LINGUISTIC EXPRESSION OF THE CONCEPT OF GENDER EQUALITY IN LEGAL DISCOURSE

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Annotation: This paper explores how the concept of gender equality is linguistically expressed in legal discourse. Through the analysis of legislative texts, legal reforms, and international legal instruments, the study identifies the patterns, lexical choices, and syntactic structures used to articulate gender-equal principles. The aim is to reveal how language reflects, reinforces, or challenges gender norms in legal contexts.

Keywords: Gendered language, legal discourse, intersectionality, feminist legal theory.

Introduction.Gender equality is a fundamental human right and a key principle in modern legal systems. Legal discourse—defined as language used in legal contexts including constitutions, laws, court rulings, and international treaties—plays a vital role in constructing, communicating, and enforcing gender-related norms. The way gender equality is expressed in legal texts reflects not only legal intent but also social ideologies and cultural perspectives. This paper investigates how linguistic elements contribute to the conceptualization and implementation of gender equality in legal language.

It is very important to point out that legal language cannot be separated from law studies as such. Lawyers use specific professional language, which law students acquire during their academic studies. The acquisition of a genuine in-depth knowledge of legal language and terminology is time- and effort-consuming endeavour. Therefore, one can say that 'when ordinary events, objects, and concepts enter the realm of the legal world, they often undergo significant transformations' (Rotman, 1995: 195). Moreover, one cannot understand properly legal terminology without comprehending legal matters and theories. As Beaupré states, 'one is required to be familiar with judicial methods of legal interpretation as well as with the general law behind the source and target texts' (1987: 740). In legal translation, as de Groot (1987) emphasises, one must have a good knowledge of legal terminology of the language in which the information was originally given and of the language into which the information must be transferred. It means that 'the translator must possess the skill to compare the legal content of terms in one language (one legal system) with the legal content of terms in another legal language (the other legal system)' (De Groot, 1987: 794). Therefore, comparative law with its own methods and techniques forms the basis for translating legal texts (ibid.: 797). Lawyers not only use a specific language, called legal language, but they also have a particular style of reasoning, called legal reasoning. Different types of legal texts with various degrees of complexity and formalism exist, and they have an influence on the degree of precision of their translation. The first group of legal texts to be translated is scholarly texts (e.g.law review articles, monographs, and research) (Rotman, 1995: 190). The second group, comprising judgments and court decisions, contains judicial language. The third one covers legal norms, for example, regulations, codes, statutes, laws and international treaties, which use a very formal normative language. International treaties are of great interest to this study, as they are the ones that contain the legal concept of gender. Therefore, in the present article, only the third group of legal texts, namely, normative legal texts are analysed and their characteristics are discussed.

The main characteristics of legal texts that contain legal norms are:

1) a great degree of precision (Beaupré, 1987: 739; Rotman, 1995: 189). In normative legal texts, words are used to explain legal realities which are social realities at the same time. Normative language is very practical, even technical, and it serves only for a normative or judicial purpose. Therefore, the language may seem 'unpoetical' and very technical because normative texts do not convey human emotions like novels and poetry. Normative legal texts contain precepts and orders, and the translator should understand and accept this particularity to retain the meaning of the normative document. The translator is not expected to change, to delete, or to add any new words to the text only because it could sound more elegant to him or her; thus, considerable precision is required.2) use of words of positive, obligatory law (Rotman, 1995: 190). In normative legal texts, legal terminology is used in a very concentrated manner. The application of the legal norm to individuals in the real life, for example, a judicial act which applies legal norms is a court judgment or a decision of the administrative authority, depends on the use of precise terminology. 3) legal terminology used in legal texts deviates from the colloquial speech(Beaupré, 1987: 739; De Groot, 1987: 796; Koziol, 2008: 231). Translating normative documents, the translator is supposed to bear in mind that the intended/inferential meaning of a word or a term used in such texts may have a different or specific meaning compared to the literal meaning of the word. For example, the term child in legal discourse usually means every person who has not reached the age of eighteen. In this context, Article 1 of the Convention on the Rights of the Child (1989) states that 'for the purposes of the present Convention, a "child" means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier' (1990: 46). Thus, the same word or term in normative legal texts may contain a wider or a narrower meaning, or may add some additional sense to the colloquial context (Koziol, 2008: 231). This can be called the legal meaning of a word.

4) the words used in legal texts are not only simple words but they are also (and first of all) instruments of human actions (Rotman, 1995: 191). The normative uses of language in legal discourse is not merely a denotation of objects, but it is the language of future actions, which permits one to anticipate and predict human behaviour with the degree of certainty necessary for social life (ibid.).Legal norms determine the rights and duties, and even prescribe sanctions. To illustrate this, a very simple structure of a legal norm can be demonstrated: If person 'X' does something 'Y', then there will be a right/a duty/a sanction 'Z'. For example, 'If the marriage has ended in divorce, the former spouses shall not inherit from each other' (Article 397 of the Civil Code of the Republic of Latvia, 1937: Online). One can transform this legal norm according to the aforementioned pattern: If the husband and wife ('X') divorce or declare their marriage annulled ('Y'),then they do not inherit from each other ('Z').When rendering legal norms, the translator has to translate precisely: who this person 'X' (nouns, pronouns) is, what ('Y') this person 'X' shall do or not do(e.g. verbs, adjectives, adverbs and numerals), and what kind of rights, duties or sanctions ('Z') will be imposed (e.g. nouns, verbs, and numerals).If the translator changes or omits some words in the legal norm, he or she changes this legal norm automatically, which is strictly forbidden by the legislator: only the legislator can change a legal norm. In other words, the translator is not authorised to usurp the functions of the legislator.

