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Gender and ethnolinguistic lawfare: Weaponizing the law / *L'aparell estatal contra les comunitats etnolingüístiques i el gènere: el dret com a arma**

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To cite this article:

*The Catalan version of this article begins on page 61. / La versió en català d'aquest article comença en la pàgina 61.

Gender and ethnolinguistic lawfare: Weaponizing the law

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Abstract

This article treats the concept of lawfare in relation to gender and ethnolinguistic identities, examining how legal systems are employed to perpetuate power imbalances and suppress marginalized communities. By focusing on various case studies and theoretical frameworks, the study explores the role of ideologies and how moral panic and moral injury manifest in legal responses to gender nonconforming individuals, women, and ethnolinguistic minorities. The article critiques how the law is weaponized as a tool of oppression, particularizing in areas such as language rights, gender equality, and access to justice. Through an interdisciplinary approach, the authors demonstrate how legal frameworks and institutional actions often reinforce societal norms that exclude vulnerable groups, rather than protecting them. As a framework to the special issue Gender and Ethnolinguistic Lawfare, this article offers a critical perspective on the relationship between law, identity, and power, contributing to a deeper understanding of how the rule of law perpetuates or challenges social hierarchies.

Resum

Aquest article tracta el concepte de *lawfare* en relació amb les identitats etnolingüístiques i de gènere. S'hi examina com es fan servir els sistemes jurídics per perpetuar els desequilibris de poder i reprimir les comunitats marginades. A partir de diversos estudis de cas i marcs teòrics, l'article explora el paper de les ideologies i les fantasies ideològiques en la manera com el pànic moral i les lesions morals es manifesten en les respostes del dret davant identitats de gènere no binari, les dones i les minories etnolingüístiques. L'article analitza de forma crítica la utilització de l'aparell estatal com a arma d'opressió, en particular, en àmbits com els drets lingüístics, la igualtat de gènere i l'accés a la justícia. Mitjançant un enfocament interdisciplinari, les autores mostren que els marcs jurídics i les actuacions institucionals sovint reforcen les normes que exclouen els grups vulnerables, en lloc de protegir-los. L'article, que emmarca les contribucions incloses en el monogràfic «L'aparell estatal contra les comunitats etnolingüístiques i el gènere», ofereix una perspectiva crítica sobre la relació entre dret, identitat i poder, i contribueix a una comprensió més profunda de com l'estat de dret perpetua les jerarquies socials o hi fa front.

Keywords: *Lawfare*, aparell estatal com a arma, gènere, comunitats etnolingüístiques, estat de dret, ideologia, fantasies ideològiques, pànic moral, lesions morals

1. Introduction: Language and gender in power asymmetries

The French Declaration of the Rights of Man and Citizen (French Republic. Assemblée nationale 1789) has been widely celebrated as a cornerstone of *universal* rights, especially because it was one of the first documents to declare equality at birth and because of its influence on modern democracies. However,

while declaring universal rights, the text ironically excluded vast segments of the population, and it particularly left non-dominant language speakers and women behind in a wake of broken promises. One of the Declaration's glaring shortcomings is the elevation of French as the sole legitimate language of governance, education, and public life, effectively marginalizing speakers of regional or minority languages, reinforcing linguistic hierarchies, and curtailing their access to the political and civic realms (see Grégoire 1794). Another failing is its denial of basic political rights to women, most notably the right to vote (see Gouges 2014). This oversight was no accident; it reflected the deeply entrenched patriarchal values of the time, which conceived of political agency as the domain of men. Furthermore, privileging the dominant language ideology, the Declaration conflated language with identity, culture, and national unity (Jaffe 1999). The so-called universal rights were in fact constructed around the experiences and needs of a narrow demographic: elite, French-speaking men.

These issues—linguistic exclusion and gender inequality—are not relics of the past but have continued to shape political struggles into the present. Today, minoritized language activists often fight for the preservation and recognition of their linguistic identities while perpetuating cisheteronormative and androcentric views (Makoni 2014; Bradley 2023). Similarly, gender-affirmative movements may achieve legal victories that recognize gender rights, while such recognitions fail to address the linguistic dimensions of exclusion, ignoring the unique struggles of ethnolinguistic minorities within their ranks (Tasa-Fuster 2024). Whether in language rights campaigns that overlook the challenges of gender identities or in laws that recognize gender rights but embrace monolingualism, the intersections of language and gender highlight a stark reality: language and gender are features we use to establish the *wedoms* and *theydoms* into which society is organized—hierarchically.

This special issue focuses on the role of legal norms, their enactment and implementation, or their contestation by institutions and the public in our collective evolution toward more inclusive societies, where traditionally neglected and marginalized identities are given a real chance to participate in democratic projects. Considering that the prosperity or poverty of nations is

largely determined by the inclusivity or exclusivity of their institutions (Acemoglu & Robinson 2012), this issue examines how institutions and legal systems behave when they have the chance to either contribute to the inclusivity and prosperity of their societies or resist the efforts conducted by social movements, in ballot boxes, parliaments, and in the international arena, thus entrenching the inequalities enshrined in conservative ideologies. In such contexts, *lawfare* is understood as the actions taken by State, institutional, and social actors, usually driven and instrumentalized by elite agendas, to resist societal changes toward inclusive and democratic ideals by instrumentalizing the rule of law. By exploring lawfare, we aim to further our collective understanding of how societies both advance and resist a landscape of changing values and increased opportunities for those traditionally oppressed.

To begin, this article's point of departure is an acknowledgement that language is not a neutral medium of communication; instead, it is deeply intertwined with power, identity, and social stratification (see, e.g., Spivak 1988; Lakoff 2000). Scholarship in sociology (Foucault 1969; Bourdieu 1978), sociolinguistics (Heller 1995; Blommaert 1999; Romaine 2001; Joseph 2004; Flores 2013), anthropology (Geertz 1973; Hymes 2001), political science (Anderson 1976; Scott 1992), and translation and interpreting studies (Venuti 1986; Baker 2006) has established that language functions as a key ideological tool that obscures and naturalizes the underlying power relations at play, shaping our perception of reality while maintaining social structures that privilege certain groups over others (Žižek 1989). Through language, ideological constructs embed themselves in everyday discourse and interactions, becoming unconscious fantasies (ibid., 27) that present social hierarchies as seemingly natural or inevitable rather than as products of specific historical, economic, and political forces. Žižek posits ideology as a force that operates beneath the surface, powered by ideological fantasies that structure how individuals perceive reality and influence what is held as common sense and legitimate, two features which are key in the preservation of the status quo (Gramsci 1999; Zürn 2018). Language sustains the prevailing morality of societies by framing as marginal the ideas that dominant ideologies marginalize. Similarly, language is used to legitimize the foundations of those ideologies—specifically,

the beliefs about norms, values, and roles that make existing social structures seem natural and inevitable. When these beliefs are accepted, unequal power dynamics are reinforced, and the mechanisms that produce them are concealed.

Ideologies influence what is said, and also how certain linguistic forms become accepted. Indeed, language operates as a form of capital that entrenches power dynamics by seemingly *naturally* vesting certain languages, particular varieties, or linguistic forms with more value, conferring symbolic power onto those who have mastery of the valued forms (Bourdieu 1978). Accordingly, the ability to speak in a prestigious dialect or language can confer social status and access to economic or political opportunities, while those who speak stigmatized dialects or minoritized languages may be excluded or marginalized (Lippi-Green 1994; 1997). In this way, beliefs about languages and their varieties attune behaviors by propagating perceptions that uphold the value socially given to specific individuals, thereby feeding the unconscious ideological fantasies that shape and support a given society's power structures and social inequalities (Irvine & Gal 2000).

