Eurasian Journal of Educational Research 78 (2018) 1-22

Eurasian Journal of Educational Research
www.ejer.com.tr

An Alternative Method to Resolve the Classroom Problems: Mock Trial*

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ARTICLE INFO

Article History:
Received: 01 Jun. 2018
Received in revised form: 03 Nov. 2018
Accepted: 08 Nov. 2018
DOI: 10.14689/ejer.2018.78.1

Keywords
Mock trial, human rights, social studies, citizenship education

ABSTRACT

Purpose: Mock trial is an activity commonly used both in and out of the class in citizenship education. Mock trial is a simulation technique rooted in experiential learning. This study aimed to evaluate the Mock trial method used by a primary school teacher in Turkey to solve the problems faced during lessons. **Research Methods:** This research is designed as an intrinsic case study, which involves the use of Mock trials to solve the classroom problems. Participants were a classroom teacher and 20 fourth grade students attending her class. Research data were analyzed using inductive thematic analysis. **Findings**: Mock trial procedure was conducted during the last 15 minutes of the lessons at one-to-two-month intervals. The problem to be handled in the Mock trial is decided by the consensus of the students and the teacher. Students solve the problem by acting out their roles as decided in the trial. In this way, students develop the skills of problem solving, self-control, responsibility, empathy, and communication. Also, they learn about the concepts of right and justice, and the functioning of justice system. **Implications for Research and Practice:** When Mock trial is to be applied to solve classroom problems, especially the problems students commonly experience in their school can be prioritized. Rules to abide before, during and after the trial should be set up first, and a democratic classroom culture characterized with respect, affection and confidence should be established. Students should be encouraged to concentrate on the solution of the classroom problems. Further research can be conducted on utilizing this method as an instructional method in different courses. Moreover, training programs can be held to inform the teachers about this method.

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* This study was supported by Anadolu University Scientific Research Project Commission under the grand no: "1603E091" and was presented in International Conference on New Horizons in Education on 13-17.07.2016 in Vienna, Austria.

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Introduction

Mock trial is commonly used as an in-class and out-of-class activity in citizenship education. Theoretically rooted in experiential learning (Glancy, 2016), mock trial can be defined as a method in which students simulate a real-life situation about an issue by acting out the roles of judge, prosecutor, lawyer, witness in a classroom decorated like a real courtroom (Arthur & Wright, 2001). Simulations should be done based on the experiences in a setting arranged in a realistic way. Since the simulation aims to let students experience a situation in real life, the skills learned and improved can be transferred into students' real life afterwards (Bradley, 2006). Suggesting a learning model in the form of 'watch, learn and do', this simulation technique enables the students to evaluate the different perspectives of the problems faced, to make a decision choosing among different opinions for solution, to see the effect of different strategies on the decisions they have made and trace the consequences of their own acts (Wales & Clarke, 2005).

With the Mock trial method, students learn how court system works and they comprehend the significance of such juridical and democratic principles as justice, impartiality, prescription, freedom of speech, importance of evidence, presumption of innocence (Cassidy & Yates, 2005). Moreover, students learn the philosophical and historical basis of constitution, thus contemplate and discuss on the current practices within the context of past and now (Strickland, 2016). Beside enhancing students' awareness of and involvement with issues about citizenship-related issues (Smagorinsky, 1994), this method also improves students' skills of conflict resolution, problem solving, decision making, critical thinking, communication, cooperation and empty and senses of justice and social responsibility. It also builds up learners' self-confidence by supporting their social development (Ahmadov, 2011; Cassidy & Yates, 2005).

The efficacy of Mock trial depends on planning and structuring it properly. Mock trail is usually constructed on a fictional situation. This fictional situation is given to students before the court trial and students get prepared for the court issue and for their roles (Roe, 1987). It is important that a realistic courtroom setting is built and students work concentrating on their roles before the Mock trial (Glancy, 2006). Besides, the students who are going to take part in the trial should be selected by matching properly their skills and sophistication with trial roles. Apart from the defendant and defending team, high participation can be sustained during the court by giving students some roles such as reporter judge, witnesses and media groups (Roe, 1987). The trial should be run just like a real one, roles should be acted respectively, and teacher should play the role of observer and just take notes. The teacher should also be a facilitator, guide, task manager and should support the weak party in discussions (Ringel, 2004). During the trial, sufficient time should be allocated for the inquiry process. This is one of the most important processes of the trial (Roe, 1987). After the trial, class should make a discussion to examine the trial process. The teacher and other students should give feedback to the students taking role in the trial about the indicators of a good performance and goals (Glancy, 2006). The evaluation should be done in a holistic way, and the critical thinking, questioning, presentation

and participation performances displayed by each student should be assessed as a whole (Bengtson & Sifferd, 2010).

The use of Mock trials in education began with law education in 1970s. Mock trial activities have been commonly used in law education to train lawyers (Kravetz, 2001; Knerr & Sommerman, 2001). Mock trial activities have an important place in teaching constitutional law (Fliter, 2009), international laws (Ambrosio, 2006), global policy (Ambrosio, 2006; Jefferson, 1999), and politics (Ahmadov, 2011; Asal & Blake, 2006). Moreover, this method has been recently used in teaching economics law (Carlson & Skaggs, 2000; Hersch & Viscusi, 1998), and health rules and legislature (Smith, 1992). An analysis of the relevant literature reveals that Mock trial is used in social studies and history education (Patrick, 1991; Weiner, 2010), science education (Beck & Czerniak, 2005; Wheeler, Maeng & Smetana, 2014). Mock trial has been used as an active teaching method to teach candidate teachers discussion, questioning and argumentation skills (Helgeson, Hoover & Sheehan, 2002). It is seen that previous studies have been conducted mostly at tertiary or high school level, and trials were run about fictive or current global issues. The literature revealed no studies which uses Mock trials directly about classroom or school problems. The present study mainly discusses how Mock trial method should be used when it is employed directly to solve classroom problems such as behavior problems like violence and violation of classroom rules through a case study.

