

USING VISUAL LEARNING TOOLS FOR TEACHING CRIMINAL LAW

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Abstract

This article is focused on the analysis of introducing visual tools in teaching criminal law to second year students. The author of the article underlines the need for changing the approach towards students' learning and adjusting the teaching tools in order to facilitate the development of legal reasoning skills of future lawyers. In particular this article is focused on analyzing the impact of film clips on students' learning during criminal law classes. The findings included in this article are based on the authors' own research conducted during one year through engaging students in various exercises and exposing them to different interactive teaching interventions. The author argued that film clips may help law students to gain legal reasoning skills. As a result the assessment showed that they help students to understand better the context, to identify the facts, to establish the legal issue and to apply the appropriate legal norm. In addition, author's research assessed students' attitudes and ways of thinking while solving hypothetical criminal law cases.

Keywords: criminal law, visual learning tools, film clips, legal reasoning skills, interactive teaching interventions

What is the main goal of legal education?

In 2003 I started my academic career at Moldova State University teaching Criminal Law to 2nd and 3rd year students. During this time the legal education system passed different reform periods all aiming at achieving Bologna process reform goals.

Before 1990s Moldovan legal education system was concentrating more on the development of knowledge among law students and paid little attention to the skills needed of future lawyers. The failure to acknowledge students' needs led to the lack of skills oriented curriculum and outdated teaching methodology used in the classroom. The weaknesses of the old system surfaced along with the Bologna process. More favorable conditions for challenges and improvements were created. However, the approach of leadership and law professors often facilitates the use of old fashioned teaching methods and techniques. I guess this situation was and still is triggered by the lack of answer to an important question: what is the main goal of legal education?

Part of the problem with clarifying the goals of legal education is that the world of increased specialization, coupled with the innumerable fields of law that await law school graduates, make it impossible for three years of law school (four years in Moldova) to prepare students to practice competently in every field of the law. The requisite knowledge and skills are simply too diverse. There are several logic responses to the disconnect between law schools' general education mission and legal market's demand for lawyers with very specific and extremely diverse types of competences. Law schools could either: (1) prepare students to provide a limited range of legal services; (2) prepare students for very specific areas of practice or (3) help students develop fundamental competences common to multiple practice areas, counting on students to acquire specialized knowledge and skills after graduation. (26, Stuckey R. and others, p. 41) It seems that the third option is the one many law professors agree with in Moldova. However, the question is are

students equipped with basic knowledge and skills required to start the specialization after graduation? The results of the admission into the legal profession exams show that students have good theoretical knowledge but they still lack minimum skills need to practice law.

On the other hand, authors of Carnegie Foundation's report on legal education consider that the core goal of the legal education should be the same as all other forms of professional education, which are, "to initiate novice practitioners to think, to perform, and to conduct themselves (that is to act morally and ethically) like professionals". Toward the goal of knowledge, skills, and attitude, education to prepare professionals involves six tasks: (1) developing in students the fundamental knowledge and skills, especially an academic knowledge base and research; (2) providing students with the capacity to engage in complex practice; (3) enabling students to learn to make judgments under conditions of uncertainty; (4) teaching students how to learn from experience; (5) introducing students to the disciplines of creating and participating in a responsible and effective professional community; (6) forming students able and willing to join an enterprise of public service. (27, Sullivan W.M., Colby A., Wegner J.W., Bond L., p. 22) It make sense, as legal education is not only about knowledge and skills, it also aims at educating young legal professionals.

Taking into account the above mentioned I would like to stress two crucial goals of the legal education that are often overlooked, if not altogether missing in our current law schools: fostering critical thinking and educating a new generation of lawyers through promoting social justice. Since the primary goal of the legal education is to prepare students to practice the profession, law schools play an important role in ensuring that students obtain the knowledge, skills, and values necessary to become competent in their jobs and capable of upholding the ideals of the legal profession. (13, Hovhannisian L., p.3) In accordance with both scholars and employers, a good lawyer should be able to recognize legal elements in the surrounding reality, communicate one's thoughts in a straightforward, accurate manner, both orally and in writing, find the necessary information fairly

quickly, argument, make inferences and recognize his place in the team, in addition to solid background of knowledge about the legal structures. (25, Sliwa J., p.15)

It seems that one way to solve systemic issues related to quality of legal education is the correct understanding of the legal education goal. This potentially would lead to the design of the appropriate curriculum for the future lawyers.

However, so far law schools' offers often do not match the market demand in Moldova as in many other countries thus creating a deficit of practitioners well equipped with knowledge and skills. On institutional level, law professors use different interventions in order to achieve the goal they consider right for their own discipline. That is why while some law professors try to bring law practice in the classrooms others consider the theoretical background the only valuable achievement of a law school. In these circumstances the Moldovan law school makes small steps in increasing its teaching performances and this discrepancy leads to the lack of a well grounded policy for preparing skillful lawyers.

