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The Impact of Historical Events on Legal Communication Styles

Asiimwe Kyomugisha T.

Faculty of Business, Kampala International University, Uganda

ABSTRACT

Legal communication has evolved as a product of intersecting historical, cultural, and technological developments. This paper examines how major historical milestones from the invention of writing to the digital revolution have transformed the styles, structures, and functions of legal language. It investigates five pivotal events: the emergence of writing systems, the rise of classical rhetoric in ancient Greece, the influence of Christian legal philosophy, the invention of the printing press, and the dawn of electronic intelligence. Each phase introduced unique changes in how laws were expressed, interpreted, and understood. Through this historical lens, the paper uncovers how societal shifts, power structures, and communicative technologies have shaped the clarity, complexity, and accessibility of legal discourse. Ultimately, this analysis reveals that legal communication is not static but an evolving instrument shaped by broader historical currents, with enduring consequences for justice, interpretation, and governance.

Keywords: Legal communication, historical linguistics, rhetoric, legal discourse, legal history, Enlightenment, digital transformation, legal language.

INTRODUCTION

This text examines how historical events have influenced legal communication. While previous studies looked at the impact on law and justice from a historical viewpoint, this review focuses specifically on legal communication, incorporating broader human communication changes. Five key historical events were identified: (1) the development of writing systems, (2) Greek philosophy and rhetoric, (3) early Christian philosophy and legal rhetoric, (4) the invention of the printing press, and (5) the emergence of electronic intelligence. Historical events are defined as significant occurrences that influence later events and are recorded in history; past events without lasting impact are not considered historical. The coexistence of varied communication methods implies that the advent of one does not eliminate others. Therefore, legal communication, particularly written forms, must adapt over time through different writing systems, philosophical perspectives, rhetorical techniques, cultural practices, and technological advancements. These adaptations, though gradual, leave lasting traces, meaning communicative events affect future interactions. The focus of this text is to highlight how these events have shaped aspects of legal communication, particularly those with significant implications. It aims to explore the trajectory of legal language from initial verbal forms to the intricate modern legal language, emphasizing the broader influence of sociocultural history and technology beyond just legal history [1, 2].

Historical Overview of Legal Communication

Legal communication is written language used in the functioning of legal systems. It is the lexicon of the law; the structured expression of judgments, stipulations, limitations, rights, and responsibilities in writing. Like all written language, it is composed of words (signs). Because written language is inherently abstract and symbolic, however, the format of legalese makes it less grounded for both producers and recipients in the systems, cultures, and models of communication experienced by everyday life. Legalese is improbable; an improbable construction of symbols based on an improbable description or model. It is "rhetorically dense" with "long sentences, conditional and parenthetical clauses, passive verbs, words made obscure by the use of archaic forms or elaborate derivatives, words that sound alike and are commonly confused, nouns turned into verbs, once-useful or once-meaningful words that have fallen into

disuse". Legal communication styles are governed by rules of law and rules of language, the former establishing protocol for transactions of the latter, and each designed with expressive aspirations different from those used in day-to-day life. Rules of law mandate guidelines and precautions for safeguarding against the unforeseen risks of adversarial harm which could otherwise compromise valid communications. These precautions can be expected to impact all legal communication styles but are likely to affect disproportionately those styles better suited to a formal and transactional existence, such as legalese. In addition, rules of language govern the composition of legal communication, generally determining that hortatory language be formally and abstractly constructed. The unintended consequence of language-based stylistic choices is the imperative for legal communication to reflect or model the characteristics (internal perceptions, social experiences, and cognitive capacities) of an impersonal and formal existence [3, 4].

The Role of Ancient Civilizations

Legal communication undergoes constant changes in style, which reflects the era and social environment. Different styles align with the purpose of the communicator, and shifts in generational perspectives necessitate adjustments in communication within varied social contexts. However, this adaptation is challenging due to the storytelling nature of legal communication and the differing interpretations of law by practitioners. The conventions of legal communication are not easily defined. From ancient civilizations, such as the Chinese who developed a legal class, to the Persio-Arabians who wrote extensive trial procedures, and Anglo-French systems that trained legal professionals, efforts for clarity in legal language have spanned millennia. Despite these efforts, a rigid relationship between legislative language and reasoning remains. All legal structures encounter similar interpretation issues, yet communication styles have evolved with different political and social paradigms. For instance, bureaucratic Chinese writing is often concise, while American public announcements are typically brief and newspaper-based, and French communication tends to be lengthy with standardized wording. The influence of political and social norms on communication styles is evident, although the concept of legal fictions and their various applications remains inadequately explored and understood [5, 6].