In this sense, struggles over language, language varieties, and linguistic norms are not just about linguistic differences. They are struggles about broader social conflicts concerning human beings, their identities, and their positions within hierarchies in a given historical moment and sociocultural space. The positions and possibilities in such struggles are intimately related to the resources each social group and its members have historically accrued, and their vested interest in the current resource distribution may dictate their capacity and willingness to engage in or resist changes in language and their roles within decision-making spaces (Monzó-Nebot & Mellinger 2022). Ultimately, language issues are inherently political and social. Language becomes a site of contestation where social hierarchies are negotiated, resisted, or reinforced, linking linguistic struggles to broader questions of equity, dignity, access, and power distribution in society.

Historical analyses have demonstrated that a nation's prosperity or poverty is largely influenced by how inclusive or exclusive its institutions are (Acemoglu & Robinson 2012). Furthermore, the moral and political evolution of

societies toward the appreciation of diversity is closely intertwined with the development of democratic ideals (Inglehart & Welzel 2005) which emphasize equality, participation, and the protection of individual and collective rights (e.g., de Tocqueville 1835 [2013]; Mill 1859 [2001]; Lipset 1959). As societies have embraced democracy, they have progressively expanded the scope of inclusiveness by recognizing the inherent dignity and worth of all individuals, regardless of race, gender, ethnicity, ability, or socioeconomic status. Historically, many democracies began as exclusive systems, often limiting participation to certain privileged groups (see also Meylaerts 2011). A case in point is the French Declaration of the Rights of Man and Citizen mentioned at the beginning of this introduction, but also more recent landmarks of human rights, particularly the Convention on Refugees (United Nations General Assembly, UNGA 1951), have failed to recognize conditions that solely impact women, thereby drastically curtailing their likelihood of being granted refugee status (Webber 2012).

Over time, movements for civil rights, gender equality, and social justice have pushed democratic societies and their institutions to extend rights and opportunities to previously marginalized populations. The moral underpinnings of democracy—such as respect for human autonomy and the collective good—have been crucial in fostering political systems that seek to represent and empower all citizens. As these values evolve, the push for more inclusive laws, policies, and institutions continues to grow, resulting in greater representation, social justice, and equality. Inclusive societies, in this sense, are a reflection of the maturation of democracy, where the commitment to universal rights and participatory governance creates a more equitable and just social order.

In the wake of rising interest in the role language plays in creating and sustaining social hierarchies and inequalities, the interrogation of language policies (including regulations, beliefs, and practices; see Spolsky 2004) and legal regimes as they impact women, gender nonconforming people, and LGBTQ+ communities has focused on intersectional issues (e.g., Napier et al. 2024). Compounding issues of language access, this intersectional lens refracts the complexities of how, for example, migrants who face new cultures while

wielding (few or) no political rights navigate and experience both social and institutional spaces (Heller 2009; Abji 2016; Pöllabauer 2024).

Despite the increasing visibilization of the (intersectional) struggles of many gendered and ethnolinguistic communities, geopolitical trends mark an uptick in violence, exclusion, and inequity. The rule of law is being instrumentalized against specific ethnolinguistic communities, broadly writ, and against women, gender nonconforming people, and LGBTQ+ people in particular (Vitikainen 2020; Lythgoe 2022). The extreme vulnerability experienced by these communities is a result of ideological systems materialized in political and institutional regimes espousing stances which are anti-immigrant, anti-woman, anti-queer, anti-minority, and racist. Such stances can take the form of the willful withholding of language access to the vulnerable and the undocumented (Wallace & Hernández 2017; Abji 2020; Oliviero 2021; Belous & Fatás-Cabeza 2024; Wallace 2024), the advancing of carceral crimmigration agendas (Pakes & Holt 2017; Abji 2020; López-Sala & Barbero 2021), policies of invasive surveillance (Broeders 2007; McDowell & Wonders 2009; Latonero & Kift 2018; Heyman 2022), securitization (Farny 2016; Ghezelbash et al. 2018; Madoerin 2020; Edmunds 2021), criminalization (Gentile 2014; Olivares 2016; Berti 2021), containment (Ben-Arieh & Heins 2021; Piguet 2021), and the externalization of borders (Carr 2012; Salamon 2017; Ybarra 2018; Aris Escarcena 2022; Yin 2022). All of these examples highlight the need to continuously interrogate how institutions that are at least nominally democratic and inclusive end up acting in ways that are demonstrably not in alignment with human rights and democratic values. In other words, in spite of some nation-states' and institutions' commitment to the international system of human rights, under what circumstances do they turn a blind eye to the will of their societies to prosper morally, politically, legally, and economically in ways that are inclusive?

The papers in this special issue offer various case studies, methods, and theoretical frameworks which marry insights from legal studies, migration studies, sociology, gender studies, queer studies, history, and translation and interpreting studies. In applying various theoretical lenses, the contributions here refract particular vulnerabilities of gendered and linguistically minoritized communities within justice systems, vis-à-vis institutions, and in society at large. Drawing on

government data, media campaigns, governmental protocols, and legislation, a variety of ethnographic, critical, and theoretical frameworks are leveraged to closely examine the ways in which specific gendered and ethnolinguistic communities are oppressed, by State actors as well as by bureaucrats, activists, and the media. Lawfare is examined from an intersectional perspective as it plays out in the contested spaces of asylum offices, carceral landscapes, in the Twittersphere (now the Xsphere), in the media, and in the courtroom. This special issue focuses on the plight of gender nonconforming people and women, especially speakers of Indigenous languages, and on particularly vulnerable ethnolinguistic communities, migrants, and language mediators who strive to practice in a justice-forward way within cisheteronormative, patriarchal spaces: spaces that can be conceived of as contested as they represent sites of conflict, fear, resistance, and vulnerability. Collectively, the articles offer insights into the myriad ways that gendered and ethnolinguistic lawfare privileges monolingualism and cisheteromasculinity, resulting in systems which are complicit in the creation and sustaining of social spaces in which language and gender become *negative* social capital (Wacquant 1998; see also MADRE et al. 2019; Salazar González 2022). By elucidating the ways in which legal instrumentalism—the manipulation of the law by governments and private entities in order to achieve undemocratic aims—is wielded by some sectors of societies, the articles in this volume challenge the widely held notion that "the law is concrete, normative and objective in a manner that political ideologies are not" (Matthews 2023, 25), revealing a multitude of ways in which the law can be weaponized as a tool of oppression, reinforcing discriminatory practices and legacies of colonial domination and thus impeding, instead of advancing, the common project of a just and equitable society.

This article is organized into six sections. In the present introduction the authors seek to establish a conceptual framework by examining how language and gender intersect with power asymmetries. The second section examines the concepts of moral panic and moral injury in gendered and ethnolinguistic struggles, delving into how societal fears and anxieties about gender and ethnolinguistic identities are exploited by presenting rights as threats to the moral fabric of society, thereby causing injury to those already oppressed. The

third section defines lawfare as the strategic use of legal systems to maintain exclusion and codify discrimination, focusing on both national and international legal frameworks. In the fourth section, entitled "Dimensions of lawfare," we broaden the scope of lawfare, including legislative, judicial, and societal tactics. The fifth section, "Lawfare against gendered and ethnolinguistic communities," presents the case studies included in this special issue, which focus on the ways legal frameworks harm women and people with gender nonconforming identities within specific ethnolinguistic groups. Finally, the conclusion synthesizes the findings, calling for reforms in legal systems to ensure they promote justice and inclusivity instead of reinforcing existing social hierarchies.

2. Moral panic and moral injury in gendered and ethnolinguistic struggles

Ebonics, now broadly known as African American Vernacular English (AAVE), is a distinct dialect used primarily by African Americans. The so-called Ebonics controversy erupted in the United States in December of 1996 (Fox 1997; Taylor 1998; Seymour, Abdulkarim & Johnson 1999; Vaughn-Cooke 2010) when the Oakland Unified School District in California passed a resolution recognizing AAVE as a legitimate language system and proposed that it be used in teaching students who were native AAVE speakers. The goal was to improve their educational outcomes by using AAVE as a bridge to teach Standard American English. The decision sparked a nationwide moral panic, with media, politicians, and the public reacting with outrage and fear. Despite AAVE being a well-documented dialect with consistent grammatical rules and structure, much of the public discourse misrepresented it as "slang" or "broken English." Critics accused the school board of promoting "bad English" and "lowering standards," arguing that recognizing AAVE would lead to the degradation of educational quality and further marginalize African American students. Many saw the move as a threat to the unity of English as a national language, fearing that it would lead to a fragmentation of linguistic standards and social divisions.

Rather than focusing on the benefits that the use of AAVE might have for children, their literacy, and their prospects in society, or even on their ability to

learn standard English, the measure was framed as a threat to the status quo. A moral panic is characterized by widespread fear and concern that certain behaviors or groups pose a danger to the moral fabric of society (Cohen 2011) and is triggered by the emotional investment of individuals in the status quo, even when they are disadvantaged by it (Žižek 1989). The moral panic in this case was driven by underlying racial and class anxieties, with language becoming a proxy for broader concerns about social order, cultural identity, and relations between racialized groups (Wright 1998; Smitherman 2017). The debate exposed societal resistance to recognizing and valuing linguistic diversity when it comes to language varieties associated with marginalized communities. It highlighted how language differences can become focal points for societal fears and anxieties, especially when they challenge the status quo by seeking to provide opportunities for traditionally oppressed identities.

Despite our collective progress, including moral progress, our current systems are the heirs to past oppressions that have left a deep imprint on status quos around the globe. Throughout history, language has been a tool for cultural assimilation, control, and marginalization. For example, Spanish imperialism in Latin America systematically suppressed Indigenous languages and cultures, promoting Spanish as a marker of colonial authority (Mignolo 2000). Similarly, France's attempts to eradicate Breton as part of its policy of national linguistic unification marginalized Breton speakers (Judge 2007), much like the ongoing tensions over the status of the Catalan language in the Spanish State (Tasa-Fuster & Bodoque 2016; Woolard 2016). In New Zealand, the revitalization of the Māori language (te reo Māori) has been a key component of efforts to reclaim Indigenous identity after centuries of English-language dominance (Albury 2016). Under apartheid in South Africa, the use of Afrikaans in education and government was enforced, reinforcing racial segregation and oppression (Wildsmith-Cromarty & Balfour 2019). At the 1880 Milan Conference, educators banned the use of sign language in schools, promoting oralism and denying Deaf communities their linguistic and cultural rights (Lane 1984). Such ethnolinguistic struggles reflect the deep political and cultural tensions around language, and how languages become a symbol of tensions between social groups (see Castelló-Cogollos & Monzó-Nebot 2023).

Language is indeed a symbol of a social identity (Bourdieu 1978), and it intersects with other social markers that organize individuals into social hierarchies. For instance, in India, language has long played a pivotal role in reinforcing caste-based hierarchies. Historically, the upper castes' association with Sanskrit—the liturgical and scholarly language—stood in stark contrast to the vernacular languages spoken by the lower castes, embedding linguistic differences within the caste system itself. Even in modern India, fluency in English can act as a gatekeeper to social mobility, particularly in accessing higher education and employment, further entrenching both class and caste divisions. This linguistic stratification reflects broader social inequalities, as access to prestigious language varieties often determines one's socioeconomic opportunities (Sharma 2022).

One of the most powerful markers of social identity is that of gender, and one specific variety of language that has been traditionally stigmatized across ethnolinguistic communities is women's language (Lakoff 1973). Sociolinguistic studies have shown how language reflects and reinforces gender hierarchies (Cameron 1994; Tannen 1995; Cameron 1996; Eckert & McConnell-Ginet 2003). Gendered expectations about how men and women should speak—including, for example, that women should be polite, indirect, and non-assertive—are deeply tied to moral norms that reinforce patriarchal structures, confining women to subordinate roles in both public and professional spheres. When women deviate from prescribed speech patterns—being assertive rather than passive, or speaking in spaces dominated by men—this often triggers a moral panic, one in which their language is labeled as "aggressive" or "unfeminine." This panic reflects an underlying anxiety about shifting gender roles and the threat such changes pose to patriarchal structures. The moral injury (as described by Litz et al. 2009) lies in the personal harm women experience when their speech is policed, ridiculed, or dismissed. This personal harm is compounded by its collective counterpart, when these reactions are publicly witnessed or conveyed through narratives, leading to their normalization as expected behavior. Such punitive responses serve as a disciplinary measure, forcing women to either conform to restrictive norms or face exclusion from social and professional spaces (see, e.g., Babcock & Laschever 2003). This double bind perpetuates gender inequality by

making language a tool for both maintaining patriarchal control and inflicting psychological and social fear and harm on women who defy social norms—and even upon those who comply with what is expected of them. This double bind lays the same trap for queer, nonbinary, and gender nonconforming people (Fasoli, Hegarty & Frost 2021). By normalizing and legitimizing punitive reactions to both stereotyped characteristics and non-compliance with these stereotypes, patriarchal societies ensure that the lower status they assign to non-dominant gender identities remains entrenched (Ridgeway 2014; see also Monzó-Nebot & Debussy 2024; Monzó-Nebot & Dowd 2024).

Despite advances in women's rights, in twenty-first century androcentric societies, attempts to work toward gender equality tend to trigger punitive responses from broad sectors of societies. Initiatives to develop gender-fair languages have encountered similar resistance to the one triggered by the legitimation of AAVE, revealing deeper societal tensions. Gendered languages like Spanish, French, and Catalan have established a masculine default that uses language to perpetuate the androcentric normalcy that has traditionally prevailed in these communities. When progressive movements advocate for alternatives to reflect gender diversity, such as using gender-neutral pronouns or making non-dominant gender identities visible through language, opponents usually voice a moral panic that is readily disseminated, portraying these changes as an attack on cultural heritage, tradition, and social norms, and asserting that altering language destabilizes the moral order (Erdocia 2022). Media and political discourse amplify these anxieties, with conservative factions framing inclusive language as a radical, destabilizing force. Institutions like language academies, viewed by some as defenders of tradition and by others as barriers to progress, add to the controversy, while social media intensifies the polarization, creating a battleground for identity politics and ideological conflict (see Daussà & Pera Ros in this special issue).

