

Drama as a Means of Improving the Advocacy Skills of Non-English-Speaking-Background Students

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This paper will discuss the problems facing overseas-Asian students who study law in Western universities and will deal with how drama can help improve their English-language oral-communication skills. A profile of the average student belonging to a high-context, relational culture will be provided with the aim of showing why such a student needs full-on immersion in oral English. An attempt will be made to suggest that the activities and materials employed by instructors using such a strategy can help lower students' affective barriers and increase their confidence, motivation and spontaneity when speaking, while improving their non-verbal skills. The writer's personal experiences will be mentioned in passing.

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There is a Chinese proverb which goes “Let householders avoid litigation, for once go to law and there is nothing but trouble” (Goh, 2002, p. vii). This saying sums up the Chinese, and other Asian groups', view of law. They see the legal profession as a possible source of societal disharmony because it leans more towards dispute than mediation. A student from such a community who ventures into legal studies has, therefore, to be prepared to compromise values acquired since childhood. Generally speaking, students in Asia tend to subscribe to what are commonly referred to as 'Confucian' values based on collectivism, which contrast with Western Socratic values of individualism. Such students are predominantly brought up in a high-context culture to exist in accord with other human beings and this means not readily resorting to arguments, among other things, especially when relating to those considered their 'superiors', whether in terms of age, position, ability, or achievement. Given the fact that the legal profession hinges broadly on argumentation as a means of persuasion, it is expected that a normal law tutorial will involve elements of vehement and energetic discussion. If students of non-English-speaking backgrounds (NESB) are not inclined to participate in disagreement with their English-speaking tutors or classmates or are, by nature, reluctant to vocalise an opinion in an animated fashion, not only might they fail to make an impression on their tutors and classmates, but they could also miss out on opportunities for practice in order to acquire these traits and improve their English-language fluency and accuracy. Should they graduate and join the courtroom fraternity, they could find themselves struggling in the “adversarial courtroom (which) juxtaposes competing arguments against one another” (Laster, 2000, p. 9). As a result, these new lawyers could discover that they might need somewhat more time than their more able colleagues to fit in successfully in the long term.

The classroom behaviour of such NESB students could be said to contrast quite starkly with the behaviour of students brought up in the low-context English-speaking Western systems, where the modern legal profession as we know it has its roots. Law tutorials in the

universities of such countries tend to be commonly marked by high, firm and loud voices expressing strong opinions, with interjections and interruptions the norm, regardless of whether or not an issue being argued involves classmates or the tutor. A student who regularly wins arguments is generally viewed as being successful and this is not easily done without being productively aggressive and confrontational. In fact, these are traits that are respected and even admired in a Western environment (Goh, 2002). This is quite different from many Asian scenarios, where most of what goes on is low-key or even passive, with turn-taking very much in evidence when discussing a point. There is a strong undercurrent of mediation rather than argumentation in the discussion. There is hardly any disagreement with, or questioning of, the tutor's statements, and even if there is disagreement, the overall mood tends to be conciliatory, with voices kept generally low and deferential. The general tone is one of harmony, a concept that one normally does not associate with law, given its adversarial traits. In anthropological terms, we are dealing with students who share a relational and collectivist philosophy, rather than one based on transactional or individualistic notions (Goh, 1996, 2002). They are reluctant to 'open up' because of 'social anxiety' (Schneier & Welkowitz, 1996), thus limiting their participation in oral interaction. Even the body language they exhibit denotes appeasing and pacific behaviour. They are less inclined to communicate through touch, facial expressions or gestures (Willoquet-Maricondi, 1991). Such students can be said to be cautious about a loss of face. They tend to be easily affected by embarrassment when they make mistakes that are linguistic, paralinguistic or content-related. While there is no denying the fact that Western students, too, can get embarrassed, Asian students generally get into the 'once bitten twice shy' mode more immediately than their Western counterparts. So, instead of facing the risk of being shamed, they would much rather limit their participation in the proceedings. The classroom behaviour of such students could be described as follows:

1. Reserved – usually quiet or with limited participation during discussions; tend not to volunteer information – have to be called upon; speak in short sentences or with 'yes'/'no' responses; take written notes;
2. Side-step arguments or do not get passionate about them;
3. View instructor's points of view as better than their own;
4. Have negative 'proxemics', e.g. their spatial link with higher-performing classmates and instructor indicates deference;
5. Exhibit limited kinesics, e.g., non-vocal or paralinguistic behaviour (gestures, expressions, etc.) rarely visible; show little animation; limited eye-contact;
6. Use limited prosody, e.g., intonation, stress, rhythm in voice not very noticeable; voices generally soft and monotonous.

On a gender basis, the above are even more pronounced in the case of female students. With time, and with regular exposure during their working years as lawyers to the sort of oral interaction and paralanguage normally associated with their profession, these students might eventually fit in with their working environments. Steps should be taken to help them acquire 'lawyering' skills that deal with oral public presentations. Drama is one such form of assistance.

It is possible to suggest that certain similarities between drama and law exist. For example, they both rely on speech and paralanguage to convey messages with impact. Forget the external trappings, e.g., stage versus courthouse (notwithstanding the fact that both represent confined spaces), or that one creates a world of make-believe in an artificial environment while the other deals with real-life issues (although one cannot, in all honesty, ignore the presence of 'pretence' in legal practice), or even the fact that one rests on line memorisation

and the other on case memorisation. Successful communication generally rests upon two main factors, namely, (1) an effective use of the voice, the spoken word and the body and face and, (2) confidence. In the main, native speakers of a particular language appear to be more at ease with both factors, when compared with those to whom it is a target language (TL).

Where English is the medium of instruction, students whose mother tongue is not English have to face up to a number of challenges. For example, those who study law in an English-language environment have not only to grapple with cultural conventions somewhat alien to them, but also have to develop their skills in the language in preparation for practice in their home-countries after graduation (Singapore and Malaysia are examples of nations where English is actively used in courts of law). At the same time, it is crucial that these students enhance their ability to persuade with an appropriate use of the voice and the body. However, to get to this stage, major changes have to take place in their psychological and behaviour patterns. If, in relation to English, their self-esteem, motivation, spontaneity, and empathy can be heightened and they can be made to feel less sensitive about rejection (Stern, 1980, 1983) there is a possibility that their physical participation will show a parallel upsurge. For example, they may start being less averse to risk-taking in the language they are learning because their 'affective filters', or feelings and attitudes that hinder learning, have been lowered.

The following are some of the benefits arising from the use of drama techniques (Gill, 1995, 1996, 2000a, 2000b, 2002; Ballantyne, Bain & Packer, 1997):

1. Students tend to become generally:
 - More confident in relation to verbal and non-verbal interaction;
 - More motivated and enthusiastic when involved in tasks;
 - More spontaneous, e.g., they volunteer information without being called upon, they initiate discussions and conversations;
 - More inclined to take risks in the TL, e.g., use longer sentences, give more elaborate answers, use 'embroidered' speech, e.g., idiomatic phrases;
 - More inclined to participate during discussions;
 - More outgoing;
 - Less worried about 'losing face';
 - Better at group-dynamics.

2. The speaking skills of students are enhanced. Dowdy (1998) found that her students' oral skills were enhanced through the use of drama built around a courtroom scenario. It is possible to take excerpts of a play such as, say, Reginald Rose's 'Twelve Angry Men' or Agatha Christie's 'Witness for the Prosecution' and work on specific oral and paralinguistic aspects which are relevant to advocacy from an American or British standpoint. Giving students the opportunity to approximate the body and speech rhythms of the TL helps them communicate better and overcome difficulties associated with a lack of both voice control and speech-body synchrony (Gassin, 1986, 1990), while exercises involving breathing, articulation, pacing and rhythm help them speak and listen more effectively (Smith, 1984; Dunkel, 1986). Articulation and pronunciation problems are major sources of concern for speakers of a TL. For example, students of Chinese-speaking backgrounds tend not to articulate the final 'l' when they speak, such that '*little bug*' sounds like '*litter-bug*' and '*big ball*' sounds like '*big bore*'. The potential for communication-breakdown in such cases in a court of law is quite obvious. English is also a minefield for some Asians in respect of

syllable length. I regularly come across students from Thailand, Malaysia and Hong Kong who, when speaking in English, use erroneous syllable lengths. Long syllables are shortened in speech and, conversely, short syllables are lengthened, such that words with long syllables like 'dark', 'caught' and 'reach' are spoken as 'duck', 'cot' and 'rich', while short-syllabled ones like 'hit', 'met' and 'luck' sound like 'heat', 'mat' and 'lark'. Communication failure, something that an advocate can ill-afford, can easily occur if he or she were to say:

"She was *bitten* by her husband"
when, in fact, he or she means
"She was *beaten* by her husband",

or

"*Come* down"
instead of
"*Calm* down",

or

"The Town Council supplied them with *beans*"
rather than
"The Town Council supplied them with *bins*".

