

The Juror Role in Maltese Criminal Trials: A Narrative Inquiry

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Dedication

For my Mother,

who introduced me to the world of stories.

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Abstract

This study unravels the stories of individuals who were given the juror role in Maltese criminal trials. It aims to explore how the juror role is adopted, navigated, and negotiated in interaction with other role players in the criminal justice system [CJS], how jurors construct meaning out of their role in view of their past/present/future selves, and how the juror role is impacted by the situated context of the Maltese CJS. In-depth, semi-structured interviews with six participants were conducted, and data was interpreted using narrative inquiry. Interpretive stories were constructed, and an analysis using a three-dimensional model of experience and social constructionist/symbolic interactionist role theories was carried out. Findings showed that the CJS context tasked participants with fulfilling great responsibilities despite several drawbacks, including a lack of agency, a sense of urgency and questionable audience segregation. Adopting the juror role involved ambiguous transitions, in which participants' pre-trial roles and knowledge led to role conflict, congruence and expansion. Relinquishing the juror role also required transitions characterised by positive and negative post-trial reactions. Participants performed the juror role while evaluating the performances of others in court. The level and quality of interaction with other role players influenced participants' perspectives on their jury experiences. These findings highlighted that the adoption and enactment of the juror role is a complex process guided by jurors' individualities, dynamics with other role players, and the CJS context. This study has value as it makes several recommendations for policy, practice development, and further research.

Keywords: juror role, jury, criminal trials, criminal justice system, narrative inquiry.

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List of Acronyms

CJS - Criminal Justice System

AG – Attorney General

PTSD – Post-traumatic stress disorder

Chapter 1: Introduction

Preamble

The courtroom is a highly storied context within our society. Several courtroom dramas, such as ‘To Kill a Mockingbird’ (Lee, 1960) and ‘A Few Good Men’ (Reiner, 1992), portray depictions of courtrooms in which lawyers, judges, plaintiffs, and defendants are predominantly given the spotlight. Although such individuals may tend to be perceived as the primary active participants in legal trials, there is another team of individuals present within criminal trials which is often overshadowed: the panel of jurors. Apart from some works of fiction, such as in ‘12 Angry Men’ (Lumet, 1957), jurors are often portrayed as passive audience members within courtrooms. In real-life courtrooms, jurors are also seen as an audience tasked with making sense of competing performances by opposing lawyers (Brion, 2014). However, by applying the science of human behaviour within the judicial system (Novotney, 2017), forensic psychology may provide more in-depth views of the jury system, as this study intends to present.

The Maltese Criminal Code (CAP. 9, 1854) stipulates that in criminal offences that surpass the remit of the Court of Magistrates, prosecutors draw up bills of indictment to form juries. Selected jury panels are composed of nine lay jurors, whose task is to sit through the different phases of trials, deliberate, and come to a verdict of at least 6-3 on a particular case. Hence, the fate of the accused lies in the hands of the jury. This study intends to invert the courtroom narrative and honour the important active role of the jury within the Maltese court of law. This shall be done by analysing the narratives of post-trial jurors, in turn transforming jurors from audience members to protagonists within courtrooms.

Jurors in Chopra's (2002) study felt inadequately informed about how to carry out their role in court, meaning that primarily, jurors may need to learn how to serve their duty to the Court in unassisted manners. Seeing the crucial role that jurors embody in criminal trials, exploring how jurors come to understand and perform their role is worth studying, and is relevant to the discipline and practice of forensic psychology. By making jurors the protagonists of criminal trials through narrative, this study aims to investigate how individuals who are plucked out of their everyday life and presented with the unfamiliar, responsibility-laden role of 'juror', construct meaning out of their role within the situated context of the Maltese criminal justice system. The adoption, navigation, and negotiation of the juror role shall be analysed in light of the continuity that jurors created between their past/present/future selves, as well as the interactions they had with other individuals throughout their experiences within criminal trials.

Rationale and Research Questions

Several studies about the juror role rendered varying results. Some explained that jurors perceived their involvements with the Court as positive experiences (Caviness, 2021; Kyle, 2016; Woolf, 2011). However, Caviness (2021) and Kyle (2016) argued that jurors also acknowledged negative aspects of the role. Elements of stress (Antonio, 2008) and trauma (Robertson et al., 2009) have been identified as possible consequences of serving as a juror.

Psychological research about jurors seems to be limited (Robertson et al., 2009). Existing psychological research discussed what jurors felt and thought due to their experiences throughout criminal trials, but research seems to be limited in explaining how these emotional and psychological processes developed. Consequently, the objective of the present study is to explore how post-trial jurors construct meaning out of the juror role through their narratives.

In Malta, there are 25,583 individuals eligible to serve as jurors (Judiciary.mt, n.d.-a), and as of February 2023, there are over 100 local pending jury trials (Xuereb, 2023). This means that many individuals may be asked to carry out their duty to the Court, and that the jury system may influence a large portion of the Maltese population. Yet, there is a lack of research about jurors within the local context, with the only available research about the Maltese jury system being conducted from a legal standpoint (Grech, 2017). This exposes a significant gap in local psychological research, and suggests the need for in-depth, inductive, qualitative work about the juror role.

In view of this, the research questions set for this study are;

1. What are the stories of individuals who were given the juror role in Maltese criminal trials?
2. How is the juror role taken on, navigated, and negotiated in interaction with other role players in the criminal justice system?
3. How do jurors construct meaning out of the juror role in view of their past, present, and future selves, underscoring both change and continuity?
4. How is the navigation and negotiation of the juror role impacted by the situated context of the Maltese criminal justice system?

Theoretical Framework

This study shall adopt a social constructionist/symbolic interactionist approach. Social constructionism and symbolic interactionism are two overlapping perspectives which take critical stances towards the acquisition of knowledge. These approaches argue that individuals

interact with one another by means of culturally and historically specific social processes, such as language, to construct knowledge and drive forth social action (Burr, 2015). This approach was deemed fit for this study as the research participants involved may reconstruct their stories in research interviews through interaction with myself as the researcher.

Conceptual Framework

A Role Theory Lens

A prominent proponent of the symbolic interactionist tradition is Erving Goffman (Carter & Fuller, 2015). Goffman's (1956/2022) dramaturgical theory proposed that people are social actors who perform different social roles to various audiences. A dramaturgical approach has been used to understand judges, lawyers, and defendants (Schoultz & Flyghed, 2022; Elsrud et al., 2015; Portillo et al., 2013), and certain aspects of the juror role have also been studied dramaturgically (Rose et al., 2010). However, to my knowledge, no research has analysed entire narratives of post-trial jurors through dramaturgy, and thus, this study aims to fill this research gap.

Goffman's theory (1956/2022) influenced many branches of social science, and served as the foundation for several role theories within social and narrative psychology (McAdams, 2015, 1993, 1985; Landy, 2009, 1993; Sarbin, 1986, 1984). In this study, these contemporary views on the concept of role shall be adopted in conjunction with Goffman's (1956/2022) dramaturgical theory, to present a holistic analysis of the juror role.

A Model of Experience

In addition to role theories, this study shall also employ Dewey's (1938/1997)'s three-dimensional model of experience. Dewey (1938/1997) proposed that experiences are processes

which aim to establish continuity in people's lives through the interactions that such individuals have between their internal conditions and objective/external conditions within situated contexts. Hence, the concepts of 'situated context', 'continuity' and 'interaction' shall serve as a foundation for the analysis of post-trial jurors' narratives.

Key Terms

In this study, the term 'role' shall be defined as the specific character of 'juror' that individuals adopt and perform within the Maltese Criminal Court of Justice. Goffman (1956/2022) explained that there is a distinction between the social actor [i.e. the self], and the roles that the actor performs in their everyday life. One social actor may take on different roles in different situations. This study shall explore the role of 'juror' that individuals perform within the specific courtroom setting [situated context], as well as the ways in which this role is influenced by the individual's [i.e. the actor's] past/present/future experiences/roles [continuity], and the ways in which this role is influenced by the interactions that individuals [i.e. actors] have throughout criminal trials [interaction].

Methodology

The research questions set for this study cannot be studied quantitatively, but necessitate an inductive, qualitative mode of inquiry that complements a social constructionist/symbolic interactionist theoretical framework. This study shall view the courtroom as a storied, theatrical context, and the research shall focus on how post-trial jurors construct meaning out of their role within the Maltese Criminal Court of Justice through their narratives. For this reason, narrative inquiry, a methodology which is epistemologically constructionist (Josselson & Hammack, 2021) and ontologically relativist (Smith, 2013), shall be utilised. Narrative inquiry

acknowledges the existence of multiple interpretations of psychological phenomena (Smith & Monforte, 2020), which are constructed through interpersonal interactions that utilise cultural and historical social processes (Burr, 2015). Such ontological and epistemological underpinnings of narrative inquiry fit comfortably with this study's positioning.

Narrative inquiry develops in-depth understandings of individuals by making use of the natural human inclination to tell stories about personal experiences. Unlike other qualitative approaches, narrative inquiry does not immediately compare an individual's experience to that of others by dissecting experiences into themes (Riessman, 2008). Instead, narrative inquiry presents individuals' stories in their complete form prior to any comparison with other cases. This is done to focus on individual storytellers and to understand how different people develop unique meanings out of experiences. By keeping stories intact, narrative inquiry respects the sequence/chronology of individuals' experiences as part of their meaning-making processes, and explores both what narrators tell through their stories and how storytellers construct their narratives.