Mock trial is used in education because it is grounded on experiential learning and it is a method for simulation. Constructivist approach in education has been adopted in Turkey since 2005 and learning outcomes and activities have been integrated into all curricula in primary school as per cross-curriculum approach. However, many research findings suggest that citizenship education is conducted in accordance with a traditional teacher-centered approach (Bağlı, 2013; Ersoy, 2007; Toraman, 2012). In the present study, it is aimed to examine the Mock trial method used by a primary school teacher in Turkey to solve the problems she faced in her class. In this regard, answers to following research questions were sought:

1. How is mock trial method applied to solve the classroom problems?
2. What knowledge, skills, and values are taught to the students with mock trial method?
3. What are the attitudes and behavious of students towards mock trial?
4. What is the role of the teacher in the implementation of mock trial?
5. What are the challenges faced during the implementation of mock trial?

Method

Research Design

This research is an intrinsic case study which involves the use of Mock trials to resolve the classroom problems. Intrinsic case study is defined as the detailed exploration of a particular and extraordinary case (Stake, 1995). This study draws on intrinsic case study method since it examines an original and different situation. In this design, which involves an exploratory process in its natural environment, the researcher takes the intrinsic case as his/her guide rather a theory or generalization and he/she is bounded to the context. Since the researcher reconstructs the experiences of participants and readers, it is based on a constructivist philosophy (Mills, Durepos & Wiebe, 2010). Theories can partly be beneficial in intrinsic cases which examine such kind of specific situations because theories involve broader situations. Therefore, intrinsic case is a situation which develops in its own context. The researcher interprete the situation depending on the context just like an explorer. At the same time, the readers understand the situation and make meanings within the context. In this study, the practice of use of Mock trial method by a primary school teacher in Turkey to teach Human Rights, Ctizenship and Democracy lesson was considered as an intrinsic case.

Participants

The studied school was a state school located in the center of Newcity (codename) province in Turkey, which had a capacity of 800 students coming to school half of the day mostly from families of middle socio-economic status. The study was conducted with a classroom teacher and his/her students. This teacher, who has a creative and sensitive character and uses different instructional methods, applies Mock trial in her "human Rights, Citizenship and Democracy" course at fourth grade. With 20 years of total professional experience and she has been using Mock trial in her lessons for 8 years. A total of 20 fourth grade students attending her class participated in the study after their parents' consent was granted. Since the participating students started the primary school at their 5.5, they were 9 to 9.5 years old when the study was conducted. Participants were generally born and grown up in the same city. Students' mothers were generally elementary school graduates and unemployed. Their fathers were generally high school graduates and work as tradesman or worker.

Data Collection and Analysis

In this study, the data were collected through participant observations during classes and semi-structured interviews with the teacher and her students. Thus, triangulation was achieved in terms of both data and participants. The Mock trial processes conducted by the teacher was observed by the resarchers during her Human Rights, Citizenship and Democracy classes. The researchers collected the data accompanied with field notes as participant observers. Observations lasted about 6 months. Observations took a total of 24 lessons, with one hour each week at Human Rights, Citizenship and Democracy lesson. Following every Mock trial, individual interviews were conducted with each of the 20 students to get their general views about Mock trial sessions, which lasted about 15-20 minutes. After each trial, students

were asked about the roles they acted during Mock trial process, and after the implementation of Mock trials they were asked about their opinions on Mock trial as a method in general. The teacher was interviewed twice, first at the beginning of the observation and second after the analysis of the data collected through classroom observations and student interviews. During the first interview, the teacher was asked general questions about the purpose, reasons, and procedure of using Mock trial in her classes. After the trials ended, the data obtained from student interviews, classroom observations and initial interview with the teacher were analyzed and second interview with the teacher was conducted. During the second interview, the teacher was asked questions about why the trials were conducted, how the students were chosen and the problems faced regarding each Mock trial.

In this design, the data analysis focuses on interpretation of meanings and makes an effort to grasp the richness and complicatedness of the case. Research report is driven by the experiences and stories (Mills, Durepos & Wiebe, 2010). In this study, the data were analyzed using inductive thematic analysis approach via MAXQDA qualitative data analysis program. Data collected through observation and interview were comparatively analyzed focusing on experiences and meanings.

Trustworthiness and Ethical Issues

Trustworthiness in qualitative research can be enhanced through participant checks, participant consent, triangulation and peer examination (Merriam, 2013). In the present research triangulation was achieved collecting data through both observation and interviews with students and the teacher. Thus, the observation and interview data together with teacher-student statements were compared providing the opportunity to collect rich and detailed data. In this way, the agreeing or disagreeing aspects of the data could be revealed. In qualitative analysis, expert opinions are sought to ensure that data are interpreted truly (Glesne, 2014). During the analysis of this research, two experts were consulted for their examination of the analysis. Another method to enhance the trustworthiness is to examine the consistency between the analyst's interpretations of the participants' statements and participants' opinions, i.e. participant checks (Lincoln & Guba 1985). Following the analysis of the data the teacher was negotiated about the accuracy of the meanings extracted from the data. Additionally, we granted the participants' written and verbal consent to take part in the research. Moreover, students' parents were asked for their consent and only those students with parental permission were involved in the study. All participants were given nicknames during all phases of the research, and confidentiality of personal information about the school, class, the teacher and the students were preserved.

Results

Mock Trial Procedure

The goal of trials. Teacher Sevgi explained how she spontaneously began running trials in her class: "One of my students told me. I link the content I teach to real life. I said them they would be put on trial if they committed that crime. One of my students offered: *'Let's do then teacher! Let's set a court. I will be lawyer*". *This is how the idea came out."* It is understood that with the practice of Mock trial teacher Sevgi intended to involve the students while solving students' behavioral problems in the classroom, to enable them solve their own problems, to develop their self-control skills and thus to minimize the undesired behaviors in the classroom: *"When they see their faults on their own with the testimony, they realize the issue better and learn more effectively. When I make the decisions, they have to abide with the decision. However, they mistakenly believe that a higher authority gave an unnecessarily…But through it [Mock trial] they are better convinced."*

It seems that Mock trials were run mostly based on an example scenario made up by the teacher. When asked her opinion about using the actual classroom problems in trials instead of fictitious scenarios, teacher Sevgi asserted that fictitious problems would be less effective explaining as follows: "*I myself might have given a topic. However, the problems are solved more sustainably when I do it in this way... What can it ever work for us if we solve in the classroom a problem which do not even experience? Yes, they could learn the trial procedure, however they would not embrace the point since the topic is irrelevant, and the injustice they suffer could not be revealed."*

Timing. Teacher Sevgi stated that as the learners' level of maturity increases, she uses the method more effectively. Teacher Sevgi states that she expects the method to improve inquiry skills and certain moral and democratic values such as respect, affection, trust and empathy among learners. She further explains that she makes an effort to develop these skills and values during the first three years of primary school and begins to use the method by the fourth class: "*I use trials only after things are established and students know about me. I used the method after they knew, believe, and trust me and their classmates..."* Another aspect of timing that teacher Sevgi considers is the "frequency of trials". Mock trials were run in the classroom once every 45-60 days. Sevgi ran four Mock trials during the 6 months of study. As she explains below, she runs the trials not so frequently, because otherwise the impact of decisions taken in the trials may fade away, it may be at the center of students' lives or they may feel fed up with the trials: "*I'm in favor of running it rarely. I don't want it to be the focal point their lives… In order to prevent such concerns, I try to run trials duly and when very important events happen."* It was observed that Sevgi runs the trials generally in the last classes and during the last 15-20 minutes. Sevgi explained that the reason for running the trials towards the end of the lessons was to prevent the decisions given during the trials and the statements of the students who took roles from affecting negatively the other students and the friendship between students*: "When I run it during the last 20 minutes, they can't reflect it to the class. The next day they forget it".*

Introduction to the trial. At the beginning of the trial, the subject of the trial emerges and it is determined after being discussed by the class. Since the problem incidents occur during the break time, they are submitted to the court generally after the students tell the teacher about the problem and sometimes through teacher's observations in and out of the class. The teacher and students decide together the issue to be handled in the trial. Trials are generally run on common problems that concern all students, but individual problems are not handled in the court. Trials are run especially in the case of violent acts such as hitting the friends, giving harm to the classroom equipment (e.g. class register or the lamp etc.), misbehaving the peers (using bad language, mocking or excluding from the game etc.) and acting against the classroom rules (using the IWB without permission, playing with a ball in the corridor or classroom).

Rules of the trials. Teacher Sevgi set some rules with the students in order to run the trials effectively and to prevent possible negative attitudes. It is understood that she set these rules as a precaution not to affect the relationship between students negatively. These rules are as follows: listening to his/her friends respectfully during the trials, learning and applying precisely the decision of the court, deciding the subject of the trial together, being honest during the court, telling the events as they are, respecting the decision made by the judge, giving responsibilities especially about education at the end of the trial, performing the responsibility taken, caring about not to resend others, solving the problems with affection, respect and cooperation, and not ridiculing any issue after the trial. When any of them is breached the teacher reminds the students of the rules during and after the trial.

Running the trial. After the teacher decides with the students to run a trial, the trial procedure begins, which includes these steps: first, the teacher associates the problem with the topics of the course (democracy and human rights); second, the students are cast their roles; third, the classroom is set into the court arrangement; finally, the trial is held and the court decision is announced. In this study, a total of four trials were run about the issues of "Throwing chalks", "Running in the Classroom", "Excluding a Friend off a Game", and "Soaking the Class Register".

The teacher associates the issue with the lesson content sometimes before the trial and sometimes after the trial. Teacher Sevgi stated that while using the Mock trial she associates the trials with the topics of 3rd grade *World Knowledge* course such as "Abiding the rules of collective life and performing the responsibilities", "Getting on well with people around" "Being in solidarity and cooperation", "Felling affection and respect to people", "Abiding the class rules", "Using the school equipment carefully", and with the concepts in the 4th grade *Social Studies* and *Human Rights, Citizenship and Democracy* courses such as right, justice, laws, equality, human rights and freedoms.

After the teacher associates the subject of the trial with lesson, she casts the roles to the students. She generally runs the Mock trials with 6-10 students. While the roles of judge, prosecutor, lawyer and defendant are played by only one student, there are two witnesses in some trials and four in others. However, it was observed that those students who do not have any roles in Mock trials generally do not watch the trial and

they get occupied with something else. For these students who do not take part in Mock trials, teacher Sevgi states that *"They somehow react for not being selected. They feel offended since the teacher hasn't chosen them. They get bored and, thus, they try disrupting the class."* Teacher Sevgi believes that she can solve this problem by selecting the students for the trial by turns. Moreover, she selects the students from voluntary students, whom she only declares the roles. It was observed that students are generally willing to take part in Mock trial, and they are especially more willing while teacher selects the judge. Teacher Sevgi explains below how she selects the students by matching their personal traits and the roles, the context of the incident to be handled in the trial (whether the students stay in or out of the event) and the situation:

> *I choose the witnesses from among the students who directly saw the event, can really tell the truth, won't falsify the event, can tell what she/he actually saw. I try to select an objective kid as the lawyer... As for the prosecutor role, I try to select a kid who can tell the truth and represent strong opposition. As for the judge role, I generally try to select a kid who is wise... relatively reasonable, and impartial.*

After roles are cast, the classroom is arranged for the Mock trial. The trial is run in the small space between the IWB and desks in the classroom with a capacity of 30 students. While the Mock trial is run, students stand next to each other in front of the board generally facing their friends. The teacher does not make any special arrangement for the court and students act out their roles with their routine school uniforms. Teacher Sevgi explains below why she does not arrange the classroom so as to simulate a real court: *"I was concerned that students could have been nervous if I had asked them to wear special costumes looking more serious? Thus, I preferred it to happen in a more improvised way, solving such small problems among us. I arranged the students in a circle. I wanted them to be equal in rank."*

