

The Role of Language in National Identity and Law

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ABSTRACT

Language plays an integral role in the construction and expression of national identity, legal frameworks, and governance. As a symbol of culture, memory, and belonging, language often becomes a key instrument in shaping citizenship, policy, and law. This paper examines the dynamic relationship between language and national identity, with particular emphasis on how legal systems institutionalize linguistic norms. Through historical analysis, theoretical frameworks, and international case studies, it investigates how language policies in multilingual societies reflect, reinforce, or challenge the state's authority and the inclusivity of its national identity. Postcolonial contexts, especially in Africa, highlight the complexity of transitioning from colonial legal languages to indigenous linguistic legitimacy. Additionally, the study examines how language can serve both as a unifying tool and as a source of conflict and exclusion. The legal codification of language rights, the politicization of national languages, and the tension between linguistic diversity and national cohesion are central to understanding modern statehood. Ultimately, this paper argues that language is both a marker and maker of national identity, and its governance through law has profound implications for justice, representation, and national unity.

Keywords: Language policy; National identity; Legal pluralism; Multilingualism; Postcolonial law; Language and governance; Cultural identity.

INTRODUCTION

Language often plays a central role in state imaginings of civic identity, whether in constitution framing or in statutory language policies. Nevertheless, the only state that is not formally recognised by the UN as a nation-state is also a forthcoming language policy commentator. The expansion of territorial and supposedly linguistic homogeneity has seldom come without controversy. The formation of a national consciousness is not something that has just happened with the emergence of the present-day nation-state. Patriotism, like other forms of allegiance, needed time to grow and take root. The deepening of existing habits, institutionalisation, and the management of loyalties were required to ensure the entrenchment of a national identity and the performance of national rituals. Languages of administration, education, and the media were fundamental to this process, as they mediated social memories, genealogies, and emotions and contributed to creating and sustaining internal and external boundaries. Until independence, the United Kingdom controlled all language-in-law as one of its public institutions. The South Africans spoke either English or Dutch at the court, both of which spoken forms were imported, exclusively for use in the administration, from a society thousands of miles away. Upon independence, for interpretation and law reporting purposes, the languages of law were transferred to indigenous African modes for rural administration in terms of a multi-language 'duty of which' policy. Without doubt, languages advance social orders. And the questions of national languages are irreversible as the difficulties experienced in the erstwhile colony with respect to vernacular languages, needs to be appreciated in law. Law, being a dependant social order and service-sector institution, is affected by social change. In the former colonies, vernacular languages are also being put to the law through reversals of 'contingent fidelity' schemes that disallow monological forms of statehood and privilege competing elites. Within the new legalities, all language issues, including those failing off the formal agendas, are in question [1, 2].

Historical Perspectives on Language and Identity

The significance of language in the question of national identity is not new. It has been at the heart of political debates in various nations. The language of a nation is a central aspect of its cultural heritage, collective memory, and identity. Over the century, many tragedies have been caused because of language issues or spoken national languages undermining the hegemony of dominant tongues in States. As a continuation of the long-standing debates in this field, this review seeks to shed light on the views of eminent scholars on the impact of language and language policies on the shaping of national identity and national law, focusing mainly on more recent works in the literature. This review leads to the unclear status of language in post-socialist national identity. Several nation-states claim to have two official languages, nationally predominant language and secondly recognized as a language of a minority. However, it is not easy to categorize post-socialist national identity for several respects. The complex historical background of language changes has been set as a variable and mass detoxicity of ethnic relations in Russia and Central Asia following the independence was induced as a dummy variable. This review on several nations which presently claim to have two official languages provides several counterexamples regarding the perspectives on the role of language in national identity and law. Most importantly, the findings lead to a broader implication that the status of language as the determinant of national identity may vary by political systems and/or regimes [3, 4].

