Crisis Communication in Historical Legal Contexts

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ABSTRACT

This paper examines the historical evolution and contemporary relevance of crisis communication within legal contexts. Crisis communication, traditionally studied in corporate and organizational frameworks, is often complicated in legal settings where reputational management collides with legal liability. This study examines how crisis events have historically been framed and addressed through legal language, public communication strategies, and evolving media technologies. Drawing on landmark legal cases, it analyzes how the balance between legal discretion and public expectation has shifted, particularly under the pressure of real-time social media discourse. The paper integrates theories such as Situational Crisis Communication Theory (SCCT) and Attribution Theory to understand responses to crises that straddle the line between legal obligation and public accountability. Through the analysis of case studies ranging from institutional scandals to hashtag-driven activism, the research illustrates how legal institutions and actors navigate crisis scenarios while maintaining judicial integrity and public trust. It concludes by proposing a revised framework for legal crisis communication that incorporates ethical considerations, media dynamics, and stakeholder engagement in an era dominated by transparency and immediacy.
Keywords: Crisis Communication, Legal History, Public Relations, Situational Crisis Communication Theory (SCCT), Legal Liability, Social Media, Hashtag Activism.

INTRODUCTION

A crisis is one of the few events that affects nearly all organizations and individuals, but the way a crisis affects them can vary greatly. Crisis communication involves burgeoning issues involving both a flow towards and away from an organization during a crisis event; thus, it is not a simple task, and theories of effective crisis communication have long been studied. Traditionally, crisis communication studies have focused on the unexpected and spontaneous nature of crises, but other factors can greatly influence how crises are perceived and acted upon. This study investigates how crisis contexts impact responses to the media and public, factors that are not widely addressed in current literature. Some crises arise from outside forces affecting the organization, while others arise from the actions of the organization. Controversial events often give rise to both a near-immediate legal response involving courts of law and a general public opinion response in social media and traditional news. There are many implications of this dilemma, but perhaps most importantly for organizations dealing with a potential crisis, it poses a gray area of how to best respond to a situation. For example, an initial response to the potential legal crisis could negatively impact the organization's public image or vice versa. The inability of the situation in question to be fully disclosed lends another layer of grayness. These contexts form the situational frame through which a crisis is perceived and a response is devised despite the inability to disclose everything, and scholars and practitioners could greatly benefit from having a greater understanding of how they work. Most crisis communication research is based on cases that involved only one side of this gray area on a certain aspect of crisis contexts, so there is no single work exploring topics that encompass both facets. Crises are unique events in that they warrant attention through response actions and social media scrutiny. They can be caused by internal actions on the part of the organization, or outside issues affecting the organization, and throughout history, events in both categories have given rise to a charged response from the media and general public, discussed below and further in the two case studies [1, 2].

The Historical Evolution of Legal Communication

In civil law jurisdictions, legal language and communication are generally regulated by codes and statutes, which delineate the powers and procedures of courts and specify the rights and obligations of litigants and lawyers. The framing of legal language and communication is determined by the conceptual framework of jurisdiction. Theorists of the legal system further elaborate treaties, codes, and statutory provisions. In common law jurisdictions, the language and communication of legal cases are first determined by law cases, judicial interpretations, and judicial notice. Then in the courts, legislation drawn up by lawyers by the acts of the parliament is interpreted by judges in a language suited to the counsel of the language through argumentation. Historically, the legal uses of language and communication have evolved to solve problems related to the nature and form of legal communication as determined by the mode of thought within the jurisdictional framework, emphasizing either a conceptual frame for civil law countries or an argumentation frame for common law countries. It differs then in Genesis, logic, genetics, functions, and form. It is still in a process of evolution, adjusting the space and relevance of legal language to the change of judicial systems, and the intermediation of newly emerging media. In a law case, the government considers thieves and robbers, necessitating processes of accusation and hearing evidence to side with the public good. Therefore, making sure the number and likelihood of accusations are substantiated with evidence would be the main concern. To that end, an invitation is sent through a decree. The procurator's office at a lower level will be instructed to invite evidence and witnesses, and the accused will be informed in a notice of indictment. As a co-judging party, lawyers join the case on behalf of their clients after receiving the public notice of the hearing. Those concerned will prepare a proper utterance of argument according to the mode of thought along the claim, evidence, reasoning, precedent, and specification of public inquiry [3, 4].