The student who acts out the judge in the Mock trial listens to the other students who play the roles of defender, offender, witnesses, lawyer, and prosecutor first, then makes a decision and declares it. Since there is no jury in Turkish courts, only the student in judge role makes a decision. When making decisions, students abide by the decisions and instructions designated by the teacher before. Some of the decisions made by the students included physical sanctions such as squatting, standing up for a while, imitating animals; educational sanctions such as not participating the physical education and sports lesson, reading books, doing extra tests, doing calculation homework; artistic sanctions such as bringing flowers to the class, singing, writing a poem; or other preventive sanctions like writing 'I apologize' or 'I will not do it again'. Teacher Sevgi does not intervene in the court's decision-making process and just makes sure that court decisions impose sanctions that will be beneficial for the students. Teacher Sevgi believes that what matters is not the sanctions imposed by the court, but to have the students notice their misbehaviors and not to repeat again. Thus, teacher Sevgi said that the sanctions given by the court are "Symbolic" and continued *"The important point is to judge the student in this process, i.e. to get aware of the misdeed. The decision is not very important".*

After the trial. After the Mock trial, the teacher does not make any evaluation or comment about the trial procedure, but just follows the changes in students' post-trial attitudes and behaviors. The effect of the court decisions on students' behaviors varies from student to student. Although most students do not repeat the same misdeed, a few of them continue to display the same negative attitude or behaviors. For example, Ceren admits that she hesitates to do acts that end up with certain sanctions in the Mock trials, saying "*I mean 'I say… if I do the same I am going to have the same sanction… so I shouldn't behave in that way but should behave in this way.*" Teacher Sevgi explained that the court decisions are really effective on students except for a few kids who are generally neglected in families and are especially diagnosed with attention deficit disorder and hyperactivity. On the other hand, students stated that the courts are not effective since the sanctions are not very deterrent, the same decisions are made, sanctions are applied at home, the punishments are not controlled, the sanctions are not imposed, not enough punishment is applied and it is not known who executes the sanction. One of the students, Ceren, indicated that the imposed sanctions are easy by saying "*If it [the punishment] is easy, one does it in five or ten minutes.*" Additionally, Seda, another student, asked the sanctions to be more effective saying "*They should be given unforgettable punishment*". Teacher Sevgi explains how the court decisions do not affect their friendship negatively based on their developmental characteristics as follows: "*Students generally leave the event behind... They take it like entertainment. I haven't seen them feel unhappy because they are punished. The student who is punished easily gets used to the situation. Since their friends make the punishment decision, it doesn't matter so much.*"

Learning Outcomes

After the application of the court, the students raised awareness about the problems in their neighborhood and made efforts to solve these problems. Teacher Sevgi explained below how she observed that their students behaved differently from the students in other classes and that they were more attentive towards their neighborhood: "*[Other] Children act very unconsciously... However, neither the child who is disturbed nor the one who is disturbed is aware. Mine [my students] are quite aware of it. They can immediately notice both the disturbing and disturbed person*". Selecting the issues to be handled in the court from among the actual conflicts among students ensured that students can find solutions to these conflicting situations in the court on their own and negotiate. Teacher Sevgi explains below how students became aware of their wrong attitudes and understand that conflicts are unnecessary:

> *There was a problem about excluding a student from a game... Students understood that they should solve the problem using other ways but excluding their friends from the game. They have heard from their own friends that it was not fair to exclude from the game the kid defended by their friend playing the lawyer... As a result, when they had problems with a friend during a physical education class, they preferred to negotiate with him instead of taking him out of the game.*

During the trials, students actively involved in the processes such as listening to the claims, defensing, responding to questions, defending decisions, appealing, and they used their listening and speaking skills. Thanks to the interaction and

empathizing among students and collective decision-making during the course of trials, any prejudices among students against each other can be removed. Teacher Sevgi said that "*diminishing the conflict environment among students improves their positive communication skills such as listening to each other, understanding, finding solutions, and building empathy… The students who did not communicate with a student called "…." began to communicate and get on well with him"* and stated that after the court students began to use daily communication such as 'Good morning!', 'Thank you!', 'I apologize!', 'Have a nice day!', and 'Get well soon!' more. Involving students especially with low self-confidence in the court has strengthened their sense of self-worth and encouraged them to become active in society. Teacher Sevgi explained this situation by saying "*When they make a decision in the court, they feel that they are valuable. Because they have the authority and they are grad to be decision makers. This feeling affects them very much ... I have observed that for the students who suffered problems and victimized to be listened and considered by everyone in the court gives them a feeling of worthiness."* To illustrate the situation, she also gave the example of a student: "For example, just as Taha felt very worthless when he was excluded from the game, so he felt himself so valuable when he was found right at the end of the trial. Her point is supported by some students, who say such sentences as "*I feel very important when the court is run and I take part in it."* As the students' self-confidence was enhanced, their ability to speak more courageously and defend themselves also improved. For example, Ceren mentioned about how she gained self-confidence saying "*For example, I used to be shy doing something in front of many people. But now I am used to, because I always act in the court. I am not shy anymore*." Teacher Sevgi also emphasized that in addition to gaining self-confidence; especially those students who play the judge role improved their leadership skills.

Students learned to respect not only the different characteristics of their friends but also different opinions and rights in the court. For example, when one of their friends objected to a court decision, they listened without interrupting their friend's opinions and did not response disrespectfully. Teacher Sevgi explained this situation saying "*They have heard from their own friends that it was not fair to exclude from the game the kid defended by their friend playing the lawyer... In this way they learn to be more respectful to each other."* During the court procedure, the students tried to understand the feelings of their victimized friends especially by putting themselves in their shoes. It was observed that when the defendant is given a non-proportional punishment, some students reduce the punishment empathizing with their friend and warn their non-empathic friends. Teacher Sevgi explained how her students try to understand and empathize with each other in the court saying "*For example, I have seen that while listening to their friend who was excluded from the game, both the students watching the court and those acting in the court empathized with him and expressed that they understood his feelings… I've seen that they did not repeat the same behavior again after they listened to what the victim experienced and how he felt."*

While solving a class problem, students used their decision-making and critical thinking skills. In the court, while the student in the prosecutor role explains why it is a wrong behavior, the lawyer thinks about how to defend the defendant and the student in the judge role comes to a decision. Besides, the students are encouraged to

think critically while perceiving and explaining why a certain behavior is faulty before the court, and while discussing the problematic behavior and its consequences during the court.