Narrative inquiry may be used to investigate entire life stories or stories about specific events (Josselson & Hammack, 2021). Therefore, this study shall shed light on the topical stories of juror experiences. By focusing on individual post-trial jurors' experiences and keeping their stories intact, this study shall employ narrative inquiry to present an inductive, in-depth analysis of the meaning-making processes that the jurors within this study underwent.

Within the 'Data Analysis and Discussion' chapter of this dissertation, I shall produce interpretive stories based on the narratives of research participants, by following the approach developed by McCormack (2004; 2000a; 2000b). I shall then provide an analysis of the overarching themes derived from the different stories, by adhering to Kim's (2016) approach.

Expected Contributions

As previously explained, local research on the juror role has never been conducted, so this study may pave the way for further qualitative and quantitative work focused on jurors in the Maltese context. This may lead to a deeper understanding of the juror role, and may subsequently inform potential work that forensic psychologists may do with jurors locally. On an international scale, forensic psychologists intervene with jurors in many ways, including jury panel selection (Finkelman, 2010), as well as pre- and post-trial therapeutic support for jurors (Miller & Bornstein, 2004). To my knowledge, such services are not currently provided by forensic psychologists in Malta, and hence, an understanding of the juror role, as is intended to be presented in this study, may inform future local forensic psychological work with jurors.

A Note on Myself

I always held a deep fascination for storytelling, and have consistently turned to writing to make sense of my life. Hence, I was naturally inclined towards a narrative methodology.

When selecting a topic of study within the field of forensic psychology, my interest in the power of narrative drew me towards the courtroom setting, due to the vast intertwining stories which may play out within courtrooms. Upon reflection, I chose to study the juror role because I believe that jurors tend to be overlooked despite the crucial responsibility they are assigned. The experience of feeling overlooked in spite of being assigned a significant responsibility, resonated with certain episodes in my own life. In these personal experiences, stories were my way to make my voice heard. Thus, through this study, I intend to make jurors' voices also heard through their own narratives.

Overview of Chapters

Following this introductory chapter, I shall present a review of the current literature on the juror role. I will then provide an in-depth explanation of the narrative methodology selected for this study. Afterwards, I shall illustrate interpretive stories based on the research participants' narratives, followed by a discussion of overarching themes drawn from these stories. Finally, I shall conclude this dissertation by elucidating prominent findings, outlining limitations, and providing recommendations for future forensic psychological research and work with jurors.

Chapter 2: Literature Review

Introduction

This chapter provides an overview of the field of inquiry; the juror role. The literature in this chapter was primarily retrieved from the search engine Hydi, and most research cited was published between 2007 and 2022. Seminal writings published prior to 2007 are also included, as they were still deemed relevant to the topic.

No psychological research about the juror role in Malta has previously been conducted, and consequently, most of the research referenced in this review originated from other parts of the Western world [Europe and America]. The Literature Review shall first describe the jury system, then discuss the role theories that serve as the conceptual framework for this dissertation. Subsequently, existing empirical research about the juror role shall be considered.

The Jury System

Locating the Jury within the Maltese Criminal Justice System [CJS]

The Maltese CJS is composed of the police, law courts, and corrections (Calafato & Knepper, 2009). This dissertation shall focus on the law courts, as this is where jurors may become involved. Calafato and Knepper (2009) explained that the law courts in Malta are split into the inferior courts consisting of the Courts of Magistrates, and the superior courts which include the Criminal Court, the Civil Court, and the Courts of Appeal. The jury system in Malta finds its place within Criminal Court, in which many alleged offences which carry a potential punishment exceeding ten years imprisonment are processed (Judiciary.mt, n.d.-b). A distinctive feature of this court is the participation of the public, as jurors are empanelled to judge criminal cases.

The Trial by Jury in Malta

Harding (1968) illustrated that in 1815, the trial by jury in Malta was established and initially only judged cases regarding piracy. The breadth of cases judged by a jury was broadened in 1829 to include cases which potentially led to life imprisonment or the death penalty. By 1854, the modern jury was set up, in which nine jurors were tasked to decide upon any indictable offence.

Grech (2017) outlined the process of local trials by jury. The process starts when a bill of indictment is drawn up. This is a document composed by the Attorney General [AG] that describes the alleged offence/s committed by the defendant/s. If no preliminary pleas are raised and the defendant pleads not guilty to the accusations made, a jury is summoned. Using a computerised system, a number of individuals who are eligible to serve as jurors are randomly selected and summoned to court. Anyone over the age of twenty-one, who resides in Malta and is a citizen of Malta, is eligible to be a juror, as long as they have knowledge of the Maltese language, have not been found guilty of crimes exceeding the punishment of one year imprisonment, and are deemed competent to act as a juror. Those whose names are drawn must appear in court, and in no particular order, these individuals enter the courtroom one by one and are asked a maximum of three unstructured questions by the AG and the defence, with the purpose of determining whether to exempt individuals from serving as jurors. A panel of nine main jurors, including one foreman who takes the leadership role in the panel, is selected. Another three individuals are selected as supplementary jurors, who follow trial proceedings but do not contribute to the verdict made, unless they act as replacements if any of the nine main jurors are exempted throughout the trial. Jurors are often sequestered and asked to reside at a hotel throughout the duration of the trial. Jurors are not allowed to speak about the case to

anyone who is not involved in the trial, and access to mobile phones is prohibited. Jurors are allowed one phone call per day to their family, and family visits are allowed on Sundays if a trial extends beyond one week. Jurors are also not allowed to consume Maltese media, to prevent the possibility that jurors develop opinions about the trial based on media. In court, the jurors are read the bill of indictment, are addressed by the Judge, and given an opening speech by the AG. The AG then presents any evidence related to the case, including witness testimonies. The witnesses are cross-examined by the defence and jurors are allowed to ask any questions they wish to the Court. The accused, or their counsel, makes a statement, and any witnesses of the defence are also presented. The Judge then sums up by explaining the case to the jury in simple terms. Afterwards, the jury members retire from the courtroom and deliberate to come to a verdict of at least 6-3 votes on the case. The deliberation takes as long as is necessary for the jurors to come to a valid verdict. It is the jury's task alone to decide whether an accused is guilty or not guilty beyond any reasonable doubt. The jury then announces its verdict, and the accused is acquitted or sentenced in accordance with the jury's decision.

The Functions of Trials by Jury

Criminal trials serve to determine what is acceptable in society (Erikson, 1966). If an individual acts in a socially unacceptable way by committing a crime, a criminal trial may take the form of a degradation ceremony which diminishes the societal status of the guilty party (Garfinkel, 1956). Jurors are involved in trials to allow legal decisions to be made from society's point of view (Herzog, 2001). Hence, jurors may act as representations of society, and through guilty verdicts, society, in the form of the jury, enforces what and who is accepted, indicating the burden of responsibility that jurors are given.

Psychological Interventions within the Jury System

Throughout jury trials, many forensic psychological interventions can be carried out. Forensic psychologists can be called up as court experts to provide psychological guidance to the jury panel about how a criminal case may be interpreted (American Psychological Association, 2013). Forensic psychologists also contribute by aiding in the selection of an appropriate panel of jurors, through the examination of the biases that potential jurors may possess (Finkelman, 2010). As shall be discussed later, the juror role may pose several negative influences on a juror's well-being, and thus, psychologists provide therapeutic support to pre- and post-trial jurors (Miller & Bornstein, 2004). Assisting jury panel selection and juror support is not provided locally, but these are potential areas in which local forensic psychologists may intervene in future. Thus, this dissertation may have implications on psychological practice locally, as it may develop a more holistic understanding of what it psychologically entails to be a juror in Malta.

Role, Self, and Identity

Although jurors are specifically instructed by the Court to avoid making decisions about cases based on personal experience, jurors may likely still use their personal experiences to make sense of their role and a criminal case (Feller, 2017). It may be beneficial for the forensic psychological community to be aware of how individuals, with their unique personal experiences, make sense of the juror role. For this reason, the concepts of role, self, and identity may be useful to start understanding the juror role.

The self may be seen as a symbolic construct that originates from an individual's consciousness of their own identity (Crisp & Turner, 2014). A classic concept within the human

sciences is that the self is not a one-dimensional construct. Both James (1890/1950) and Mead (1934) proposed that the self is split into a dyad; a stable set of personal attributes, i.e. the 'I', and a subjective set of behaviours regulated by the individual's society, i.e. the 'Me'.

Furthermore, James (1890/1950) argued that the 'Me' self is made up of the material self¹, the social self², the spiritual self³, and the pure ego; a sense of continuity amongst the multiple selves, i.e. identity. Thus, identity may be concealed within each individual, and the self is discovered as human beings allow their life narratives to unfold (McAdams, 1993).

Another theorist who attempted to define the architecture of the self was Baumeister (1998), who conjectured that the self is divided in three; self-knowledge⁴, the interpersonal self⁵, and the self as agent⁶. According to this theory, one vital construct within self-knowledge is the self-concept; a set of cognitive schemas that are concerned both with individual features of the self, and the self's relationships with other people (Crisp & Turner, 2014). Rogers (1959) postulated that the self-concept is further sub-divided into one's self-image, self-esteem, and the person's ideal self. Of particular concern to this dissertation, one part of a person's self-image contains their social roles (Kuhn, 1960).

Social roles are the parts that individuals act out as members of social groups (McLeod, 2008), and several theorists claimed that the self develops through the enactment of social roles.

¹ Material self - the possessions that one owns.