Key Theories in Crisis Communication

The field of crisis communication has been largely filled with case studies. Crisis management can be broken into the three different time frames of pre-crisis, crisis response, and post-crisis. Each stage of crisis management has been linked to a different type of crisis communication approach. Risk communication has seen strong affiliation with the pre-crisis stage and renewal discourse with the post-crisis. Crisis communication is primarily concerned with the timing of crisis response and the transition to post-crisis. Situation Crisis Communication Theory (SCCT) was developed to provide an evidence-based understanding to evaluate a proper internal crisis response when factoring in the stakeholders and reputational protection of the organization. SCCT evaluates how factors such as crisis response strategies, emotions, crisis history, and prior relationship reputation impact each of the stages. A crisis manager can use this model to develop a response that takes an approach of denial, diminish, or rebuild to convey the desired level of crisis responsibility to the stakeholders. SCCT provides a clear framework to consider when evaluating the proposed cases for review and in providing further recommendations for other cases. Attribution Theory provides a strong consideration regarding the judgments people make. Locus determines if the cause of the crisis is internal or external to the organization. Stability refers to whether the cause of the crisis is continuously present or if the level of the threat varies over time. Controllability evaluates whether the organization can affect the cause of the crisis or not. Attribution Theory can therefore be used to help determine the initial crisis responsibility and strategies in SCCT. A social media crisis can damage the reputation of an organization almost instantly, and this damage is difficult to undo. However, in examining high-profile legal crises in a historical context, organizations have limitations on the public disclosure of their side, and denial of wrongdoing has been the common response to non-pricing scandals. Responding to a crisis with either a "no comment" or denial message is largely untested in academic research, and there is a dearth of studies on how to most effectively manage crises in which no culpability can be conceded without jeopardizing legal interests [5, 6].

Case Studies of Crisis Communication in Legal History

Recent historic legal events that evoke strong responses from audiences and are covered by mass media often result in a crisis for the individuals and organizations involved, with considerable reputation, financial, and legal ramifications. The High Beach Convention Centre sexual harassment allegations and how these were publicized online provided all of these elements. The historic legal context was a lawsuit for the alleged events made against the Isle of White Council by their former Equality and Diversity Officer, Julie Jones, and others. But the crisis that ensued, and the responses, primarily occurred online rather than in public statements to the media. Therefore, it is unclear how crisis communication theory developed in the context of legal crises applies when the crisis does not immediately become newsworthy. More generally, it is important to examine how new media and new technologies affect, alter, and diffuse existing communication theories. A case study approach examines the social media response discussed

above, how that relates to the wider media and public response, and the implications of that for crisis communication theory, legal liability, and activist crisis communication. Instead, the weaknesses of the original crisis response must be avoided [7, 8].

The Role of Media in Legal Crises

Print and broadcast media acted as significant watchdogs in public opinion, while online social media enabled activists to communicate continuously. Activists assessed and criticized TWC and Harvey Weinstein's attempts to control the narrative. Initially, the #MeToo movement and associated legal crises were viewed as potential liabilities, prompting disaster planning and strategic corporate communication. TWC aimed to contain Weinstein, framing future complaints in terms of crisis management and legal issues, shielding him from all but specific media inquiries. However, this media blackout was ineffective, and TWC faced intensified scrutiny from a media ecosystem focused on its legal challenges. An anti-stigma communication effort was called for to maintain TWC and Weinstein's power in Hollywood, leading to consideration of a controlled interview to evoke sympathy. TWC's spokesperson argued that mainstream media portrayed Weinstein's story as gossip. Despite this, crises led to challenges regarding free speech and press rights. Media critics and Hollywood insiders noted the narrative spiraled out of control, leaving TWC's defensive communications ineffective. The indecision around Weinstein's potential statements resulted in caution wavering into inaction, leading to wild leaps in desperate defensive claims as media outrage heightened [9, 10].