What helps students develop/improve their legal reasoning skills?

I tried to change my approach to the teaching-learning process and to observe students' reaction to teaching interventions I used having in mind the skills a lawyer should have in order to practice law in Moldova.

The discipline I teach, Criminal Law, is one of the main substantive courses in the MSU curriculum, fundamental for the formation of the future lawyers. It is divided in two big parts: general and special and are taught to the second and third year students. The main objective of the course is to make students learn about criminal law principles, elements of crime, types of punishments and criminal liability particularities as well as to apply the rule of crimes' classification and tendencies of the judicial practice. The discipline is perceived as an

interdisciplinary course focused on the study of crime from two main perspectives: legal and social. This approach allows educating students to analyze criminal issues from a more comprehensive perspective and to create their own understanding of the crime classification and punishment goals.

I was aware that while teaching Criminal Law it is important to show maximum diligence and serious approach towards substance knowledge and skills gained by students. I knew that many professors use to develop students' capacity to read and identify appropriate criminal norm but do not encourage students to be creative and to think out of the box. Also, students are used to simply reproduce what they memorized without motivating their legal opinions or legal analysis due to lack of legal reasoning skills.

During several years I tried to involve my students in different types of exercises, receiving their feedback and provoking them to explore new ways of learning. However, I noticed that exclusive use of traditional methods does not help my goal of reaching each individual student and exploring the entire substance of Criminal Law. I felt the need to use new tools designed for Criminal Law course with new elements that would facilitate legal reasoning development. I selected film clips analysis as teaching intervention, innovative for Moldova law schools, in order to observe its impact on students learning, particularly to measure their impact on development of the legal reasoning skills.

I selected this teaching intervention to provide favorable and interesting environment for the law students to explore their ways of learning. The film clips selected for exercises covered specific criminal law issues. The project was conducted during the second semester of 2012 during criminal law seminars. 25 sophomore law students from the Law School of the Moldova State University agreed to be part of the assessment and submitted their answers and papers during the course of the semester.

To diagnose what kind of skills my students lack I asked them to write an essay which referred to the analysis of the “Need of the reasonable risk as a circumstance that excludes the criminal character of the illegal act”. This issue is considered to be one of the most discussible in the criminal law theory and very rare used in the Moldova judicial practice. In order to fill in their practical part I suggested them to use cases exiting in other countries or to develop their own example based on their theoretical knowledge. The majority of students fulfilled the requirements. However, I noticed that the concept of the essay is still misunderstood by my students even after conducting some preparatory exercises (as preparation of the arguments, identification of the issue, legal analysis etc.). Even if students followed the instructions the level of their creativity is acceptable. The majority of the essays lack the analysis of criminal law issues and included only the concepts and classifications learnt from books. The case analysis in most of the essays is limited to the facts identification. The arguments brought by students to motivate their own opinion are very broad. From my discussions with students I noticed that the most difficult for them was to find and to write the arguments appropriate for the topic of the essay, to find and describe the case suitable for the theoretical part. However, the majority of them were able to write their conclusion very concrete and reasonable. The conclusion was the main proof of their creativity and contribution to the essay.

Why film clips?

My initial claim was that clips analysis and discussions used in the classroom can facilitate students’ capacity to develop/improve their legal reasoning skills needed to a future lawyer. I started from the knowledge that students are used to solve hypotheticals during my criminal law classes and to discuss the applied legal norms but they are not used to motivate their solutions and make legal statements.

I decided to make use of film clips as visual hypotheticals to encourage them to better understand the facts and to make legal analysis of the visualized issue, bringing arguments and legal grounds. My belief was that the use of visual hypothetical can facilitate/encourage/promote the development of legal reasoning skills better than other teaching interventions.

While researching the use of film clips in teaching criminal law and the outcomes they can lead to at the end of teaching and learning process, I noticed that the majority of scholars that use this intervention as a measurement tool, despite very few disadvantages, focus their findings on the positive aspects of their experience. More often they explain that this technique helps law students build their thinking and visualize the concepts given by the legal doctrine, facilitating the process of understanding specific rules on how to apply law to real cases. That is why this is an effective way to help students develop their critical thinking and, in particular, legal reasoning skills.

Being more specific, with reference to criminal law, after using film clips as learning tool, students should be able to diagnose the criminal behavior and to analyze the elements of the crime, being addicted to the story and associating the law requirements to the specific case. In this way, they should be able to provide well grounded opinions on each case presented and motivate their legal solutions.

