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The Role of Communication in Shaping Legal History

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ABSTRACT

Communication lies at the heart of the legal system, not only as a vehicle for conveying laws but as a defining force in the evolution and practice of law itself. This paper examines how legal communication has shaped historical and contemporary legal frameworks across various media, oral traditions, written codes, rhetoric, media, and digital technologies. By tracing the development of legal language, examining the rhetorical structures of legal arguments, and analyzing the impact of communication technologies and social movements, this study highlights the centrality of communicative processes in law's construction, interpretation, and reform. Case studies of landmark rulings further demonstrate how communication practices influence legal reasoning and societal change. The paper concludes by acknowledging the cognitive, cultural, and institutional challenges embedded in legal communication and proposes that a more accessible and ethically conscious communicative approach can enhance justice and equity in legal systems.

Keywords: Legal communication, legal language, legal history, rhetoric in law, social movements, media and law, digital legal tools, legal interpretation.

INTRODUCTION

Communication is an integral part of the operation of any legal system. The basis of the legal system is a social contract that exists only in the imaginations of those who consider or interact with it. It is a formless analog to the codified rules, but its operation depends entirely on the brains of people who hear evidence, ask questions, debate, judge, and uphold law in a manner that calls forth shared meaning and agreement. The loss of these people would remove the legal system in its current form. The law can be codified as a series of commands, rules, and permissible actions, but unless those words are attached to electromechanical devices, the grass must still be kept green and people must still be licensed to practice law, drive, and open a bar. Otherwise, those words become unmoored from meaning, and the subjects of the legal system fade into a symbolic void. The ontology of communication is important in law, as the essence of the legal system, as well as the structure of its operational context, emerges from the communication itself. There are explicit meanings spelled out in legislation, judgments, and administrative orders, but the oral and physical measures of law are interpreted, recognized, and assented to. As a result, the words form a broad substrate of legal meaning through hierarchies of institutions, offices, titles, and physical places. The law defines the realm of communicative human ability, granting or refusing permits to act. By preemptively mapping out the territory, determining where signposts, rules, and language can be used, the law confers authority to its inhabitants. Communication must exist in a configuration that enables a representation of the law's exercise of its power, ensuring that no communicative ability goes unaccountably expressed. Whether a human-constructed constraint to communicative behavior actively contorts the brain's extraction of meaning depends on what the legal system is trying to coordinate [1, 2].

Historical Overview of Legal Communication

The discussion of communication's role in shaping legal history often focuses on technological advancements that change the legal profession's operation. Effective legal communication relies on humans' ability to interpret rules. Developments in communication do not directly influence This is an Open Access article distributed under the terms of the Creative Commons Attribution License (<http://creativecommons.org/licenses/by/4.0>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited

interpretation. For instance, punctuation improved written communication without altering the fundamental thinking behind verbal interactions. "Legal communication" encompasses a broad range of legal activities, including written or verbal exchanges between lawyers and clients, negotiations, and behaviors in legislative processes. This overview focuses on written communication's influence on law through legal codes, court decisions, and rule creation, addressing challenges in transitioning from oral to written law. Key issues include preserving meaning during communication, protecting against misunderstandings, and standardizing representation to avoid distortions over time. Additionally, the impact of hybrid communication forms, particularly printing and advancements in record-keeping technology, will be examined [3, 4].

The Evolution of Legal Language

While some linguists have given in to the sad realization that language can never be fixed precisely, legal practitioners have begged to differ for centuries. If laws cannot be defined exactly, it seems, then more is at stake than mere theory. The rigors of law demand words that mean precisely. In that intentional context, legal language as a system of communication takes an especially critical role. It wants to convey a meaning common to all users, so that a similar interpretation can be achieved. Legal practitioners also appreciate that the language must not only be well defined on the settled doctrines and rules, but also well worded to avoid breach. To this end, a precious collection of grammars, stylebooks, and dictionaries, many published in Hebrew, has grown up around the language of the law, noting that the formulation of legal texts will produce two obstacles: vagueness and overbroad. Legal language should not be ambiguous. Ambiguous legal language will bring an uncertain legal context and uncertain legal consequences. An inquiry into the nature of legal problems and the construction of legal language leads naturally into the examination of the mental functioning in its semantic, logical, and behavioral aspects. When examining legal systems across a number of jurisdictions, there seems to be one fundamental difference in the interpretation of words and statutes, and that is the nature of legal language. As a human activity, the construction of legal norms is constrained by how language can function. Language consists of both selective and transformative instruments whereby unique societies are approached. A language of some precision has evolved to cope with the somewhat different tasks imposed by the regulation of human behavior by general normative directives [5, 6].

Communication Methods in Legal History

While historians had once left the study of law to lawyers and legal scholars, they are increasingly writing and teaching on one of the key areas of power and social change in history. Law is the essential means by which power is organized and social change is implemented, with the result that the reach and unintended effects of law must be studied and understood by both historians and scholars in other fields. Scholars in a wide variety of fields have taken up the pen, camera, recorder, and stage to examine the role of law in various aspects of history. The debates over how history is studied or conveyed have played out in the mainstream press, at the fringes of academia, and on Broadway. The decidedly politicized questions surrounding such, however, have been most hotly debated among historians. However, historians once, as a matter of course, maintained a sharp distinction between their craft in the writing of history and the presentation of such to the general public, attempting only to disclose social and cultural processes that could lead contemporary people to better understand the present and prepare for the future. Though many historians might have breathed a sigh of relief over the rather breathless pace of attacks on law or legal education, scholar after scholar has instead, in the fullness of time, embraced the challenge of writing on, in, or simply attending to the law and its history. Unless historians confront the matter, contemporary developments will only churn faster and with more vehement contradictions. Even broader agendas than the culmination of disjunctions between history and historians, or even historical methods and a federal legal system, are being pursued. Cheap history books in bulk, such as those by Scott Turow, the lectures-cum-commentaries by Richard Posner, and the innumerable graduate student treatises no more than 130 pages long, portray the laws and courts as hermetically sealed above mores and markets and obstructing divine sunlight. Books and doctrines such as these require that historians articulate the limitations of such analysis and its development. Those programs that are defining the "100% immersion" approach as the only "legal history" risk labeling as "unworthy" those programs simply emphasizing the presentation of legal history as such the somewhat unlimited variety of descriptive, social, cultural, or anthropological histories of law and, more broadly, of jurisprudential matters [7, 8].

The Role of Rhetoric in Legal Arguments

Rhetoric is an essential part of lawyers' arguments and the speeches of courts and judges. Concerning the speech of advocates, this means that rhetorical steps and processes are involved when judges analyze and decide about the merits of motions on procedures and contentions that have been similarly phrased by

attorneys for both parties. Rhetoric also plays a visible part in the argumentation of judges in their legal reasoning when they pronounce a judgment. Not only are rhetorical means and persuasive strategies called to serve by the USSC justices, often using such antiture and rhetorical forms as parallelism, personification, metaphor, and amplification; the ultimate conclusion of the US constitution's wording is that the rhetorical force of the rejection and repudiation of single pieces of legal reasoning questions is convincing enough. Rhetoric is mentioned in peer-reviewed writings on legal history before, but the concept is most often referred to only marginally. Rhetoric, however, is the term and concept that explains and illuminates how the rationality of the law is constituted, and therefore deserves fuller treatment. Given its considerable systemic significance, rhetorical means and modes play an important role in giving legal justifications both coherence and points of view. Rhetoric is inextricably linked to cultural and social context. Analyzed rhetoric is thus necessary for its understanding. Also, rhetoric can be shown to unambiguously steer towards the law's heterogeneity and the incommensurability of legal paradigms in the legal decisions of courts if the current focus is on its historicities [9, 10].

