

International Digital Organization for Scientific Research

IDOSRJCE101.202500

IDOSR JOURNAL OF COMMUNICATION AND ENGLISH 10(1):22-26, 2025.

<https://doi.org/10.59298/IDOSR/JCE/101.2226.20250000>

Communication Styles across Different Legal Cultures

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ABSTRACT

Evaluating teacher effectiveness remains a cornerstone of educational reform and instructional improvement. As educational systems strive to raise student achievement and close equity gaps, the accurate measurement of teacher impact has become increasingly essential yet fraught with complexity. This paper explores the evolution of teacher evaluation methods, from early subjective assessments to modern evidence-based models, and examines the multifaceted challenges that hinder their reliability and fairness. Central concerns include bias, inconsistency in standards, resistance from educators, and the influence of external factors. Recent innovations, such as the Measures of Effective Teaching (MET) project and efforts to integrate student growth data with observation protocols, reflect growing interest in multidimensional and equitable evaluation frameworks. However, the absence of universal standards and the variability of local contexts complicate implementation. Ultimately, the development of reliable, valid, and context-sensitive evaluation systems is crucial for ensuring teacher accountability, enhancing instructional quality, and fostering educational equity.

Keywords: Teacher effectiveness, teacher evaluation, educational policy, classroom observation, student achievement, evaluation bias, performance standards, value-added models.

INTRODUCTION

The concept of legal culture remains one of the most problematic and least clarified to enter the vocabulary of comparative law over the last decades. A commonly accepted definition of legal culture is based on customs, attitudes, and expectations about how the law should operate and how it is expected to evolve. A country's legal culture includes self-governing rules of bar associations, the format of legal education and specialization, the structure of legal and judicial professions, the role of the judiciary, jurisprudential styles, and the public reputation of the legal sector. These social and cultural factors shape legal outcomes analytically, even if they remain distinct from explanatory variables such as legislation and judiciary. Nation-states harbor intractably different legal cultures that hold significant implications for the economies of developing nations; the profound difference between adversarial and inquisitorial systems is only one of several. Legal culture therefore constitutes one of the most strategically important frameworks in which to interpret systematic variation in legal systems [1, 2].

The Role of Communication in Law

Language can both create and resolve communication hurdles. With the exception of nonlinguistic jurisdictions, each legal culture maintains its own rules of communication that govern interaction. These rules differ cross-culturally and can present barriers. Because the law is a human-administered construct, each legal culture requires its participants to engage in language-based interactions with police officers, attorneys, and judges. By nature of their shared human biology, both laypersons and legal actors use the same suite of cognitive-communication functions to power and drive their communication as individuals navigate legal contexts. However, legal actors' roles and positions within the legal context afford them relative advantages and privileges that laypersons do not enjoy; these asymmetries engender additional

burdens for laypersons. Legal actors benefit from relatively easier, faster communication, and the dynamics of their interactions reflect these advantages. Because legal actors' communication reflects greater familiarity with the concepts conveyed through legal discourse, their communication also manifests relatively more accurate internal representations. The resulting uneven communication dynamic places additional demands on laypersons' cognitive communication, amplifying the risk of slower, poorer-quality exchanges [3, 4].

Understanding Communication Styles

The legal system, as an important social institution, is fundamentally constituted by humans and serves to set, interpret, and enforce a variety of standards and norms that govern behavior. In principle, the notion exists that anyone can access the legal system when they have a need to settle disputes, seek monetary compensation for various types of injuries, or pursue justice in criminal matters. However, access to this system is typically mediated through language, which can take the form of written complaints, formal documentation, or verbal testimony presented in a courtroom setting. The linguistic encounter that takes place within the legal system, however, is characterized by a considerable imbalance of power between legal actors and lay persons. Legal professionals, such as attorneys and judges, enjoy various advantages that significantly tilt the balance of communication in their favor. These advantages result in easier and generally faster communication regarding legal matters, which often leads to more favorable outcomes for those who are well-versed in the law. In contrast, lay persons, who are generally less familiar with legal jargon and processes, must often wrestle with communication that is often slower, more convoluted, and challenging to navigate. In light of this persistent imbalance, cognitive communication emerges as an essential mechanism that plays a critical role in determining not only legal representation but also decision outcomes and the overall distribution of justice as it is experienced by different individuals within the system. This underscores the necessity for a greater understanding of how communication within the legal framework can impact the fairness and accessibility of justice for all parties involved [5, 6].