Crisis Management Strategies in Legal Contexts

Crisis management requires tough decisions about what to disclose to audiences, as revealing information may worsen the situation. This issue is intensified during legal crises, where liability concerns can hinder the sharing of critical information. Both legal and public relations fields approach trial strategies with a hierarchical perspective but recognize the risks and benefits of various crisis management tactics. Strategies vary from minimal communication to complete disclosures and robust rebuttals to allegations. Although a holistic view on crisis management, integrating legal and public relations elements, is scarce, combining various strategies is increasingly common. This article aims to highlight interests in long-term, well-funded efforts to explore diverse perspectives on crisis management, focusing on ethical, legal, and public relations strategies. Given the complex nature of crises, the formal legal environment, the timing of accusations, and the critical roles of lawyers and public relations, it is necessary to examine these perspectives together to better predict organizations' strategies in legal crises. Current frameworks on crisis communication typically overlook legal contexts and public relations factors. Thus, a significant contribution of this article is its typology of legal crisis management strategies, encompassing various legal, public relations, and contextual dimensions. Additionally, examples from crises involving Michigan State University, the University of Southern California, and Drexel University illustrate key legal and relational public relations elements like attorney-client privilege waivers, media embargoes, and retaliatory actions [11, 12].

Legal Implications of Crisis Communication

When a crisis arises that could threaten an organization's profitability, stakeholders, or reputation, action must be taken, especially if the crisis has potential legal implications. A considerable amount of research exists on how organizations should respond to a crisis. However, most crisis management theory does not discuss the potential legal implications of a crisis. Those that do often prioritize liability concerns over reputational concerns or lack the depth necessary to understand the full range of implications that a crisis could have. Other gaps remain in the literature regarding the timing and venue of mitigation efforts, perceptions of different public actors, and how the legal implications of a crisis may constrain or inform mitigation efforts. The case of The Weinstein Company provides a multilayered example, as both individual and organizational responses were varied and important in highlighting the strengths or weaknesses of different types of responses. Examining this case in terms of the emergence, escalation, and aftermath provides a way to understand the context into which a crisis enters, the mitigation efforts that occurred, and how they fit within existing theory. This case illustrates how legal implications can shape mitigation efforts, as well as how these efforts can influence the trajectory of a crisis. Further, it indicates the need for new avenues of research that examine the effect of third-party actors in crisis management, the timing and venue of mitigation efforts, and the depth of need-to-know information. The timing and venue of crisis responses could make all the difference. This is especially true in a situation like the one examined here, as litigation, an audience with stakeholders, or the emergence of a similar revelation elsewhere could flip the narrative quite quickly. There would be reputational gains in an exclusive sit-down with a trustworthy outlet, as it separates the in-depth probing from other organizations while generating content that is still browsable for the audience. A broad social media push, while less formal

than traditional outlets, may have the opposite effect. The audience would be left wondering what salacious tidbits may have been left on the cutting room floor, and it is much easier to type out text that feels more sincere than to answer questions without missing a beat. While the searingly critical tone and misdirection that cloaked the audience's comments left questions of intentions, the lack of denial from parties within the company left plenty of space for the public to impose their conclusions [13, 14].

