



Tips for Teachers

Using Court Cases to Foster Communication and Critical Thinking

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In teaching English as a foreign language, especially in countries where most students encounter very few circumstances to use the language outside of the classroom, teachers must go to extra lengths to ensure that lessons are meaningful and relevant to their students. Using meaningful lesson content and providing opportunities for them to express their personal thoughts, opinions, feelings, and experiences motivates students and contributes to growth in their language proficiency. Furthermore, engagement with meaningful topics contributes to their sense of ownership of English as an international language. It promotes both understanding of and practice in using English to communicate with others across linguistic, cultural, and national boundaries. Using stories from criminal court cases has special appeal and relevance for my students in Japan and, I believe, could be easily adapted for use by language teachers in other settings as well.

Beginning in 2009, some of Japan's judicial procedures will include lay judges. Ordinary citizens will oversee criminal trials side by side with professional judges, with whom they will have equal authority in deciding verdicts and sentences. There are two main purposes for the introduction of lay judges. One is to make the judicial system more accessible and understandable for ordinary citizens. The other is the hope that allowing for citizen input in the determination of criminal cases will promote confidence in and support of the system.

The topic of the lay judge system, therefore, is not only highly interesting for Japanese university students at the intermediate level of English or above but also creates an opportunity for them to engage in a thoughtful process in preparation for a civic duty they may very well be called upon to participate in one day. With appropriate local adaptations, this topic should also be both appealing and practical for English language students in other countries whether they have a jury system, a lay judge system, or yet another system

of deciding criminal court cases. In any case, the topic is likely to stimulate student interest and provide a meaningful exercise in English language usage.

Instructional Unit

The sequence of activities described below can constitute up to three 90-minute lessons. On the day before I begin the unit, I give students a homework task in which they must prepare to state and explain about five points in support of and about five points in opposition to the lay judge system.

Lesson 1

After I present a brief introduction to the topic, students work in pairs for about 30 minutes to discuss the pros and cons of the lay judge system. In other words, each student works with a partner and discusses both pro and con points. Although it will go into effect as planned, there remains considerable controversy and debate about its merits and potential difficulties. In addition to students employing English language skills to express these points, the aim of the lesson is also to advance students' critical thinking as they reason, analyze, and evaluate different views on the topic. Afterward, I elicit from the class some of the pros and cons that they have heard or presented so that each student hears more ideas. I also use this time to focus on various relevant language items used to express their ideas.

Lesson 2

The second part of the instructional unit involves students playing the role of lay judges and deciding sentences for specific criminal cases that are presented as brief summaries. Some of the most successful cases are reproduced below. Most are stories of actual cases that I have gathered from newspaper stories. I created or adapted others to provide a wide variety of cases for students to consider. The directions that I give students read as follows:

Directions

You are a group of lay judges responsible for sentencing the people in the following cases after their trials. Discuss each case. Each person in the group must state and explain an opinion on the case and recommend a sentence. Then try to reach a consensus through discussion. You can (1) order execution, (2) send the person to prison for (x) years, (3) give a suspended sentence in which the person is found guilty of a crime but is not sent to prison because of extenuating circumstances, or (4) acquit the defendant.

Groups of four or five students seem to work best for this activity. Students take turns stating their recommended sentences and explaining their reasons. Inevitably, there are differences of opinion, sometimes vast differences. After each person has spoken, the members of the group try to reach consensus through further discussion and persuasion.

Of course, during these discussions, I circulate around the classroom monitoring and facilitating the interaction as necessary and appropriate.

I typically allow about 20 minutes of discussion per case. Sometimes consensus is achieved within a group in that time and at other times it is not. After each case, I ask a spokesperson for each group to report the determined sentences from their group or, in cases where consensus could not be reached, to summarize the discussion so that the full class can compare all the results. A lack of consensus is recorded as a deadlocked decision. With a day devoted to discussion of the pros and cons of the judicial system followed by five or six cases, the entire unit of instruction can take up to three 90-minute class meetings.

Court Case Summaries

Following are six cases that I have used successfully. Cases one, two, five, and six are based on actual news stories. Cases three and four were adapted from old teaching materials whose origin I have been unable to verify.

Case 1

A six-year-old boy was kidnapped and found dead in an old well at a Shinto shrine near his home in Tokyo. Police arrested a 45-year-old man for kidnapping and murdering the boy when he appeared at a place where he was to receive twenty million yen he had demanded from the boy's parents. He told police that he had enticed the boy to go with him to the back of the shrine where he would show him some beetles. There he struck the boy several times in the head with a brick and strangled him. Later, he dumped the boy's body into the well. (This is a true case.)

Case 2

A masked man forced his way into a house in Tachikawa, Tokyo and raped an 11-year-old girl at knifepoint. Police say the girl was home alone when an unidentified man telephoned around noon to ask if her parents were home. Shortly afterwards, the masked man entered the house through a window, grabbed a kitchen knife and held it to the girl as he raped her. After a police investigation, the man was found and arrested. (This is a true case.)

Case 3

A woman, age 43, with four children, worked as a secretary. Over the past several years, she had called the police several times saying that her husband was beating her. In fact, she had gone to the hospital with serious injuries four times in the past year. One day, police received a call from a neighbor and went to the woman's house. They found her with a gun in her hand and her husband on the floor, dead. The woman told police, "I'm not sorry I shot my husband. I thought he was going to kill me." She was arrested and charged with murder.

Case 4

A woman, age 53, divorced and with no children, is an alcoholic. She had received treatment for her condition, but over the past ten years police had arrested her four times for drunk driving. One day she was driving home from an afternoon party. She was drunk. She hit a three-year-old girl on a tricycle and the girl died. The woman was arrested and charged with drunk driving and manslaughter.

Case 5

A masked man abducted a three-day-old baby boy from a hospital in Tottori. He entered a room where the baby's mother was nursing him, sprayed her with a fire extinguisher, grabbed the baby, and ran off with him. The man, age 29, and his wife, 33, wanted to raise the baby as their own rather than receive a ransom. They had the baby officially registered as their son. After an intense investigation, the police received a tip and arrested the man and woman. The baby was rescued and examined by a doctor. He was found to be in good health. (This is a true case.)

Case 6

Three 15-year-old boys from the same junior high school in Nagoya came up with a plan to attack homeless people and to rob them. Then they attacked a 69-year-old homeless woman beside a river. After hitting her in the face and abdomen with iron pipes, the woman died. They were caught and arrested on charges of murder and robbery. (This is a true case.)

Once you try using criminal court cases as the basis for critical thinking and discussion activities in your English classes, I am confident that your students will ask for more.

About the Author

James W. Porcaro is a professor of English as a foreign language at Toyama University of International Studies. He has taught in Japan since 1985 and holds masters degrees in TESOL and African Area Studies. He also teaches high school classes and is active in teacher training and other educational endeavors.

