

Courtroom drama and jury discussion in the classroom

Keywords

courtroom drama, jury discussion, critical thinking

How would you feel if you were selected to serve on a jury? Would you be excited to be a part of the legal system, or would you consider it a burden to make judgments that could have a dire effect on other people's lives? According to the Japan Times (Ogasawara, et al., 2007), many Japanese worry about being selected as a lay judge in the new jury system to be introduced by May 2009. This paper discusses the benefits of using courtroom drama and jury discussions in the classroom as a practical way to bridge English classrooms with policy reform in the real world. The course raised students' interest in courtroom trials and serving on a jury, while offering increased opportunities to use English and sharpen critical thinking skills in an authentic communicative context.

実際に、陪審員を務めることになったとしたら、皆さんはどのように感じるだろうか。法のシステム上で役割を果たすことに喜びを見出すだろうか。あるいは、人の命について決定を下すことに重荷を感じるだろうか。Japan Times 誌によると、多くの日本人が2009年5月に導入される法制度で、陪審員に選ばれることを心配しているという。本稿では、大学の英語のクラスに模擬裁判劇と模擬陪審員ディスカッションを取り入れることによって、現実の世界での法制改革との橋渡しができることについて述べる。このコースを通して、学生達の陪審員制度への関心も高まり、聴衆を意識して演じることで英語を使う機会を増やし、ディスカッションを通して、クリティカル・シンキングのスキルに磨きをかけることができた。

Yoko Munezane

University of Electro-Communications

In a little less than a year, the new lay judge (*saibanin*) system begins in Japan. The system aims to reflect a variety of perspectives from ordinary citizens and to make the trial procedure more open. In the new system, six randomly selected lay judges will sit with three experts in trials of heinous crimes, verify facts, reach a verdict, and potentially pass a sentence (Kamiya, 2007). It is a step toward a democratic society in the wider context of deregulation and globalization (Kamiya, 2005a). The Supreme Court of Japan, the Ministry of Justice, and the Japan Federation of Bar Associations are working toward the successful introduction of the new system. However, according to a recent national poll, Japanese are generally unwilling to serve as lay judges and few Japanese judges strongly support the introduction of the lay judge system (Nonaka, 2007). In the new lay judge system, there will be an emphasis on oral testimony, as opposed to the current emphasis on written records. It is hoped the new system will speed up the legal process (Kamiya, 2005b). However, critics suggest lay judges might favor serious punishment and issue more death sentences through listening to emotional appeals by victims and their families (Biggs, 2007). Shigemitsu Dantou (2007), a former supreme court judge, claims that capital punishment should be abolished with the introduction of the lay judge system, pointing out that capital punishment has been abolished among developed countries using the jury system, except for fourteen states in the USA. Although there is still much controversy over the introduction of the new jury system, it will be introduced and will likely result in social change. Considering the effect this innovation will have upon the lives of Japanese citizens, raising awareness of the jury system through classroom courtroom drama and jury discussions is particularly relevant for young students in Japan.

Critical thinking

Socrates, generally regarded as the founder of western philosophy and critical thinking, proposed the principle that everything, even answers, must be open to questioning. He established the dialectic method of seeking the truth by a process of questions and answers (Magee, 2001), which is the essence of jury discussion. How to generate good questions and how to examine the facts are key factors in making responsible judgments. Therefore, jury discussion could be a suitable way of activating critical thinking skills. Critical thinking enables us to evaluate the validity of arguments through systematic reasoning and identify the best decision among alternatives (Browne & Keeley, 2003). Once mastered, critical thinking skills are transferable to many contexts (Fisher, 2001). Hence critical thinking plays a crucial role in college curricula (Bassham, Irwin, Nardone, & Wallace, 2005). However, as Freire (1996) suggested, critical thinking can be generated only through the sort of dialogue that requires critical thinking.

