selected Cases in Nigeria. *International Journal of Humanities and Social Sciences*, 8 (09), 53–59.
- Knowles, Elizabeth (2014). Merriam-Webster Unabridged (Unabridged. Merriam-Webster. com). *Dictionaries: Journal of the Dictionary Society of North America*, 35 (1), 334–339.
- Muhammad-Lawal, Garba & Abubakar, Samira (2019). 'Mr. Woman' and Legal Practice: Making a Case against Masculinisation of the Law Profession in Nigeria. 1–16. Available at: [researchgate.net/publication/360997381](https://researchgate.net/publication/360997381) (accessed 06. Oct 2024).
- Opeibi, Tunde (2012). Language Countertrading in Courtroom Exchanges in Nigeria: A Discursive Study. *International Journal of Applied Linguistics and English Literature*, 1 (5), 49–63.
- Oyedola, S. (1998). *Perspectives on the English Language in Nigeria*. Ibadan: Ben-El Books.
- Solan, Lawrence M. & Gales, Tammy (2016). Finding ordinary meaning in law: The judge, the dictionary or the corpus? *International Journal of Legal Discourse*, 1 (2), 253–276.

Note: JLL and its contents are Open Access publications under the [Creative Commons Attribution 4.0 License](https://creativecommons.org/licenses/by/4.0/).



Copyright remains with the authors. You are free to share and adapt for any purpose if you give appropriate credit, include a link to the license, and indicate if changes were made.

Publishing Open Access is free, supports a greater global exchange of knowledge and improves your visibility.