Theoretical Frameworks

This section presents theoretical concepts and perspectives that underpin the analysis of the role of language in national identity and law. Since identity is a multidimensional and multidimensional concept, the discussions on identity refer not only to one's self-identity, but also to national identity. Similarly, law means language laws, laws governing the relationship between language and public life. Being is manifested through language. Language provides the discursive resources for language-referential identity discourse in social spaces. Language transforms conceptual patterns of identity into identity discourses through ideology. Identity is reflected in language formation, appropriation, change, conflict, and loss. Apart from using language to exhibit and construct self and national identity, there is also a question of political power, prestige, and resistance. Language ideologies and language laws are important and powerful language attitudes and legal means to structure and govern speaker identity power, prestige, and relations at all levels. Modernity has brought about nationalism and its ideologies. Modernist theorists argue that nationalism is a modern product arising from the industrialization of communication and the standardization of materials. Modern technologies, including communication tools, information technologies, and the education system, under the government of the nation-state, have promoted the standardization and uniformity of national languages, which in the course of collectivization and homogenization, have formed each group's collective and manufactured national identities. Following the distribution of macro- and meso-language laws, as well as macro- and meso-identities, individuals, an omnipresent habit of automatic government in everyday life would require them to take on national identities and the corresponding national languages as their primary and default identities and related languages. On the one hand, nationalism, and diverse forms of national (subnational) identities, ideologies, and laws are widely embraced, enacted, and performed, particularly across the non-Western world. On the other hand, diverse ideologies and related legal policies and regulations recognize that social transformation brings about social dynamics that challenge, resist, and change the rigid national attachment and coherence between language and national identity. In this vein, the phase of questioning language law-related identity is no longer a social condition solely relevant to Western societies, representative of nations in retreat vis-a-vis 'globalization' [5, 6].

Language as a Marker of National Identity

Language is crucial to national identity and belonging. Speaking the appropriate language(s) is necessary for recognition as a legitimate member of a nation. Language often serves as a core marker of ethnonational identity, even as different ethnic or national groups coexist within multiethnic states. In these nations, the majority language typically belongs to the largest or colonizing ethnonationality, while minority languages are spoken by smaller groups. The national language often has positive social implications and fulfills various ethnopolitical functions. However, language status can change dramatically, creating confusion and paradoxes over time. Examples from various countries illustrate how a national language can unify different ethnocultural groups in a multiethnic context. There remains a contradiction between the idea of a nation as a homolingual community and the reality of linguistic diversity. Many languages serve as markers of national identity, with national languages recognized by legal frameworks for official purposes like government and law enforcement. An ideal national language is standardized, possessing sophisticated writing systems and technical vocabularies. Meanwhile, non-

state languages, lingua francas, dialects, and pidgins are utilized in daily communication and informal settings. Language status fluctuates quickly and unpredictably, especially in politically contested regions, leading to significant confusion surrounding language, nation, and identity [7, 8].

Legal Frameworks Governing Language Use

Language is closely tied to national identity, with many states designating official languages. Defining these languages is complex, particularly in multi-language jurisdictions where legal systems must navigate various languages in law and documentation. Countries have diverse language policies, affecting the language of legislative and court documents. For instance, Saudi Arabia states its right to determine its official language, ensuring that all laws are in Arabic, which avoids ambiguity in legislative norms. Legal systems require laws governing language usage, disseminated in languages understood by the public and courts. States often take firm stances on language issues, facing various complicated factors, including policy and socio-economic impacts. In France, all legislation must be in French, making it the sole language for legal proceedings. Conversely, South Africa had English as the only official language for 150 years until 2000, with constitutional provisions guiding language use. For multi-language regimes, establishing the official languages and applying language policy involves greater complexity, especially concerning the legal validity of normative texts [9, 10].

Language Policy and National Identity

Governmental policies regulating language functions and individual or group language use rights are crucial for identity-building projects. Linguistic policies can reinforce or create national identity. In modern societies, nation-building establishes a sense of togetherness among large societal members, with language being a significant channel for developing national identity. A common language among citizens is vital for sharing values, beliefs, social integration, and societal cohesion. Language and nation are interdependent, as language significantly contributes to the identity construction of national members. Ethnic identity is mainly defined linguistically; people connect with others sharing their language. Commonly perceived traits differentiate short-term social networks (like language) from lifelong networks (like nationality). Language, as a criterion of national identity, fosters feelings of similarity and affiliation with groups that share values and beliefs, leading to bonding. These bonds emerge when language conveys shared interests, norms, and beliefs. Legitimacy construction often involves notions of inclusion/exclusion, friend/foe, and “self” versus “other.” Language use in majority/minority contexts is marked by labeling and claiming, with discourse markers carrying positive or negative associations that structure binary oppositions reflecting identities. Language serves as a marker of affiliation or distinction and expresses national identity through its specific language. It is not neutral; it can evoke emotions and signify otherness or hostility. Many hostile acts against other nationalities are dismissed as merely “speaking their own language.” Conversely, language can unite national groups and foster solidarity, making a common language essential for group functioning and bonding [11, 12].