Researchers suggest Japanese university students generally show only limited critical thinking skills, partly because of a socio-cultural climate which generally discourages logical reasoning to avoid disharmony and potential confrontation with authority (Laskar, 2007). Yet critical thinking is essential for students to become effective communicators in the global community (Kabilan, 2000). Noddings (2005) claims teachers must promote critical thinking so students can ready themselves for decision making as responsible global citizens. Courtroom drama and jury discussions provide exciting ways to strengthen students' critical thinking skills, oral presentation skills, and questioning skills, as well as providing an insider's perspective on courtroom procedures (Fisher, 2002).

Drama and jury discussion in the classroom

Language learning is effective when meaningful content is employed (Snow, 1991), and courtroom drama provides meaningful, interesting content. A number of researchers and practitioners suggest drama is effective in language classrooms. As Walker (1996) states, performing is a springboard to language development. Drama enables students to view reality through fantasy (Athimoolam, 2004), and drama offers opportunities for students to improve communicative skills, including vocabulary, pronunciation, intonation, and gestures in a relaxed atmosphere (Burke &

O'Sullivan, 2002). Moreover, drama is an effective way to promote learning in the Zone of Proximal Development through scaffolding with interaction and collaboration among peers (Royka, 2005). In performing the drama, students as a team take center stage and enhance their autonomy, supported by the teacher as facilitator.

Advocates of task-based language learning suggest that tasks need to correspond to real-life authentic activity promoting the pragmatic use of language, focusing on meaning (Ellis, 2003). Jury discussion establishes the authentic communicative, real-life socio-cultural situation, providing a reasonable challenge of an opinion-gap task that is cognitively demanding and motivating.

Setting and the participants

This study was conducted at a university in the Tokyo area with a student body of about 4,000. The study involves the year-long Spoken English course with 24 students. A different teacher taught the spring semester and I taught the fall semester, so the study spans only one semester. The class met once a week for 90 minutes. The students were Human Communication majors with English proficiency levels ranging from intermediate to high intermediate. Course outcomes were measured by means of pre and post surveys, with open questions and Likert scale questions. The questionnaires were anonymous, but in order to better understand how individual opinions changed during the course, the pre questionnaire and post questionnaire were matched so individual differences could be analyzed. However, four questionnaires couldn't be matched appropriately, so there was matched data for 20 students. Most of the students wrote their comments in Japanese and I translated them into English for this paper. Pseudonyms are used to identify individual students.

Procedure

This one semester course plan began with the exploration of several typical global themes, such as peace and conflict, human rights, and the environment. Then students in self-selected groups researched and presented on a global issue of their choice. After an introduction of the new jury system in Japan, we started reading the courtroom drama *Mushroom Village, Mr. Paul Pit vs. Reddy Bloody Mushy Co.* (Keith, Munezane, & Varcoe, 2005), which is loosely based on real court cases (Lobe, 2003). Appendix 1 includes a summary of the drama and Appendix 2 includes the

discussion guide used by the students. The following two points were explained to students:

1. The drama is designed as a possible murder case because the new jury system will try heinous crimes, including murders.
2. The standard required in most civil cases in Japan and the USA is “preponderance of the evidence” with the verdict of “liable or not” but for our discussions the stronger standard of “proved beyond reasonable doubt” with the verdict of “guilty or not guilty” was used to encourage more careful examination of the facts.

Global issues such as global warming, genetically modified food (Campbell, 2003), and the exploitation of trans-national companies are embedded in the background of the fictional courtroom drama. After reading the drama, students self-divided into two groups of twelve, practiced the drama, and then performed it. Next, the students made groups of four and had jury discussions based on the critical thinking method *five thinking caps* (Appendix 3). Each group concluded by reaching a verdict.

Outcomes

Enhanced English skills

Reading in depth

Students realized that in order to act well, to get the message across to the audience, and to transmit the personality of the characters, actors should read the text in-depth. In the open questionnaire Kayo wrote:

It was hard to really become the character I acted. I rehearsed many times and I noticed that we cannot act well unless we thoroughly understand the text.