The examples provided signal that language not only functions as a marker of identity but also as a gatekeeper of power. It serves as a "shibboleth," a means of distinguishing between insiders and outsiders within specific communities (see, e.g., Chappell 2022). For example, Monzó-Nebot (2021) illustrates historical cases where the pronunciation or usage of certain words can determine whether

someone is perceived as a legitimate member of a group, sometimes with fatal consequences. The power of words can indeed be wielded as a tool of moral panic or social injury. In other cases, specific words or speech patterns become stigmatized, often to justify exclusion or marginalization: recall, for example, Donald Trump's inflammatory and xenophobic wielding of the term "the China virus" during the global Covid-19 pandemic. Capitalizing on prevailing ideologies, such usage reflected social hierarchies targeting, degrading, and invalidating specific identities through their association with negative values. Although such slights may seem subtle, they legitimate disadvantages (and advantages), reinforcing the ideological fantasies that justify existing hierarchies and causing long-term moral and physical injury upon both the stigmatized groups and society at large, which is brought further away from the conditions that can ensure its prosperity. As a key tool for reinforcing stereotypes and controlling marginalized identities, linguistic practices contribute to the complex dynamics of power, identity, and behavior.

The intersection of moral panic and moral injury is often sharply illustrated by ethnolinguistic struggles. The repression of languages spoken by minoritized communities—such as the prohibition of Kurdish in Turkey or Indigenous languages in colonial settings—often stems from fears that these languages pose a threat to national unity or State authority (Fishman 1991; Gal 1998). The resulting policies, which seek to assimilate or eradicate linguistic diversity, inflict profound moral injury on the communities affected. The erasure of language is not just a loss of communication; it severs ties to cultural heritage, identity, and autonomy (see, e.g., Sheneman & Robinson 2024). The moral injury is the deep sense of dislocation and alienation that comes, in these cases, from being forced to abandon one's language under threat of marginalization or punishment. Such moral injury has long-term consequences for both mental and physical health (Leclerc et al. 2000; Geronimus 2023), with both language and access to translation services having been recognized as social determinants of health (Marmot & Friel 2008; Federici 2022).

Ultimately, language operates at the nexus of moral panic and moral injury by shaping societal perceptions of identity and difference. The fear of linguistic divergence fuels societal anxieties, leading to the stigmatization and exclusion

of those who deviate from the dominant social norms. For those on the receiving end, the moral injury is both personal and collective, as the individuals and groups affected endure the psychological harm of being devalued and the material consequences of being excluded from full participation in society. The effects are long-lasting and impact future generations inheriting the undisrupted social norms (Butler 2009) and the potential rupture from moral and cultural traditions, disconnecting future generations from their past (MacIntyre 1988; 2007). In turn, moral injury is inflicted upon societies when their ideological fantasies are exploited and reinforced to serve the interests of those occupying the top echelons of the social ladder, with deleterious impacts on societies' inclusiveness and their collective prospects. Whether along lines of gender, ethnolinguistic identity, or both, language and gender become a battleground where social anxieties and personal harm intersect, perpetuating systems of inequality and exclusion.

3. Legal frameworks as the codification of social anxieties

Legal systems are not just neutral arbiters of justice, but rather a medium through which various social groups assert their power (Unger 1996; Ewick & Silbey 1998; Kennedy 1998; 2007). These systems play a central role in both perpetuating moral panic and inflicting moral injury. Through legislation, judicial decisions, and policy enforcement, the legal system formalizes and enforces societal anxieties. The anxieties codified include those related to language and gender identities. In turn, codification in legal norms often bolsters dominant social norms and further stigmatizes marginalized groups, thereby criminalizing dissidence (Foucault 1975), especially dissidence against the system of privileges (Wacquant 2009). While legal systems can promote justice and equality, they are equally capable of entrenching exclusionary norms when used to control, discipline, and shape the behavior of subaltern classes, exploiting dominant societal anxieties such as insecurity (Foessel 2010) and instability (Wacquant 2022).

The power dynamics embedded in dominant ideologies are institutionalized through legal frameworks, which turn societal moral panics into tangible

regulations that shape the lives of individuals and communities. Many countries have enacted language policies that elevate a dominant language while suppressing minoritized languages, turning cultural anxieties into legal mandates that marginalize minoritized identities. For example, in France, language laws like the 1994 Toubon Law (French Republic 1994) mandate the exclusive use of French in public spaces, reflecting a nationalistic moral panic around the preservation of French identity (Harrison & Joubert 2019). Similarly, in Turkey, the prohibition of Kurdish in official settings and education until recent reforms created a legal environment that stigmatized Kurdish identity, framing it as a threat to national unity (Mowbray 2006). In Alghero, the prohibition of Catalan during Italian fascism and later policies to marginalize the language aimed to suppress regional identities that were viewed as incompatible with the centralized vision of the nation-state (Bosch i Rodoreda 2002; Farinelli 2009). China's policy toward Tibetan and Uyghur languages highlights a similar approach, where the government has promoted Mandarin as the sole language of instruction in schools and public life (Bovingdon 2010). Similarly, in Malaysia, the prioritization of Malay over other languages has been a tool of nation-building at the expense of the cultural and linguistic rights of minority communities (Gill 2014). In Latin America, and despite constitutional recognition of Indigenous languages in many countries, Spanish has historically dominated the public sphere, particularly in education, limiting the transmission of Indigenous languages to future generations (Tasa-Fuster 2023). Specifically in Mexico, language policies have long been used as instruments of assimilation, resulting in the erosion of languages like Nahuatl and Maya and the undermining of Indigenous cultural autonomy (Hidalgo 2006; Kleinert & Stallaert 2024; see also Córdova-Hernández, López Curiel & Briseño Maas in this special issue). In Guatemala, the repression of Mayan languages during the civil war era, combined with the privileging of Spanish in official domains, reflected broader efforts to suppress Indigenous identities and foster a homogeneous national identity (England 2003).

Policies that undermine specific language communities are also enacted in supranational territories. In the European Union (EU), the linguistic regime has been described as one of full multilingualism (Goffin 1994; Apostolou 2011) or as

a model of ethnolinguistic democracy (Fishman 1993). However, only twenty-four spoken languages are officially recognized by the EU, despite over 230 languages being spoken within the member States' territories (Anderson 2004), and none of the more than thirty signed languages recognized in the member States (European Union. European Commission 2022) has been included in the EU's official linguistic regime (de Wit 2024). Moreover, proposals that would reduce the rights of certain communities, particularly the most vulnerable, are regularly put forward (Gazzola 2016). In the international arena, most spoken languages and all signed languages face the same status at the United Nations (UN). Nevertheless, using one's own language in diplomatic negotiations is recognized as a significant asset; conversely, when a language is neglected or unrepresented, then unequal resource distribution among linguistic communities becomes patent. This is evident in the UN where, despite German not being an official language, German-speaking countries have funded their own translation service headquartered at the New York office since 1975 (see United Nations n.d.). All in all, laws and policies that uphold linguistic exclusivity or fail to protect against linguistic discrimination distribute resources in ways that reinforce societal norms marginalizing non-dominant groups, deepening the moral injury by denying individuals the right to express and experience their identities fully, and undermining individuals' and communities' cultural heritage and autonomy. By devaluing non-dominant identities in the legal and social imaginaries and perpetuating social exclusion, these legal mechanisms can cause lasting moral injury.