² Social self - the recognitions one receives through interaction with others.

³ Spiritual self - one's internal dispositions.

⁴ Self-knowledge - how individuals are aware of themselves.

⁵ Interpersonal self - how individuals present themselves in front of others.

⁶ Self as agent - how individuals regulate themselves and their goals.

For instance, Mead (1934) suggested that the self develops through a series of stages in which individuals learn social roles by means of social interaction. In the first phase of development, the Preparatory stage, individuals imitate other people's behaviours. Then, in the Play stage, individuals start role-playing by acting out the roles of important persons in their lives.

Eventually, in the Game stage, individuals are able to engage in role-taking, in which they learn both how to act out the roles of others, and are cognisant of what their own role is. Moreno (1960, 1947, 1946) then advanced the notion that human beings are ultimately role-players. Moreno criticised Mead for suggesting that roles exclusively emerge out of social interaction, and instead speculated that three role varieties exist; the psychosomatic⁷, the psychodramatic⁸, and the social⁹. Moreno claimed that psychosomatic and psychodramatic roles develop prior to social roles. As opposed to Mead (1934), who understood the self as made up of the different roles one takes on, Moreno (1960, 1947, 1946) believed that the self develops as one enacts the different possibilities of being.

The adoption and enactment of different social roles may not be a simple task. In fact, role strain occurs when individuals experience stress related to the challenge of satisfying the demands of the various social roles they possess (Goode, 1960), and this role strain may have deleterious influences on individuals' physical and mental health (Creary & Gordon, 2016). There are two types of role strain; role ambiguity and role conflict (Nickerson, 2021). Role ambiguity refers to when an individual does not have enough information about the expectations of a particular role, and thus would not know how to appropriately perform that role (Mobily,

⁷ Psychosomatic roles - roles related to bodily functions.

⁸ Psychodramatic roles - roles involved with inner psychological processes and fantasy.

⁹ Social roles - roles related to interactions with others in the social sphere.

1991), whereas role conflict occurs when an individual attempts to simultaneously fulfil multiple roles that have contradictory expectations (Edwards et al., 2002). Despite this, enacting multiple roles may not always cause harm to individuals, as some people may have high levels of energy and resources which help them cope with simultaneous roles. This ability to handle multiple roles is known as role expansion (Marks, 1977).

Role Theories

I shall now elucidate several prominent theories pertaining to social roles, which shall act as the foundation of this dissertation's inquiry.

Dramaturgical Theory

In his seminal text 'The Presentation of Self in Everyday Life', Goffman (1956/2022) developed dramaturgical theory. In this theory, Goffman proposed that human beings are social actors who perform a multitude of different roles in everyday life. Every role is performed in front of a particular audience, and it is the actor's task to give a convincing performance which makes an audience believe that the performed role reflects who the actor truly is. In this study, the 'juror' shall be regarded as the role that needs to be performed by a social actor, who is the lay person picked at random from society to judge a criminal case. Certain roles are performed within teams of actors who put up collaborative performances. In this case, the team is the jury panel that consists of nine individuals whose task is to give a convincing and consistent performance, while also making a collective decision upon a particular criminal case. To give this convincing performance, team members engage in several impression-management practices, such as being disciplined in the way the performance is acted, and being tactful with the actors involved in the performance.

Goffman (1956/2022) explained that each role has frontstage and backstage regions. When onstage, the actor/s are in direct view of an audience and need to perform their role as expected. However, when out of sight of the audience, and hence backstage, actors can relinquish their role. As a team, they may review their performance, discuss, and plan out their next performance. In this study, the courtroom shall be considered as the frontstage, where jurors need to perform their role, and any other places outside of the courtroom, such as the jurors' room or the hotel where jurors reside, shall be considered as the backstage. A third region according to Goffman is the outside, which is defined as a space that is not involved in the performance at all, such as the public in a court case, who might know about a criminal trial but are not involved in it.

Social actors may also observe and evaluate other people's performances. Rose et al. (2010) made use of dramaturgical theory to analyse how jurors observe other actors in court, such as witnesses, to see if they continue to act consistently when not on the witness stand, and therefore offstage. In fact, Rose et al. (2010) determined that jurors may use their observations of witness offstage behaviours when forming their opinion of a case.

People play many different roles in life, so actors may avoid an audience which observes them in one role from observing them in another, for consistency's sake (Goffman, 1956/2022). In juror selection, individuals who might have previously personally known people involved in the case are eliminated, as knowing these people in other roles may interfere with them performing the juror role adequately. Selecting jurors who do not play overlapping roles with anyone involved in the case may be particularly challenging in the local context, due to Malta's tight-knit community (Vella & Gauci, 2016). Hence, it may be worth exploring the roles that

Maltese jurors played prior to their involvement in criminal trials, and how these roles influenced their performance of the juror role.

Goffman (1956/2022) argued that when a person is given a new role in society, they may not be told how to act this role out properly, and the actor would depend on previous experiences/performances, as well as hints and cues given by other people, to learn what to do. Jurors may not feel informed enough about how to carry out their role (Chopra, 2002), and may need to rely on previous experience, and the other jurors, to learn how to perform their role.

Despite the novelty of Goffman's (1956/2022) theory, it was limited in explaining how this learning process occurs, and focus was given more to the performance of a role rather than its development. Goffman did not elaborate how different roles in one's life may conflict, and was sparse in discussing the emotional and psychological processes related to role performance, only mentioning that persons become ashamed when they do not give convincing performances.

Other research has dramaturgically studied Judges, lawyers, and defendants (Schoultz & Flyghed, 2022; Elsrud et al., 2015; Portillo et al., 2013), but the juror role has never been studied dramaturgically in its entirety, to my knowledge. Understanding how individuals perform the juror role may inform forensic psychologists about juror behaviour, and knowing how individuals learn the juror role, as may be done through the application of other role theories, may enhance this understanding.

The Concepts of Sarbin

The social psychologist Sarbin borrowed Goffman's dramaturgical concepts, and defined roles as behavioural, psychological, and emotional patterns that individuals learn to act out through their interaction with other people within larger social structures (Sarbin, 1984). Sarbin

(1984) continued to explain that the enactment of roles is influenced by many factors, including the actor's expectations of the roles, and the roles' congruence with the actor's perceived self. The actor's ability to transition from one role to another, and the accompanying strain that this transition brings with it, forms the basis of a social drama (Sarbin, 1984). For example, this means that if an individual experiences a significant amount of strain to perform the juror role, it may become difficult for that individual to fulfil their role satisfactorily.

Sarbin (1986) also adopted Mead's (1934) I-Me concept, and postulated that the 'I' represents the author while the 'Me' represents the actor who plays out different roles. Consequently, the author can imaginatively develop a story about the actor and performed roles, to make sense of their experiences. Therefore, individuals' stories may be representations of the roles they play in everyday life, and through storytelling, individuals make sense of their roles and their experiences. As a result of his writings, Sarbin (1984, 1986) set the foundations for narrative psychology; a branch of psychology that explores how stories, and storytelling, provide meaning to people's experiences (American Psychological Association, 2022). The theories outlined in the following sections of this literature review, i.e. Landy (2009, 1993) and McAdams (2015, 1985), continued to develop Sarbin's (1986, 1984) concepts, and made further contributions to narrative psychology.

A Taxonomy of Roles

The drama therapist Landy (2009, 1993) developed a revised version of role theory. In this theory, Landy (1993) posited that humans are role recipients, takers, and players. The first roles one receives, otherwise termed primary roles, are those which are biologically predetermined and genetically passed onto an individual, such as sex. As a person becomes exposed to the social world, individuals enact and further develop their primary roles, and also

start to take on secondary roles. These secondary roles include any roles which develop through interaction with role models in society, ranging anywhere from family roles to occupational roles. Finally, there are tertiary roles; those roles which an individual chooses to perform in the social sphere to assert themselves in the world. Through performing roles, one externalises their thoughts and feelings, while internalising additional information about the role that would guide further accommodation and assimilation.

Landy (2009) explained that each role has unique qualities, functions, and styles, and the totality of roles that an individual receives, takes on, and plays out throughout their life forms the basis of their role system. In Landy's (2009) view, this interactive system of roles represents a person's personality. By borrowing several theatrical examples, Landy (1993) developed a taxonomy of roles; a classification of the possible roles one may experience throughout life. The taxonomy is split into somatic, cognitive, affective, social, spiritual, and aesthetic categories. Within the social category, and under the legal classification, one may find the role type of 'Jury'. Being pertinent to this current study, Landy (1993) explained that the juror acts as a representation of society, is expected to be impartial, and functions at the service of the state to give a collective judgement based on empirical evidence together with other jurors. Effectively, Landy (1993) outlined the role expectations of a juror, implying the importance of collectivity and fairness required from the juror role.

At any moment in a person's life, some roles take the forefront, while others take a backseat. While the dominance of certain roles is required for a person's adequate psychosocial functioning, certain situations may give rise to role strain (Landy, 2009). For instance, when one is performing the tertiary role of juror, other latent secondary counterroles might conflict with the required neutrality of the juror role, and instigate the juror to think or behave in inadequate

ways. It is then the individual's ability, either alone or through the support of a guide, to resolve this inter-role conflict and achieve balance. Landy (2009) explained that often, the most efficient way to achieve this balance and make sense of experience is through the individual's ability to construct a story that features all these conflicting roles.