Media Influence on Legal Developments

Every day, sociology does not usually linger on questions about the legal processes, prisons, lawsuits, trials, or the complex institution of tedium that is the court system. Perhaps sociologists unconsciously embrace the attitude expressed by Justice Felix Frankfurter, when he reflected that: "It is an utterly false perception that people are inquisitive about courts and their proceedings. Courts are the most insulated and least thought-about subjects of people's attention. It is a rebuttal of ordinary perception that an intelligent person would be engrossed hour after hour in the rules of a few men in black clothes in some sort of theatre. Except by lawyers, judges, or police, courts provoke far less interest than postal rates, tariffs, or sewer systems." The conviction that Justice Frankfurter exhibited has a compelling truth in it. In Western culture, scraps of legal activity can be observed or read about, but otherwise, the legal system is the province of clerks, agents, politicians, lawyers, and judges. It is so seemingly unique and specialized a world and so delicately entwined with the governmental powers of the state that the lay citizen is usually quiescent and accepting of whatever the legal system might do to those within its ambit of power. In some cultures, however, civic and legal processes are carefully scrutinized by society in many of their products. Under a philosophy of expanded democracy and communication in the late 20th century, institutions of government in many nations, especially the United States and in Eastern Europe before the collapse of communism, have taken on the changes accompanying the ubiquitous nature of the media in the everyday lives of citizens. The courtrooms of the United States began to receive cameras in 1970, and a slow but steady invasion of "the press" into the previously closed world of the courts began. With the assistance of satellite uplinks and video technology, courts began to be broadcast live and unedited around the world. In addition, as crime, civic, and legal proceedings took on visibility on television, the courts began to work with the press as co-agents of communication. Not only were well-publicized notices of upcoming proceedings and press packs handed out at press conferences, but in many trials within the United States, a separate press courtroom is created for the print and broadcast media, equipped with special monitors and trees of audio lines. Information is funneled from the court to the extensive press room internally, as the court becomes a part of the media machine, it struggles to regulate [11, 12].

Case Studies of Landmark Legal Cases

The cases of *Brown v. Board of Education*, *R v. Dudley and Stephens*, and *Roe v. Wade* illustrate how the communication process, through arguments and rebuttals, shapes legal decisions, reflecting the evolution of the Constitution, morality, and women's roles in society. On May 17, 1954, the U.S. Supreme Court ruled unanimously that racial segregation in public schools violated the Equal Protection Clause of the Fourteenth Amendment, outlawing segregation nationwide. Chief Justice Earl Warren asserted that separate educational facilities are inherently unequal, highlighting the injustices underpinning the "separate but equal" doctrine. While separation suggested some inequality, white students received superior education and facilities, illustrating that the equal protection clause aimed to address deeper stigma and banishment stemming from racial divisions. Warren's unanimous decision fostered a sense of agreement and diffused dissent through careful communication processes. Similarly, the ruling in *R v. Dudley and Stephens*, alongside moral reasoning, led Justice Henry Wade to declare that the Constitution is a flexible instrument ensuring individual dignity and autonomy, countering claims that the unborn child is a legal entity. This revision of constitutional interpretation created a new measurement standard, leading to the Supreme Court's ruling that abortion aligned with the Constitution. Although fetal viability was deemed relevant, scientific advancements raised questions about the legality of dismissing embryo personhood. This tension in constitutional law sparked controversy over individual dignity,

autonomy, and guarantees. In these landmark cases, prior rhetorical frameworks and uncertainties did not infiltrate decision-making; instead, the rulings offered clarity amid ambiguity while inviting holistic arguments for opposing policies, critiques of consent, and extensive references to outside legal practices and legislation [13, 14].

The Impact of Social Movements on Legal Communication

There is a shared assumption in academic literature about the communicative nature of social movements: social movements can communicate to cause change in the law. Such communicative acts take one of two forms: the formation of new norms and public opinion by social movements that push legislators or courts to enact, revise, or discard statutes, laws, and processes; or the unearthing of incumbent norms that catalyze courts or legislators to comply with existing statutes and constitutional requirements. The existing literature tends to focus on how social movements can drive social institutions to take up particular forms of legal communication. Such analysis is correct, but in a way incomplete. More indicator table is required to complete the picture of the communicative impact of social movements on law. In addition to the existing one, social movements also communicate forms of legal communication: (1) As a communicative device, law is not limited to responding to external discourses. It can also reach out and communicate discourses produced internally that lie dormant and await activation by external events. (2) Social movements can be a communicative force that calls forth accounting legal agonism structures similar to their own. Keeping up in public with a social movement's dynamic constructions of norm and constituent masses can engender structural change in the devices of law and the law systems. (3) As a specialized mode of sense-making, law is both a resource and a burden to society. A structured form of highly codified discursive practices that can be commandeered by social movements, law contains much potential for particularized and focused sense-making that critics would otherwise lack the social capacity to mount. (4) The validity of this intervention and its workings are precarious as it adapts to historical circumstances. The emergence of a particular mode of legal communication takes time as the social movement itself vacillates in its construction of shared norms and swells in collective activism. But even once arisen, such legal encodings are equally contingent. Once upon a time, the expanded meaning of freedom of speech or its attendant forms of litigation was used to suppress dissent in the imagination of hazily post-65 China. (5) An invitation to public arguments that apologize for the irreversible decision to battle the epidemic as it did must, by one means or another, arise in the wake of Tallahassee's murmuringly contested opening [15, 16].