Medieval Legal Communication

The fragmentation of historical sources is more than just the lack of texts. It involves understanding what transpired in the twelfth and early thirteenth centuries that was not documented or is hard to access. This includes the roles of those who made legal decisions, such as lawyers and judges, and their interactions with litigants. Many hypotheses on this topic remain vague and unsubstantiated, limiting their pursuit. The communication dynamics of Northern Italian legal actions in that era are explored elsewhere; this article assumes a communication style akin to modern informal dialogue rather than the abstract literate communication of later periods. As the study progresses, the nature of shifts in interpretive patterns and formal features will emerge. In court, litigants express unspoken meanings through non-verbal gestures, voice tone, prosody, and occasionally through cautionary marks on oral testimony provided by their advocates. Rules governing attorneys' speeches allow significant freedom in content, tone, and delivery. Petitions or informal demands may arise even from those without earthly prestige, reflecting a microcosm of societal dynamics. Public perception influences the legal process, where judgments and attention diverge based on the court's evolving norms and the respect afforded by historical figures [7, 8].

The Renaissance and Legal Discourse

Legal discourse is not only a consequence of the social environment in which it takes shape, but it also has an influence on the development of the whole society and its economy, also on the cultural shape of the epoch. The rules and methods regulating the creation and functioning of legal discourse, also known in European linguistic thinking as legal communication, are inseparably linked to the forms, styles and genres which this communication can take, and which are referred to here as legal-didactic forms, styles, and genres for the sake of clarity. Legal-didactic forms, styles and genres take various forms: in oral or written forms, their type depends on the form of communication channels. In order for the legal-didactic message to be fully effective, it must adjust the channel and the form of the message to the specificity of the subject below. It must take into account the knowledge, social background, education of the audience, as well as the specificity of the message, whether it is cognitive or persuasive, synthetic or analytical, whether there are any specificities in the communication situation that must be taken into account, and whether the message is substantive or legal. All of these variables affect the pragmatic layer of legal correspondence and its communicativeness. At the boundary of the Renaissance and modernity, a new humanist current connecting Bruni's vision of law with the Roman legal tradition came into being. The birthplace of this new trend was Italy, where as early as the beginning of the 15th century, scholars of antiquity, mainly classical philologists and teachers of rhetoric, such as Lorenzo della Valla, Maffeo Vegio,

Filippo Beroaldo Vecchio, Ermolao Barbaro, Pietro Crinito, or Angelo Poliziano, began searching for new qualities and new formulas for understanding what was ancient. Already during the lifetime of Petrarch, a number of reforming innovations appeared on the borders of political thought and public law, which can be called pre-humanist or proto-humanist [9, 10].

The Enlightenment Era

The Enlightenment, spanning the late seventeenth to late nineteenth century, was a vibrant era of thought featuring contributions from thinkers like Voltaire, Diderot, Leibniz, Hume, and Rousseau. This period saw flourishing political and religious philosophies, alongside writings on ethics, aesthetics, science, and history. Enlightenment ideals often accompanied struggles for rights and independence. The term 'Enlightenment' typically refers to 'Early Enlightenment'; however, significant voices in French thought fell outside the main currents of both moderate and radical Enlightenment. No thinker was purely one or the other, with some displaying radicalism towards the Church while justifying sovereign power. Enlightenment thinkers navigated censorship, presenting veiled arguments to address power holders. Similar to the constraints faced by Bellarmine, who forbade rigorous interpretations of Scripture, many writings tackled toleration within existing theoretical frameworks. Some advocated for toleration of religious and social dissent, linking it to the spread of Christianity. Others contended that only a general acceptance of diverse customs would facilitate progress against superstition and fanaticism. The Enlightenment shifted views on toleration and inquiry from cautious acceptance to a robust embrace, creating a vibrant public sphere. It evolved from merely tolerating dissent to understanding human behavior as relative to accepted norms. Thinkers like Spinoza and Bayle redefined concepts of rights, duty, and belief, reshaping interpretations of human history [11, 12].