However, I would like to address several questions in order to underline the appropriate background for my own research, based on the statements made by different scholars.

The basic requirement for a professional lawyer is to understand how to apply the law and how to use the facts. However, a good lawyer needs more skills, based on his/her way of thinking and built through exercise. So, what are the legal reasoning skills? As Natt Grant mentions basic skills of legal thinking include seven overarching processes or intellectual skills: problem solving, indentifying legal issue, logical reasoning, arguing from rules, seeing all sides to a question,

attending to detail, recognizing the big issues (6, Franklin K., p. 867). Thus, law students must be able to extrapolate outcomes from legal principles and given facts, so that students are better able to identify and apply unarticulated policy reasons (20, Midson B., p. 110). In this sense, legal reasoning skills are an important part of students' lawyering skills and it is imperative to use appropriate tools in order to learn them. Professional lawyering skills refer to a plethora of cognitive and affective practices that promote lawyering excellence (12, Hess G.F., Friedland S.I., Schwartz M.H., Sparrow S., p. 202).

Certainly, taking into account the specifics of each branch of law the tools chosen to develop legal reasoning skills can differ. The reason why film clips help students gain legal reasoning skills lies on both legal and social grounds of students' education. Some scholars underline that since we now live in a visually oriented and technology driven society, our classroom teaching rather than insisting on clinging on to teaching methodologies that belong to other paradigms, should adapt to the new realities of a fast pace audiovisual culture. (10, Hermida J., p.7) That is why visual tools such as films' clips used in teaching and learning Criminal Law could help students develop such skills like legal reasoning, ability to understand and apply law, the ability to assess, marshal and "manipulates" facts, etc. These teaching tools make the most extensive kind of learning style students' demand without compromising the objectives of achieving excellence in the discipline (10, J. Hermida, p.7), because they help students create schemata, focus their attention, and rethink the concept rather than reread or restate them (11, Hess G. F., Friedland S., p. 82), helping them to construct their knowledge through developing critical thinking.

Clips from movies or television programs are effective devices to illustrate concepts, present problems, and provide a vehicle to start discussions (11, Hess G. F., Friedland S., p. 87) and can be used as a problem or hypothetical upon which the educator elicit careful analysis. The benefit to the students is that he has an immediate visual context for the events, and he also sees the emotional

facts at issue, rather than merely viewing the problem as words on paper (24, Salzmann V.S., p. 313).

In this sense, the advantage of using film clips is that students are placed in a specific environment and are more connected to the real life, being able to simplify the legal issues they face by creating a specific context and approach. Thus, they can create their own arguments making analogies between the law and the real case.

Even if film clips can facilitate the learning process it is crucial to establish how to use film clips in order to reach appropriate/desired results. If used carefully and thoughtfully, film can bring new insights and perspectives into the classroom and can serve as a springboard for critical discussion and reflection on the perspectives and biases brought to this subject by students as well as professional (8, Hall T.S., p. 299.). Also, this technique is used as pedagogical tool for stimulating the memory. Cinematic representations of criminal law and criminal justice are often more entertaining to students than either verbal presentations of information or the often dense academic literature, and, as such, the ideas often remain longer in their mind. The film is used not only because, of course it is fun to do so but because it is important to bring to light the things the film can teach us about our legal and social world. (28, Cawan S., p.197-210). In this sense, in order to make the film clips a benefic tool for teaching and learning it is needed to underline several particularities. First of all it is necessary to determine what kind of film is more appropriate to use in a criminal law classroom: commercial or a documentary one. For instance, in order to use any documentary to maximum advantage in the criminal justice classroom, it is needed to focus not only on fostering students' interpretative skills but also on providing them with a context for the films chosen to show (14, Jenkins M., p.342). The commercial film can illustrate better some parts of the social life that usually can be classified as crimes in a simpler manner, being more accessible for students.

Secondly, it is important to decide whether is appropriate to use some clips more relevant for the class or the entire film in order to show the circumstances and to raise discussions. Film clips can save more time for complementary tasks and would offer the opportunity to students to be more involved. In the same time, a film can make them better understand the context and their analysis can be broader.

Finally, it is relevant to establish what kind of exercises students will be involved in after watching the film clip and how they will analyze the legal part. For instance in cases of legal ethics, film clips can be used as part of the students' written assignment for the class. Each student could choose to view one of the films presented in a list. They chose one ethical issue that the lawyer in the film faced and had to analyze the issue in light of five ethical frameworks that were discussed in the class. Students were asked to articulate a personal framework that could be derived from one of the proposed articles or could be their own product. Students were to explain and justify their framework and apply it to the ethical issue in the film (28, Alexander T., p.197-210).