The Digital Age and Legal Communication

All the discussion about the importance of communication in dealing with clients and witnesses would be pointless unless lawyers knew how to communicate. The norms of legal writing are quite different from those in ordinary conversation or the casual writing of notes and letters. Lawyers must learn to communicate in a way that others (clients, judges, other lawyers, witnesses, and jurors) can readily understand. Long-form written communication should already be familiar to student interns and beginning lawyers, but the law review note, motion, contract, abstract of a case, or trial brief is a different genre from the typical client letters, memos, or interrogatories. Such documents must be written not only in legal language that is technically correct but must also be organized, designed, and presented in a graphic format that ordinary people can read and understand. They must express legal reasoning and argument in a rhetorical style that persuades other lawyers, judges, and jurors. Graphic presentation and the effective use of audiovisual aids are much less familiar to law students and new lawyers. Similarly, legal talking is different from ordinary talking, whether it occurs through in-person conversations, telephone calls, speeches, or courtroom arguments. Long-form verbal communication, as in major addresses to a court or jury, is present in the teaching and judging professions and in some other fields. But in most professions, verbal communication takes the form of shorter oral exchanges, like instructions, recommendations, consultations, and negotiations, which are unique to the legal profession. Each of those areas of communication has its genre. The methods and tools used for legal communication have also become more diversified. The most common methods are the traditional face-to-face, written, and telephone communication. The communication revolution has enlarged the tools available to lawyers, among which some are peer-controlled and others are controlled by the users. The use of diverse tools raises a new educational concern: the teaching of literacy in new communication technologies and ethical literacy [17, 18].

Challenges in Legal Communication

The differences in language and communication between lay persons and lawyers restrict access to competent legal representation. Legal contexts impose significant communicative demands, leading to a high risk of communication failures. This article explores new ideas about communication that

acknowledge these demands, highlight the necessary resources to fulfill them, and show how they systemically drain cognitive resources. The burden imposed by legal contexts often leaves individuals without effective legal communication, resulting in dire outcomes such as wrongful convictions or loss of resources. Recognizing this cognitive burden is crucial; it is not merely the limitations of lawyers or clients that impact communication, but the systemic design of legal processes themselves. This complexity presents challenges for current frameworks aimed at understanding the relationship between legal contexts and communication. Acknowledging the systemic risks posed by the interplay between legal demands and individual capacities can lead to more sophisticated approaches and policy responses regarding communication systems. Understanding how legal structures affect the human resources needed to process legal information is vital for enhancing social-legal behavioral outcomes. Most research addresses how legal contexts limit time and attention for processing information, but often overlooks that the law frames communication in a way that reduces it to a transactional nature, restricting the types of resources seen as relevant. Additionally, the law's demands can further deplete cognitive resources essential for effective communication. This neglect hampers the system's ability to propose solutions to alleviate its burdens and leaves those with communication challenges and their attorneys struggling to navigate legal processes effectively [19, 20].

Future Trends in Legal Communication

The future trends concerning functional communication in the legal system may be organized into three major modes: cognitive domain, metalanguage, and computers. Preceding these trends is an introduction that includes a summary of levels of comprehension that legal symbols can have in order for them to be utilized pragmatically and a brief discussion of the implications of norms of such comprehension. Attention is shifted from a consideration of the present state of legal communication along the lines of the Paradigm Convergence Model toward the more speculative examination of future trends concerning these domains. A distinction is drawn between trends like legal communication itself and trends in regard to the availability of legal communication data to other systems. The future possibilities of legal communication are considered from the perspective of the nature of legal communication itself, with the understanding that the capabilities of the communication process determine its use. Legal discourse is verbal discourse. Future trends in the cognitive domain will doubtless be related to the denotation of unsituated norms, explicated in terms of the values providing initial conditions for the dynamic process. Since these values can be viewed as the basic components of mathematical economy and ecology that provide the initial conditions for prediction, the tendency in the cognitive domain will be toward the setting forth of a normative system in these terms to totally define a legal degree. Cognitions of further value denotations must take place in the mental predicates available to particular legal systems, since interpretation of limits is by means of logical alphabets. However, such more elaborate concrete truth predicates must be formulated in conjunction with degrees of value. Only when this is done can the legal mechanics or total command of predicates proceed to match the behavior generation capabilities of basic norms and complete representation of a degree for external purposes be achieved. Though cognitive representation may be constituted by temporal and spatial distribution with all past interactions in open-loop fashion, unless such systems are explicitly utilized dynamics of social systems will converge into efficiently degenerative forms. Just as legal systems narrow and distort as they reach epsilon determinacy, communication analysis, as currently structured to yield share-of-speeches and application of zero-one analysis, degenerates into face validity and arbitrary subjectivity. Since systems of essential scale cannot be constructed in a single meta-language, the pretense of doing so should be minimally avoided, in which event dimensions rooted in implementations will marginalize genuinely functional communication. Self-embedding meta-languages could be constructed, but without curtailment of this complication, future trends in the metalanguage domain include only large increases in communication technology not implied by such consideration [21, 22].

