



A History of Conflict Resolution & the Jury System

Students will understand how the ratification of the 7th Amendment influenced the American legal process and how it affects trials today. They will also compare use of juries in the United States to that of other countries.

OBJECTIVE

Students will gain an understanding of the modern jury system and historical methods of conflict resolution. They will write a persuasive essay arguing for their preferred method of trial."



MATERIALS

[Comparing Trial Systems from History](#) (PDF) Student Reproducible 2;
[Choose Your Method of Trial](#) (PDF) Student Reproducible 3; pen or pencil; three slips of paper, two marked with Xs; a hat; a towel; chalk

SET UP AND PREPARE

Place three slips of paper, two with X marked on them, in the hat. Place the towel in an accessible location.

REPRODUCIBLES

1. [Comparing Trial Systems from History](#) (PDF)
2. [Choose Your Method of Trial](#) (PDF)

DIRECTIONS

1. Explain that people in the United States are guaranteed the right to trial by jury in both civil and criminal cases. Civil cases involve individuals arguing over private matters, such as agreements, money owed, and property. Criminal cases involve a crime against society, such as theft and drunk driving.
2. Stage a conflict in class. Enlist the aid of four students: one to act as the accuser and three to stand accused. The accuser should accuse the other three students of breaking a school rule, such as cheating on a test. The accused students should deny the charge.
3. Distribute [Comparing Trial Systems From History](#) (PDF) Student Reproducible 2. Explain that you are putting the accused on trial, but instead of trying the case in front of a jury, you will use a few historical methods. Have students record their observations about each kind of trial on the reproducible.
4. Perform the following trials with the accused:

Trial by Ordeal

Have the accused students draw a slip of paper out of a hat. Two of the slips have an X drawn on them, while one slip is blank. Tell the students who draw the slips with Xs that they have been found guilty. The student with the blank slip is innocent. Write the verdict for each of the accused on the board. Tell students that trial by ordeal was common in the Middle Ages. Accused persons underwent dangerous tests, even torture, because people believed that the innocent would not be hurt or that their wounds would heal miraculously. Ask students if they can think of examples of trial by ordeal in colonial America. Students might suggest the Salem witch trials.

Trial by Oath

Have each of the accused students swear to his or her innocence before a council of "nobles." Then have each of the accused students choose two supporters to testify under oath about the student's good character. Before the witnesses testify, tell them

that if the nobles find one of the accused parties guilty, they will punish any witness who supported that person. Have the nobles vote and render their verdict for the accused. Write that verdict on the board. Explain that in a trial by oath people accused of a crime only had to swear, or take an oath, that they were innocent-unless others swore against them. To lie under oath would be to risk being ostracized by the community.

Trial by Combat

Try the case again, this time by combat. Explain that in Europe during the Middle Ages, disputing parties could settle their disagreement by combat. They could either fight their own battles or choose a champion to fight for them. Have a student who represents "the local lord of the classroom" choose one champion for the class, and the three accused students choose another champion to compete on their behalf in a boundary tug contest. Draw two lines on the floor with chalk, about five feet apart. Between the lines have the two contestants face each other, with right toes touching and left feet firmly planted to the back for balance. Have the contestants grasp a towel and try to pull their opponent across one of the lines. Record the verdict on the board.

5. Have students compare the verdicts. Were they the same under each method? Discuss the advantages and disadvantages of each type of trial.
6. Have students compare the historical trials to trial by jury.

Trial by Jury

Americans are granted the right to trial by jury by the Sixth Amendment (criminal trials) and Seventh Amendment (civil trials) to the United States Constitution. In a jury trial, lawyers for the prosecution and defense present evidence to a jury of citizens who collectively determine the guilt or innocence of the accused. Juries have the responsibility to decide the facts pertaining to the who, what, when, where, why, and how of a case. They must listen to the judge's description of the law and apply the law to the facts. If a jury is presented with conflicting facts, it is their responsibility to decide which is more convincing, based on the credibility of the witnesses.





7. Allow time for students to complete their [Comparing Trial Systems from History](#) (PDF) worksheets.
8. Distribute [Choose Your Method of Trial](#) (PDF) Student Reproducible 3 and allow time for students to complete Part 1 in class.

ASSIGNMENTS

Assign Part 2 of [Choose Your Method of Trial](#) (PDF) as homework, reviewing the strategies of persuasive writing (state your position, provide supporting evidence, answer any opposition, end with a strong point). Have students refer to their completed [Comparing Trial Systems from History](#) (PDF) worksheets as they craft their essays.



Use the chart below to compare and contrast different types of trials.
Record the advantages and disadvantages of each trial in the space provided.

TYPE OF TRIAL	ADVANTAGES	DISADVANTAGES
 <p data-bbox="99 884 571 945">Trial by Ordeal</p>		
 <p data-bbox="99 1218 571 1278">Trial by Oath</p>		
 <p data-bbox="99 1551 571 1612">Trial by Combat</p>		
 <p data-bbox="99 1927 571 1974">Trial by Jury</p>		

Choose Your Method of Trial



PART 1: MAKE YOUR CHOICE

Read the scenario below. Then answer the questions.

You are in a store with some friends. One of them takes an item off the shelf and puts it into your backpack without your knowing. A little while later a security guard accuses you of shoplifting. He searches your backpack and finds the item. He accuses you of breaking the law. You say that you did not break the law. The dispute must be settled in a trial of your choosing. Which type of trial do you choose and why?

Trial Information Form

Date: _____

Nature of the alleged crime:

Your side of the story: _____

Trial preference:

