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IMPACT OF CULTURE ON LEGAL DISCOURSES

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ABSTRACT

Laws are standardized set of behavior that applies to everyone equally. If one interprets the law only in academic terms, it becomes jargon and semantics of justice. This issue occurs when the law just has a practical component without taking into consideration the theoretical component, it becomes limited to a verbal exercise or "language game" that is used by law enforcing agencies to exploit such nature of law, Given the importance of effective communication in the legal profession, especially when working in global settings: A lot of legal jargon and ideas are exclusive to a particular legal system and culture. They might not translate literally because they lack exact equivalents in other languages. It is imperative that legal professionals have the knowledge and skills that are most useful for their jobs but at the same time they should be willing to consider the socio-cultural aspects of society to ensure the very nature of law, i.e. minimum government and maximum governance. Fundamental practice of social inclusion has more emphasis on community peace in their legal systems and cultures that place a higher priority on individual rights and a legal system to recognize personal autonomy of an individual. Some cultures may have distinct meanings or legal ramifications of certain terms which are misunderstood while adopting foreign law in a domestic country. Changing legal trends, historical occurrences, societal movements, and philosophical concepts all influence how legal systems change over time. To properly translate legal materials, translators must be aware of their intellectual and historical foundations. Legal systems often reflect the moral and ethical values of a society. These values can be deeply ingrained in the language of the law, making it challenging to translate legal concepts without losing their ethical weight. Keywords: Religious law, social hierarchy, Indigenous Legal Practices, International Intervention, miscarriage of justice.

Keywords: Rivalry, Refugees, Historical, International Intervention, Territories

INTRODUCTION

The intersection of culture and legal language represents a rich and complex area of study, reflecting the profound ways in which societal norms, values, and traditions shape the formulation, interpretation, and application of law. Legal language, as a specialized form of discourse, is not merely a neutral tool for conveying rules and regulations; it is deeply embedded in the cultural context from which it emerges. This research paper explores the multifaceted impact of culture on legal language and discourse, examining how cultural frameworks influence the structure,

semantics, and pragmatics of legal texts, as well as the broader implications for legal practice and interpretation.

As a dynamic and pervasive force, culture informs us how legal concepts are constructed, communicated, and understood. From the choice of terminology to the rhetorical strategies employed in legal documents, cultural norms play a pivotal role in shaping the language of law. For instance, the emphasis on individualism in Western legal systems often contrasts with the collectivist orientations found in many oriental legal traditions, leading to distinct linguistic and discursive patterns.

Similarly, the historical and philosophical underpinnings of a legal system” whether rooted in common law, civil law, or religious law” leave an indelible mark on its linguistic expression.

Moreover, the impact of culture extends beyond written words and encompasses oral legal discourse, including courtroom interactions, negotiations, and mediation. Cultural differences in communication styles, such as directness versus indirectness, formality versus informality, and the role of silence, can significantly affect the dynamics of legal proceedings and the outcomes of disputes. These cultural nuances are particularly salient in an increasingly globalized world where cross cultural legal interactions are becoming more common, raising questions about the universality versus particularity of legal language.

This paper will also address the challenges and opportunities posed by cultural diversity in legal language, particularly in multilingual and multicultural societies. For example, the translation of legal texts often involves not only linguistic transposition but also cultural adaptation because legal concepts may not have direct equivalents across different cultural and legal systems. The role of cultural competence in legal education and practice will also be examined, highlighting the need for legal professionals to be attuned to the cultural dimensions of language to ensure fairness, clarity and effectiveness in legal communication.

By investigating the interplay between culture and legal language, this research contributes to a deeper understanding of how cultural contexts shape legal discourse and, in turn, how legal discourse reflects and reinforces cultural values. In doing so, it seeks to illuminate the ways in which culture both enables and constrains the language of the law, offering insights relevant to legal theorists, practitioners, and policymakers alike. Ultimately, this study underscores the importance of cultural

awareness in the interpretation and application of law and advocates for a more inclusive and culturally sensitive approach to legal language and discourse.⁷⁵⁸

Historical Context:

The evolution of cultural discourse in law has occurred across different time periods, with changes that mirror societal norms, values, and experiences. The origins of legal theory date back to ancient civilizations, in which laws were closely tied to cultural values, exemplified by Mesopotamia and Ancient Egypt, where codifications such as the Code of Hammurabi established a fundamental precedent.