Identity as a Life Story

McAdams (1985) proposed the life-story model of identity, which stated that people create a sense of continuity in their lives by constructing self-narratives through their stories, in turn developing a narrative identity. Furthermore, the psychological self of a person is split into actor, agent, and author (McAdams, 2015). People first act out their different roles in life on a social stage, then become agents by using the information they gathered through their performances to push forward their own agendas, and eventually become autobiographical authors who make meaning out of their life experiences through the construction of personal stories. Since McAdams (2015) explained that individuals construct meaning out of their roles through autobiographical stories, the most fitting way to explore how jurors make sense of their role in criminal court is by analysing their narratives.

The metaphor of narrative can be very useful to forensic psychology, as stories reveal people's priorities, and depict how lives chronologically unfold as a reaction to these priorities (Ward, 2011). Therefore, this study may assist in the contribution of narrative psychology to forensic psychology, through the analysis of post-trial jurors' narratives. Since narrative research on the juror role is limited, this study shall be informed by the narrative and social psychological theories presented so far, and by previous research about jurors that used other methodologies, as outlined below.

Previous Psychological Research on the Juror Role

Before the Trial: The Influence of Previous Roles

The juror role may be influenced by individuals' primary and secondary roles (Landy, 1993). Despite being asked by the Court not to use personal knowledge when judging a case, it may be difficult for jurors to entirely detach themselves from their role systems when playing the juror role. Previous experience may determine how jurors assess certain cases, as for example, Lorek et al. (2019) contended that if individuals had already played the juror role in prior criminal trials, they may be able to perform more efficiently if they are called up again.

Apart from previous experiences, juror demographics may also exert influences on the enactment of the juror role. Jurors' sex, age, and profession significantly impacted the attitudes that individuals developed during their enactment of the juror role (Richard et al, 2009). For instance, female jurors seemed to intervene less than male jurors during deliberations (McQuiston & Morris, 2009), and tended to experience more self-reported stress than males (Welsh et al., 2020). A juror's age may also influence how jurors experience a trial, as older jurors were found to be more vigilant during the decision-making process than were younger jurors (Clark & Wink, 2012; Mossière & Dalby, 2008). Feller (2017) examined stories told by jurors during deliberations, and argued that female jurors, older jurors, and jurors with a lower educational background tended to tell more stories borrowed from their personal lives to make sense of criminal cases.

While all these studies share interesting insights on the juror role, I believe that researching juror demographics within a vacuum may be limited. According to various role theories, roles are in essence social, and I believe that one cannot provide a holistic picture of the

juror experience by studying each demographic independently of other factors. In my opinion, one needs to examine how these primary and secondary roles play out in interaction with other people, and how that interaction determines the ways in which that demographic influences the individual juror, and the collective jury process.

During the Trial: Performing the Juror Role

This section shall consider the performative role of ‘juror’ that an individual acts out throughout the course of a criminal trial; a role which Landy (1993) terms a tertiary role. Research about the experience of serving as a juror shall be discussed, followed by an overview of research conducted about an essential part of the juror performance, making sense of a criminal case to make a verdict.

Experiencing the Juror Role. According to Gunnell and Ceci (2010), a juror’s task is to encode information about a criminal case, deduce valid conclusions about the case, and eventually share these conclusions with other jurors during deliberation. In fact, jurors did not only view themselves as audience members who process information, but also as active participants who needed to act as one interacting body to fulfil their civic responsibility (Sprain & Gastil, 2013).

As one can imagine, this task may not be a straightforward one. Caviness (2021) and Kyle (2016) discussed that jurors felt that their experiences in court were both positive and negative, as participants felt that their involvement in trials were assets to society, but they also felt the weight of deciding the future trajectories of other persons’ lives.

Other studies have supported the finding that the juror experience was perceived positively by jurors (Sicafuse et al., 2013; Woolf, 2011). Despite this, participants in the study by

Sicafuse et al. (2013) also explained that they were bothered by unsatisfactory accommodation, extensive waiting times, concerns about their privacy and safety, and expressed poor understanding about the trial at various phases. This lack of understanding may be reflective of the importance of socialisation into the juror role. Since Landy (1993) claimed that secondary and tertiary roles require interaction with other people to be developed and performed, the quality of those interactions may determine how adequately those roles are adopted.

A plethora of negative emotions have also been reported by jurors, including shock, dissatisfaction, disappointment, frustration, and sadness (Fortune, 2009). Much research on the juror experience focused on stress, with studies showing that being exposed to graphic evidence, witness testimonies, and lengthy trials contributed to heightened levels of stress among jurors (Antonio, 2008; Bertrand et al., 2008). These are important findings, as Miller (2008) suggested that stress arising from jury duty may have severe implications on the physical and psychological well-being of jurors, which in effect may influence their decision-making processes. In fact, Robertson et al. (2009) argued that being exposed to upsetting evidence may also lead jurors to develop vicarious trauma¹⁰ and secondary traumatic stress symptoms associated with post-traumatic stress disorder [PTSD], such as sadness, isolation, headaches, and disrupted sleep patterns. Kyle (2016) had similar results, as the adverse symptoms experienced by jurors varied from emotional disturbances and stress, to difficulties with sleep and physical illness. Experiences of vicarious traumatisation were also shared in studies by Fisher (2020) and Welsh

¹⁰ Vicarious traumatisation occurs when individuals, in this case jurors, are exposed to other people's traumas for extended periods of time, leading the individuals to internalise others' emotional experiences and feel as though they are experiencing those traumas themselves, in turn disturbing their worldviews and sense of safety (Ravi et al., 2021).

et al. (2020), with the latter identifying juror selection and deliberation as major causes of distress among jurors.

Making Sense of a Criminal Case. A pivotal part of the juror role is undoubtedly the decision-making process that it entails. Decision-making in criminal trials can be seen as two-fold; the individual opinion that a juror develops about a criminal case, and the collective decision that is then made among the entire jury panel during deliberation. Jurors believed that deliberations should be democratic and meticulous processes which allow time for each individual juror to speak their mind and be listened to open-mindedly (Sprain & Gastil, 2013). The deliberation may colour jurors' overall perspectives of their experiences in court, as those jurors who had appropriate deliberations were mostly satisfied with their court experiences (Gastil et al., 2007).

Jurors may make sense of a criminal case in various ways. Lieberman et al. (2007) argued that jurors incorporate both rationality and intuition about criminal cases in their decisions. Gunnell and Ceci (2010) showed that intuition may influence jurors' decisions, as extra-legal information, such as the defendants' attractiveness, affected the chosen verdict. This shows that the extra-legal roles that other people play in court, such as appearance roles (Landy, 1993), may also play a part in the decisions made by the jury. Hence, although jurors seem to make use of factual information, such as the law, during deliberations (Fox, 2019), jurors may also attempt to make sense of a criminal case by attributing a cause to the intuitions or emotions they feel (Weiner, 2014). For instance, if jurors feel empathy towards a defendant, they may be more rigorous in making fair decisions (Wevodau et al., 2014; Sprain & Gastil, 2013), while anger and sadness seemed to be the principal emotions that led jurors to vouch for guilty verdicts (Nuñez et al., 2015; Wevodau et al., 2014).

Intuitive/emotional processes, otherwise known as counterfactual thinking, have also been shown to take narrative forms during deliberations (Wolf, 2010). Jurors tended to create stories about the cases they were judging during deliberations; stories that included both the jurors' attributes about a defendant, as well as the factual evidence presented to them throughout trials (Robinson, 2017). Ellison and Munro (2015) explained that during deliberations, individual jurors shared the stories that they constructed about the case, and then the jury panel collectively chose the most plausible story as the basis of their verdicts. Despite choosing the most plausible story, jurors recognised that the selected master narrative contained plot-holes or gaps (Conley & Conley, 2009), and then jurors attempted to fill these plot-holes using their personal attributions/intuitions to complete the narrative. This is summed up in the director's cut model (Devine & Caughlin, 2014), which proposed that jurors choose a verdict by creating the most plausible story of the case they are judging.

Due to their experimental nature, many of the studies about juror decision-making cited above examined jurors from mock trials rather than actual post-trial jurors. There is a dearth of research on the subjective experiences of individuals who fulfilled the actual central decision-making/deliberative task of the juror role. Therefore, this current study may be able to provide initial insights into jurors' experiences of performing the deliberative aspect of the juror role, framed as one part of their overall juror role experiences.

After the Trial: The Implications of the Juror Role on Jurors' Personal Lives

Technically, an individual stops performing the juror role once a verdict is given, and the individual is allowed to return to their everyday life. Although latent, the juror role may still find its way into an individual's role system, and may continue to influence a person after a trial ends. Serving as a juror has been shown to impose long-term mental health implications on post-trial

jurors (Welsh et al., 2020; Sicafuse et al., 2013). The sadness and anger which individuals might have experienced throughout trials may persevere after the sentencing phases of trials (Nuñez et al., 2015), and instances of trauma-related symptoms, anxiety, and depression may also persist (Hawkins Maras, 2017; Lonergan et al., 2016).

However, positive outcomes of performing the juror role have also been reported. A satisfactory experience as a juror has been shown to influence many post-trial jurors' civic attitudes, including political engagement (Gastil et al., 2010), voting patterns (Gastil et al., 2008), moral strength (Clark, 2013), and even confidence in the effectiveness, fairness, and efficiency of the CJS (Findlay, 2018; Pyo, 2018; Gastil et al., 2014; Van de Walle, 2009). Conversely, a negative experience of acting as a juror may lead post-trial jurors to become sceptical of the CJS (Schulte Lewis, 2020).