Another way, in order to facilitate the process, is to provide discussion questions to the class before showing the clip. This allows students to think about the questions, and prepare to apply legal doctrines to the clip they will see in the class. Students are more likely to raise both substantive legal and policy issues after seeing a clip than after reading cases or texts alone. (23, Pendo E. A., p.273).

Thus, film clips are seen as multifunctional tool. If on the one hand films are used to link the theory and practice in order to make students' better formulate their arguments and motivations, on the other hand, they are used as rich teaching texts, exploring valuable lessons that are sometimes insufficiently addressed in the case book, and sometimes omitted altogether. (19, Meyer P.N., Cusick S.L., p.914).

Based on the experiences motioned above, teaching and learning law through film clips is considered already a good practice. However its sole contribution to fostering students' reasoning skills is still questionable. Moreover, the assessment of the impact of this intervention depends on data analysis methods used and the background of the students' involved.

As was mentioned above, I decided to involve in my project students from the second year of study. I have selected three methods to gather data: survey, essay and interview. In order to offer a creative environment to my students I decided to use commercial film clips analysis. I conducted five session using different film clips followed by discussions in the classroom. However, for the essays I asked students to watch the entire film at home in order to make a comprehensive criminal law analysis of the identified issues.

How I conducted the research?

1. Survey on used teaching interventions

I conducted a survey on weekly basis using short questionnaire. The purpose of the survey was to identify the impact of the film clips used and analyzed/discussed in the classroom. I started with explaining what legal reasoning skills mean and how they can be gained. I asked students to compare film clips' analysis with other interventions used during classes and to explain their opinion in order to assess the impact. For this purpose I have selected five teaching interventions: case study, debates, hypothetical discussions, presentations and film clips analysis. At the beginning of each class I explained what teaching intervention will be used in accordance with the objectives of each topic. I conducted five film clips analysis sessions in the class during the second semester. Each film session was followed by the discussion and analysis of the facts and criminal law issues identified by students. Film clips analysis is not often used in the classrooms that it why students'

noticed from the very beginning that this intervention was introduced in order to improve their way of learning.

2. Essays

The purpose of the essay was to assess students' progress on developing their legal reasoning skills based on the ability to motivate, to present arguments and to make conclusions. My initial hypothesis was that essay can reveal better the progress students made during the semester. Students had the task to write an essay up to three pages each on criminal law issues. I provided students with specific requirements. The essay had to include a short introduction to the issue, theoretical and practical parts, and final conclusion of the author.

3. Interviews

I conducted five interviews at the end of the semester. The purpose of the interviews was to reveal students' attitude towards the role of the film clips used in developing legal reasoning skills and to measure its progress. I have selected five students that were actively involved in all projects' activities who agreed to answer my questions during the interview.

What do the results show?

The assessment shows that students' legal reasoning skills can be developed or improved through different ways. Film clips analysis is **only** one of them. The data gathered using three methodological tools prove that:

1. *Film clips analysis helps students to understand better the context, to identify the facts, to establish the legal issue and to apply the appropriate legal norm*

During the first film session conducted in the classroom I used scenes from the movie “*Seeking Justice*”. The scenes covered psychological constrain as a circumstance that excludes the criminal character of the illegal act. My purpose was to make students understand how the psychological constrain can be used and why it is important to consider it as a cause that excludes criminal liability.

Due to the fact that this was the first film session I asked students to do the following: (1) to watch all the actions on the screen; (2) to write down all the facts they considered important; (3) to write the legal issue identified in the film clip; (4) to find the appropriate norm in the Criminal Code; and (5) to motivate their opinion and the application of the identified criminal norm.

As a result of this intervention, in the questionnaires the majority of students stated that film clips analysis is a good way of understanding the facts and memorizing the scenes. This helps them to motivate their opinions better and to apply correctly the legal norms. Students noticed that using film clips during criminal law classes is more interesting and makes the discussions easier in terms of simplifying the substantive concepts.

In fact, one of the students mentioned that using film clips in the classroom “*make seminars more interesting and stimulate visual memory, facilitating the learning of criminal law*”.

In the second session I have used several scenes from the movie “*Drive*” asking the students’ to analyze the role of the main character and to describe his criminal conduct according to the provisions of the Moldova Criminal Code. My goal was to make them familiar with the role of the accomplice at the commission of the crime.