With the advancement of societies, the Renaissance era introduced fresh viewpoints, prioritizing reason and individualism, which in turn influenced the development of legal systems. This era marked the shift from communal values to a more structured legal framework, enabling a more in depth discussion on law and culture that remains highly relevant today.

The Enlightenment period fostered further discussion in legal theory, with influential thinkers such as Montesquieu and Rousseau pushing for laws that mirror the culture and societal contract of a community. These contributions paved the way for modern conversations that investigate the impact of cultural subtleties on the interpretation and implementation of the law.

Throughout various periods of legal history, the dynamic relationship between culture and law has demonstrated that legal frameworks cannot operate independently. Comprehending this historical context is essential for assessing the ongoing importance of cultural discourse within legal theory.

Cultural Impacts on Legal languages:

This research examines the various factors that shape the evolution of legal systems and the

⁷⁵⁸Pierre Bourdieu, *The Force of Law: Toward a Sociology of the Juridical Field*, 38 *Hastings L.J.* 814, 816 (1987).

terminology used within them. The key areas for investigation include examining how different philosophical traditions have influenced the development of legal systems.

In Western legal systems, a strong emphasis on individual rights is often analogous to the collectivist perspectives found in the laws of Eastern and indigenous societies. This examination of cultural values within legal terminology and discourse explores how concepts such as justice, fairness, and authority are deeply embedded in legal language and communication.

The evolution of legal systems and their associated vocabulary is significantly influenced by historical and cultural contexts. The analysis of legal language and communication explores how core cultural values like justice, fairness, and the concept of authority are incorporated into legal terminology and discussion. The goal is to comprehend how these values influence the language and procedures of legal systems. This study aims to gain a deeper insight into the intricate connections between historical backgrounds, cultural milieus, philosophical theories, and legal frameworks by conducting a comprehensive examination of these areas.

A linguistic and semantic analysis is conducted to examine the impact of cultural norms on the selection of legal terminology, metaphors and rhetorical devices. Investigate the role of semantics in legal language, focusing on how culturally distinct ideas such as justice, rights, and obligations are articulated. Analyze the difficulties of translating legal texts between cultures, particularly when certain legal concepts do not have direct equivalents.⁷⁵⁹

Major Theorists Contributing to Cultural Discourse:

Influential legal theorists have significantly impacted the development of Cultural Discourse in Legal Theory, bringing diverse

perspectives that combine law with various cultural backgrounds. Leading among these theorists are cultural commentators and jurists who stress the importance of societal values in shaping legal interpretation.

The main individuals involved are listed below:

- **Martha Nussbaum's** research on the capabilities approach emphasizes the intersection of law and ethics with cultural factors, advocating for a more people focused legal system.
- **Duncan Kennedy** is a prominent critical legal scholar who examines how legal principles mirror social class structures and cultural standards, promoting a more comprehensive and inclusive interpretation of the law.
- **Rorty's** philosophy stresses the importance of language in shaping cultural narratives that influence legal discourse, while also questioning long held notions of objectivity in the law as stated by **Richard Rorty**.

These theorists collectively stress the significance of acknowledging cultural elements within legal theory, demonstrating how law is not just a collection of rules, but rather a dynamic conversation that reflects the society in which it originates. Their research contributes to a clearer comprehension of the cultural dialogue within legal theory, prompting an ongoing analysis of the complex interplay between the law and culture.

Legal Language and its interpretation:

Language plays a prominent part in the cultural discourse of law, acting as the means by which laws are expressed, examined, and comprehended within communities. The model's function can be examined in relation to several crucial aspects.

Language plays a crucial role in drafting and codifying laws as the primary means through

⁷⁵⁹Martha Minow, Justice Engendered, in *Feminist Legal Theory: Foundations* 217, 220 (D. Kelly Weisberg ed.