While we read the text in the class only once, some students read the script many times at home in order to perform well. Through that process they found analytical reading was indispensable: they must read between the lines and grasp the meaning of the text, including the hidden messages. They read the text analytically and critically so they could convey the proper meaning in their performance. Their goal was expressing themselves as the imaginary characters in the play.

Audience consciousness

Though some characters' lines were long with difficult legal terminology, students performed

the dialogue with amazing fluency, as performing the drama created the need for correct pronunciation in order to be understood. During rehearsals, students worked intensively on pronunciation of difficult words and asked me to check them. In the open questionnaire, students commented that they paid special attention to accents, pronunciation, intonation, and stress. For example, Ken commented:

I consciously emphasized the important words in the lines so that the audience would understand easily.

Paralinguistic factors

Students tried hard to complement their lines with paralinguistic effects such as gestures, eye contact, intonation, and facial expressions to express themselves as the characters in the drama. They could experiment with these extra-linguistic elements of non-verbal communication in an imaginary setting. They were able to experience and test the impact of these techniques as they observed reactions of the audience.

Sharpened critical thinking skills

Devised own way to examine the testimony

Through having jury discussions, many students sharpened their critical thinking skills. Students noticed the importance of looking at things from multiple perspectives to find the truth. For example, Yumi commented:

It was intriguing to listen to others. I found it surprising that there were various interpretations for characters and their testimony and that there were so many different perspectives for looking at a single factor. We tried to look at the evidence from various perspectives.

In probing for truth, students found their own method for examining the testimony. Hiro commented:

When our opinions differed we tried to figure out on which parts we agreed, and on which parts we disagreed, then we closely examined each fact.

Students sharpened their critical creative thinking when their opinions differed through devising their own ways of examining the testimony to find out what really happened.

Critical thinking using five thinking caps

Lessons on critical thinking to examine witness testimony using five thinking caps seemed effective, as students applied the method as explained. For example, Emi commented in the open questionnaire:

I came to realize that the judgment of guilty or not guilty should be based not on emotion but solely on the facts and evidence. (Red cap examines intuition/emotion as evidence) And I realized that it's impossible to judge without enough evidence.

Students tried hard to exclude emotional factors in examining whether the case was proved beyond a reasonable doubt and through that process they noticed it was necessary to have enough evidence to make judgments based solely on facts.

While they were having discussions, I overheard Taku say:

Lawyer Briby (defendant's Lawyer) is the kind of person who does anything beneficial for him and his clients, whether it's bad or good. And what lawyer Briby says is mostly abstract sophistry and he is not proving any point (Black cap examines deductively valid statement).

Here, Taku applied the method of black cap and noticed that what Lawyer Briby says is sometimes deductively valid but void of content. Thus he successfully detected some fallacies in reasoning and raised the question of this lawyer's credibility.

The task of reaching a verdict was laborious but interesting

Students were seriously engaged in the jury discussions and they found reaching a verdict through raising questions and examining the facts to be difficult but interesting. Some students commented:

It was interesting to examine each witness statement to decide whether we had enough evidence to judge. It was difficult but I tried hard to express my opinion in a persuasive way. It was hard to speak spontaneously what was in my mind, which was quite complicated. (Momo)

Everybody had different opinions and it was interesting to share but it was difficult to sum

up the discussion and reach a verdict because some members thought *guilty* and others thought *not guilty*. (Yusuke)

Students found the process of examining the testimony and reaching a consensus laborious but interesting. They tried hard to express their perspectives in English to make themselves understood and persuade others.

Students became more interested in the court cases and jury system

According to the pre and post surveys, students became more interested in trials in general after the lessons. As Table 1 shows, their interest in trials increased ($p < 0.005$). In the open questionnaire, many students commented that they became more interested in trials and the jury system. For example, Ryou commented:

I didn't quite agree with the introduction of the jury system and I haven't changed my mind regarding this but I became very much interested in trials through the lessons, so I would like to listen to and follow court cases with a serious attitude from now on.