From my observations, students identified very easy the facts, which the accomplice is and what kind of actions he fulfilled in the scenes, they identified correctly the legal provisions, but faced some difficulties in formulation of the legal arguments. In this sense, motivating the effectiveness of

the film clips one student stated that *“the film clips are very similar with real cases and this makes the analysis easier and more interesting”*. However, during the interviews conducted at the end of the semester one of the five students involved in interviewing said that *“because in the film the crime is committed perfectly it is more difficult to associate them with real cases from the judicial practice”*. On the other hand, the rest of the students mentioned that: *“the task to identify the criminal issues in a film makes you to play the role of the lawyer and helps you to justify better the legal opinions”*.

In the third and fourth sessions I have used several scenes from the Russian serial *“Brigade”*. Students had the task to describe the roles of instigator and organizer of the crimes and to classify their criminal behavior. My observations were similar with those motioned above. However, based on the film sessions conducted in the classroom, students created their own role play exercise in order to illustrate several hypotheticals discussed during the seminar, performing their team work. They motivated that: *“film clips analysis inspired us to create our own visual tool in order to explain to our colleagues the issues that were too difficult written in the book because the role play in group facilitates the understanding of the criminal behavior context”*.

The essays written by students showed similar results. As I mentioned in the introduction of this paper one of the essays identified that my students lack analysis and argumentation skills. In order to assess their progress during the semester I asked them to write the second essay based on the film *“Ocean eleven”*. In this sense, comparing the content of the essays, I can say that the legal reasoning skills improved. The film helped students to visualize the facts and to imagine the problem they have to describe, made them to memorize the context and the general concept learnt during the classes and encouraged them to be more creative.

The majority of students began their essays with a brief description of the film as the following quota illustrates: *“Danny Ocean, after being released from the prison, started to plan the robbery of three Las Vegas casinos simultaneously. He asks his friend and ex partner, Rusty Ryan, located in Las Vegas, to help to follow his plan...”*¹ This short description reveals students’ ability to identify the facts of the story. Students selected, systematized and summarized the facts to create a clear picture of the crime as the following statement shows: *“The crime is prepared in advance and each participant has his own role: some of them threaten people with violence or search them, others watch the place where the action is taking place while the rest of the group executes the “duties”.*²

Also, students separated the scenes of the film in parts in order to establish and to recognize each fact; they were able to rank the facts in terms of relevance and importance because they selected only those facts that describe the criminal behavior. This is shown by the following quota: *“The first fact is that Danny Ocean, a recidivist that after being released, recruited 10 other people in order to commit the robbery, the second fact is that the members of the group are professionals previously involved in other unlawful activities, the third fact is that participants discussed the criminal plan in details and distributed their roles according to their own experience, acting with a common intention...”*³

Students showed factual accuracy and described in details only legally relevant facts: *“the group is very well organized; each participant knows his role, when to intervene, the location where to perform, and the devices that must be used...”*⁴ They picked up the determinative facts that can lead

¹ Essay lu Cur2

² Essay Mtca2

³ Essay A Fur2

⁴ Essay DumCo2

them to the solution of the legal issue:”*Danny Ocean has recruited ten persons that have different occupations in order to commit the robbery and to execute his plan...*”⁵

As a result, the majority of students were able to **identify** correctly **the legal issue** in the film. A good example is the following statement one student made in his essay: “*this film describes the complex conspiracy because it is easy to identify the roles of the author, organizer, instigator and accomplice of the crime...*”⁶ or “*describing the facts showed in the film I identified the particularities of conspiracy based on the number of participants involved in the crime of robbery as organizers, instigators and accomplices...*”⁷ Visualization helped students to understand the difference between lawful and unlawful behavior, because they identified the signs of criminal behavior in case of each participant, like in the following example: “*Frank Catton is an accomplice because he bought a car used for the commission of the crime...*”⁸

Interviews conducted during the research also showed that visualization of the “problem or case” is a helpful exercise for establishment of the legal issue’s characteristics. Four from five students mentioned that: “*the task to identify the criminal issue in a film makes you to play the role of the lawyer and helps you to justify better legal opinions*”. It seems that students can easier assume the role of lawyer through visualization of the problem rather than through theoretical concepts because they can not only imagine what they will do in a concrete case, but they can act as such having the real case in front of them. Students better understand not only what the facts are but what they suppose to do with the facts afterwards and how these facts can make them to identify the legal issue. Students realize that the first step in solving a legal problem is to understand the context and to select the facts that will help them to answer the question.

⁵ Essay Di Cojoc2

⁶ Essay DaC1

⁷ Essay Iu Cur2

⁸ Essay Al Abdries2

However, one of the five students involved in interviewing said that *“it is more difficult to associate the film clip with real cases from the judicial practice because in the film the crime seems perfect”*.

This means some students misunderstand the relevance of particular facts, because in real cases they don't exist or ignore them, being unable to rank their relevance and importance for the story.