⁷⁶⁰ Peter Goodrich, *Legal Discourse: Studies in Linguistics, Rhetoric, and Legal Analysis* (London: Macmillan, 1987), 45.
Lawrence M. Solan, *The Language of Judges* (Chicago: University of Chicago Press, 1993), 78.

which this process is implemented. The precision and accuracy of legal terminology are vital to guarantee that statutes are crystal clear and capable of being enforced. Legal language frequently mirrors the cultural values, customs, and historical background of a community. Examples of common law systems, such as those found in the U.S. and U.K., and civil law systems, such as those in France and Germany, use language in distinct ways, which reflects their differing legal philosophies. For example, common law systems (e.g., the U.S. and U.K.) and civil law systems (e.g., France and Germany) use language differently, reflecting their distinct legal philosophies.

2. Language is crucial for courts and legal professionals to understand and apply laws correctly. The meaning of language, including words, phrases, and sentences, can have a substantial impact on legal results, particularly in disputes where meaning is unclear or societal values are changing. Cultural undertones play a significant role in the interpretation of laws. Phrases like "reasonable person" or "justice" can take on varying meanings in different cultures, ultimately influencing the way laws are enforced.

The use of technical legal terminology can hinder the comprehension of the general public, thereby perpetuating the existing power imbalance between legal experts and non-professionals. The use of language in the legal system can either foster or obstruct inclusivity. Accurate translation of laws is crucial for multilingual legal systems, which must balance the need for precise translation with the preservation of the laws' original intent. For example, multilingual legal systems must navigate the challenges of translating laws accurately while preserving their intent.

Challenges in Integrating Cultural Discourse into Legal Systems:

Implementing cultural considerations into legal frameworks poses various obstacles that impede its smooth implementation. Within a society, the diversity of cultural perspectives

poses a significant challenge, as it complicates the task of establishing a unified discourse that reflects all viewpoints accurately. Established norms frequently receive preferential treatment in legal systems, potentially disenfranchising lesser-known cultural perspectives.

The inflexibility of legal terminology and underlying structures presents an additional challenge. A rigid approach can hinder the understanding of cultural subtleties, leading to a legal framework that neglects the core values of diverse communities. This can lead to inconsistencies in the interpretation and enforcement of laws.

Power structures within the legal system can hinder the incorporation of cultural dialogue. Dominant groups' viewpoints often obscure the concerns of marginalized individuals, resulting in a cycle of exclusion that influences legal decisions. The absence of representation in law ultimately erodes its legitimacy among diverse groups of people.

Cultural competence is frequently overlooked in the educational and training programs offered by legal institutions. Consequently, some legal professionals may not possess the required comprehension and expertise to interact productively with cultural dialogue in legal theory, thereby hindering its practical implementation within legal frameworks.

The future of cultural discourse in legal theory is likely to be shaped by several emerging trends and challenges, reflecting broader societal, technological, and global transformations. Here are some key directions that may define this evolving field:

1. Intersectionality and Inclusivity

- **Expanding Legal Frameworks:** Legal theory will increasingly incorporate intersectional approaches that consider how overlapping identities (e.g., race, gender, class, sexuality) shape experiences of law and justice.
- **Inclusive Language:** There will be a push toward more inclusive and non-discriminatory language in legal texts, reflecting societal

demands for equality and representation.

2. Globalization and Transnational Legal Cultures

- **Cross Cultural Legal Dialogue:** As globalization intensifies, legal theory will need to engage more deeply with transnational legal cultures, fostering dialogue between different legal traditions and systems.

- **Harmonization vs. Pluralism:** Debates will continue over whether to harmonize legal systems or preserve legal pluralism, balancing universal human rights with respect for cultural diversity.

3. Technology and Digital Cultures

- **Digital Legal Cultures:** The rise of digital technologies will create new legal cultures around issues like data privacy, cybercrime, and artificial intelligence, requiring innovative theoretical frameworks

- **Access to Justice:** Technology can democratize access to legal information and services, but it also raises questions about digital divides and the cultural implications of algorithmic decision making.

4. Indigenous and Traditional Legal Systems

- **Recognition and Integration:** There will be growing recognition of indigenous and traditional legal systems, with efforts to integrate them into mainstream legal frameworks while respecting their cultural integrity.