Additionally, students became slightly more willing to serve on a jury through organizing and participating in a mock jury. The change wasn't significant, likely because seven of the 20 students were more willing to serve on a jury, but three were less willing to serve. In their comments many students indicated they had become aware of the heavy responsibility involved in serving on a jury. For example, two commented:

I didn't want to be a juror before but now I feel that maybe I don't mind joining. I feel that way, just a little bit. (Wakaba)

It is such a difficult task to reach a verdict. It is good that ordinary citizens would have a chance to join the legal procedure, but the citizens have to bear such a heavy burden. (Shyun)

Looking into the future

Further study to examine how group dynamics work to see if students felt any frustrations in changing opinions in the process of jury discussion would be meaningful, because in real jury discussions some lay judges might feel awkward in presenting their opinions in opposition to experts and might feel pressure to change their original verdicts (Pulvers, 2007).

The Mushroom Village script used in this

Table 1. Results of pre & post survey

	Pre survey	Post survey	p-value
I'm interested in trials.	2.75	3.3	0.004
I would like to serve on a jury.	2.05	2.3	0.262

study is just one option for the courtroom drama. Students could collaboratively write their own courtroom drama or co-author the drama with the instructor. Performing and examining one's own creation could be a motivating experience. An alternative idea would be to research and adapt a real court case and reduce it to a manageable size in terms of content and length.

Conclusion

Through courtroom drama and jury discussions, students sharpened their critical thinking skills and raised their awareness of court cases and the jury system. There was much excitement, laughter, and enthusiasm throughout the course. Through practice and performance, students improved their pronunciation and understanding of gestures in their efforts to transmit the message to the audience as dramatic characters. They became better critical thinkers through applying the five thinking cap strategies as they examined the testimony and evidence from different perspectives. Students raised their awareness of the heavy responsibilities that jurors must bear, and showed a slight increase in their willingness to serve on a jury. Students found the task of reaching a verdict both interesting and difficult, yet they expressed their own perspectives in English to persuade others when opinions differed. Jury discussion provided a situation where students had to listen carefully to their peers and express their own opinions effectively and appropriately. They were required to produce the spontaneous arguments to be able to collaboratively reach a verdict within a limited amount of time.

This study demonstrates the benefits of using courtroom dramas and jury discussion in the classroom. It is hoped that other teachers will be encouraged to incorporate courtroom dramas and jury discussions into their own classrooms so students will be able to fully contribute to juries when the time comes.

Acknowledgment

This article is an extension of a JALT2005 presentation, *Environment in the balance*. Many thanks

to the audience, my co-presenters Barry Keith and Charles Varcoe, and friends and peers who participated in the drama.

References

- Athiemoalam, L. (2004). Drama in education and its effectiveness in English second/foreign language classes. Retrieved August 17, 2007, from <www.uni-oldenburg.de/zsn/download/Logan_Malaysia_Conference.pdf>.
- Bassham, G., Irwin, W., Nardone, H., & Wallace, J. (2005). *Critical thinking*. Boston: McGraw-Hill.
- Biggs, S. (2007, September 11). Critics: Lay judges may issue more death sentences. *The Japan Times*, p. 3.
- Browne, N. M., & Keeley, S. M. (2003). *Asking the right questions: A guide to critical thinking* (7th ed.). Saddle River, NJ: Prentice-Hall.
- Burke, A., & O'Sullivan, J. (2002). *Stage by stage*. Portsmouth, UK: Heinemann.
- Campbell, J. (2003). *50 harmful effects of genetically modified foods*. Retrieved August 17, 2007, from <www.cqs.com/50harm.htm>.
- Dantou, S. (2007, December 20). Shikeihaishi nakushite saibanin seido nashi. [Lay judge system should not be introduced without abolishing capital punishment]. *Asahi Newspaper*, p. 3.
- DeBono, E. (1985). *Six thinking hats: The power of focused thinking*. New York: MICA Management Resources.
- Ellis, R. (2003). *Task-based language learning and teaching*. Oxford: Oxford University Press.
- Fisher, A. (2001). *Critical thinking: An introduction*. Cambridge: Cambridge University Press.
- Fisher, M. (2002). *Putting on mock trials*. Chicago: Public Education, American Bar Association.
- Freire, P. (1996). *Pedagogy of the oppressed*. London: Penguin Books.
- Kabilan, M. (2000). Creative and critical thinking in language classrooms. *The Internet TESL Journal*, 6(6). Retrieved August 17, 2007, from <iteslj.org/Techniques/Kabilan-CriticalThinking.html>.
- Kamiya, S. (2005a, February 27). New order in court. *The Japan Times Online*. Retrieved August 17, 2007, from <search.japantimes.co.jp/cgi-bin/fl20050227x1.htm>.

- Kamiya, S. (2005b, February 27). Preparing for justice that's seen to be done. *The Japan Times Online*. Retrieved August 17, 2007, from <search.japantimes.co.jp/cgi-bin/fl20050227x4html>.
- Kamiya, S. (2007, June 20). Employer groundwork laid for lay judges. *The Japan Times*, p. 3.
- Keith, B., Munezane, Y., & Varcoe, C.. (2006). The environment in the balance: Jury role-play in the classroom. In K. Bradford-Watts, C. Ikeguchi, & M. Swanson (Eds.), *JALT2005 Conference Proceedings* (pp. 660-685). Tokyo: JALT.
- Laskar, B. (2007). Critical thought and literature in the Japanese university EFL classroom. *Kanda University of International Studies Kiyou*. Retrieved August 17, 2007, from <www.kandagaigo.ac.jp/kuis/aboutus/pdf/benjamin_laskar.pdf>.
- Lobe, J. (2003, October 23). *Courtroom drama: Peasants sue major US oil firm*. OneWorld.net. Retrieved August 17, 2007, from <www.commondreams.org/headlines03/1023-03.htm>.
- Magee, B. (2001). *The story of philosophy*. London: Dorling Kindersley.
- Noddings, N. (2005). *Educating citizens for global awareness*. New York: Teachers College Columbia University Press.
- Nonaka, T. (2007, November). The new Japanese jury system: An introduction and personal view. *International Judicial Monitor*, 2(3). Retrieved August 17, 2007, from <222.judicialmonitor.org/current/globaljudicialdialogue.html>.
- Ogasawara, T., Ogasawara, Y., Haruyama, A., Watanabe, R., Okada, K., Tsutsumi, T., et al. (2007, June 20). Assuaging fears of being a judge. *The Japan Times*, p. 16.
- Pulvers, R. (2007, August 19). Can justice possibly 'flower' in Japan's new courts? *The Japan Times*, p. 16.
- Royka, J. (2002). Overcoming the fear of using drama in English language teaching. *The Internet TESL Journal*, 8(6), Retrieved August 17, 2007, from <iteslj.org/Articles/Royka-Drama.html>.
- Snow, M. (1991). Content-based and immersion models for second and foreign language teaching. In M. Celce-Marcia (Ed.), *Teaching English as a second or foreign language* (pp.303-308). Boston: Heinle & Heinle.
- Walker, L. (1996). *Readers theatre in the middle school and junior high classroom*. Colorado Springs, CO: Meriwether Publishing.

Yoko Munezane holds an MA in TESOL from Teachers College, Columbia University. She is teaching at University of Electro-Communications. Her interests include global issues, futures education, English literature, and promoting autonomy in learning.

Appendices

Appendix A: *Synopsis of the fictional courtroom drama*, Appendix B: *Jury discussion: Mushroom Village*, and Appendix C: *Critical thinking method to examine the evidence: Five thinking caps* can be viewed online at <jalt-publications.org/tlt/resources/2008/0809a.pdf>



NPO JALT 2008 National Elections

**More information, plus a ballot card,
can be found in the August TLT.**

LexiSpace Basic

an innovative program

for teachers & learners

www.momentum-education.com

... that you only really _____
something when _____
_____ experienced it
for yourself.



**LEXI
space**

Mac & Win