Running the trial directly about their own misdeeds improved students' sense of responsibility towards their social neighborhood. For the students to think on the example scenario and to see its consequences was effective in preventing them from displaying the same wrong behavior again, and this developed their self-control. At the same time, students warned their friends about the misdeeds they observed. Since some of the issues handled in courts were related with the classroom rules, students' observance of the rules improved as they could better understand the classroom rules. Teacher Sevgi explained below how courts improved students' self-control skills:

> *In this way, a gentle warning system is developed among students when a student displays a wrong behavior. They can observe that people can be guilty but they can regret the misdeed. They prefer not to do it again. I've understood that after they understand their positive and negative aspects better, they do not repeat the same faulty behavior. Their experiences through courts led them behave responsively to their neighborhood, class, friends, school officials, teachers, families.*

During the practice of Mock trials, students mostly used the fundamental concepts of "right, justice and punishment". Then, they started to use them in their daily lives. Teacher Sevgi that the sense of right and justice in their students is more developed than their peers. She also defined how her students learned the operation of a court and the duties and responsibilities of the individuals in a court:

> *As my students learned, comprehended and used the concept of right, they began to respect each other… Besides, they learned justice and to be fair. This [procedure] enabled them to learn to be fair and just. They comprehended meanings of the terms judges, prosecutors, lawyers, witnesses and applied their duties. I observed that they used these words more frequently after the court.*

Students' Attitudes

It was observed that students displayed both positive and negative attitudes towards Mock trial process. Whenever it is negotiated to run a Mock trial, most students jump to their feet and cheerfully shout "hurray!" and so. And sometimes they offer the teacher to run a Mock trial. Students expressed that the practice of Mock trial had positive effects in terms of solving the problems in cooperation, learning lessons from the misdeeds, having fun, choosing a profession, punishing the guilty people, securing the justice, being an example to friends and not repeating the misdeeds. One of the students, Ayla, said that "*I think court is a correct option. This is because some children feel themselves worse when they do something wrong and prefer not to do it again.*" Ceren also expressed that she is glad about running trials by saying "*The court secures both justice and equality. I think it is fine.*" Most students just have fun assuming that the trial procedure is just a game. Indeed, teacher Sevgi expressed that they handle a classroom problem and they solve this problem through Mock trial in a funny way. Teacher Sevgi emphasized that "*although it is also possible to solve a problem more*

stressfully in the classroom, they manage to solve it in a funny way through drama method" and continued: "*Students solve classroom problems in cooperation on a democratic platform with affection and respect through a trial. On a favorable platform of debate, they examine an event from its good and bad aspects. The activity turns into a very enjoyable one for them."*

A few students told that they were not pleased with the court as they didn't like their friends to be punished. Some students also seem to feel sad and worried depending on the role they are cast in the court. In addition to this, the students who play the role of the defendant in court and the students who play the role of witness and prosecutor feel uneasy. While the students playing the role of the defendant are concerned to be punished, the students in the witness role are concerned about the possibility of breaking up their relations with the students playing the defendant role. Serhat, who played the role of defendant in the court about 'chalk throwing" and the role of witness in the court about 'running in the classroom", said that he felt very different in both roles. When they are in the roles of witnesses or lawyers in the court, students were generally uneasy about how their friends will think about them. However, teacher Sevgi explained that the anxiety and sadness students feel during the court is slight and temporary since the court is a fiction, saying "*Students slightly get nervous, but they are not afraid a lot. So far, no student has refused to take part or being judged in the court."* Beren indicated that the court they run in the class is not realistic, saying "*It is not a big deal if one gets a harsh punishment. It is because we are not actually doing something real. We are not in a real court or so*".

Teacher' Role

While implementing this method, the roles of the teacher changes depending on the phase of the trial: before, during and after the court. Before the court, teacher is supposed to prepare the students cognitively and emotionally, to establish a democratic classroom environment, to set the rules to be followed during the court, and to determine the time and subject of the court. Before the court, the teacher tries to teach the students such values as affection, respect, trust, and to teach them how to question intellectually. The teacher sets the rules during the first courts and makes sure that these rules are applied during and after the court process. Moreover, the issues to be handled in the court are negotiated with the students and they included the common problems of the students in the school.

It was observed that while the trial was run, the teacher associated the subject of the trial to the course, intervened in the student selection in accordance with the roles in the trial, and guided the students in decision-making process, and reminded them about their roles. During the decision-making process in the court, teacher Sevgi guided the students in cases of reducing the punishment and running the trial. She explained her intervention into the decision-making process of the court saying "*Some students don't want to do [the sanction]. I reduce the punishment to their level or they can't think. They sometimes impose very harsh punishments like 'squatting one hundred times' or 'not going out for the break one hundred times.'"* It was observed that teacher Sevgi intervened into the court decisions and changed the sanctions at the least. For example, in the trial about excluding a student from the game, Taha, a student who took refuge

from Iraq due to war and has just been learning Turkish, was first imposed the 'squatting' punishment. However, the teacher changed Taha's punishment from squatting to singing. When Taha did not sing, the teacher asked him to imitate three animals. In addition to these, as a guide, teacher Sevgi reminded the students of their roles. When students forgot their roles as a result of excitement during the trial, the teacher told them what to do in their roles. Sometimes she prompted students' words when they forgot what to say and got stuck. Teacher Sevgi states that she does not intervene the court too much saying "*While casting the roles, the kid assigned as the lawyer suddenly gets excited. He doesn't know what to say. I tell him that he will defend his friend. I remind their roles*". After the court, teacher Sevgi does not score or assess students' performances, but just observes the students' attitudes and behaviors after the trial. While observing the students' attitudes and behaviors, she does not take any notes, but just find out the repeated misbehaviors.