This “artistic” shadow of the legal issue can make some students to reveal irrelevant dates and unnecessary or superfluous details as in the following example: *“Ocean Eleven is an American comedy-crime film that remakes a 1960 film...”*⁹

Nevertheless, this type of exercise encouraged students to be more creative in discovering the legal issue and inspired them to do the homework in a different way. They developed a role play exercise to illustrate the theft and murder committed by a group of persons. Students used visualization as a tool in order to make others identify the facts and the legal issues. In the same time, through creation of this simulation, students identified first what is important to illustrate, what is the legal issue and how the hypothetical should look like to be understood by others. Students used not only their criminal law knowledge but their ability to manipulate the identified facts making the connection between the real cases and fiction. Students were able to summarize the most relevant facts and to formulate appropriate questions in order to raise the legal problem. They create their own group of discussion and distributed roles among themselves in order to perform in front of their colleagues. During the interviews several of them mentioned that: *“film clips analysis inspired us to create our own visual tool in order to explain to our colleagues the issues that were too difficult written in the book. The role play facilitates the understanding of the criminal behavior context”*.

⁹ Essay Doi Ciu2

Therefore, the film encouraged students to base their analysis on the facts and details, they previously ignored. The visual environment stimulated their capacity to appreciate the importance of the details, helped them describe the context, as much as possible, in order to prove their legal solution. Students understood that being **attentive to the details** is a good way to be persuasive. The details' description can be found in the majority of the essays, for example one student described what the plan of the perpetrators was in the film: “ *the plan contains several steps: to get the information about the casino's security system, to obtain the information about the access to the money, to turn off the electricity in the entire city, to check how the cameras from the casino are working, to learn about the safe features, to find good transportation means and to prepare the explosive device...*”¹⁰ This example demonstrates that students have the ability to identify and to filter the relevant details for their case. Students are able to use the details in order to build their theory; they can be as descriptive as possible to prove their case. Detailed analysis of the facts and of the legal provisions shows students ability to systemize and to generate new ideas.

Students used many descriptive details to build their statements as is shown in the following example: “*bothers Virgil and Turk Malloy are professional drivers; Livingston Dell is a professional electrician while Basher is responsible for explosive devices...*”¹¹

Likewise, other students developed their opinion based on explanatory statements as in the following example: “*Danny Ocean is the organizer of the crime because he is the one who comes with the idea of crime and makes the plan; he organizes and leads the criminal group and its activities...*”¹²

¹⁰ Essay DuC2

¹¹ Essay IrDO 2

¹² Essay DiCo2

Some of the students chosen to finish their fact analysis with a summary statement like in the following quota: *“thus, Ocean reached his goal, his plan was fulfilled and stolen money were divided between the members of the group...”*¹³ Others developed generalization statements in order to clarify legal aspects of the issue they analyze like in the following exempla: *“a criminal group can be more dangerous because each members has his/her own role and in this way it is more difficult to stop or to prevent the crime the group is going to committee...”*¹⁴

During the interviews, students also mentioned that *“this unique experience helped us better understand the issue and made us to pay attention to the details related to the legal aspects”*. This quotation shows that students started to observe the details thanks to the film clips analysis and understood very relevance for solving the case.

Additionally, visualization of facts helps students to develop **logic reasoning**. The following example shows students' ability to make well grounded affirmations about what they saw in the film: *‘we can see in the film the activity of a well organized group because each participant has a well defined role, each of them is actively involved in the commission of the crime, they are able to provide any services to the group and to remove the obstacles. They are very self-confident and experienced because this is not the first crime they commit...’*¹⁵ This shows that students structure their thought in a deductive way, starting with general idea and ending with specifics of the criminal group. They describe precisely and systemic the elements of the criminal group and the participants' involvement. They make the connection between the background of the participants to the crime and their criminal behavior.

¹³ Essay DiCO2

¹⁴ Essay AFu2

¹⁵ Essay DuC2

In the same time, the majority of the students were able to maintain the consistence of their thoughts as in the following quota: *“therefore, I would like to describe step by step the details of film’s scenes, features of each action that occurs in the film and the personality of each character in order to define their roles...”*¹⁶

Some students were able to compare different notions and concepts: *“criminal organized group, compared with other forms of conspiracy, has few specific features that I identified in this film: prior agreement among the participants, drafting the plan of the crime, distribution of roles among the participants, determination of the methods and ways to commit the crime..”*¹⁷.