Ethical Considerations in Crisis Communication

Crisis communication, like crisis management, is evolving. With the rise of social media, highly publicized criminal cases, and a decline in trust, and social issues coming to the forefront, organizations are reframing their recommendations, expectations for crisis communication, and case studies. There is a strong expectation that organizations will communicate continuously. The public expects information to be available across multiple media channels and with various delivery mechanisms, such as podcasts and video blogs. If organizations are targeted in a crisis, they will be aggressively questioned via social media and possibly traditional media, which amplifies the crisis. The press will dig deep into the issues and request documents. Lawsuits may be filed or threatened, and discovery may occur, giving access to often damaging internal documents. Organizations are expected to be open, compassionate, and sometimes contrite, apologizing and explaining why the situation will not happen again. Ongoing crises are complex and will likely require outside consultants. These stresses are compounded by a public polarized by politics, socio-economic matters, and ethnic hostilities. These stresses are often stoked with fake news, shaming, and trolling, which drive thousands of comments about organizations, making it challenging to handle. The increasing number of organizational criminal convictions, especially of corporations, is likely to continue. During a crisis, all likely outcomes are carefully weighed, and communications with those outcomes are crafted for a wounded, fragmented public impacted by the crisis. Information about the devastating impact of the crisis could be withheld or spun. Messages could reiterate that it was "business as usual," whereby mistakes and equipment malfunctions are normal. Messages could be manipulated for public relations purposes, rubbed in, or leaked during or just before the close of business hours. Messages could be straightforward, as in "This is horrible news," with assurances to look into the matter. Perceptions change as new policies are communicated, past events uncovered, and markets destabilized. A bone would cause frustration, scapegoats would be sought, and accountability demanded [15, 16].

Crisis Communication Frameworks

Crisis communication research as an academic discipline has garnered interest since the 1980s and has been an attractive research topic for scholars ever since. As an organization-related phenomenon, crisis communication focuses primarily on the communication strategies of organizations responding to potentially threatening incidents or events, broadly referred to as crises. Research on crisis communication covers a wide range of paradigms, contexts, and protocols in which organizations seek to avoid damage from crises. Major areas of crisis communication research include commentaries on theoretical foundation or paradigm shifts, ethical approaches and perspectives, regime change and promotion of social justice, post-colonial orientations, and community and societal response to lethal incursions. In-depth narrative case studies have been undertaken across various disciplines, but each has cultivated its proprietary definitions, theoretical models, and analytical frameworks. There is a general agreement that crisis communication research addresses the organization-related and communicative facets of crises. Nevertheless, most researchers still regard crisis communication research as a public relations-related specialty within the broader field of organization-related communication. As a result, systematic knowledge and theoretical framework analysis are absent. As the study of crisis communication heavily relies on case studies of incidents of media attention or organizational advocacy, crisis communication research also exhibits a gross over-emphasis on media framing, anthropomorphism, and accountability. From an institutional perspective, the analytical capability of existing crisis communication research appears to be limited in scope in dealing with communication in deep structures. As crisis communication is typically understood as a pioneering form of communication responding to crises, few researchers have examined a crisis situation in a broader historical and contextual awareness [17, 18].

Impact of Technology on Crisis Communication

Hashtag activism is often adopted when traditional activism is unsuccessful, as hashtags can bridge awareness across the globe, encouraging people to become aware of issues they were once unaware of and creating a social media movement. But when organizations gain attention for all the wrong reasons, social media provides a broader scope for the damage a crisis can have on an organization's reputation. Tens of thousands of tweets on the day one story breaks mean that the organization has less time to react to and/or mitigate reputational threats than if these same events occurred in the 90s. Organizations opaque

enough to write lengthy press releases detailing their actions, research, or mitigating factors are often exposed to social media trolls with one simple tweet feeding into a larger movement and ruining months or years of reputation-building. Social media has affected how organizations monitor, respond to, and mitigate crises due to its unpredictable nature, speed, intensity, global audience, and trail of content. Hashtag movements use social media to serve as an early warning system for monitoring what occurs when a person, organization, or government misbehaves. Hashtag activism arises during large crises, causing outrage, protests, investigations, and calls for accountability. Hashtags emerge to analyze the degenerate action from many perspectives, allowing collective storytelling and sharing of survivors' narratives. Bigger issues become smaller stories, which help a movement grow. Hashtags are an important way to track and uncover misinformation and the actions that lead to it. Hashtags become monuments that feed into movements and turn discussions into actionable social change [19, 20].