Comparative Analysis of Legal Cultures

Communication in the legal domain studies the interaction between the culture of legal professionals and clients, known as legal subculture. Legal culture refers to the meanings underlying discourse and practice involving legal and judicial institutions within sociopolitical contexts. It varies among countries and reflects historical changes. Research has examined how different legal cultures influence benefits schemes in three developing nations, leading to hypotheses about other nations. Legal culture is seen as a discourse with dynamics tied to culture and trust, shaping practices and influencing judicial behavior while ensuring the legitimacy of legal institutions. Analyzing the European Court of Justice indicates a significant market mindset in its rulings, questioning its legitimacy and illustrating the connection between market culture and judicial authority. Comparatists realize that understanding a legal system requires insight into its socio-cultural traits. Legal culture highlights law's role in society. As globalization prompts harmonization among legal systems, cultural factors can complicate comparative studies, though they remain essential despite their varied significance across research. Some issues may not need cultural adjustments, while others depend heavily on them. Integrating cultural elements is both engaging and challenging, necessitating a simplification of the vast notions of "law" and "culture". Thus, a reduction of complexity is suggested, especially concerning the diverse concept of "culture," which has produced extensive literature [7, 8].

Cultural Dimensions in Communication

International business law literature has paid limited attention to the complex intersection of communication styles across different cultures and their implications for international business legal transactions. With only a few exceptions focusing on cross-cultural legal negotiations and cross-border dispute resolution, there has been minimal exploration into how various business organizations and their legal counsel, operating within multiple cultural frameworks, effectively structure and manage their communications. Understanding these communication styles, which can be metaphorically defined as "rules for sharing," provides a foundational basis for classifying different communication approaches and comprehending their consequences in the realm of international business transactions. The patterns of business communication do not lend themselves to clear distinctions across nations or cultures. Instead, they manifest a continuum model where various generalities can still be identified as useful tools for navigating the landscape of international business interactions [9, 10].

Impact of Culture on Legal Communication

Cultural differences give rise to different communication styles. Several intercultural communication theories analyze national cultures and their effects on verbal and nonverbal communication. For instance, terminology distinguishing high-context and low-context cultures provides some initial insight into

cultural communication differences. High-context communication relies heavily on implicit messages and contextual cues, whereas low-context communication depends largely on explicit verbal expression. Culture exerts an extensive influence on legal communication. Recent developments regarding the impact of culture underscore that law and culture are intimately intertwined within national or geographical backgrounds. The evolution from law-and-economics to a thorough appreciation of dispute settlement exemplifies this close relationship. Since culture is neither clearly defined nor demarcated, it encompasses law. Consequently, 'legal cultures' enjoy greater conceptual freedom than culture alone. Political changes and scientific developments have encouraged culture-oriented comparisons on a wide scale, and globalization offers a platform for understanding but also highlights local differences. 'Cultural identity' and 'global trends' are concomitant features in any society, as multiple cultures evolve under global influences yet maintain specific historical backgrounds. These influences explain the current importance of legal culture in general studies and the emphasis on legal frame questions. Consequently, law is increasingly considered within a 'meta-legal' framework rather than merely as the interpretation of texts. It also represents a sequence of institutional acts that forge social cohesion. The work on legal culture has consequently enjoyed renewed interest and sees further development [11, 12].

Case Studies of Legal Communication

Legal professionals differ in how they engage with norms, facts, and stereotypes, particularly in referencing ethnicity and culture in courtrooms. The interplay between facts and norms remains pivotal in legal theory. Legal frameworks often formulate abstract, uniform rules that may not accommodate ethno-cultural diversity when applied to specific cases. For example, judging requires the application of general rules to individual scenarios, as seen in cases with migrant families, highlighting the evolving relationship between norms and facts. These families often seek state justice, reflecting recent transformations in family law across Europe that promote diversity in cultural and ethnic representations. Judges have begun to facilitate parental agreements based on less rigid standards, complicating evaluations of disputes due to few benchmarks in civil codes that presume equality among spouses and parents. Women are skilled at interpreting nonverbal cues, which trial lawyers can leverage to detect deception. Nonverbal communication is bidirectional; as lawyers observe others, they too are observed. This communication influences judges in various settings. The role of body language in legal contexts remains underexplored. Cultural backgrounds shape mediation perceptions within legal systems, affecting views on legal processes and justice. Comparative studies in mediation across Australia, China, and Taiwan reveal how cultural attitudes impact Alternative Dispute Resolution (ADR), with Western systems often viewing their methods as superior and overlooking established dispute resolution traditions in Asia. Despite cultural similarities, differing attitudes towards ADR and litigation exist between Taiwanese and Australian legal systems [13, 14].