The Current Study

Although Robertson et al. (2009) claimed that research on jurors was scarce, this literature review has shown that research has been done about various aspects of the jury experience. The studies cited explained what jurors may experience during trials, and which phases of criminal trials were most likely to cause these experiences. However, these studies only explored one or few aspects of the jury experience, and many of them were limited in presenting complete accounts of the juror role. Therefore, the research elucidated what jurors experienced, and what criminal trial phases heightened these experiences, but they were limited in explaining how these experiences came about. Hence, researching how individuals develop meaning out of the juror role through their navigation during and after the various criminal trial phases, may give a more holistic picture of the juror role.

Furthermore, role theories have rarely been utilised in previous research to explore the juror role. As discussed throughout this chapter, the juror role may be influenced by an entire system of other roles (Landy, 2009, 1993). By using previous roles and the information gathered during criminal trials, jurors may start learning how to perform their role (Goffman, 1956/2022). By applying role theories to the experiences of post-trial jurors, this study may also present a deeper analysis of the meaning-making processes related to the juror role.

An in-depth understanding of the jury is imperative, as this chapter has shown that performing the juror role may have implications on the jurors' selves, criminal trials, and society in general. Such holistic knowledge about the juror role may support forensic psychological work with jurors, such as jury panel selection (Finkelman, 2010) and therapeutic support for pre- and post-trial jurors (Miller & Bornstein, 2004). A study such as this may be especially useful in the local context, as no psychological research has ever been conducted about the jury locally to my knowledge.

As explained by McAdams (2015), individuals make sense and develop meaning out of their roles through the construction of autobiographical stories. Thus, the ideal way to study the juror role is through the analysis of post-trial jurors' narratives. This sets the foundation for this study's methodology; narrative inquiry.

Conclusion

This chapter has presented an overview of literature related to the juror role. Relevant theoretical approaches were discussed, and empirical psychological research on jurors was reviewed. The next chapter shall provide a description of the methodology selected for this study.

Chapter 3: Methodology

Introduction

This chapter discusses the methodological approach employed for this research study, including its philosophical underpinnings, design, procedures, analysis, and methods of verification. My own reflexive journey throughout this study is also considered.

Methodological Rationale

The research questions for this study are;

1. What are the stories of individuals who were given the juror role in Maltese criminal trials?
2. How is the juror role taken on, navigated, and negotiated in interaction with other role players in the criminal justice system?
3. How do jurors construct meaning out of the juror role in view of their past, present and future selves, underscoring both change and continuity?
4. How is the navigation and negotiation of the juror role impacted by the situated context of the Maltese criminal justice system?

Literature has explained what jurors may experience throughout criminal trials, but is limited in portraying how these experiences develop. Additionally, no local research has been conducted about the juror role. Hence, this study aims to explore how post-trial jurors develop meaning out of their role in the Maltese Criminal Court. This shall be done using a social constructionist/symbolic interactionist lens, by applying various role theories to the stories of post-trial jurors. Such a research agenda requires a qualitative methodology in which stories are

the subject of inquiry. Additionally, the methodology needs to complement a social constructionist/symbolic interactionist framework. Reflecting these needs, narrative inquiry was selected as the appropriate methodology. Narrative inquiry is an interdisciplinary approach focusing on the stories/narratives of research participants (Kim, 2016), which takes a social constructionist stance to uncover how individuals develop meaning through their narratives (Josselson & Hammack, 2021). McAdams (2015) stated that people make sense of their life roles through the construction of autobiographical stories, making narrative inquiry an adequate choice, as it may be used to analyse the various roles involved in participants' stories (Sandberg, 2022).

The concept of narrative has long been intertwined with the legal field (Winter, 1989), and narrative inquiry has given substantial contributions to criminology (Elliott, 2005). In these academic fields, narrative inquiry has been used to understand people whose lives took unexpected turns (Riessman, 1993; Bruner, 1990), and to shed light on the voices of individuals who may have been overlooked by society (Ennals & Howie 2017; Holloway & Freshwater, 2007; Clandinin & Raymond 2006). While many people involved with the CJS have the opportunity to make their stories heard, including alleged victims, perpetrators, witnesses, and lawyers, the stories of jurors may be left unheard, and jurors may be reduced only to the verdict they are tasked to make. Narrative inquiry may give a voice to post-trial jurors, and provide in-depth explanations of their experiences.

Narrative inquiry may be utilised to analyse entire life stories or stories about specific events (Josselson & Hammack, 2021). This study shall focus on the stories of individuals who were given the juror role in the Maltese Criminal Court, and by allowing the reader to take the

perspectives of the narrators (Riessman, 2008), the meaning-making processes that post-trial jurors experienced throughout their involvements with criminal trials may emerge.

Furthermore, narrative inquiry can encourage positive societal change (Chase, 2011). Thus, by calling attention to jurors' voices through narrative inquiry, this study may incite further research, as well as local forensic psychological work with jurors, such as pre- and post-trial juror support and consultation regarding the selection of appropriate jury panels.

Philosophical Underpinnings

'Ontology' refers to the philosophical attempt to define the structure of reality (Poli, 2010), while 'epistemology' refers to the ways in which knowledge about reality can be acquired (Scotland, 2012). Narrative inquiry employs a relativist ontology (Smith, 2013) and a social constructionist epistemology (Josselson & Hammack, 2021). Smith and Monforte (2020) explained that a relativist ontology assumes that multiple interpretations of psychosocial phenomena exist. A social constructionist epistemology posits that individuals interact with one another by means of culturally and historically specific social processes, such as language, to construct knowledge and drive forth social action (Burr, 2015). Within a social constructionist epistemology, this study shall adopt symbolic interactionist theories as its conceptual framework, in which meanings are believed to be continuously co-constructed through the interpretation of interactions between individuals within societal contexts (Carter & Fuller, 2015). This study interprets the narratives of post-trial jurors using several role theories, such as those by Goffman (1956/2022), Sarbin (1986, 1984), Landy (2009, 1993), and McAdams (2015, 1985).

Schiff (2013) emphasised the importance of maintaining congruence between theory and method when engaging in narrative inquiry. Taking the epistemological stance that stories are

co-constructed, ever-changing, and incomplete (Smith & Monforte, 2020), it was imperative to use methods nested within a particular paradigm that acknowledges this stance. Therefore, a pragmatist paradigm was selected for this study, as pragmatists also believe that knowledge is socially constructed (Morgan, 2014), and doubt that reality can ever be determined (Pansiri, 2005). Pragmatism understands reality as a phenomenon that is continuously re-negotiated in light of its usefulness in novel situations (Coniam & Falvey, 2022), and hence, researchers should use the methodological approaches they deem most effective to explore the issue/s under investigation (Tashakkori & Teddlie, 1998).

In this study, the pragmatist paradigm is put into effect using Dewey's (1938/1997) three-dimensional model of experience, which postulates that experience is a process that occurs within particular situations, and mediated by the interaction between individuals' internal conditions and objective/external conditions, with the goal of establishing continuity in persons' lives. In fact, narrative inquiry is regarded as an intrinsically pragmatist methodology (Clandinin & Rosiek, 2007), which follows the Deweyan perspective on experience (Clandinin & Murphy, 2009). Due to this pragmatic approach, narrative inquiry is very flexible in its research processes, analyses, and outcomes (Sharp et al., 2019). Thus, through the use of semi-structured interviews, this study does not intend on presenting objective and fixed narratives/analyses of post-trial jurors' experiences, but acknowledges that any outcomes are subjective, prone to change, and necessarily incomplete. Despite their incompleteness, the outcomes of this study aim to be of value, which is otherwise termed the axiology of this study (Deane, 2018). Within pragmatism, axiology refers to the ways in which a study can act as a social endeavour, and in how research may contribute to the social good (Biddle & Schafft, 2015). This study aims to achieve this

social good by presenting the often overlooked narratives of post-trial jurors, and show how the psychological community may improve the criminal trial system.

My position as researcher comfortably fits within these philosophical underpinnings, as I believe that reality is too complex to be objectively understood, but that multiple methods may be used to provide as much of a holistic view of a phenomenon as possible. The philosophical underpinnings of this study are summarised in Table 1.

Table 1

Philosophical Underpinnings

| <u>Ontology</u> | <u>Epistemology</u> | <u>Conceptual Framework</u> | <u>Paradigm</u> | <u>Methodology</u> | <u>Method</u> |
|-----------------|------------------------|---|-----------------|--------------------|--|
| Relativism | Social Constructionism | Symbolic Interactionist role theories, and Dewey’s model of experience. | Pragmatism | Narrative Inquiry | Interpretive story-writing and elicitation of themes through semi-structured interviews. |

Narrative Inquiry: Origins and Core Features

Narratives have always shared close ties with psychology, with some tracing the narrative tradition back to Freud (Spence, 1986). However, the popularisation of narrative methods of analysis started in the late 1980s, with the ‘narrative turn in the social sciences’ (Esin et al., 2014; Pinnegar & Daynes, 2007). Sarbin (1986) explained that narrative psychology may be an alternative to the positivist paradigm, as the study of narratives may provide deeper understandings of the human condition that other scientific approaches in traditional psychology may not achieve. Around this time, specific methodologies of narrative inquiry started to develop (Connelly & Clandinin, 1990).