Cultural Considerations in Crisis Communication

This paper explores how the above gaps in the postcolonial studies of crisis communication can be addressed. The Rana Plaza tragedy provides an illustrative historical case study of crisis communication discourse in a postcolonial context. Though it is generally believed that the event forced a rigidly secretive RMG industry to publicize its internal power politics, ethnocentric certitudes about the fully colonized status of the industry's discourses assume a Western superiority over a postcolonial/other industry because the latter is dominated by silence/spin. The paper argues that these binaries fail to take into account the diverse and disparate discourses on the tragedy that articulate a cacophony of relations of power, explored under the genealogy bubble of postcolonialism. By tracing several such relations of power and tentacles of discourses as they circulate in and out of the industry, the essay demonstrates how the otherwise dominant public gaze is, at the outset, constructed as one within the Foucauldian domain of 'biopower' and its subjugation of the subaltern bodies in conditions of vulnerability. Subsequently, as the bounds of power corrupt the gaze, the discourses of the aforementioned power politics are publicized and spread out of the domain into the much wider domain of what has earlier been called the 'postcolonial/proper', signifying the extreme degree of arbitrariness/absurdity of the globally publicized discourses of risk cessation, safety compliances, and ethical justifications. The concerns attending Rana Plaza are addressed under cultural considerations, which relate to the hegemony of Western discourses in Asian crisis communication studies, but may be too green/infant to develop their theoretical sophistication in terms of cultural characteristics and affordances for other contexts. However, a start has been made nonetheless. The other concerns are addressed under institutional considerations, which encompass the challenges before and within a discipline in trying to survive under such all-dominant coloniality. These are largely in keeping with the wisdoms gleaned from individual experiences of scholars in the current and (post)colonial contexts, but in terms of formal organization, nature, funds, and model and patterns of dissemination [21, 22].

Future Trends in Crisis Communication

Since the 1970s, researchers across disciplines have been examining how to effectively plan for, respond to, and assess crises. Their work ranges from exploring the ethics of proactive crisis measures to the legal system's approach to these events. Organizations that overly concentrate on current crises without considering the future risk of reputational damage and irrelevance. In today's digital and social media landscape, crisis communications play a crucial role. Experts aim to evaluate an organization's communication capabilities before crises arise, develop better response strategies for diverse situations, and learn from past mistakes. The analysis of the reception of recommended practices seeks to improve crisis communication strategies, especially for those not engaged with scholarly literature. Insights gained highlight the often-ignored timing, format, and dissemination of crisis responses, which can include non-crisis communication from affiliated individuals and whistleblowing as an alternative response. Complex conflicts in presentation styles during multiple simultaneous crises are also noted, reflecting on the limitations of existing analyses and offering suggestions for further research. The vibrant field of crisis communication research encompasses a wide historical background, engaging various sectors such as government, corporations, and non-profits. This study reviews the evolution of crisis communication research, identifying key contributors and collaborative efforts, while revealing the scientific landscape, including disciplines, journals, topics, and geographical focus areas. Future research directions are also identified, promising to enhance understanding of the crisis communication research landscape and aiding those interested in exploring new areas in the field [23-26].

CONCLUSION

The intersection of crisis communication and legal processes is a complex and evolving domain shaped by history, media, and shifting public expectations. Historically, legal communication was framed by codified

statutes or judicial argumentation, largely shielded from public scrutiny. However, the digital age has transformed this landscape, placing legal actors under continuous media surveillance and stakeholder pressure. Crisis response strategies must now balance transparency with legal prudence, reputation protection with ethical accountability. Case studies reveal that ineffective communication, such as denial without context or silence during critical moments, can exacerbate public backlash and legal fallout. Conversely, tailored, ethically grounded communication strategies can mitigate reputational harm while maintaining legal compliance. The study highlights the urgent need for an integrated legal crisis communication framework, one that draws from both legal reasoning and public relations theory, accommodates technological influences like social media, and emphasizes the ethical imperatives of openness and responsibility. As the boundaries between law, media, and public opinion continue to blur, historical awareness and multidisciplinary approaches will be essential to managing future legal crises effectively.

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