Challenges in Cross-Cultural Legal Communication

In globalization, countries are interconnected with transnational contracts and joint ventures. English serves as the international lingua franca, yet participants often utilize their native languages. International communication occurs in a language that is not native to any speaker involved. Successful interaction relies on knowledge of cultural specifics and basic language skills, as understanding the channels of communication is vital. The ideological mode, comprising "mental lenses" tied to political, social, economic, and religious views, significantly affects communication. The grammar-coded mode expresses these ideologies through systematic rules, highlighting the importance of grasping the underlying ideology. Shared ideological backgrounds reduce misinterpretations. Materials within an ideological group may use multiple codes for diverse dominant modes to remain accessible. The notional mode emphasizes concepts and information, necessitating philosophical organization. The discourse mode organizes overall communication, serving as a "master frame" that integrates other modes. Effective multinational negotiations require the use of all four modes for successful communication [15, 16].

Best Practices for Effective Communication

Human endeavors encompass a vast range of pursuits and experiences and communication manifests itself in similarly diverse manners. Attorneys tend to be oriented toward brevity and forcefulness, often crafting arguments that are succinct and impactful. In contrast, judges typically prefer directness and clarity, seeking to ensure that the language used in hearings and rulings is straightforward and unambiguous. This dynamic creates a fascinating landscape where a wide variety of "best practices" exist at the interface between different cultures and their respective communication styles. One could imaginatively illustrate this landscape by employing fairy-tale motifs, for example, as outlined below:

- The benign, kindly stepmother, who represents the understanding and supportive figures in narratives, akin to a *mari d'ascenseur* (elevator husband) who tells individuals what they wish to hear in order to smooth over conflicts and maintain harmony.

- The tyrannical, cruel stepmother, resembling an ogre, who demands the impossible from others, never satisfied, and maintaining an unyielding quest for perfection and control.
- The intelligent good fairy, which symbolizes the decisive judiciary whose role is to oversee and maintain responsibility for control, ensuring justice is meted out fairly and equitably (Exploits & Interviews) [17, 18].

The Future of Legal Communication

As new technologies continue to facilitate cost-effective legal communication, it is possible that compliance incidents may multiply at an unprecedented rate. The significant introduction of the duty of communication back in 1983 transformed the legal profession in profound ways, fundamentally altering the attorney-client relationship and expanding the lawyer's scope of work dramatically. Consequently, this expansion has led to an increase in both risk and liability for legal professionals. Cognitive realities and prior failures within the field indicate that systematically avoiding similar negative growth remains an uphill battle that is difficult to navigate. Nonetheless, various legal systems around the world, such as those in the United States, Canada, and the United Kingdom, have begun to react proactively by suspending traditional legal privileges. This transformation has led to specific communications becoming discovery material that is now accessible to the opposing party in legal disputes. Moreover, because the duty of communication remains inherently one-sided, it is important to acknowledge that no universal solution currently exists to adequately address these issues, leaving many practitioners and their clients in a precarious position [19, 20].

CONCLUSION

The evaluation of teacher effectiveness is an important yet deeply complex endeavor within modern educational systems. While the shift toward standards-based, data-driven models marks a significant advancement from earlier subjective approaches, critical challenges persist. Issues of bias, inconsistency, resistance, and external influence continue to undermine efforts at fair and accurate assessment. Furthermore, a lack of consensus on what constitutes effective teaching across diverse contexts complicates the establishment of uniform evaluation frameworks. To move forward, stakeholders must embrace a balanced, research-informed approach that incorporates multiple measures of effectiveness, promotes professional development, and fosters trust among educators. A thoughtful integration of innovative methods, transparent communication, and contextual flexibility is essential to build evaluation systems that not only measure teacher performance but also support professional growth and, ultimately, improve student outcomes.

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CITE AS: Eve Tibererwa (2025). Communication Styles across Different Legal Cultures. IDOSR JOURNAL OF COMMUNICATION AND ENGLISH 10(1):22-26.
<https://doi.org/10.59298/IDOSR/JCE/101.2226.20250000>