While national legal systems show a tendency to entrench these societal anxieties, the international system, often referred to as the UN system, offers a contrasting approach by attempting to establish more inclusive norms and standards for member States. In this way, it has played a crucial role in offering a forum for nations to jointly overcome their social anxieties and plant the seeds of prosperous societies throughout the planet (Annan 2005). The international system is a global framework of institutions, agreements, and norms that govern international relations, promote peace, and address global challenges. At its core is the United Nations, an intergovernmental organization established in 1945 to maintain international peace and security, develop friendly relations among nations, and foster international cooperation in solving global issues

(United Nations 1945). Despite the limits posed by the need for consensus and by power differentials among States, UN treaties and conventions, as well as customary (non-codified) international law, have enshrined ideals in legal norms to protect marginalized groups, foster gender equality, and ensure nondiscrimination. For example, the Universal Declaration of Human Rights (UNGA 1948) has been instrumental in shaping national constitutions and legal frameworks by embedding principles of human dignity and equal rights. The Convention on the Elimination of All Forms of Discrimination Against Women (UNGA 1979) has pushed countries to adopt laws that protect women's rights, while the International Convention on the Elimination of Racial Discrimination (UNGA 1965) has served as a model for national anti-discrimination legislation, and the Convention on the Rights of Persons with Disabilities (UNGA 2007a) has led to the widespread incorporation of inclusive policies for signed languages in national systems. These examples illustrate the values of international law, which functions as a transformative force encouraging nations to adopt more inclusive legal measures and align with global standards that promote justice and equality.

However, legal frameworks on their own cannot move societies forward. In acknowledgment of these limitations, the international system has developed a complex framework of multilateral negotiations as well as training, inspection, and review processes to assess countries' progress and encourage further improvement. This system has influenced the development of domestic governance, policies, and social conditions in varying degrees across different countries (Risse-Kappen 1995). For example, after the end of apartheid, South Africa worked to reshape its governance and align with international human rights standards. The UN played a key role in influencing the country's policies by "giving moral standing to voices around the world demanding racial equality, economic progress and social justice for all South Africans" (United Nations 2004) through its universal periodic review process (UPR), a mechanism of the UN Human Rights Council. Through UPR recommendations and other UN human rights instruments, South Africa adopted policies to ensure equal rights for all citizens and combat discrimination. This has included enacting the Promotion of Equality and Prevention of Unfair Discrimination Act (Republic of South

Africa 2000), which explicitly references international human rights norms and establishes the basic legal framework to combat discrimination generally and specifically, to combat racism, sexism, and ableism. Another case in point is Bolivia, a country with a high proportion of Indigenous people, many of whom speak Indigenous languages. For ages, these languages were marginalized in favor of Spanish. However, Bolivia has become a leader in Indigenous language rights under the government of Evo Morales, the country's first Indigenous president. Bolivia's policies have been influenced by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP, see UNGA 2007b), which has helped shape the legal and political framework for autochthonous language protection (Hermosa Mantilla 2014). In 2009, Bolivia adopted a new Constitution that declared Bolivia a Plurinational State and granted official status to all 36 Indigenous languages alongside Spanish (Bolivia 2009), a success which Chile was close to emulating some years later (Espinoza Alvarado 2023). This move aligns with UNDRIP's emphasis on the right to language and self-determination for Indigenous peoples. The UN's International Year of Indigenous Languages (2019), spearheaded by UNESCO (2018), further encouraged Bolivia's efforts to promote Indigenous languages through education and public services. Bolivia also ratified the International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples (1989), which mandates the protection of autochthonous languages and cultures in law and practice.

However, national legal systems have also used domestic laws and constitutional frameworks to resist standards on human rights, environmental protection, and inclusivity promoted by international law, particularly when such changes are perceived as challenging cultural norms, sovereignty, or political interests (Koskenniemi 2011). For instance, some countries reject international treaties on human rights, such as the Convention on the Elimination of All Forms of Discrimination Against Women, citing cultural or religious reasons that prioritize traditional gender roles (Otto 2009; Schulz et al. 2022). Similarly, in areas like climate change, some States have resisted binding international agreements like the Paris Agreement, arguing that such commitments could threaten national economic interests or industrial growth (Eckersley 2012; Dimitrov 2016). This tension between national sovereignty and international legal obligations

highlights how domestic legal systems can act as weapons to resist progress, using constitutional provisions or judicial rulings to protect the interests of their national elites and limit the influence of international norms in the path toward more egalitarian societies (Fraser 2010). In such cases, national legal frameworks are often posited as guardians of domestic values, while international law is portrayed as an external force that challenges local autonomy (Wet 2005; Hopgood 2013).

This resistance to international norms underscores a broader trend whereby legal systems often function as mechanisms to sustain the existing power structures and the status quo, rather than promoting change. Through laws, governments codify values, hierarchies, and rights that reflect the prevailing balance of power, making it difficult for marginalized or less powerful groups to challenge their oppression (Foessel 2010; Wacquant 2010; 2011; Foessel 2018). However, legal systems are not static; they change when societal pressures—such as social unrest, economic shifts, or moral evolution—necessitate reforms to preserve overall stability (Hobsbawm 1990; Godenzzi & Sichra 2015; Tasa-Fuster 2024). When the existing legal order becomes misaligned with the evolving needs or demands of society, such as in periods of civil rights movements, gender equality struggles, or labor reforms, the law adapts to mitigate potential instability and ensure continued social cohesion. In this way, legal changes occur not necessarily to promote justice or equality but to recalibrate the system to maintain peace, order, and control in a changing society.

Even when legal frameworks make space for greater inclusion, gender and ethnolinguistic identities often face compounded moral injury when institutions are slow to adapt to social changes or when they actively resist them. In cases where social movements push for greater inclusion—such as calls for gender-neutral language (see Daussà & Pera Ros in this special issue) or the recognition of minority languages in public institutions (Kleinert & Stallaert 2024)—institutional resistance against these changes can perpetuate harm (see Córdova-Hernández, López Curiel & Briseño Maas in this special issue). When the rule of law is used to counter rather than advance the values that can make societies more inclusive, and that have been agreed upon internationally, we refer to this as lawfare.

Legal systems are instrumental in transforming moral panic about language and gender into concrete structures of power that regulate social behavior and the opportunities offered to people with different identities. Laws that enforce conformity with the status quo or that fail to protect diversity often perpetuate the harm caused by these instances of moral panic. These legal frameworks inflict moral injury by devaluing and marginalizing non-dominant identities. When legal and policy frameworks codify societal anxieties around language and gender, the rule of law becomes a vehicle for sustaining exclusionary power dynamics, creating lasting impacts on individuals and communities struggling for recognition and equality. Thus, as elaborated above, the law is a double-edged sword, capable of both upholding but also dismantling moral panic.

4. Dimensions of lawfare

In 1931, the Spanish Republican Constitution introduced an unprecedented array of rights, freedoms, and socially-oriented reforms. Following the 1931 elections, the Republican government sought to build a more inclusive and egalitarian society by establishing a legal framework that significantly expanded democratic rights for traditionally marginalized groups, particularly women and ethnolinguistic communities (Herrera 2003; Ramírez Jiménez 2005; Aguado 2008; Pérez Trujillano 2018). The Constitution extended universal suffrage to women, recognized the right to divorce, promoted land redistribution, and granted regional autonomy, officially recognizing minority languages like Catalan and Basque. These measures represented a decisive shift away from Spain's historical pattern of concentrating power in geopolitical and religious elites through absolutism, dictatorship, and religious dominance. However, legal frameworks are but one of the necessary ingredients. As Acemoglu and Robinson (2012) argue, the prosperity or poverty of nations is largely shaped by the inclusivity of their institutions, rather than geography, culture, or policies alone. With institutions unprepared for the changes introduced in legislation, the Spanish Second Republic's efforts were soon derailed as the judiciary systematically undermined the Constitution's authority, using rulings to advance

a conservative agenda and preserve power within the existing elite (Pérez Trujillano 2024).

