

Exploring Court Culture and its Scale Development

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We conducted three interlocking studies to explore the concept of court culture and to develop a court culture scale. In study 1, we conducted in-depth interviews of legal professionals and clients (n=51) from the Indian states of Uttar Pradesh (UP) and Uttarakhand (UK) to identify the indicators of court culture. In study 2, we generated the items and refined them. In study 3, we surveyed legal professionals to assess measurement dimensionality and reliability (n=517). The scale indicated seven independent court culture dimensions: outcome orientation, manipulation, discipline, individualism & collectivism, work orientation, pride, and professionalism.

Keywords: court culture, judicial culture, scale development, individualism and collectivism, work orientation.

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Исследование судебной культуры и разработка параметров ее описания

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Мы провели три взаимосвязанных исследования, чтобы разработать и исследовать понятие судебной культуры и разработать систему величин для ее описания. В первом исследовании были проведены подробные опросы специалистов в области права и клиентов (n=51) из индийских штатов Уттар-Прадеш (УП) и Уттаракханд, чтобы определить признаки судебной культуры. Во втором исследовании мы выработали параметры измерения и уточнили их. В третьем исследовании мы опросили специалистов в области права, чтобы оценить надёжность измерений (n=517). Исходя из полученной системы параметров описания стало ясно, что существует 7 независимых аспектов судебной культуры, а именно: ориентированность на конечный результат,

воздействие, дисциплина, индивидуализм и коллективизм, ориентированность на работу, гордость за принадлежность к профессии и профессионализм.

Ключевые слова: судебная культура, разработка параметров описания, индивидуализм и коллективизм, ориентированность на работу.

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1. Introduction

Courts are one of the crucial pillars of any civilized society. The culture of any organization influences various aspects and outcomes of any organization. Hence, understanding and measuring court culture is vital to make efficient decision-making for better performing courts.

2. Literature Review

The culture of any organization, institution, or place tends to impact the working and outcomes. To maintain peace and harmony in society, courts are an important organization.

Understanding the court culture can give insights into the courts' strengths and weaknesses to improve their overall work. Measuring the court culture is a big challenge. Some researchers have tried to define the court culture. There are a few studies that have been attempting to define and measure the court culture. Legal culture is the similar term used to denote macro level culture of society in the legal context. In the recent years legal culture is studied extensively whereas the concept of court culture in the context of modern courts is studied rarely [14;15;16;21;22;23;28].

The study of T. W. Church is the pioneering work for court culture. They have used the term local legal culture and defined it as “the expectations, practices, and informal rules of judges and attorneys' behavior[2].” B. J. Ostrom et al. have classified four types of culture, i.e., clan, adhocracy, market, and hierarchy. In the clan type of culture, the organization is like an extended family. In adhocracy-type culture, an organization is a dynamic and entrepreneurial place. In a market-type culture, the organization is result-oriented, and the hierarchy-type culture organization is very controlled. They have developed a competing values value matrix using factors dominant characteristics, organization leadership, employees' management, organizational glue, strategic emphasis, criteria for success[20]. Some studies show that the term court culture is not used, but they have discussed similar concepts. For example, J. Eisenstein and H. Jacob have used the term ‘courtroom work group’ relationship among defense lawyer, prosecution lawyer, and court judges[3]. R. Goffee and G. Jones have used a two-dimensional diagram using sociability and solidarity. Sociability suggests the extent of friendliness among people. In contrast, solidarity, whereas solidarity extent to which people have understood their goals and shared commitment. They have described four types of cultures, i.e., networked culture, mercenary culture, fragmented culture, and communal culture. The networked culture emphasizes making friends in an organization, mercenary culture emphasizes competing self-work and not worrying about other people. Fragmented cultures emphasize doing what necessary and communal culture is emphasizes