Comparative Analysis of Legal Communication across Cultures

The contribution that cross-cultural comparative law can make to some current perspectives concerned with the relationship between law and culture is at the forefront of enquiry: How does this interaction mechanism work? In what way is a particular cultural context conducive to the working of law? How is the effectiveness possible across cultural boundaries? In such a framework, issues such as the mundane working of law, the defining of cultural frames as contexts of legal effectiveness, and the cultural embeddedness of norms gain prominence and demand attention by including ethnographic and social scientific aspects. The recent "cultural turn" in comparative law, which seeks to embrace and address its challenges, once again reveals the validity of notions such as "law and culture" as semi-popular and well-worn terms. Cultures here denote the higher-level product of more deeply-flushed social processes and

modes of meaning. As such, the legal sub-field of "law and culture" may be perceived as a place-holder for processes originally addressed in kin studies: production, transmission, perception, and the making operational of norms. Law on this interpretation represents a cultural phenomenon whose effectiveness can be best grasped by a perspective broader than the text, the institutional frame, and the process of production. The global turn, on the other hand, highlights the existence of culturally variable norms and cultural differences, which give normative theories a wide breadth. First, appropriately taking to such diversity like comparative law, by focusing on the norms underpinning legal processes and choice of legal ordering, ensures that comparisons undertaken will be meaningful and applicable to enhance understanding beyond a frame of reference as locality, discipline, school, or state. While the dangers of trivial comparisons are self-evident, too long a distance between the compared elements will equally fail to capture an essential feature [23, 24].

The Interplay between Law and Language

Law serves as a crucial form of communication that shapes the history of a people or nation. This communication involves interaction between parties to convey thoughts, intentions, and beliefs, typically influenced by various modal, logical, and lexical assumptions. While there is some agreement on the elements that influence "ordinary" communication, the emphasis here is on legal communication, which seeks to encompass the complex roles law has played in history, particularly in its ethnocentric developments. Legal communication is fundamentally about evaluating the normality of behaviors among parties and entities, with law measuring these behaviors against normative standards. This may lead to expectations regarding future behaviors. Legal types of communication, including commands, complaints, replies, and pleas, are essential in this context. Traditionally, a distinction is made between *ius* (what is just) and *fas* (what is pretty), reflecting the differences between legal norms and moral or etiquette norms. Law generally involves binding rules, distinguishing between informal restraints on behavior inherent in relationships and formal, punitive restraints. The complexity of how people interact and communicate necessitates a broader understanding that goes beyond mere verbal lexicon, requiring a conceptual framework to fully grasp communicative actions and their contexts [25, 26].

CONCLUSION

The development and enforcement of law have always been intrinsically tied to communication. From the early oral traditions and written codes to modern digital courtrooms and public legal discourse, communication methods and media have defined how laws are created, understood, and contested. Legal language has evolved to balance precision and flexibility, often revealing tensions between interpretation and intention. The integration of rhetoric in argumentation, the influence of media, and the pressures from social movements demonstrate that law is not a static structure but a communicative process shaped by societal dialogues. In the digital age, the law's communicative functions have expanded, demanding new forms of literacy and accessibility. Yet, challenges persist in bridging the gap between expert legal language and lay understanding. Addressing these communication barriers is essential for achieving a more equitable and responsive legal system. Ultimately, recognizing communication not as an accessory but as the very engine of legal development offers a deeper appreciation of the law's social power and its potential for reform.

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