The use of lawfare in this case relied on the tactical manipulation of legal frameworks and institutions to achieve political and, ultimately, military objectives. This form of lawfare was not unique to Spain and has been practiced globally throughout history, including in national courts to resist the application of international law (Alter 2014). In contrast to the de jure lawfare addressed in section 3, such "derivative" or "soft" lawfare (Gloppen 2018) exploits courts and legal mechanisms to selectively apply justice to delegitimize political rivals or obstruct reform (Zaffaroni, Caamaño & Vegh Weis 2021). It has been used to maintain power or suppress opposition in various contexts. For instance, in post-colonial Africa, authoritarian regimes frequently used the judiciary to silence dissent (Campbell 2003; Hyden 2005; Slocum-Bradley 2008; VonDoepp 2009). Similarly, during the civil rights movement in the United States, legal challenges were used to resist desegregation efforts (Patterson 2001; Klarman 2004). In Latin America, especially under military dictatorships, legal proceedings were manipulated to justify human rights abuses (Wright 2023). Such tactics exemplify how the rule of law can be weaponized to preserve the status quo and prevent inclusivity.

Recently, lawfare has been increasingly used and understood as a tool for lobbying through mass media, aiming to shape public opinion and garner support for regressive ideas by leveraging legal battles and their representation in the media (Zaffaroni, Caamaño & Vegh Weis 2023; see also Hardgrove in this volume). By orchestrating high-profile legal cases and strategically leaking information, conservative groups have sought to influence public discourse and sway popular sentiment in favor of their positions (del Clot 2023; Matthews 2023). This method capitalizes on the media's ability to amplify legal battles, framing them as moral and societal issues that require urgent attention. In this sense, lawfare is a strategy that replaces physical violence with legal and procedural maneuvers aimed at causing political death and judicial incapacitation of opponents (Zaffaroni, Caamaño & Vegh Weis 2021) while instilling fear of dissent (Foessel 2010). Thus, lawfare becomes a means of not only pursuing legal victories but also of mobilizing public support and legitimizing reactionary

policies, thereby reinforcing the power of conservative elites to reintroduce or strengthen political and social agendas that entrench inequalities, usually profiteering from them.

In scholarly debates, the concept of lawfare has recently gained important traction (Contreras 2023). The term appeared in its "modern incarnation in 2001" (Dunlap 2005, 823). However, the use of law as a weapon of war "goes back all the way to Hugo Grotius," one of the founding figures of international law (Kittrie 2016, 4). The term was originally coined in relation to the military sphere, describing "a method of warfare where law is used as a means of realizing a military objective" (Dunlap 2001). Since then, lawfare's definition has expanded and has come to include social, policy-based, mediatic, and psychological warfare of a sort, often aimed at conquering, recovering lost ground, or winning people's "hearts and minds" (Tirado Sánchez 2021, introduction), capitalizing on ideological fantasies and moral anxieties in an effort to advance specific ideological agendas. It is, in essence, a tool for long-term ideological warfare, where the rule of law is weaponized to challenge or reinforce hegemonic power (Matthews 2023, 25).

In 2018, Siri Gloppen established a three-fold classification of lawfare in an attempt to systematize the varied and multi-level approaches to it. She distinguished between legislative lawfare, court-centered lawfare, and societal lawfare. Legislative lawfare includes the enacting of targeted legislation, constitution-making, decrees, and treaties that provide benefits to those in power (either companies or State actors), the use of rights arguments in legislative and policy processes, or the pushing for sub-national legislation by opposition parties of legislative and policy processes, and advocacy and lobbying efforts aimed at influencing political parties, government bodies, or contributing to law and policy development. Court-centered lawfare can take several forms, including those of selective prosecution, appeals to overturn decisions, and judicial activism. It can manifest as constitutionality testing and litigation to challenge incumbents or advance policy objectives. Strategic litigation, often involving international courts, can be leveraged to push for policy changes or resist certain laws. Finally, societal lawfare can take the form of rights-focused electoral campaigns, media campaigns, and the "branding" of legal narratives

to shape public opinion. It can also use media and electoral campaigns focused on rights to shift public discourse, at the same time as it is within its purview to exercise rights-based advocacy, demonstrations, art, sensitization training, and civil disobedience as part of broader social movements. Figure 1 summarizes Gloppen's three-fold classification of lawfare.

Legislative/Regulative Lawfare	Court-Centered Lawfare	Societal Lawfare
• Targeted Legislation • Constitution-Making • Decrees/Treaties • Advocacy/Lobbying	• Selective Prosecution • Appeals/Judicial Activism • Constitutionality Testing • Strategic Litigation	• Rights-Focused Campaigns • Media Campaigns • Branding Legal Narratives • Civil Disobedience

Figure 1. Modalities of lawfare (adapted from Gloppen 2018, 8)

The different actions that can be taken at each of these levels are open to different agents, be they States, political actors, or grassroots organizations and private individuals (examples of what Gloppen terms "from below"). These actions can be leveraged by powerful groups (to preserve their privilege) and also by marginalized groups (to advance human rights and social justice; see Matthews 2023). For example, the passing of legislation, litigation processes, court judgments, and the enactment of policies represent tools to which all groups may have a certain degree of recourse. However, from the perspective of this special issue, these uses constitute lawfare only when they are weaponized to cause harm—whether through the suppression of rights, the manipulation of legal systems to undermine democratic opponents, or the deliberate exploitation of legal loopholes to evade accountability. Lawfare involves the strategic misuse of legal frameworks as a means to achieve objectives that would traditionally require force, making the law itself a battleground where power is contested. In such cases, the intention is not merely to achieve justice or to protect rights, but rather to impose damage, inflict suffering, disadvantage, or deprivation, create

or secure an imbalance of power, and sustain inequities. Reducing privileges that are enjoyed by some at the expense of others, on the contrary, does not seek harm, but rather aims at levelling the playing field. The use of the rule of law for these goals is not considered within the scope of lawfare as understood in this volume.

5. Lawfare against gendered and ethnolinguistic communities

The current volume takes issue with the pervasive misuse of the rule of law for strategic, discriminatory reasons, including State-sponsored sexism and violence against gendered and linguistically minoritized communities. When lawfare targets gendered and ethnolinguistic groups, when States and other entities codify or perpetuate misogyny, racism, classism, ableism, and monolingualism—thereby entrenching vulnerability and discrimination to maintain the cisheteronormative patriarchal status quo (Richter-Montpetit 2014; Contreras 2023)—moral injury is inflicted upon those targeted and on society as a whole, making it less inclusive and encroaching upon its potential to thrive. Weaponizing the rule of law and implementing discriminatory practices creates increased disadvantages for those who occupy lower steps of the social ladder, particularly women and LGBTQ+ people. Discrimination can stem from laws which explicitly limit access, rights, and opportunities to these same communities (Zúñiga-Fajuri 2014; Thomson 2016), but also from judicial and public campaigns that prey on their vulnerability.