Problems Encountered

Problems caused by the students. When a Mock trial is run in the classroom, some students cause problems such as feeling anxious or resentful, getting offended, reflecting personal problems, trying to draw attention, resistance to abide with the court decision, and repeating unwanted behavior, which causes problems on the part of the teacher. It was noticed that especially certain students try to attract attention in different ways or to repeat the unwanted behavior. Teacher Sevgi explained this situation as follows: "*A student threw a piece of chalk into his friend's eye. We judged him in the court. The next lesson, to my surprise, Akif tied an eraser with a lace and he was swinging it in his hand. So, he wanted to do the same thing. He wanted to attract attention*". In order to prevent these problems caused from students, the teacher makes sure that personal problems are not handled in the court, students with personal problems are not given roles in the same court, she takes the relations between the students into consideration, she does not bring together the conflicting students, and she does not give them any roles that can put them into a new conflict. Teacher Sevgi further explained this situation as follows: "*For example, let's say there is a kid whom nobody loves. I try not to give a role to him with a completely opposite student whom he doesn't like. I pay attention. I try to select a judge, closer to him, who can understand him or have no involvement in the relevant event.*" Additionally, the teacher said that she usually runs the Mock trials in the last lessons and even in the last minutes of these lessons in order not to prolong the activity.

Problems related to learning environment. One of the problems the teacher Sevgi experienced while running the Mock trials is the small size of the classroom. There are 30 students in the classroom and students cannot move around easily during the court. Especially the teacher, who experience difficulty during role-play activities in the classroom, also face the same problem of inadequate physical space during the practice of Mock trial. This situation makes it difficult for students to effectively watch and participate in the trials. Teacher Sevgi emphasized the inadequacy of physical setting saying "*I struggle to run the trials with the limited conditions of the classroom*".

Problems related to teaching process. The teacher stated that the using Mock trials in her class does not yield great benefits, on the contrary it imposed additional burden on her. She expressed the problems she faces during the teaching process as follows: "*It takes time. I make a little more effort.*" Teacher Sevgi stated that the practice of Mock trial does not make any good to her, on the contrary, the students acting in the court or watching the trial either speak loudly or wander around while the trial is run in the classroom, which causes excessive noise. This problem was also observed by the researchers during the study.

Problems caused from external agents. The teacher stated that she feels nervous, although she has not received any negative reaction from the school management, other teachers or the parents regarding the Mock trial. Teacher Sevgi explained her concerns regarding the parents as follows: "*From the parents' perspective, I don't know what the parents would think when they heard about it. When the child tells at home about setting a court, how would the parents take it… a question mark appears in side my head...*" Besides, teacher Sevgi pointed out that school management adopted a traditional teaching approach and teachers are expected to lecture and do test-based exercises.

Teacher Sevgi explained her views about the school management as follows: "*Well, if the management hears… generally there is no extra-curricular activities. Teachers generally work on the coursebooks. They always do the same things. The subject is taught and then the tests are done. When you do something different, you inform the management*". Teacher Sevgi also told that she informed her colleagues about the Mock trial and her experiences; however, she could not get enough support from them. Teacher Sevgi explained that her colleagues had difficulty understanding this method, they thought she used the trials for professional orientation and it worked only for professional orientation: *"I mentioned a few times about the method, but they couldn't understand. They said 'Then, most students in your class will become judges and prosecutors in the future'. They supposed that I used the method for professional orientation. In fact, I use it to solve the students' problems. They couldn't understand..."*

Discussion, Conclusion and Recommendations

Some of the results of this research differ from the Mock trial studies which handle fictional issues. Handling authentic problems from students' real lives instead of fictional ones brings about some advantages and disadvantages. It is emphasized in the relevant literature that, in trials about a fictive problem, learners develop such competences as conflict resolution, problem solving, decision-making, critical thinking, empathy, social responsibility, communication, effective listening and speaking, self-confidence, and cooperation, and they learn the basic concepts and functioning of the law system (Ambrosio, 2006; Cassidy & Yates, 2005; Smagorinsky, 1994). In the present study, it has been seen that students gained, in addition to the ones mentioned above, different competencies such as self-control, solving one's own problems and conflicts, being sensitive to one's problems, reflecting into one's live, responsibility, self-esteem and complying with class rules. First of all, for the students to have a say in the solution of the problem thanks to the Mock trials run in their classes

caused them to feel valuable and develop self-esteem. The fact that students tried to solve their own problems in court helped them to understand better and be able to solve their own problems and conflicts afterwards.

The students preferred to solve the problems on their own rather than having the teacher and the disciplinary board of the school decide about them. For students to solve classroom problems and their own conflicts was much more effective in encouraging them to think more about the issue and to embrace the basic moral values by reflecting them on their lives. Allowing the students to experience and contemplate on the event discussed in Mock trial in the classroom has developed students' self-control to avoid doing the wrong behavior again and ensured that the students become more aware of the problems in their neighborhood and warn their friends in order to prevent or solve the possible problems. Besides, students have transferred what they have learned into their real life. For example, after the trial on the exclusion of a kid from the game, a similar problem has not been experienced anymore. While this situation served in the long-run to encourage the adoption and implementation of class rules among students, it also made positive contributions to classroom management.

In the present study, students had more difficulty while working on their own problems compared to talking and discussing a fictional event. Some students felt nervous or sad with their emotions changing according to their roles. These findings are comparable to the results of Mock trial studies which handled real life situations. Especially if it involves conflicts, a realistic situation causes the participants to work with strong emotions in the court and seems to be more difficult than working on a fictive situation. Realistic situations also lead the participants to internalize their roles (Asal & Blake, 2006). Moreover, when you work on a realistic issue in a court, kids can be more sensitive with issues especially about human right violations. Some students may approach to the defendant or the victim more emotionally, and they can evaluate the subject of the court subjectively. This can prevent the students from acting objectively during the trial process, while it also increases the student participation and shed light to their lives (Ambrosio, 2006). In the present study, in order to prevent the negative effects of using a real situation in the court on the students, the teacher took some precautions such as pre-trial development of a democratic classroom culture based on respect and trust, running the trials towards the end of the lessons, setting rules before the trials in order not to affect the students' relations negatively before the trial, taking into consideration the friendship while casting roles, imposing symbolical sanctions, running the court with a drama-based approach, avoiding a formal procedure in terms of physical settings and costumes.

In this study, the court procedures about classroom problems were carried out differently from the Mock trial process. During the preparation period of the trials run about fictional issues, the fictive event to be handled in the trial should be designated, the purpose of the court should be declared, court setting and the costumes should be prepared, the students to take roles in the court should be selected, the students should get prepared; then the court should be run realistically, and an evaluation should be done after the trial (Cassidy & Yates, 2005). In this study, since the subject of the court

were selected from classroom problems, the process started with the distribution of the students' roles and rehearsal of the roles in cooperation. The teacher offered the students to solve a problem about which students complained through a trial in the classroom, then the roles were cast immediately in the classroom and the issue was discussed in the court. No sitting arrangement or costume changing was done. The trial process was carried out mostly in the form of role playing.

In the courts run with a restricted number of students, only a few victims, defendants, witnesses, prosecutors, judges and lawyers took place. No cross-examination or jury decision was involved in the trial process, which started with the speech of the defendant followed by the other participants' talk and finished with the decision of the judge. The trial was run based on the operation of the court system in Turkey. Since there is no jury in Turkish courts, the teacher also did not play the role of a jury. At the end of the court, there was no evaluation on the students' performance during the court, but only an observation was made so as to see whether the students were displaying the wrong behaviors again. It was observed that the court process was generally structured in a simplified form mostly in accordance with the developmental level of the students.

While the teacher implements the trial method, some students displayed negative behaviors such as reflecting their personal problems into the trial process, feeling nervous to decide about their friends, feeling offended for not taking part in the court, causing problems to be handled in the court just to attract attention, reluctance to comply with the court decision, repeating the unfavorable behaviors. In response to these, the teacher took some precautions such as giving roles to impartial students, avoiding handling the personal problems in the trials, making sure that the judge gives punishment according to the person. Moreover, the teacher had some difficulty due to the lack of adequate space in the classroom and pressure of time limit to complete the course content. It was indicated in the relevant literature that this method requires extended time and teachers face problems with timing (Ahmadov, 2011). In addition to this, the teacher thinks that this method has not been understood duly by her colleagues, school management and parents since in the traditional education system teachers are expected to lecture their lesson quite typically and do some test-based exercises.

As a result, the Mock trial process used by the teacher to solve the classroom problems achieved its goals and the students solved the problems themselves in court. Based on the findings of the present study and the experiences of the teacher studied here, the following precautions can be recommended for the practitioners who are to apply Mock trial with realistic classroom problems: First, common problems from students' real lives can be handled in the trial. Before the court, teacher should negotiate the rules to be applied during and after the trial to avoid the possibility of breaking relationships among students, and a democratic classroom culture should be established based on respect, love and trust. There is almost no research study on Mock trial in Turkey. This method is not exclusive to law education, but it can also be used in the education of various fields such as democracy and human rights, citizenship,

controversial issues, Turkish and foreign languages. The need for experimental and qualitative studies which will employ Mock trial method in these fields is obvious.

Limitations

Although it was initially planned to collect data with a video camera during observations, we failed to do so since some of the parents did not allow video recording. The data was collected with field notes during the observation process. In a similar vein, since some parents did not allow us to interview their children, these students did not take part in the trial process and interviews. This caused the teacher to restrict her practice of the method in the class to some extent. In addition, the observation process was limited to only Human Rights, Citizenship, and Democracy course. Therefore, the emergence of the incident handled in the court before the trial and the behavioral changes among students after the trial could not be observed. The data analyzed in this study is limited to the opinions of students and their teacher.

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Sınıf Sorunlarının Çözümünde Alternatif Bir Yöntem Olarak Kurgusal Mahkeme

Atıf:

Ersoy, A.F., & Pehlivan Yilmaz, A. (2018). An alternative method to resolve the classroom problems: Mock trial. *Eurasian Journal of Educational Research*, 78, 1-22, DOI: 10.14689/ejer.2018.78.1

Özet

Problem Durumu: Kurgusal mahkeme (Mock trial), vatandaşlık eğitiminde sınıf içi ve ders dışı etkinlik olarak yaygınlıkla kullanılmaktadır. Kurgusal mahkeme vatandaşlık eğitiminde kullanılan tdeneyimleyerek öğrenmeye dayanan bir benzetim tekniğidir. Kurgusal mahkeme, gerçek mahkeme salonu şeklinde düzenlenen bir sınıfta, öğrencilerin hakim, avukat, şahit, yargıç gibi roller alarak bir konu hakkında gerçek ortama ilişkin benzetim yapması olarak tanımlanmaktadır. Kurgusal mahkeme ile öğrenciler, mahkeme sisteminin nasıl çalıştığını öğrenmekte, adalet, tarafsızlık, zaman aşımı, ifade hakkı, kanıtların önemi, birinin suçu işlediği kanıtlanıncaya kadar suçsuz olduğu gibi yasal ve demokratik ilkelerin önemini anlar, anayasanın felsefi ve tarihsel temellerini öğrenerek geçmiş ve bugün bağlamında güncel uygulamaları düşünüp tartışır. Öğrencilerin vatandaşlıkla ilgili konulara duyarlığını ve katılımını artıran, öğrencilerde çatışma çözme, problem çözme, karar verme, eleştirel düşünme, iletişim, işbirliği ve empati gibi becerileri ve adalet ve sosyal sorumluluk gibi duyguları geliştiren bir öğretim yöntemidir. Eğitimde kurgusal mahkeme önce hukuk eğitimiyle başlamış daha sonra sosyal bilgiler, tarih, fen eğitimi, diğer disiplinlerarası alanlarda ve öğretmen eğitiminde kullanılmıştır. Kurgusal mahkemeler genellikle bir kurgusal olay üzerine yapılır. Öğretmen bir kurgusal olay oluşturur, öğrencilere görevlerini dağıtır, mahkeme sürecine hazırlanmaları için rehberlik eder, mahkeme sürecini kontrol eder ve değerlendirme yapar. Mahkemede gerçek durumlardan ve kurgusal olaylardan yararlanılır. Bu yöntemde genellikle kurgusal olaylar kullanıldığı görülmektedir. Alanyazında doğrudan sınıf ve okul sorunları üzerine kurgusal mahkeme uygulanan bir çalışmaya rastlanmamıştır. Bu çalışmada doğrudan sınıf

sorunları üzerine mahkeme yöntemi uygulandığında, bu yöntemin nasıl ele alınması gerektiği bir örnek durum üzerinden tartışılmıştır.