creating a family-type atmosphere[5] like R. Goffee and G. Jones, B. J. Ostrom and R. A. Hanson have classified court culture into dimensions of solidarity and sociability, representing four types of culture, i.e., communal, networked, autonomous, and hierarchical[19]. B. J. Ostrom and R. A. Hanson (2009) narrate court culture as people's beliefs and behaviors responsible for resolving them[19]. S. Heath has done a detailed study using Leverick & Duff's (2002) passive and proactive court culture indicators. These indicators are broadly categorized into three parts, i.e., expectations and understandings, practices and incentives, and workgroup relationships. S. Heath has interviewed court stakeholders and compared two courts, whether proactive or passive[9]. A. Hucklesby defined court culture as "A set of informal norms which are mediated through the working relationships of the various participants." [13]. In contrast, G.C. Diana relates it to "values developed in each jurisdiction as a result of the evolution of criminal justice ideology and guiding philosophies over time" [6]. Y. Huang explains that court culture includes creating the court system, the formation of legal thinking, training of judges, etc. [12].

The study of G. Hofstede is considered a pioneer study in the area of culture. In that four dimensions of culture, individualism versus Collectivism, Large versus Small Power Distance, Strong versus Weak Uncertainty Avoidance, and Masculinity versus Femininity [10]. To measure these broader dimensions in the context of the culture of countries, G. Hofstede has considered items related to the role of the family in work situations, the importance of harmony, the nature of the employer-employee relationship, meaning of status difference, respect for old age, ways to grievances redressal, formalization of organizations, implicit models of organizations, the meaning of time, the appeal of precision and punctuality, tolerance of deviant behaviors and ideas, career expectations, etc. [10]. K.S. Cameron and R. E. Quinn relate the culture with the people's ideology carry inside their heads. In an organizational sense, culture is an unwritten rule that everyone follows in an organization [1]. M. Wu further added a new dimension named Confucian work dynamics in the study of Hofstede [27]. Later on, A.A. Moemeka has discussed individualism, collectivism, and communalism as the broader dimensions of a society. Communalism emphasizes community welfare instead of the interests of individuals [17]. F. Trompenaars and C. Hampden-Turner have elaborated the culture concept and identified seven dimensions of the culture: universalism versus pluralism, individualism versus communitarianism, specific versus diffuse affectivity versus neutrality, inner-directed versus outer-directed, achieved status versus ascribed status and sequential time versus synchronic time [24]. Renowned anthropologist E.T. Hall discussed the eight dimensions of overtness of messages, locus of control and attribution for failure, non-verbal communication, expression of reaction, cohesion and separation of groups, people bonds, level of relationship commitment, and flexibility of time [8].

Previous studies have tried to differentiate culture based on different categories, but in the Indian context, courts have uniformity of court rules and hierarchy. Hence, the conceptualization of court culture in the Indian context has to be explored, keeping in mind the local conditions. For that, I have analyzed court culture using study 1.

3. Study 1: Exploring Court Culture

Study 1 is conducted to develop a detailed understanding of court culture from the semi-structured interviews of lawyers, clients, court staff, and judges. The interview questions focused on the indicators of court culture.

Detailed interviews were conducted with lawyers (n=15), judges (n=4), court staff (n= 14), and clients (n=15) from the seven district courts of UP and UK by using the non-probability purposive sampling method. Interviews were conducted either in Hindi or English from 51 respondents and

lasted from 10 to 20 minutes. The researcher referred to an interview schedule also asked more questions based on the respondents' responses. Interviews were conducted till the point of conceptual saturation [4;6]. Notes were made while conducting the interviews.

Thematic analysis was used to analyze the interviews. Interviews were recorded, coded, and analyzed based on themes and patterns. Based on the observation and interviews, I identified court culture indicators such as justice sensitivity, work orientation, innovativeness, individualism-collectivism, manipulation, outcome orientation, openness, power distance, pride, power distance, fatalism, ambiguity avoidance, masculinity, and infrastructure. These dimensions can be broadly grouped under characteristics, beliefs, opinions, and practices. I have conceptualized the court culture as the system of vastly standard features and practices of any organization and beliefs and views of its judges, lawyers, and court staff.

4. Study 2: Item Generation

Study 2 generated 106 scale items based on the hints from existing literature and in-depth interviews of 51 legal professionals. I considered the items based on the existing literature and field visits. I referred to established methods for scale development [13]. The items were screened by three research scholars, one professor, and ten advocates fluent in Hindi and English and rated each item on a scale of 1 to 5 for relevance and clarity and optional comments. Thirty-one items with a low mean value in *relevance* were removed, and two items with a low mean value in *clarity* were modified, leaving 75 items.

A pilot study was conducted by taking responses from 105 respondents, including lawyers (n=100), judges (n=2), and court staff (n=3). After the pilot study, the analysis was done by checking mean, communality, and inter-item correlation. After the pilot study, 51 items were kept for study 3.

5. Study 3: Scale Characteristics and Factor Structure

The objective of study 3 is to assess the newly developed scale's characteristics and factor structure. Legal professionals, including judges, lawyers, and court staff from UP (n=434) and UK (n=83), responded to the survey. Google forms were used to collect the data either from face-to-face meetings or via electronic messages. Total 517 valid responses were received. 47.5% of the respondents were graduates, and 52.5% were postgraduate or above, 100 percent were male, average age 35.09 years, average court experience 8.65 years, average distance of their home from the court 11.50 kilometres.

I used 75 items to measure court culture while using Hindi translation of scale because of the native language of UP and UK's geographical location is Hindi. Participants were asked to tell their opinion on a scale of 1 to 5 (1= Strongly disagree, 5=Strongly agree). Items were translated into Hindi with the help of a bilingual translator, and then another bilingual translator translated them back to English to verify the accuracy of the translation.

5.1 Internal Consistency

The score of Cronbach's alpha for the scale is 0.91, which is within the acceptable limits as per the recommendation of J.F. Hair et al. and J.C. Nunnally [7;18]. I conducted reliability statistics after assessing the factor structure re. Cronbach's alpha of all the factors is within or near acceptable limits.

Table

Internal consistency of the factors of court culture scale

Factor	Cronbach's Alpha
Outcome Orientation	.88
Manipulation	.88
Discipline	.70
Individualism and Collectivism	.70
Work Orientation	.71
Pride	.68
Professionalism	.66

5.2 Factor Structure

SPSS statistics software was used to perform EFA for the data of 51 items and checked the KMO test of sampling adequacy with a score of .92 indicating adequate sample size (>.50) and a significant value of chi-square for Bartlett's test of sphericity $\chi^2=7866.532$, $p<.001$ [25].

I performed EFA with principal axis factoring and with direct oblimin rotation. After multiple iterations, 11 items were dropped due to low communality, lower inter-items correlation, or cross-loading issues[26]. I conceptualized 13 factors, but I had no solid theoretical background to support this conceptualization. EFA extracted seven factors. Based on the items' face value, I named the factors as per table 1, and these seven factors explained 53.003% variance.

6. Discussion

I have taken a grounded theory approach while conducting these three interlocking studies. This paper makes a theoretically essential contribution in the field of legal studies. I have explored the concept of court culture through literature and field visits. Court culture scale is developed using a qualitative and quantitative approach. This scale contains seven factors: outcome orientation, manipulation, discipline, individualism & collectivism, work orientation, pride, and professionalism. Overall, the scale appears to be conceptually strong and psychometrically valid. Study 1 explored the construct of court culture by conducting in-depth, open-ended interviews of legal professionals. In study 2, items were generated, and study 3 assessed the characteristics and factor structure.

The study certainly has some limitations. The data has been collected from the two Hindi-speaking states of India. It would be helpful to understand the validity of this scale across different cultural settings and geographical locations. Moreover, data is collected from 100 percent males, and in future studies, data should be collected from female legal professionals.

The court culture scale will be helpful to understand the culture of courts. This paper will enhance the understanding of court culture and allow legal researchers and court policymakers to understand the culture of courts systematically. Data about court culture can help improve the court systems.

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