Other students used causal reasoning in order to sum up their conclusion: *“the stability of the criminal group is proved by the following facts: the period of time the group is acting - from the moment the group was created to the moment they committed the first criminal action; the well defined plan of the criminal activities; the distribution of the roles among members of the group...”*¹⁸

Statements of some students show they developed the capacity to make conclusions based on the facts identified in the film as in the following example: *“based on the film I can conclude the following: (1) the crime is committed by a group of persons; (2) I identified the roles of the participants; (3) I established that in the film the participants acted with common intention;(4) the participants in the film manifested a common criminal activity...”*¹⁹

I noticed that students described in the essays the role of each participant according to the provisions of the Criminal Code and explained the features of the criminal behavior using legal terms. Students pointed out the main elements of the crime, identified the Chapter and the article

¹⁶ Essay Din Cojo2

¹⁷ Essay A. Andries2

¹⁸ Essay MTca2

¹⁹ Essay lu Cur2

from the Criminal Code and **argued** their position based on the well known criminal law principles. In this sense, one student mentioned that: *“Daniel Ocean is the organizer of the crime because he came up with the idea, organized and directed the crime; created the criminal group and managed its activity. He acted with direct intention because he understood the dangerous character of the act and foreseen its consequences. He has the main features of the subject: age and responsibility”*.²⁰

The majority of students made reference to the core elements of the law in building their arguments: *“I think that in the film we can identify a criminal organized group because according to the art. 46 of the Criminal Code a criminal organized group is a stable union of persons that organized themselves in advance in order to commit one or more crimes. In our case the group committed only one crime, but it is a stable union of persons because by the end of the criminal activity all participants were involved in groups’ actions and they created the group with two weeks in advance of the crime commission...”*²¹

Thus, students were able to **solve the legal problem** and explained how each participant can be punished according to the Moldova Criminal Code: *“the author of the crime shall commit the actus reus of the crime with intention. In our case the author of the crime will be punished according to art.42 and art.187 CC, based on his contribution to the crime...”*²² This example shows that students understand the relevance of the legal provision and can apply it to the real case: *“the film describes the cooperation to the commission of robbery provided by the art.187 CC...”*²³ These quotas shows that students are able to apply the relevant law to the material facts. Students shifted out all irrelevant legal provisions and retained only the law that is pertinent for their case.

²⁰ Essay DiC3

²¹ Essay VaN2

²² Essay VaN

²³ Essay IrD

Students made the distinction between crimes and other illegal acts like in the following example:

“each participant, no matter what kind of actions he/she committed, will be criminal liable because he /she acted with intention and attempted against social values protected by Criminal Code and his/her personal contribution is considered a social dangerous activity...”²⁴

Students have the ability to think independently and to appreciate which provisions of the law is applicable to their own case as this quota shows: *”in my opinion Danny Ocean is the organizer of the crime because the idea to organize and to commit the robbery comes from him. In this sense, according to art.42 (3) of Criminal Code an organizer shall be considered the person who organizes the commission of a crime or manages its commission as well as the person who creates an organized criminal group or a criminal organization or manages the criminal activity thereof.*

They can give solutions through interpreting the provisions of the Code and reason their answer based on the facts: *”based on the coordination degree of participants’ activities I noticed that in the film we can identify a criminal organized group because it meets all the requirements specified in the art.46 of the Criminal Code as follows: the participants in the film act with prior agreement, in the film the group is a stable one because its members have a strong relationship, the purpose of the group is to commute crimes, in this case a robbery....”²⁵* This means that students can not only manipulate the facts but also work with the legal text.

Students can support their discussions with the law and this demonstrates that they are able to construct a logic argument as in the following example: *”at first it seems that Ocean is the*

²⁴ Essay AIA2

²⁵ Essay luC2

instigator of the crime because he convinced and determined the rest of participants to commit the crime; however when a person not only determined others to commit the crime but also takes some measures to organize the criminal activities, this person is considered organizer of the crime. Thus, we can say that Ocean is the organizer and not the instigator of the crime... ”²⁶

2. *Film clips analysis facilitate students discussions, encourage them to be more creative and to analyze the legal issue from different perspectives;*

Based on the four film session conducted, the majority of students stated in the questionnaire that film clips analysis made them willing to express their opinions making reference to the legal norms and judicial practice. One of the student stated that *”analysis of the film clips can bring some new ideas omitted during the lectures or seminars”*.

The second essay, also, showed that visualization of the issue can develop students’ creativity and ability to analyze the facts from the legal perspective. The second essay was focused on the factual and legal analysis of the film *“Ocean eleven”*. The topic for the essay was *“The role of each participant at the commission of the crime”*.