Impact of Language on Legal Systems

It is self-evident that for a linguistically homogeneous polity, legal and language systems will be in harmony. This is the ideal situation where one language or dialect of that language dominates in all official, legal and other domains of communication system. However, languages constitute one of the characterizing elements of the nature, culture, history, traditions and self-determinations of communities in nation-states across the world. As such, language is an important component of National Identity. It is unfortunate that the legally espoused multilingualism of a nation state does not guarantee its effective and comprehensive implementation and observance. It is in this regard that a linguistic analysis of legal documents relating to language policy is important for nation-states such as South Africa, whose indexed language policy documents and statutes are quite numerous. The interaction that occurs between the two language and legal systems of a multilingual nation-state is essential to adequately understanding and impacting the society it supports. After some background information on linguistics and law as separate domains, the legal issues arising out of the conception of such a policy will be discussed. Consequently, examples from both language policy statutes and language-related legislation will be drawn out of linguistic knowledge and tools to illustrate how the one language system can document, share and impact the other. Reasons will be offered for taking such linguistic structures out of the purely lexicographic domain and into the legal domain. As a consequence this would render an important service to legislators in informing them of language-related issues that could require legislative attention, but also share with the nation-state adjustable and transferrable language policy experiences gained with respect to particular languages in other socio-linguistically homogeneous and heterogeneous polity contexts [13, 14].

The Role of Language in Multilingual Societies

The great diversity of languages, identities, laws, and jurisdictions in a multilingual regime enhances expectations of law and development. For instance, South Africa's constitution asserts the right to use one's language and cultural participation. Ethiopia's constitution supports various ethnic groups with complex multinational laws. This linguistic-legal complexity fosters expectations that improve law and development while inviting diverse compliance and encouraging unique practices. The transnational legal process and global governance are reliant on translating languages across different systems. Military, economic, and trade discourses invite varied legal compliance, underscoring the need for cross-linguistic understanding of knowledge, identity, and power. Multilingualism makes law both pervasive and elusive, as the same legal situation may yield different compliance outcomes across languages and discourses. The domestication of transnational laws can enhance or obstruct law's applicability, leading to varying interpretations of rights and justice in different systems. Exclusionary local laws and the adaptation of transnational laws produce diverse narratives within legal frameworks, complicating law and development. The challenge of translating language affects the validity of knowledge, distinguishing what a community accepts based on language. For example, "human rights" litigation in Ethiopia highlights how different jurisdictions and language choices influence remedies against high-level state actors [15, 16].

Language and National Security

Language is a veritable tool of protecting national security. The linguistic bang on national development is enormous. Language is the transmitter of knowledge and for that matter, education. Identity is not just what people say about themselves but what they do in a society. Such actions are attendant on knowledge acquisition and the knowledge of how to interpret the knowledge acquired. Indeed, language drives thoughts and knowledge acquisition. Such thoughts, expressed in the language of the people, are the guiding principles of the socio-political, economic, environmental, cultural, and educational life of every group of people. The linguistic profile of Nigeria presents a multiethnic, multicultural, and multilingual disposition. Nigeria is a home of over 400 languages. The Federal Government of Nigeria recognizes three major indigenous languages, namely Hausa, Igbo, and Yoruba, as the national languages and appears to have directed the conduct of official business in these languages. Republic of Benin is Yoruba conterminous with Nigeria. This historical tie informs the overwhelming presence of Yoruba in the Republic of Benin. Despite there being an overwhelming presence of Yoruba, English has been the sole medium of postcolonial educability in Nigeria. This historical tie between education and English is at the center of the nation's economic underdevelopment. This economic underdevelopment is gradated to the political, social, and security dimensions. Apart from the English language-born perception/reaction of indigenous languages by non-speakers of the indigenous languages, the medium of procurements in schools also has a bearing on the susceptibility of one language group to attacks by speakers of other languages. The dominance of English over indigenous languages, in addition, exacerbated the ineptitude of responding to criminalities that are linguistically indicated in indigenous languages. For instance, Boko Haram, literally translated as "Western education is forbidden", revealed the populist inducement of Islamic extremism. Boko Haram's activities are limited to the northern parts of Nigeria, where majority of the populace is Muslim and all that constitutes bedevilment of this population are classified as haram, which must be prohibited. As a foundation, Koran's text exclusionary of the Western knowledge mode populaces, education students and ededucability in the native or indigenous languages are haram [17, 18].

Globalization and Language

The increasingly parlous state of the environment poses great challenges for education. In this context, global citizenship education is vital to help future generations negotiate underpinning environmental issues. A lost opportunity in this regard is the overwhelmingly monolingual character of many textbooks in the English language for instruction in universities and colleges across the world. Thus, the policy of the Woolf Institute in the UK indicates that materials developed in English will be beneficial worldwide. This ignores both the prohibitive costs of translating materials into local languages and the locally available resources. The imposition of any language, therefore, poses awkward questions. Central to these awkward questions is the role that language plays in the formation of national identity and, more broadly, in adherence to and practice of specific laws. Starting from Saussure's structuralist definition of language as a fixed corpus of codes for the expression of meaning and extending into poststructuralism's rejection of any finality in the construction of meaning, language seems to be a site at which nations are imagined. It follows that language is central to the question of who and what is in and out of the national conversation. In turn, language must be central to nation-building, including the spelling and

enforcement of national laws. If representations of nations in texts are seen as clumsy constructs on a political surface, then language is an irrational phenomenon tied to affect, slightly outside the grip of politics. While transnational entities such as multi-national corporations, the Internet, migratory flows of capital and labour, and languages, including English, are often regarded as challenging national coherence and interest, recent work in cultural studies suggests otherwise. In linguistics, structuralists' systematic categorizing of national or ethnic languages give way to poststructuralism's acknowledgement of the instability of identity in many large cities. In writing about the use of a transnational language, further moments of disjunction arise in language reproduction itself: between code and performance, context and text, compliance and refusal [19, 20].

Future Directions in Language and Law

The contributions of law to the language situation in independent Ukraine and potential solutions have been examined. The current issues surrounding the Ukrainian language and its legal regulation have also been assessed, with the latest studies summarized. Key language legislation acts have been analyzed, including those defining the Ukrainian language as the state language and its use across public life. The first law on the Ukrainian language, seen as a foundational attempt to legally cement the linguistic rights of Ukrainians, has been elaborated but not yet adopted despite numerous drafts. The impact of 20 laws on language behavior has been evaluated, highlighting both positive and negative effects on employment, educational access, and language learning. Approval of Article 10 of the Constitution and related laws could restore the Ukrainian language's status. Legislation protecting western regions of Ukraine from political parties that seek to change the state language is covered. Over time, the broad implementation of language laws could transform language consciousness in Ukraine, emphasizing the benefits of the Ukrainian language and the drawbacks of the Russian language through mass media [21, 22].

CONCLUSION

Language serves as a foundational pillar in the architecture of national identity and the legal systems that support it. From colonial impositions to post-independence linguistic negotiations, the role of language in shaping law, governance, and belonging has remained both powerful and contentious. In multilingual societies, the implementation of inclusive language policies is critical for equitable representation, access to justice, and social cohesion. However, achieving this inclusivity is often impeded by historical legacies, political interests, and systemic disparities. This study reveals that legal frameworks are not merely neutral instruments; they are deeply embedded with linguistic ideologies that reflect and shape the sociopolitical realities of a nation. Effective language governance requires recognizing linguistic diversity not as a threat to national unity, but as a vital resource for democratic engagement, cultural preservation, and national development. As nations continue to grapple with globalization, migration, and identity politics, the legal status of language will remain a crucial arena for negotiating power, rights, and the meaning of nationhood.

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