Araştırmanın Amacı: Bu çalışma, Türkiye'de bir öğretmenin, sınıfında karşılaşılan sorunların çözümü için uyguladığı mahkeme yöntemini değerlendirmeyi amaçlamaktadır. Bu araştırmada kurgusal mahkeme yönteminin sınıf sorunlarının çözümünde nasıl uygulandığı, öğretmenin rolünün, öğrenci kazanımlarının, öğrenci tutumlarının ve yaşanan sorunların neler olduğu anlaşılmaya çalışılmıştır.

Araştırmanın Yöntemi: Bu araştırma, kurgusal mahkemelerin sınıf sorunlarının çözümünde kullanılmasını içeren özgün/asıl bir durumun (intrinsic case study) çalışmasıdır. Bu çalışmada, özgün ve farklı bir durumun incelenmesini temel aldığı için özgün durum çalışması deseni kullanılmıştır. Araştırma Türkiye'de bir il merkezinde, 800 öğrenci kapasitesine sahip, yarım gün eğitim veren ve sosyo-ekonomik düzeyi orta sayılabilecek ailelerin çocuklarının öğrenim gördüğü bir devlet okuludur. Araştırmaya bu okulda görev yapan yirmi yıllık bir öğretmen ile bu öğretmenin sınıfında öğrenim gören 20 dördüncü sınıf öğrencisi katılmıştır. Bu araştırmada, veriler sınıf ortamında yapılan katılımcı gözlemler, öğretmen ve öğrencilerle yapılan yarı-yapılandırılmış görüşmeler yoluyla toplanmıştır. Araştırmada 6 ay katılımcı gözlem yapılmış, her mahkeme sonrasında mahkemeye katılan öğrenciler ile araştırma başında ve sonunda öğretmenle görüşmeler yapılmıştır. Araştırma verileri, MAXQDA veri analizi programında tümevarımsal analiz yaklaşımı ile temalandırılarak analiz edilmiştir. Gözlem ve görüşme verileri karşılaştırılarak analiz edilmiş, deneyimler ve anlamlar üzerine odaklanılmıştır.

Araştırmanın Bulguları: Mahkeme süreci sınıfta bir-iki ay ara ile derslerin son 15 dakikasında gerçekleştirilmektedir. Kurgusal mahkeme, kısa bir zaman içerisinde, sınırlı sayıda öğrenci ile gerçekleştirilmiş ve sınıf ortamının tam bir mahkeme şeklinde düzenlenmemiştir. Bu nedenle, benzetimden daha çok drama şeklinde uygulandığı görülmektedir. Mahkemede ele alınacak olayı öğrenciler ve öğretmenler birlikte konuşarak karar veriyorlar. Mahkeme konuları daha çok sınıf kurallarının çiğnenmesi gibi sınıf eşyalarının zarar görmesi gibi öğrencilerin ortak sorunları üzerine yapılıyor. Öğrenciler mahkemede aldıkları rolleri uygulayarak sınıf sorununu çözüyorlar. Mahkemede uyulacak kurallar öğrenci ve öğretmenler tarafından birlikte mahkeme öncesinde belirlenmiş. Öğretmen mahkemede öğrencilerin görev dağılımı, kısmen de mahkeme kararının verilmesi konusunda ihtiyaç olduğunda müdahalede bulunuyor. Öğrencilerde eleştirel düşünme, karar verme, sorumluluk, iletişim, empati, sorun çözme, öz kontrol, empati, katılım ve iletişim becerileri gelişiyor. Hak ve adalet kavramları ile adalet sisteminin işleyişi konusun da bilgi ediniyorlar. Öğretmen mahkeme sonrasında herhangi bir değerlendirme yapmıyor sadece öğrencilerin tutum ve davranışlarında yaşanan değişimleri gözlemliyor. Öğrenciler genellikle sınıf sorunlarını bu biçimde çözmekten memnunlar. Öğretmen bu yöntem ile öğrencilerde davranış sorunlarının azaldığını belirtiyor. Öğretmen bu yöntemi uygularken, eğitim sisteminin işleyişinden, öğrencilerden ve çevreden kaynaklanan kimi sorunlarla karşılaşıyor.

Araştırma Sonuçları ve Öneriler: Bu çalışmada sınıf sorunlarının çözümünde kurgusal mahkeme yönteminden yararlanılabileceği görülmüştür. Sınıf sorunlara ilişkin mahkeme uygulanacağında öncelikle öğrencilerin ortak yaşamından sorunlar mahkemede ele alınabilir. Mahkeme öncesinde, mahkemede ve sonrasında uyulacak ilkeler belirlenmeli, demokratik, saygı, sevgi ve güven içeren bir sınıf kültürü oluşturulmalıdır. Türkiye'de kurgusal mahkeme üzerine çok az çalışma yapılmıştır. Bu yöntem sadece hukuk eğitimi değil, demokrasi ve insan hakları eğitimi, vatandaşlık eğitimi, tartışmalı konuların eğitimi, Türkçe ve yabancı dil eğitimi gibi birçok alanda kullanılabilir. Bu alanlarda mock trial yönteminin kullanılarak yapılacak deneysel ve nitel çalışmalara çalışmalara gereksinim olduğu açıktır.

Anahtar Kelimeler: Kurgusal mahkeme, insan hakları, sosyal bilgiler, vatandaşlık eğitimi.