Because one of the students complained that *“film clips don’t necessary covered all aspects of the crime and for better understanding it is worthwhile to watch the entire film”*, I asked students to watch the film at home as a part of their preparation for the essay. This film covers a very interesting topic for the Criminal Law - *“Conspiracy”*. Students had the task to analyze this topic according to the same requirements based on the scenes from this film. After reading all the essays I noticed that students were more creative, they understood better the notions and concepts related to conspiracy being able to describe all the facts identified in the film. However, their legal analysis

²⁶ Essay IrD2

was not very deep and strong, but their conclusions were well grounded. Their focus was on describing the role of each character from the film according to the provisions of the Criminal Code rather than analyze the entire picture.

During the interviews, students mentioned that *“this unique experience helped us better understand the issue and made us to pay attention to the details related to the legal aspects”*.

Also, four students from five mentioned that film clips analysis used during the semester helped them to develop their creativity and to analyze the criminal law issues from different perspectives, making them to pay attention to the details and to cover the social aspects of the problem.

However, they mentioned that writing essays based on a film analysis was a very interesting and good experience because it made them to express their own opinions and to bring their own arguments based on what they saw.

3. *Exclusive using of film clips analysis does not assure development/improvement of legal reasoning skills;*

The result of the survey revealed different particularities of students' learning due to the fact that they were asked to choose among five teaching intervention the most effective one.

I noticed that initially students started to choose as most effective intervention the one used the same day. This tendency gradually disappeared. However, the preferences of students in terms of efficiency started to be observed from the beginning.

Comparing film clips analysis with other interventions used during the seminars their preferences changed. The most efficient ways of learning criminal law concepts were considered debate. In this sense, one of the students mentioned that *“debates help me to understand better the topic, to make very detailed analysis and to memorize better the legal terms”*. Another student stated that:

“debates are very interesting because they help us to work in groups, to provide arguments, to listen each other; they develop our ability to address questions and formulate hypotheticals and help us to classify correctly the crimes.”

Students agreed that *“debates help them to formulate and to express their own ideas and to solve controversies”*.

The debates were followed by hypothetical discussions in students' preferences. One student mentioned that *“hypotheticals help us to identify problematic legal issues, to analyze it from different perspectives, to find the solution and to motivate our opinion”*. Another student mentioned that *“hypotheticals are interesting because they help us to see how the things work in practice and to analyze almost real cases, making us closer to daily practice”*.

One of the students said that *“hypothetical discussions and debates are the most interesting tools that can develop skills needed for future lawyers”*.

Thus, the advantages of these two interventions chosen by students were the following: (a) they can be all involved in the discussions; (b) all of them can express their opinions; (c) they can use own examples; (d) they can make the connection with the real cases, (e) they can learn how to address and answer questions; (f) they can identify easier the legal issues.

The case study was ranged as third preference together with the film clips analysis. Students' mentioned that case study helps them to learn more about judgments and decisions on concrete criminal cases issued by the Courts. They can learn how to identify the facts and analyze the court's opinions based on their knowledge. One student mentioned that *“the case study shows how the theory is working in practice”* and *“explain in depth the particularities of cases”*. However, this intervention is better to be used together with hypothetical discussions.

Presentations were considered the most ineffective learning tool. The main disadvantages refer to the limited time for discussions and poor understanding of the presented topic. However, students' involved in preparing the presentations stated that this tool helped them better systematize and analyze the topic through research and writing.

Several students considered that using all mentioned above teaching interventions, excepting presentations, could help them to improve their legal reasoning skills. This mixture can cover the lacks of each particular intervention and can conduct to a better learning. One student mentioned that; *“all interventions are very welcome, but each of them has its own impact on students learning”*.

Similar answers were provided during interviews, all five students agreed that the way students learn depends very much on the way professor teach. They stated that it is appropriate to use different teaching interventions in order to improve their learning. All of them agreed that their skills improved during the semester thanks to all teaching interventions used in the classrooms.

The results of the survey show that film clips analysis is only the third preference in students learning ranging while the four of five students interviewed stated that film clips analysis is one of their favorite interventions. My initial claim was partially confirmed.

Conclusion

As a result of my research, I this small research helped me to assess not only students' learning but their attitudes and ways of thinking. I started with the presumption that innovative teaching methods can change the way students are used to learn, making them to develop their own skills and

abilities. However, in order to help them to become good lawyers it is necessary to inspire and motivate them to work on their skills.

1. film clips analysis helps students to understand better the context, to identify the facts, to establish the legal issue and to apply the appropriate legal norm;
2. film clips analysis facilitate students discussions, encourage them to be more creative and to analyze the legal issue from different perspectives;
3. exclusive using of film clips analysis does not assure development/improvement of legal reasoning skills;

In conclusion, I can state that my initial claim was partially confirmed by the results of the assessment: film clips analysis can contribute and facilitate the development/improvement of legal reasoning skills.

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