Narrative inquiry has evolved into a family of methods used to interpret texts that have a storied form (Riessman, 2008). Experience can be studied using narrative methods because stories are regarded as a linguistic form that expresses human experience (Polkinghorne, 1988), and thus, stories may be a medium through which experience is accessed. At this point, it may be beneficial to distinguish the terms ‘story’ and ‘narrative’. While some authors use the two terms interchangeably, ‘story’ may be understood as the “detailed organisation of narrative events arranged in a [story] structure based on time” (Kim, 2016, p.8). Therefore, stories have a beginning, middle, and end (Sarbin, 1986), but the boundaries of the narratives within stories may be more flexible.

Narrative inquiry is very flexible and pragmatic, as it contains realist, postmodern, and constructionist strands (Riessman & Speedy, 2007). This methodology acknowledges the various levels that stories may take, including the stories told by research participants, stories developed by researchers which are based on the accounts of participants, and even the stories readers construct when reading research papers (Riessman, 2008). Within this multi-layered and flexible

approach, narrative inquirers define commonalities among stories. Stories situate characters/roles within sequential plots (Riessman, 2008), with said plots being constructed through the consequential linking of narrative events/ideas in individuals' lives (Salmon & Riessman, 2008). Essentially, stories are integrations of patterns of events occurring in people's lives, which are organised temporally (Polkinghorne, 1995, 1988; Sarbin, 1986), and consider past, present, and future influences on the storyteller, as well as the places the storyteller has been (Ennals & Howie, 2017; Kramp, 2004; Clandinin & Connelly, 2000). Thus, narrative inquirers value the temporality/chronology, causality, and meaning-making communicated through stories (Polletta et al., 2011).

Stories may help individuals make sense of their existence (Clandinin et al., 2011), may contribute to self-understanding, and to the construction of narrators' identities through making sense of past experiences (Riessman, 2008; Holstein & Gubrium, 2000). Josselson and Hammack (2021) explained that narrative inquiry focuses on person-centred individuality and the diversity of experience, and it does so by prioritising the presentation of thick descriptions of phenomena that emphasise detail over generalisable results. Kim (2016) encouraged researchers to engage in an aesthetic inquiry based on Dewey's philosophies, meaning that narrative inquirers are to approach their study as a simultaneously serious and playful imaginative play of ideas, where the inquirer undertakes an artistic meaning-making process of participants' experiences. Engaging in such aesthetic inquiry may promote Bakhtin novelness (Bakhtin, 1984; 1981), meaning that when openness and creativity are embraced by the researcher, the study may uncover the many voices which speak through participants' stories, promoting the individuality of each participant.

An important tenet in narrative inquiry is that stories are told, retold, lived, and re-lived between people (Caine et al., 2013). Thus, stories are co-constructed phenomena (Riessman, 2008) which develop through interaction between speakers and listeners (Esin et al., 2014).

The outcomes of narrative inquiry aim to stimulate critical thinking and multiple interpretations of people's experiences (Rosiek & Atkinson, 2007). The possibility of multiple interpretations is created because unlike other qualitative methodologies, narrative inquiry does not immediately dissect participants' experiences into themes or categories, but first presents the participants' experiences in their entirety in storied form (Riessman, 2008). This limits the researcher from imposing their own interpretation of events, and allows readers to develop their own interpretations first. No valid, single, or correct interpretation of participants' experiences exists (Josselson & Hammack, 2021), as interpretation is contingent on the reader and may change over time (Kim, 2016). Therefore, in this study I will be presenting my own interpretations of participants' experiences at the time of writing this dissertation, but I do not claim that my interpretations are complete, final, or omnipotent. As Josselson and Hammack (2021) suggested, I do not intend on presenting accurate accounts of participants' experiences, but I aim to elicit the participants' narrative truths, meaning that I shall be presenting accounts of the participants' experiences that are reconstructed. In accordance with Riessman (2008), I intend on engaging the audiences who read this study by making participants' experiences accessible and entertaining through creative story-telling, while also triggering change within society (Kim, 2016), by promoting the importance of listening to jurors' experiences.

Ethical Considerations

When conducting human research, key ethical principles and standards such as beneficence, respect, integrity, and justice need to be taken into account (Heggen & Guillemin,

2012). In narrative inquiry, collaboration with participants requires the consideration of participants' dignity and welfare (Kim, 2016). Kim (2016) discussed that in order to ensure the upkeep of ethical standards, it is ideal to receive ethical approval from an institutional ethics board for the study in question. For this reason, I sought and received the approval of the University of Malta Social Wellbeing Faculty Ethics Committee [SWB FREC] [Appendix A] to carry out my study, prior to participant recruitment and data collection.

Upon receiving interest from potential participants, I distributed information letters [Appendix B] to them, which included background information about the study, and outlined the parameters of the participants' involvement in the research. Before initiating data collection, I obtained the participants' informed consent through the use of a consent form [Appendix C]. Through the acquisition of participants' informed consent, I upheld the principles of autonomy, beneficence, and confidentiality (Marzano, 2012). The semi-structured interviews conducted for the purposes of data collection were audio-recorded, and only I had access to these recordings. The participants were made aware that they could withdraw from the study at any point and have their data erased as long as this was technically possible, and were informed that they may refrain from answering any interview questions. I did not deceive the participants in any way throughout the study. After the interview, adequate time was allowed to debrief the participants, with the aid of a debrief form [Appendix D].

In the research text and interview transcripts, participants' names were pseudonymised, and identifying personal details were altered to protect participants' identities. When writing the participants' interpretive stories, I avoided impinging narrative authority, meaning that I refrained from re-writing the participants out of their stories (McCormack, 2000b). I did this to maintain fidelity to what happened to the participants in their experiences, honouring their told

story (Kim, 2016). To do so, I made use of contextualised and vernacular language in the interpretive stories I wrote, as suggested by Kim (2016). This meant that I used everyday language that may be understood by a broad audience, not only by social scientists. This allowed the stories to feel like the participants' voices were speaking through them, while also making the stories accessible to more readers, which is a hallmark of narrative inquiry (Barone, 2000).

Participants: Eligibility Criteria and Recruitment

To be included in this study, participants were required to be individuals who had served as main jurors in the Maltese Criminal Court of Justice within the last ten years. Those who served as supplementary jurors were excluded so as to have relative homogeneity within the research sample. A maximum of ten years since serving as a juror was selected as the cut-off point for eligibility, allowing for a time-span wide enough so as not to limit recruitment, while also increasing the possibility that participants had lucid recollections of their experiences.

A convenience sampling approach was utilised to build a research sample. This was done through a social media call, as I invited potential participants to my study by posting the below image [Figure 1] to my personal social media pages, including Facebook and Instagram. This effort led to the recruitment of five eligible participants. A snowball sampling technique was then employed, in which participants were asked to invite other eligible individuals to the study, leading to the recruitment of a sixth participant. The final sample consisted of six participants; two males and four females. Table 2 shows the demographic characteristics and pseudonyms of the participants in the final sample.

Figure 1

Image used for Social Media Call

**HAVE YOU EVER BEEN A
JURY MEMBER IN THE
MALTESE CRIMINAL
COURT?**

Would you like to share your story?
If yes, contact **kurt.abela.15@um.edu.mt** for more
details!

Be part of a research study about the role of jury members, in
partial fulfilment of a Master of Psychology in Forensic
Psychology course within the University of Malta.

Table 2*Participants' Demographic Characteristics and Pseudonyms*

| <u>Pseudonym</u> | <u>Gender</u> | <u>Years since Criminal Trial</u> | <u>Occupation</u> | <u>Age Range During the Trial</u> | <u>Role in the Trial</u> | <u>Type of Criminal Case</u> |
|------------------|---------------|---|---------------------------|---|------------------------------|--------------------------------------|
| Agatha | Female | 0-5 years | Pharmaceutical Officer | 21-30 | Main Juror | Homicide |
| Jane | Female | 0-5 years | Support Worker | 31-40 | Main Juror | Homicide |
| Edgar | Male | 6-10 years | Engineer | 51-60 | Main Juror | Drug Trafficking |
| Charlotte | Female | 6-10 years | Homemaker | 51-60 | Main Juror | Migrant Smuggling |
| Virginia | Female | 0-5 years | Social Worker | 41-50 | Main Juror | Drug Conspiracy |
| Oscar | Male | 0-5 years | Artist | 51-60 | Foreman | Drug Conspiracy |

Small sample sizes are customary within narrative inquiry, and Beitin (2012) argued that a sample size of six participants is appropriate for adequate research to be carried out. Many qualitative methodologies determine appropriate sample sizes based on saturation; a state in which new data does not provide new insights or patterns (Fusch & Ness, 2015). Within narrative inquiry, saturation is reached when all the stories that participants wanted to share about the research topic are collected (Suárez-Ortega, 2013). Accordingly, despite the small sample size of this study, saturation was achieved through a thorough data collection process.

Data Collection Strategy

The predominant approach for data collection within narrative inquiry is in-depth individual interviews (Sharp et al., 2019). Interviews are deemed as the ideal data collection tool for narrative inquiry because interviews may act as spaces that stimulate a narrative thinking style. This style hones into participants' narrative schemas and cognitive strategies, as well as their prior experiences and knowledge, in an effort to elicit stories from participants that contain understandings of their experiences (Kim, 2016).

Mishler (1986) viewed the narrative interview as a discursive accomplishment; a collaborative conversation between interviewer and participant in which stories are constructed. Both interviewer and participant are active in the interview space, with the interviewer primarily acting as a listener and the participant as a narrator (Kim, 2016). This means that participants, as storytellers, have more power than interviewers, so the fixed format of an interview needs to be surrendered, to allow genuine discoveries to be made about the phenomenon under study (Riessman, 2008).

