

Cross Cultural Communication

Culture affects the way we think and behave, both consciously and unconsciously. It gives us a frame of reference for what is “normal” and what’s good or bad. It’s difficult to make definitive statements about a particular culture because culture is dynamic and context-responsive, and there often are many cultural influences on a person. However, there are some guidelines that generally can help when working with people who are from different groups.

The mainstream U.S. culture and the justice system place a high value on explicit, direct communication (what is said—the content and exact meaning of words)—we are a “low-context” culture. Many other cultures are “high-context,” where meanings are much more implicit (and indirect by U.S. standards) -- the circumstances surrounding what’s said carry much of the meaning (how words are said, who says them, the relationships between people [including power and authority], other social circumstances, etc.). Obviously there is potential for miscommunication between members of low-context and high-context cultures.

The legal system provides some other challenges in intercultural communication. The technical vocabulary, heavy use of the passive voice, complex grammatical structures, and multiple negatives can make the language difficult to understand even for native English speakers. It also can be an intimidating environment physically – especially for people not familiar with it -- and emotionally for anyone with a personal stake in the outcome.

Tips:

- Be aware of how your own culture and background may affect the ways you communicate.
- Be aware of your perceptions and assumptions about others.
- Recognize that there might be different cultural sensitivities to the issues such as family relationships/obligations, gender roles, and sexual matters.
- Recognize that the law and its application (as well as the use of power) may vary in different countries—these differences will affect understanding and interpretation of legal issues and processes.
- Don’t expect tone of voice meant to convey emotion (humor and sarcasm in particular) to be understood – literal interpretations are possible.
- Make an effort to correctly pronounce names.
- Realize that head nodding or saying “yes” or “okay” might mean “I heard what you said” rather than agreement.
- Don’t rely on the amount or type of eye contact to make determinations about credibility, respect, guilt, or innocence.

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Cross Cultural Communication - Continued

- Note that the use of silence differs across cultures and may have different meanings (for instance, many cultures have longer pauses and consider silence respectful).
- Recognize that other communication behaviors also are culture-dependent, including display of emotion and elaborateness or succinctness of language.
- Understand that non-direct answers or brief, limited answers are not necessarily signs of lying or withholding.
- Be aware that the way information is presented, what is considered evidence, and how arguments are constructed can vary widely and may not be familiar to you.
- While being aware of possible cultural tendencies, don't assume that a person before you will conform to your expectations of their cultural norms.
- Educate yourself as much as possible on cultural issues of the communities you serve.

Additional Tips - If the person before you has limited English proficiency:

- Speak in short sentences, reduce the amount of information given at one time, and rephrase questions or statements if necessary.
- Be careful about the use of negatives; these are often confusing.
- Avoid the use of legal jargon and technical terms, or clearly define them. Do not use abbreviations and acronyms. Also be careful about using idiomatic expressions, slang, metaphors, and examples that might be unfamiliar.
- Speak more slowly, and make a special effort to speak clearly but without exaggeration. Do not speak more loudly. As a listener, if you can't understand what someone is saying, politely ask them to slow down, repeat, rephrase, or simplify.
- Check for understanding without appearing patronizing. Rephrase or summarize for clarification and confirmation; make it clear that you really want to understand what the speaker is saying.
- Recognize that effective communication might take more time.
- Give examples to help clarify your meaning.
- Understand that language is culturally laden—words may mean different things to people (*even people from other English-speaking cultures*) and some concepts may not be easily translatable.

Adapted by Kelly Tait from "Cross Cultural Communication" National Judicial Institute of Canada – Communication Skills in the Courtroom seminar 6/08, from *Intercultural Competence: Interpersonal Communication across Cultures* by Myron W. Lustig and Jolene Koester (2006), Pearson Education, Inc., and from *Handling Cases Involving Self Represented Litigants: A Benchguide for Judicial Officers*. Judicial Council of California (January 2007).