The authors in this special issue cast a critical eye upon these contested spaces, these realms of confluence between social worlds, democratic ideals, and the law, shedding light on how democratic backsliding can occur in many spheres. In the first article of this volume, for example, Deborah Giustini scrutinizes the impact of the UK Home Office's new streamlined asylum process on women. Despite attention to gender-based issues in official guidelines, the system exhibits hostility and inadequacy in addressing the unique obstacles encountered by asylum-seeking women. Giustini's conceptual piece adopts a posthumanist, practice-based theoretical framework, critically examining the complex relationship between gender, power-perpetuating State language

policies, and the technological bureaucratization of linguistic access. Her article argues that the Home Office policy not only reinforces women's marginalized, vulnerable position, but also reduces the resources at their disposal in the asylum process by withdrawing the support of interpreting, language advocacy, and cultural mediation. As the author reveals, "the implementation of the new asylum-seeking practice transfers the burden of language from the justice sector to women, feeding a climate of sociomaterial exclusion that significantly restricts the right of female asylum seekers to be adequately heard" (Giustini 2024, 122 f). Giustini makes the case that digital exclusion and low proficiency in the host country's dominant language disproportionately harms women migrants, thinking through how practices—in this case social, institutional, legal, and technological—can generate deleterious gendered inequalities, placing the burden of language access entirely upon asylum seekers. Their needs and particularities are neglected, but here "negligence implies liability," and the resulting enforced silence constitutes "an act of institutional (institutionalized) violence" (Wallace & Monzó-Nebot 2019, 7). Giustini's work is a testimony to the "relevance of translation and interpreting in the legal public services of modern democratic societies" (ibid.).

The second article is another critical examination of linguistic violence, this time against incarcerated women, which also supports the indispensable nature of translation and interpreting in democratic societies. Using a unique survey of incarcerated people in Mexico (ENPOL, or Encuesta Nacional de Población Privada de la Libertad) conducted in 2021, Milena Ang and Miguel Vázquez home in on the plight of female prisoners who are speakers of Indigenous languages, delineating how a lack of translation and interpreting services prolongs women's time in custody, foments isolation, and, most egregiously, contributes directly to increased predatory behavior from authorities in the form of bribery, torture, and sexual violence. The analysis conducted by the authors reveals that reported instances of these types of violence are considerably higher for women who are speakers of Indigenous languages than for any other group analyzed in the national dataset. Forging a clear link between a lack of translation and interpreting support to sexual violence and attempted rape, the authors contend that State-sponsored linguistic violence enables physical and sexual violence.

Thus, the State's monolingual legal system and the monolingual practices of the institutions coalesce to transform language into "a tool that allows the most coercive of State institutions, the carceral system, to physically confine someone without any possible defense" (Ang & Vázquez 2024, 169). For these women, low proficiency in Spanish creates vulnerabilities throughout their time in the penal system, and the neglect and abuse perpetrated by authorities plays a key role in their lasting and profound moral injury and physical damage. This article reveals that linguistic violence is not merely a violation of due process but a tool that enables State-sponsored physical and sexual violence against Indigenous women. Importantly, it demonstrates how linguistic violence facilitates other forms of abuse and provides evidence that Indigenous women who do not receive translation services are more likely to experience severe abuses, highlighting a critical and underexplored area of intersection between language rights and human rights within carceral contexts.

While the first two articles in this special issue focus primarily on women of intersecting identities, Eva J. Daussà and Renée Pera Ros extend their lens to that of nonbinary individuals, focusing on language ideologies and how they operate in social debates. Their examination of functional lawfare plays out in non-legal settings, in communion with the dictates of powerful language authorities: in this case the Institute of Catalan Studies (Institut d'Estudis Catalans, or IEC). The article underscores how gender-neutral language (GNL) serves as a site of linguistic lawfare, revealing how official language policies are weaponized to maintain societal power imbalances. In examining linguistic normativity as lawfare, Daussà and Pera Ros provide an insightful examination of the debate around inclusive language in the context of the Catalan language, focusing on the ideologies that sustain advocacy for specific linguistic forms and turning a critical gaze upon the authorities who enact language norms and their own undergirding ideologies. These authorities are misusing their normative powers to wage lawfare against specific groups of speakers who are experiencing active rejection to their identities and life trajectories. Recent announcements about masculine-default language norms, proposed by the IEC, unleashed myriad responses in the Twittersphere (now the Xsphere). As a counterpoint, a 2023 guide to gender-neutral language in Catalan similarly spurred a proliferation of public

debate on social media, informing the conversations that form the basis of the data set that is mined in this contribution. Daussà and Pera Ros's contribution elucidates how individuals weaponize institutional positions to advance their own ideologies, showing how linguistic forms (and the related ideologies) carry social meaning and trigger discrimination against specific social groups. At the same time, they place linguistic institutions under the spotlight, demonstrating how, by adhering to an agenda that dismisses the legitimacy of gender-neutral language, official discourses perpetuate not only linguistic disempowerment but also social marginalization, reinforcing "socio-psychological hierarchies within a community, thereby legitimizing, directly or indirectly, (verbal) violence, invisibility, and the exclusion of individuals with a gender identity different from the male one" (Daussà & Pera Ros 2024, 212, our translation).

In the special issue's fourth article, historian Anne Hardgrove also considers instances of lawfare against communities who fall outside the traditional gender binary. Hardgrove takes us to the Indian subcontinent, scrutinizing the historical and ethnolinguistic marginalization of the hijra, a third-gender community in South Asia. Utilizing a postcolonial theoretical framework, the study integrates gender and class analysis to explore key legal developments, drawing on examples from both colonial and contemporary legislation in India and Pakistan. Hardgrove's transdisciplinary approach combines linguistic and narrative analysis with ethnographic participant observation, cataloguing critical events in the modern transgender movement in post-independence times in addition to delineating legacies of British colonial lawfare against the hijra. By including discussions of legislation, activist campaigns, and participant observation, Hardgrove contends that certain transgender communities leverage the (often negative) social status of the hijra to influence discriminatory legal frameworks, thereby advancing their own acceptance, assimilation, and normalization. This case study underscores the complexity of alliances within genderqueer groups in postcolonial South Asian societies, challenging the assumption that these groups are natural allies and shining a critical light onto certain modern transgender rights movements.

The final article in the special issue on gender and ethnolinguistic lawfare takes us back to judicial settings in Mexico, where authors Córdova-Hernández,

López Curiel, and Briseño Maas analyze the experience of Indigenous women translators and interpreters in the Mexican public justice system from an intersectional perspective which takes into account aspects of gender in translation. The authors employ Hill Collins' and Bilge's 2016 model on the four domains of power: the interpersonal, the disciplinary, the cultural, and the structural. Their intersectional analysis of language access policy in the Mexican system reveals conditions of oppression, exclusion, and institutional violence toward speakers of autochtonous languages, especially Indigenous women. To complement their policy analysis, they adopt a qualitative perspective with a narrative approach in exploring the identity-related, cultural, and professional experiences of Indigenous women who act as language mediators in the courts. Findings reveal the challenges and strategies employed by Indigenous women translators and interpreters in Mexico's public justice system. They shed light on their professional and personal struggles against gender, ethnolinguistic, and social class discrimination: "Indigenous women interpreters and translators are, above all, women who are in a constant struggle for the realization of their human, collective, and linguistic rights (Córdova-Hernández, López Curiel & Briseño Maas, 285, our translation). Their analysis also highlights how they reverse and resist discrimination in their daily lives and in their professional practice: "Although many of them have overcome family and community barriers to become professionals, their condition as Indigenous women still places them in conditions of discrimination and exclusion" (ibid.). The article further illuminates the failures in the unfulfilled promises of language access for certain populations. Against this backdrop, the authors emphasize the resilience and determination of Indigenous women in their pursuit of professional and human rights, which can inspire further research and recognition of their crucial role in justice and social equity.