There are numerous other examples of incorrectly pronounced words, too numerous to mention in this paper. What is worse is that some of them (e.g. 'beach', 'sheet', 'teeth') can embarrass or upset listeners who are native speakers or those who are more adept at English, not to mention the speakers themselves once they realise the gravity of their *faux pas*. Constant practice with play-scripts, for example, can help students of law work on those speech areas which have banana-skin potential. Such extended use of the language helps them hone their vocal apparatus, that is, their lips, teeth, tongue and throat (Dickson, 1989) in relation to the TL.

3. Students have greater opportunities to speak in the TL, when compared to the traditional teacher-centred approaches. While they may be lucky to get more than a few seconds of speaking-time in a conventional lesson, during drama-based language activities they participate in wide-ranging oral interaction and use a variety of language forms (Long and Porter, 1985; Genesee, 1987, 1994; Davis, 1990). The greater the opportunities they get to practise the language, the more comfortable and fluent they are. The importance of speaking smoothly, in a non-hesitant manner, cannot be underestimated as far as law students are concerned. As future advocates, they need to be able to speak fluently in stating their cases effectively in court.
4. Students appear to have more fun while they are studying. And where there is fun, there is learning. Such learning appears to occur unconsciously or semi-consciously, in a natural manner. There is learning by osmosis, as it were (Gill, 2000a), somewhat similar, for example, to the way pre-school children learn their mother tongue or a second language through association with speakers of that language.
5. Various levels of ability in a group can be catered for. Those who are more capable serve as language role-models while taking on positions of responsibility, e.g., lead

roles, directors, while students at the lower end of the scale might have less prominent acting roles, or they may serve as assistants. What is important is that there is a constant babble of voices during rehearsals and related discussions due to the student-centred nature of the technique, with participants bouncing ideas off each other in activities associated with language-immersion.

6. The world of everyday experiences, incorporating authentic language, can be introduced into the classroom. By working in English on skits, simulations or improvisations related to courtroom trials or client meetings, for example, law students can experience the practical side of their field in a make-believe fashion and internalise English more easily (Gasparro & Falletta, 1994)
7. The teacher can employ drama as a diagnostic tool, using it to pick up common errors in speech and deficiencies in paralanguage which can be worked on at appropriate times. Strategic Interaction (Di Pietro, 1987) is an example of a drama-based method that incorporates this strategy. One way in which the teacher can help learners with their errors is to tape-record students during a drama-based activity, using video or audio facilities, and then play the taped activity back to point out/discuss/correct errors. He or she can also draw up lesson plans for future lessons based on the corpus of certain features, for example, linguistic, prosodic and proxemics, derived from the recordings.

Incorporating drama into law studies can give students the sort of preparatory exposure that can help them in the long run. For example, activities based on Strategic Interaction would not just create extensive speaking opportunities for them, but would also require them to 'think on their feet' in the TL. Lawyers need to have such an ability in order to do their jobs effectively. Getting students to work in groups on skits, role-play, simulations and improvisations would allow them to discuss in groups and work out strategies which can help train them to be quick off the mark, strategies which they can utilise in their chosen career-paths. The more this is done, the stronger the likelihood their self-confidence will improve. Asian law students who have attended my drama-techniques courses have struck me by the way they have progressed from being shy and reticent to speaking in public with confidence. They participate readily in conversations and I notice that they are relaxed and less guarded with their body-language. In fact, an employer in Malaysia, who inherited one of my ex-students in his law firm, once asked me if it were possible to send him more such graduates because that particular graduate was making a noticeably positive impact on the firm's dealings, particularly in court! Another student, from Singapore, who is currently teaching law at Bond, has testified that her public-speaking confidence benefited tremendously from being exposed to drama.

Drama appears to be of significant value in helping develop the communicative competence of students learning English. In addition, it helps these students develop the sort of confidence that can give them an edge when it comes to voicing their opinions or debating issues. The following are comments from some of my law (and also non-law) students (in Ballantyne et al., 1997, pp. 1-12, and in Tangpijaikul, 1999, pp. 110-111):

I found I could get rid of panic when I talk in front of people ... Now I can make a speech in front of anyone.

It was so embarrassing but it also gave me a benefit for my experiences.

The drama subjects, compared with other English subjects, are more challenging and interesting because they bring students to real life...

It improved my English as well as my result for the course.

... not only my pronunciation has advanced but also I could get confidence with public speech.

I learned a lot of English expressions...

My experiences over the last fourteen years suggest that drama is a teaching technique which benefits students who are diffident and unmotivated for various reasons. We could do worse than follow in the footsteps of the Law School of the University of Sydney, which has introduced drama lessons aimed at teaching law students to use their voices and bodies correctly in order to enhance persuasion (Sarzin, 1999).

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