19th Century Legal Communication

Legal communication is considered a bilingual activity, where in addition to the vernacular language that differs from nation to nation, language of the law is also there. When the writer is a translator, it becomes a multilingual activity, in addition to legal bilingualism. Legal communication is full of ambiguities in its structures and styles. Stylistic ambiguities add to a multilingual communication problem, where one legal language is an interlanguage. Studying the differences in styles of legal communication across nations may lead to a better understanding of the nature of legal languages. It is well-known that language has a close tie with culture. As a consequence, legal language of the nation cannot be understood without understanding the culture of that nation. In this paper, a survey will be presented on legal communication styles of countries that share the same culture but have different languages. First, the relevance of cultural differences to legal communication styles is explored. Then, styles of legal communication in the trial of Tokyo War Criminals in 1946 are compared. An arrangement of the comparison nominalizes it so that each style can be qualitatively described according to the same matters of comparisons. At the end, accomplishments of no fewer than four stages are shared as a focus in understandings. The direction and the consequences of legal communication styles in the 18th and the 19th centuries are also discussed. In the middle of the 19th century, a sudden change began in the utilization of the Shinto priests in Japan, leading to the establishment of the Shinto at an official state religion. Therefore Shinto codes in various genres became entirely necessary: Laws and ordinances supplemented with documents of Shinto ochief were immediately published. On the other hand, texts of individual dioceses in the form of Codes and circumerential documents produced by representative chief priests now incorporated official names hidden in the individual installation and the conscientious Prophet names in order, besides unbroken suzerain-vassal obligations [13, 14].

20th Century Transformations

The 20th century ushered in transformative social changes that redefined the Western world. World War I and the Great Depression plunged Europe into turmoil, while World War II and the Cold War intensified the struggle between totalitarianism and capitalism. Analyzing the West's reaction to these tragedies helps elucidate the evolution of its philosophies and values. The impact of these events on discourse, a key medium for social and political ideologies, reflects the profound influence of history. Furthermore, exploring the law's role in shaping historical reality is essential. Prime Minister Jean Chrétien, in his Convocation Address at Osgoode Hall Law School on June 23, 1997, noted that "law played a passive role" before the emergence of the State. He argued that as the State developed amid social confrontations, law became active, facilitating the transition from primitive tribal systems to organized class societies, exemplified by Egyptian bureaucracy and Roman legalism. The application of law transforms aspirations into collective action, clarifying intentions and enhancing cooperation. However, it is plausible that normative rules existed even in pre-State societies. While the legal profession may strive to elevate the stature of law, it can also engage with sociopolitical realities pragmatically, avoiding exaggeration while providing clear interpretations [15, 16].

Modern Legal Communication Styles

For purposes of dealing with the question of how legal communication has been affected by changes in the historical environment, 'legal communication' will be defined very broadly. Legal communication will be construed to encompass far more than merely speech and writing, even though speech and writing are the conventional media of legal communication. Legal communication in the broader sense will include all that goes on in law, and in the related fields of other human endeavors, all that is involved in the social functioning of the verbal communication. In the present context, 'style' will be taken also in its broadest sense — to refer to all the various ways of communicating, producing, receiving, processing, storing, retrieving, disseminating, and using the communications. The historic changes that have affected legal communication are many and diverse. Some have been momentous; some have been trivial, at least in immediate importance. Some have pertained to private uses of legal communication; some have been of public import. Some have come slowly, unfolding patiently over decades and decades; some have arrived with great rapidity, ripening in the minds of men in a few moments. However, it must be acknowledged that most of the changes have had large shadows cast over them, by factors arising from outside the field of legal concern. With respect to the first three decades of the present century, on which the first task will focus, consideration of the many and diverse factors affecting the nature of legal communication will be truly daunting in scale and scope. Certainly dominant in immediate importance and overcome by other presentational aspects seems to be what happens to intellectual thought, at least to legal thought, under the condition of mass information [17, 18].

Cultural Influences on Legal Communication

The influence of culture on the perception and definition of law is fundamental in every society since law is not possible outside of social life. While there are innumerable cultural factors that influence legal language, legal interpretation, and legal translation, it is possible to identify some manifestations of cultural circumstances that are particularly important. It is argued that culture can be seen as the common denominator of legal language, legal practices, and the justice system. On the other hand, legal languages reflect the specificity of cultural and social systems. As any language, also, the legal language can be perceived as being more or less difficult. However, when legal language is said to be difficult or unclear, it is primarily about the lack of knowledge of legal language as specialized language, which is an audio-visual language providing visual trajectories in a semantic-syntactic space. The general knowledge and frequency of use of a given language do not necessarily correlate with an easy use of legal language, which on the contrary makes it difficult to use, constraining addressees to violate communication principles, what is worth understanding in every system of law and language. Cultural factors connect elements of legal language with such aspects of culture as history, justice systems, benchmarks of justice system development, or the society with idiosyncrasies in thinking or acting. As such, they influence the construction and formulation of laws, legal rules, and stipulations, including the language of regulations and obligations. Consequently, they also influence the style of communication, and drafting and translating legal texts, and influence procedures of preparing or interpreting legal decisions and administering justice [19, 20].