6. Toward vigilance: Exposing lawfare, disrupting oppression

The examination of lawfare in this introductory article has highlighted the multifaceted ways in which the law can be weaponized against marginalized

communities, particularly those defined by gender and ethnolinguistic identities. Lawfare, as detailed throughout the volume, operates not merely as a tool of oppression but as a deliberate strategy to maintain existing power structures and reinforce societal hierarchies. By amplifying societal fears, including those around security and stability (Wacquant 2009; Foessel 2010), legal frameworks are manipulated to suppress dissent, especially from marginalized communities, in this way reinforcing existing hierarchies and regressing democratic freedoms. The exploration of lawfare reveals how legal systems, imagined as the means to provide justice and equality, can instead serve as mechanisms of exclusion and harm. In that sense, lawfare stresses the dual nature of the rule of law as both a mechanism for social justice and a tool for maintaining existing power structures and marginalization.

As defined in this introduction and used throughout this special issue, lawfare refers to the strategic manipulation of legal systems and norms to sustain and reinforce oppressive structures, thereby inflicting harm. Lawfare often serves conservative agendas, typically benefiting more powerful State and non-State actors, and is used to undermine human rights and democratic processes. The tools of lawfare include the codification into law of ideologies that run contrary to inclusiveness and democratic values, as well as the judicialization of politics, where courts and legal mechanisms become primary arenas for political and social conflict and for resisting democratic progress. Additionally, lawfare involves using the legal system to sway public opinion in favor of conservative agendas, thus legitimizing and supporting regressive legislation and legal actions, and ultimately political and economic oppression. Through these means, lawfare influences public policies, shapes social behaviors, and impacts political outcomes.

In line with this conceptualization, this special issue takes a lawfare lens and zooms in on the experiences of gendered and ethnolinguistic communities, examining spaces of contentious socio-political struggles in the face of discrimination and exclusion in order to underscore the moral implications of legal debates on language and gender. The contributions highlight how even apparently democratic attempts may exacerbate the vulnerabilities and injustices faced by specific social groups whose identity relies (also) on

their gender and ethnolinguistic identities. They further underscore how the targeted use of lawfare against women, LGBTQ+ individuals, and speakers of minoritized languages demonstrates a concerted effort to undermine their rights, limit their opportunities, and suppress their identities, in this way exploiting societies' instances of moral panic and resulting in moral injury to those affected and to societies at large.

The contributions to this special issue underscore the need for critical engagement with the role of legal systems in perpetuating inequality. They do so by focusing on the specific nexus of gender and ethnolinguistic lawfare across borders, systems, and languages. The articles challenge the perception of the law as an impartial arbiter, instead revealing its potential as a weapon in ideological battles. The insights provided here call for a re-evaluation of legal frameworks to ensure they serve the cause of justice and equity, rather than being co-opted to entrench discrimination and marginalization. The exploration of gender and ethnolinguistic lawfare presented in this special issue highlights the urgent need for vigilance and advocacy to protect the rights of marginalized communities. By exposing the ways in which the rule of law can be used to harm rather than help, this issue aims to contribute to the ongoing struggle for a more just and inclusive society in which legal systems are truly instruments of justice and equality.

We expect that this special issue will stimulate ample dialog around the weaponization of laws, (language) policies, and practices within systems in which gendered and ethnolinguistic communities continue to labor against the application of lawfare. Open debates across spheres and with varying stakeholders, such as those contained in this special issue, help to open dialog, inspire critical analysis, and secure protections for vulnerable populations. The challenges and damaging tactics revealed in the contributions, collectively, call for more transdisciplinary research in order to secure the linguistic rights of gendered and ethnolinguistic communities who can otherwise become lost in the criminal justice system, who lose rights to services, education, and healthcare, or whose very status as undocumented people positions them as eminently vulnerable (see also the articles in Ruiz Rosendo & Martin 2024). The only mechanism of

survival for some of these identities may be to pay close attention to all the mechanisms of social control and identify potential for agency within the imposed constraints (Scott 1985; Butler 1993), particularly the moral injury inflicted by lawfare.

While the contributions herein shed ample light on particular instances of gender and ethnolinguistic lawfare, the breadth and depth of contributions across systems, borders, and languages makes it abundantly clear that the lawfare of ethnolinguistic discrimination targeting women, nonbinary people, and LGBTQ+ people represents an area to which substantially more interdisciplinary research should be directed. Although a fair amount has been written about securitization, criminalization, and crimmigration (the criminalization of immigration) with respect to migrant women and LGBTQ+ people and even lawfare targeting abortion and women's reproductive rights, several areas of inquiry continue to be relatively unexplored.

By way of example, the backlash caused by lawfare leveraged against gender studies and gender-aware curricula (e.g., in the United States, the United Kingdom, Hungary) have yet to be fully explored. Activism and labor markets, also unexplored sites of potential reprieve, represent potential safe spaces where legal instrumentalism might take a turn for the positive. The question of safe spaces is, in fact, an urgent one. Are there safe ethnolinguistic enclaves for women, nonbinary people, and LGBTQ+ people within labor markets, education, or other arenas of social engagement? What is the role of women- and LGBTQ+-led activism in embracing ethnolinguistic diversity? What does the lived reality for women and LGBTQ+ people in ethnolinguistic borderlands contribute to conversations about justice and democracy? What of justice systems which reinforce social hierarchies and impart injustice upon gender-based and ethnolinguistic communities? In what ways are invisible crimes perpetrated against migrant women and LGBTQ+ people? What are the individual and collective harms caused by the social discrimination arising from monolingual bias, including microaggressions against migrant women and LGBTQ+ people based on accentism, audism, and linguicism? What are the relationships between monolingualism and heteronormativity and their impact on people's perceptions and self-regulated behaviors vis-à-

vis language and gender diversity? How does the use of technology sustain or disrupt gendered and ethnolinguistic communities?[1] Such questions warrant sustained interrogation, challenging scholars to critically examine how legal systems are manipulated to perpetuate gendered and ethnolinguistic oppression. As long as legal frameworks are wielded to reinforce social hierarchies, marginalized communities will continue to endure harm, and societies will remain unable to fulfill their potential. This special issue calls for vigilance against lawfare, while demonstrating that legal systems can—and must—evolve to genuinely uphold justice and equality for all.

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[1] Regarding the latter question, the reader may refer to the chapters in Tasa-Fuster, Monzó-Nebot, and Castelló-Cogollos (2023), Monzó-Nebot and Tasa-Fuster (2024a; 2024b) and the upcoming issue of *Just. Journal of Language Rights & Minorities, Revista de Drets Lingüístics i Minories* edited by Giustini and Jiménez-Andrés (2026, forthcoming).

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