- **Decolonizing Legal Theory:** Legal theory will increasingly confront its colonial legacies, seeking to decolonize legal education and practice by centering marginalized voices and epistemologies.

5. Environmental and Ecological Justice

- **Cultural Dimensions of Environmental Law:** Legal theory will explore the cultural dimensions of environmental justice, recognizing how different communities understand and

relate to nature.

- **Rights of Nature:** The concept of granting legal rights to natural entities (e.g., rivers, forests) will gain traction, reflecting cultural shifts toward ecological stewardship.

6. Human Rights and Cultural Relativism

- **Balancing Universality and Diversity:** Legal theory will continue to grapple with the tension between universal human rights and cultural relativism, seeking ways to respect cultural differences without compromising fundamental rights.

- **Cultural Defense in Law:** The use of cultural defense in legal cases will be further examined, balancing cultural context with the need for consistent legal standards.

7. Narrative and Storytelling in Law

- **Legal Storytelling:** The role of narrative and storytelling in legal discourse will gain prominence, recognizing how stories shape legal understanding and influence judicial outcomes.

- **Cultural Narratives:** Legal theory will explore how cultural narratives influence the interpretation and application of laws, particularly in cases involving marginalized groups.

8. Interdisciplinary Approaches

- **Law and Humanities:** Legal theory will increasingly draw on insights from the humanities (e.g., literature, history, philosophy) to understand the cultural dimensions of law.

- **Law and Social Sciences:** Collaboration with social sciences (e.g., anthropology, sociology) will deepen understanding of how law operates within cultural contexts.⁷⁶²

9. Ethical and Moral Dimensions

- **Cultural Ethics in Law:** Legal theory will engage more deeply with the ethical and moral dimensions of cultural practices, particularly in areas like bioethics, medical law, and end of

⁷⁶¹ Deborah Tannen, *The Power of Talk: Who Gets Heard and Why*, Harv. Bus. Rev. (Sept.–Oct. 1995), <https://hbr.org/1995/09/the-power-of-talk-who-gets-heard-and-why>.

⁷⁶² Deborah Tannen, *The Power of Talk: Who Gets Heard and Why*, Harv. Bus. Rev. (Sept.–Oct. 1995), <https://hbr.org/1995/09/the-power-of-talk-who-gets-heard-and-why>.

life decisions.

- **Moral Pluralism:** The challenge of accommodating diverse moral perspectives within a unified legal framework will remain a central concern.

10. Education and Pedagogy

- **Cultural Competence in Legal Education:** Law schools will place greater emphasis on cultural competence, preparing future lawyers to navigate diverse cultural contexts.
- **Global Legal Education:** There will be a push toward more globalized legal education, exposing students to a wider range of legal traditions and cultural perspectives.

Conclusion

Legal systems are deeply influenced by the values, traditions, and power dynamics that they reflect, with language serving as both a key component and a reflection of these cultural forces. Language serves as a crucial instrument for articulating, interpreting, and implementing laws, thereby ensuring that justice, clarity, and coherence are maintained in legal proceedings. Simultaneously, language mirrors the cultural setting in which laws function, incorporating within legal documents the historical, social, and moral aspects of a community.

The role of language in legal cultural discourse is complex and multifaceted. This facilitates the codification of laws, the interpretation of legal standards, and the development of compelling arguments in court settings. The implementation of universal legal principles also poses challenges, including the barrier created by complex legal terminology, the intricacies of communication between legal systems of different cultures, and the obligation to reconcile standardised principles with the diversity of local customs. The significance of language in developing legally inclusive and culturally aware systems cannot be emphasised enough as global communities become increasingly

interconnected and diverse.

The future evolution of language in legal and cultural discussions will be influenced by the effects of globalisation, technological progress, and increasing acknowledgement of underrepresented groups. Legal systems must address issues of linguistic clarity, cultural diversity representation, and universal access to ensure continued fairness and equity. Embracing the dynamic interaction between language and culture enables legal discourse to more effectively tackle the intricacies of contemporary societies, ultimately fostering a more inclusive and peaceful global legal framework. At its core, language serves not only as a mechanism for legal expression but also as a mirror of the cultural essence that underpins justice.

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