Despite this, interviewers may act as guides throughout interviews, and may do so by preparing flexible semi-structured interview schedules (Kim, 2016). Thus, a semi-structured interview guide was self-designed for the purposes of this study [Appendix E]. This interview guide contained a limited set of broad, open-ended prompts such as “Tell me the story of your involvement with the Maltese Criminal Court of Justice; from when you found out that you were called up to be a juror, up until the point that a verdict was given”. The interview schedule also included various probes, for instance, “What memories do you have of the other jurors?”. Interviews with participants began with the following statement, “Let’s imagine that your involvement with the Maltese Criminal Court, as a member of the jury, was a theatrical play. A play usually includes a number of different scenes, a cast of characters, and a plot-line”. The interviews were initiated in this way so that the interviewer invited participants to engage in an imaginative, aesthetic, and storied play with ideas, which is at the heart of narrative inquiry (Kim, 2016).

The interviews were conducted by myself on a one-to-one basis, and were held at a time and place of the participants’ choosing. Five interviews were conducted in English while another was conducted in Maltese, and each interview approximately lasted one hour. All interviews were audio-recorded and later transcribed by myself. The transcript for the interview conducted in Maltese was carefully translated into English by myself, and any quotes used from this interview throughout this dissertation shall have corresponding Maltese quotes in footnotes.

Data Analytic Strategy

The overarching goal of narrative inquiry is to generate data in the form of stories about experience, while also reporting an analysis of these stories (Schwandt, 2007). There is no standard analytical procedure of conducting narrative inquiry (Edwards, 2016), meaning that

researchers need to employ the methods they think are most adequate to answer their research questions.

Sharp et al. (2019) discussed the usefulness of considering Polkinghorne's (1995) classification of narrative inquiry when selecting a data analytic strategy. Based on Bruner's (1985) two modes of thought, narrative cognition and paradigmatic cognition, Polkinghorne (1995) developed a distinction between narrative analysis and analysis of narratives. Narrative analysis, which is based on narrative cognition, constructs data in the form of stories, with plots that capture the complexity of experiences (Polkinghorne, 1995). On the other hand, analysis of narratives is rooted in paradigmatic cognition, and classifies participants' stories into themes (Polkinghorne, 1995).

Both modes of narrative inquiry are social constructionist in nature (Sharp et al., 2019), making both adequate for this study. These two modes may be used separately, but may also be used in complementary ways, with Bleakley (2005) describing the two modes as compatible as a lock and key. Polkinghorne (1995) explained that both modes offer different contributions to knowledge, so taking a pragmatic approach and using both may provide a more holistic picture of the phenomenon under study.

My research questions required a complementary approach to narrative inquiry. My first question, "What are the stories of individuals who were given the juror role in Maltese criminal trials?", was non-paradigmatic in nature, so narrative analysis was used to develop individual post-trial jurors' interpretive stories. My remaining three questions were paradigmatic, and therefore required an analysis of narratives to extract common themes between the stories. Such complementary approaches to narrative inquiry have been utilised successfully previously (Cussen et al., 2012), and hence, I believed that taking this stance allowed for a thorough

analysis of jurors' experiences. I shall now explain how I used these different modes of analysis accordingly.

Narrative Analysis

The method of narrative analysis selected for this study was McCormack's (2004, 2000a, 2000b) interpretive story-writing. Kim (2016) referenced McCormack's method as an effective approach that engages in aesthetic play through its pragmatic flirtation with the theories of Polkinghorne (1995), Mishler (1995), and Labov (1972), as shall be explained below. While possessing paradigmatic elements through the structural coding of participants' stories, this approach may be seen as part of a non-paradigmatic creative non-fiction genre of narrative analysis (Kim, 2016). Through creative analytical practice (Richardson, 2000), McCormack (2004, 2000a, 2000b) proposed an approach of developing interpretive stories about experiences by looking at the content of participants' stories, and the multiple lenses implied in these stories. After engaging thoroughly with interview transcripts through active listening, the method of writing interpretive stories in this study, following McCormack's (2004; 2000a; 2000b) approach, was employed as follows:

1. Locating stories in transcripts - First, I located participants' stories using Labov's (1972) framework, which states that stories share six common features; abstract¹¹, orientation¹², complicating action¹³, evaluations¹⁴, resolution¹⁵, and coda¹⁶.
2. Excavating narrative processes - Throughout transcripts, I found instances in which participants made references to their previously told stories by using narrative processes, which include; theorising¹⁷, augmentation¹⁸, argumentation¹⁹, and description²⁰.
3. Re-constructing stories - I re-constructed the original stories taken from interview transcripts by adding the information gathered from narrative processes. I returned these re-constructed stories to the participants to check whether the re-constructed stories portrayed their experiences accurately.
4. Drafting the interpretive story middle - Any changes requested by participants were incorporated into the stories. Each participant's stories were ordered chronologically, reflecting the concept that a story is a temporally-ordered sequence of events (Mishler, 1995). Afterwards, I created the first draft of the interpretive stories, by linking extracts

¹¹ Abstract - a summary of the story.

¹² Orientation - an introduction to the story which provides context.

¹³ Complicating action - the development of a new event/conflict.

¹⁴ Evaluations - the reflections of the participant while telling the story.

¹⁵ Resolution - an event which resolves the conflict.

¹⁶ Coda - the general meaning of the story, which provides a link back to the present.

¹⁷ Theorising - the participant attempted to understand their story.

¹⁸ Augmentation - the participant added information to previously told stories.

¹⁹ Argumentation - the participant added information beyond their told stories.

²⁰ Description - the participant provided in-depth descriptions of people, places, or things.

from these stories. I presented the participants' words and my own words in different fonts to emphasise the different voices in the constructed stories.

5. Re-drafting the interpretive story middle - I then looked at the multiple lenses which may have influenced the stories told by participants, and re-drafted the interpretive story middles by adding information I gathered through the consideration of these multiple lenses. These lenses include; language²¹, context²², and moments²³.
6. Completing the interpretive story - I then added a beginning [orientation] and an end [coda] to each interpretive story. These enriched stories were sent to the participants once again to check whether these stories still represented their experiences well, and any comments from the participants were incorporated into the final stories.

Analysis of Narratives

After writing the interpretive stories, a paradigmatic method of analysis of narratives, as proposed by Kim (2016), was carried out. In this method, Kim (2016) outlined the process of reducing raw data into themes via coding and re-coding practices. This method was applied to this study as follows.

I first went through a process of coding the interview transcripts and interpretive stories. Kim (2016) did not specify the type of coding a researcher should employ, but Berg (2007)

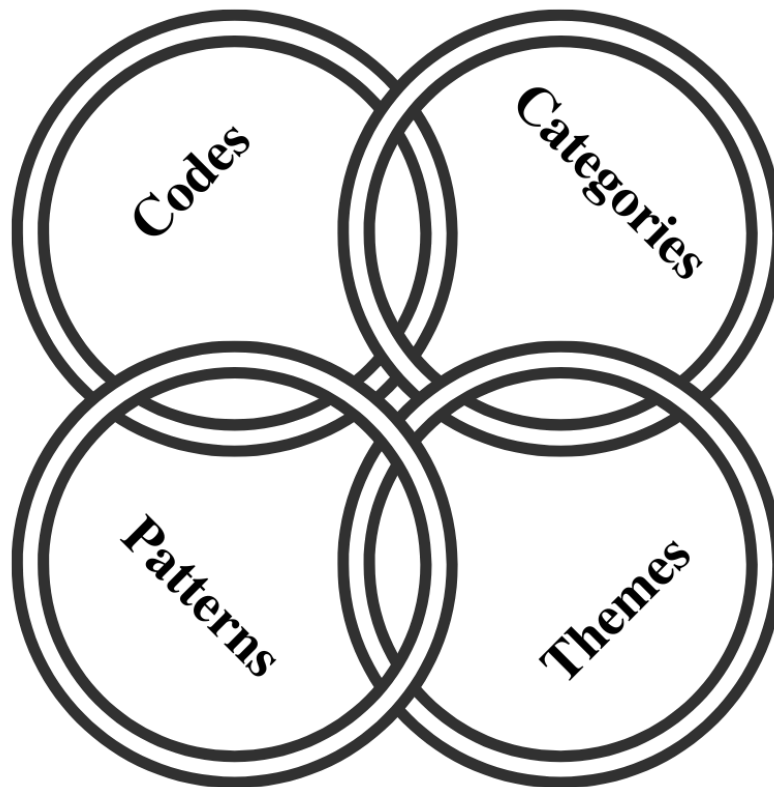
²¹ Language - how the participant used language to express themselves.

²² Context - how the interview situation and the wider cultural context influenced the stories told.

²³ Moments - epiphanies or turning points which the participant recalled, leading them to tell more stories that took place before or after these moments.

discussed the merits of using both inductive and deductive coding methods. Thus, abductive coding, which merges inductive and deductive coding approaches, was used.