Technological Impact on Legal Communication

Technological advances have significantly impacted legal communication, increasing the volume of communications and exacerbating failures and litigation risks. Key concerns include the reliability of communications via new technologies and potential violations of evidence retention guidelines. While video conferencing has improved meeting efficiency and personnel mobility, it may lead to a decline in long-form written communications, potentially hurting effectiveness. Initially, new platforms encourage lengthy exchanges, but as users adapt, communications shorten and become more concise. Additionally, the reliance on these platforms presents vulnerabilities, heightening the risk of leaks and generalized litigation risks, particularly in inter-institutional negotiations where established safe harbors are bypassed. High-stakes communications regarding sensitive issues, such as intellectual property or personnel, face acute risks. Ultimately, a significant loss in legal communications is the diminished "presence" during meetings; while they can lengthen certain discussions, they also eliminate nuanced conversations that would typically occur in person, impacting the quality of interactions [21, 22].

Case Studies of Legal Communication

This text provides specific and factual information related to the inputs, maintaining coherence with other texts. It focuses on the negative effects that the law has on communication and its far-reaching implications, beginning with high-profile legal matters that pose systemic risks to society. The impact on people's lives is extremely severe, leading to financial ruin for many and even loss of life due to drastic and extreme environmental changes that often go unaddressed. This article addresses the urgent need to update existing literature on systemic risks in the context of legal communication. It highlights various

challenges faced in understanding communication, such as the prevalence of legal jargon and the inherent complexity involved in legal discussions, and introduces a cognitive-communication model as a potential solution. It delves deeper into the risks associated with legal communication, illustrating various troubling scenarios like wrongful convictions and the death penalty, demonstrating clearly how mounting legal stresses can lead to significant harm and profound issues in effectively communicating with lay individuals. The text also discusses the broader implications for research and potential interventions, emphasizing that a better understanding of these dynamics is essential for fostering improved communication strategies in legal contexts and ultimately safeguarding individuals from the adverse effects of the legal system [23, 24].

Future Directions in Legal Communication

The current legal definition of communication is inconsistent and overly simplistic, treating it as a transactional property rather than recognizing its complex cognitive processes. Communication taps into cognitive resources and is affected by past experiences, making it not simply about conveying ideas but about the limitations that shape what can be communicated. In the legal realm, this leads to a low standard of competency for laypersons compared to clinical assessments. The legal system's approach is paradoxical; while it acknowledges the intricacies of communication, it operates in a crude manner. There exists a notable gap between lawyers' perceptions of client competency and the actual considerations involved in legal communication challenges. To mitigate systemic risk, changing the legal system itself is necessary. Other countries employ different frameworks of communicative competency that could offer insights. In the American legal context, communication competency is often viewed as a binary, which restricts the questions that can be appropriately addressed. This results in systemic epistemic issues that differ from those in other legal systems, raising debates about the merits of the U.S. approach. The human cost of these systemic risks is evident, and as research into social-legal communication advances, it highlights the pressing need for reform. The increasing understanding of cognitive constraints can challenge the status quo within the legal framework. If societal change is sought, this analysis suggests that the integration of cognitive communication science could lead to a more representative legal system [25, 26].

CONCLUSION

The trajectory of legal communication reveals that legal language and its modes of expression have never existed in isolation. Rather, they are products of their time, molded by historical events, cultural transformations, and technological innovation. From ancient civilizations' early codes to the rhetorical flourishes of Renaissance humanism and the data-driven precision of the digital age, each shift has brought new challenges and imperatives to the legal profession. The formalism of legalese, the rhetorical strategies of courtroom advocacy, and even the structure of statutory language all bear the imprint of centuries of adaptation. Understanding this evolution is essential not only to legal scholars and practitioners but to all who seek greater clarity, fairness, and accessibility in the law. In an age of rapid technological change, recognizing these historical influences can guide efforts to reform legal communication for a more transparent and inclusive justice system.

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