5) polysemic terms can be found in legal texts. In normative legal texts, polysemy can often be observed. It means that one legal term can have at least two (or more) meanings in the legal context. Polysemy is an inevitable phenomenon that can have an influence on the quality of the translation.

Language and gender studies have a wide evidence base in the broader, general setting, but in the legal context, specifically through the combined lens of both Anglo-American legal systems and more recent developments within law and language generally, this burgeoning field remains relatively underdeveloped. One reason posited here is the growing evidence that language is the structuring element of gender, shaping social context and producing identities in varying discourses. Law is no exception, and relevant to the aims of this article, language produces law in numerous ways. Indeed, language also shapes and reflects power in law, including gendered power relations. The analysis of legal discourse can make gender power relations more visible. Usually, the critiques offered here are implicit rather than explicit: gender is subtext rather than subject. Indeed, gendered language in both case law and statutory law is a feature of Anglo-American legal systems reaching back several hundred years. Legal systems themselves largely developed under ideological imperatives that were socio-politically patriarchal, especially the English common law, and law was in many ways explicitly gendered. It is significant that much of the development of law and language studies has taken place in conjunction with and indeed as part of feminist legal theory, for feminist jurisprudence is heavily concerned with the power of traditionally gendered male legal discourse. Within the courtroom, masculinity can play out in myriad ways. In delivering their closing statements, is it acceptable for women advocates to cry in front of a jury and demonstrate care and compassion, or must they learn to embody the 'impartial' and 'detached' voice of the non-emotional male advocate.

In a completely different perspective, academia has been studying gender, sexual orientation, age, race, and social status as factors related to choices, personalities, and forms of communication between people. In legal terms, the idea is to understand the grammatical adaptations that should be carried out to avoid interpretation errors, including everyone in a document. Even if the social reality is changing, adapting a language to a legal or formal text can be a reason to avoid stereotypes in messages.The legal language contains subtle or direct gender biases. The language used in statutes, court decisions, and other administrative regulations is no different. One way in whichlanguage is gendered is the use of 'he,' 'him,' 'his,' etc. as the neutral pronoun, employed to refer to a person of unspecified gender or to refer to all persons, including women. Although,for some time now, the argument has been advanced that the use of male-gendered pronouns in legislation and legal texts is not discriminatory since their use is intended to refer neutrally to any person, increasing attention is being paid to the implications of such gender-specific language in law. While in some instances the techniques to avoid sexist language are successful, these solutions can also be impractical, confusing, or give a peculiar sound to the statute, as if some political ends were being pursued. Moreover, with the increase in the visibility of transgender and non-binary people, legal language should also find a way to avoid inequities towards such individuals. Overall, recognizing the persistence of such gender bias is the first step toward reform. In a contemporary context characterized by aspirations of equality, language is more than willing to change. What is needed, however, to allow such change is a willingness to criticize our own assumptions.

Despite discussing language and gender in legal contexts and language-based discrimination between male and female jurors, the preceding sections do not capture the complex and multiple ways that gender, language, and the law intersect. Gender cannot be understood except in relation to other social identities such as race, class, age, sexuality, disability, and religion. The variety of legal experiences and representations of women in the law in a given culture is explained by the fact that within it, gender intersects with a host of other social identitie to form complex subject positions. For example, a Black woman translates her social position differently from a white woman. In addition, the use of language is shown to be affected by other social, as

well as institutional and individual factors. Race, class, and sexuality shape language use in legal contexts, often as a means of countering power. Critical race theory has demonstrated how Black English is used by advocates as a language variety with a valid grammar in regional courts as a way of challenging the position of Black Americans in the law.Following a suggestion, law might be seen as a way of rejecting or transforming a carnal experience; it is very easy to think of laws that change social reality rather, law can reinterpret or shift the equilibrium in a system that has been remodeled by technological, social, and economic forces. Discriminatory practices, as well as affirmative action measures, are all embedded in legal language. Laws can be tools for sustaining a discriminatory status quo or for initiating reforms. While the Victorian practice of referring only to the male sex, with women included under this rubric, finds more exemplars, the guidelines do illustrate the pervasiveness of sexual violence and discrimination against low-status and immigrant women and tender protection from those abuses whose labor is needed.Furthermore, such guidelines reveal the importance of a legislative framework that is inclusive of people from a multiplicity of sexualities and gender identities. Relationships are not limited to those between men and women, and equal introductions should recognize this. Therefore, it is important to analyze legal language, including legal reform,from an intersectional theoretical perspective.

Language in legal contexts is neither neutral nor passive; it actively constructs and reinforces gendered power structures. This analysis reveals how legal discourse perpetuates biases, from the use of masculine pronouns in statutes to the gendered expectations of courtroom behavior. These patterns reflect and reproduce societal inequities, particularly disadvantaging women, non-binary, and transgender individuals. Moreover, intersectional analysis underscores the compounded discrimination faced by individuals situated at the nexus of multiple marginalized identities. To foster justice and equity, legal systems must critically assess and reform their language. Adopting gender-neutral language and challenging traditional assumptions in legal discourse are crucial steps toward a more inclusive legal framework. By addressing these embedded biases, the law can better reflect the evolving realities of society and uphold its commitment to fairness and equality for all individuals.

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