Abductive coding (Vila-Henninger et al., 2022; Tavory & Timmermans, 2014; Timmermans & Tavory, 2012) is an approach split into three steps; revisiting the phenomenon, defamiliarisation, and alternative casing. In practice, this meant that I initially developed a deductive codebook that included possible codes based on the study's conceptual framework. Therefore, I developed deductive codes drawn from role theories and Dewey's (1938/1997) three-dimensional model of experience. Then, while going through interview transcripts, I applied the codes I previously developed, and also inductively coded portions of the text which offered new insights that went beyond the initial codes. A sample of this coding approach, along with a sample of the narrative analytic coding approach, may be found in Appendix F. The deductive and inductive codes were then compared, and reduced to more overarching codes. In Kim's (2016) framework, these overarching codes were known as categories. I then re-coded the transcripts and interpretive stories using this new system of categories. Afterwards, I identified the patterns emerging from the categories, and finally created themes which represented similar patterns. The process of analysis of narratives in this study, as based on Kim's (2016) approach, resembled Figure 2.

Figure 2*Analysis of Narratives Process*

As suggested by Figure 2, the development of codes, categories, patterns, and themes was not linear. Rather, the procedure involved much deliberation and revision. Codes, categories, patterns, and themes constantly influenced and developed each other, until the final classification presented in this study's findings was reached.

Reflexivity

Reflexivity is synergistic with narrative inquiry (Kim, 2016). Josselson and Hammack (2021), and McCormack (2004), emphasised the importance of researchers recording their ongoing impressions, ideas, and thoughts about their studies in reflexive journals. Eventually,

such reflexive memos may inform data analysis (Esin et al., 2014). I made use of such a journal, and since I contributed to the co-construction of participants' stories, it is imperative that I make my position about the subject of inquiry immediately clear.

I have always held a fascination for the power of stories. I see myself as an individual who does not fit into the cookie-cutter norms of society, and I spent a long time feeling expected to acquiesce to uncomfortable social rules. Writing stories was my way of expressing myself, and I believe that writing ultimately gave me the impetus to break out of my perceived societal mould, and authentically embrace myself. Consequently, it was natural for me to employ narrative inquiry as a methodology.

I was drawn to the storied context of the courtroom, and felt intrigued by the parallels I saw between my own personal story and what I imagined jurors may experience. Many stories are told in the courtroom, including those of defendants, plaintiffs, witnesses, and lawyers, but I felt that the stories of jurors were seldom heard. The possibility that jurors' voices are left unnoticed despite the hefty responsibility they carry, resonated with experiences in my own life. Moreover, I believed that jurors were expected to be a unanimous and anonymous representation of society, drowning out jurors' individualities. In my opinion, jurors' selves play key parts in the development of the juror role, and through this study I intended to highlight the individuality of jurors by making their voices heard through story.

Throughout this study, I held the impression that the juror role was burdensome, so I may have emphasised jurors' struggles in the outcomes of this study. Nevertheless, I tend to be an optimistic person, and I may have also sought the positive outcomes of the juror role.

My foremost intention was to present the experiences of jurors while also making a

contribution to psychological knowledge. It is my hope that through reading the stories of post-trial jurors, the local forensic psychological community listens to the voices of jurors, and be inspired to initiate psychological interventions with the jury in Malta.

Methods of Verification

Maher et al. (2018) explained that the rigour implied in the standards of validity, reliability, and replication within quantitative research, are replaced with the criterion of trustworthiness in qualitative research. In order to be trustworthy, qualitative studies require credibility, confirmability, transferability, and dependability (Guba & Lincoln, 1989).

Credibility refers to the study's ability to reflect the social reality of research participants (Maher et al., 2018). This was achieved in this study through the exercise of member checks, as the interpretive stories I wrote were sent twice to the participants at different stages of the writing process, to confirm whether the interpretive stories properly represented their experiences.

Confirmability is carried out to minimise researcher bias (Maher et al., 2018). In this study, confirmability was upheld twofold. Firstly, I kept a research journal that recorded my reflexive processes, and this reflexivity was incorporated in the writing of the presented findings. Secondly, I engaged in investigator triangulation, meaning that I included multiple researchers in the research process who provided their observations on my analyses (Carter et al., 2014). The multiple researchers involved in this study were myself and my dissertation supervisor, who provided comments about the development of themes from codes/categories/patterns.

Transferability is the degree to which research findings may be applied to different contexts (Maher et al., 2018). To support this study's transferability, I provided thick descriptions of the research context, by giving detailed descriptions of participants and by

presenting an in-depth examination of previous research about the juror role, as presented in the literature review.

Finally, dependability pertains to the importance of a detailed description of the research process (Maher et al., 2018). Hence, I used the well-established methodology of narrative inquiry, and in this chapter, I presented a comprehensive explanation of the methods used.

Conclusion

This chapter has provided a review of the methodology used for this study. The following chapter shall present the results and discussion obtained in this study.

Chapter 4: Data Analysis and Discussion

Introduction

In line with the tradition in qualitative methods (Cussen et al., 2012), this chapter shall present both an analysis of the data gathered, and a discussion of said data. The first section of this chapter introduces the non-paradigmatic narrative analytic interpretive stories based on participants' experiences, while the second section outlines a paradigmatic analysis of narratives, and a discussion.

Narrative Analysis

This section portrays one example of the interpretive stories based on the experiences of this study's six participants, as constructed through McCormack's (2004, 2000a, 2000b) story-writing method, effectively answering this study's first research question. One out of six interpretive stories is presented in this chapter, with the remaining five affixed to Appendix G. The decision to include one story as part of the main text of the dissertation was made to respect the limited space available, while also remaining loyal to the depth of participants' experiences. I would encourage readers to peruse all six stories prior to engaging with the forthcoming analysis of narratives. It is worth noting that any unformatted text in the story are my own words as the researcher, while the text in bold are extracts taken from interview transcripts, in effect highlighting the different voices of researcher and participant.

Agatha's Story: The Black Sheep

While waiting at the lobby of a building that housed a sciences entity, Agatha ran up to me, apologising for being late. We entered a lift and found a vacant boardroom for us to conduct our interview in. Despite her busy schedule, I could sense Agatha's willingness to tell me her

story about being a juror. She explained that at the time of receiving her court summons, she was in her twenties, working as a pharmaceutical officer while also about to start studying for her A-Levels, after finishing university courses in Criminology and Pharmacy. When I asked how she felt upon receiving her summons, Agatha explained that she was **all nuts... anxious, couldn't sleep, barely ate. It's something... it was very new to me, so, I didn't know what to expect. I was going to miss lessons [for her A-levels], I wasn't going to understand the very first few lessons. Agatha felt like the black sheep because from all the people around me, I was the only one who was ever a juror. Since Agatha was the type of person who likes to prepare themselves before**, not knowing anyone who had served as a juror left her feeling panicked.

On the day indicated by her summons, Agatha went to court, and **since COVID-19 was still at its peak, we were around two hundred or two hundred and fifty people. We went in, everyone wearing a mask.** Names were drawn at random, even though the random nature of the selection **doesn't sit right with me**, because, **if you know the Judge, you know the Judge, that's always going to happen.** Agatha's name was drawn, and she approached the Judge, **tremendous heat in this room... I told them that I was going to study and all... they accepted me, and then you go sit, they take away your bag, they put everything in the middle [of the courtroom].** Agatha observed that many of the other selected jurors were **happy-go-lucky**, while some **took it badly, like me.**

There was an envelope already in front of us... we opened the envelope, that would include the bill of indictment. While the Judge was explaining the jurors' duties, Agatha scanned the bill of indictment and thought **"Uh-oh," at that moment. I said, "Wow, this is a homicide."** She had heard about the case on the news, so **there's that kind of familiar face.** She

felt that **it might be interesting... but then somehow I was more focused on what I can do to cope.**

Following the Judge's explanation, the jurors had a break in the jurors' room, **which is nothing but a room with a table and chairs, and you communicate with your family, "Look, I was chosen."** Afterwards, Agatha's phone was confiscated, and the trial immediately started. The evidence in the case started being presented, and through this process, **you hear a lot, a lot, a lot, of repetitions... sometimes they hand you the evidence... there even was the cadaver of the person in the mortuary... erm, you see him I mean, fully naked, with the wounds... not everyone is able to look at them [the photos]. There were people who burst out crying in the courtroom... maybe I'm speaking for others, those who don't have the same guts as me... these things [viewing evidence] aren't always good for the common people.**

At the end of the first day's hearing, Agatha was escorted home by a court marshal to pack her things, **ten minutes, fifteen minutes maximum... Big panic station... my boyfriend, my mother, my brother, everyone at home shouting, "Come on... throw it in!"** Agatha squashed her things into a bag, leaving **three-quarters of my things behind.** Then, Agatha was taken to a hotel where she was not allowed to have any communication with anyone uninvolved with the trial, with even the **television, all with weird stations, that aren't even in English or Italian,** so that the Court avoided the possibility of the jurors being **biased by what we're hearing [on television],** even though **we had been hearing about the case for three years** prior on various media outlets. There were **a few problems at the hotel,** with one of the jurors finding **a bunch of cockroaches** in her room. Agatha started **seeing cockroaches as well [in her own room]... I'm scared of cockroaches.** Agatha spent days with her eyes open, **checking for cockroaches... putting my shoes up on the bed.** This experience led Agatha to think, **"So**

these people [court personnel] cut me off from my life, I don't know for how long, and then I get, almost, disrespected in this way."

Agatha spent nine days not sleeping... You get startled by the [hotel's] telephone, you get prepared, you go down for breakfast, at 6:30AM. After breakfast, the jurors would ride a minivan to court, gas down, 'no entries' everywhere, the law doesn't apply to us. The jurors would enter Court from the back entrance, wait in the jurors' room until called upon, greet the Judge, you go behind your seat, until [the Judge] tells you that you can sit down.

The witnesses began their testimonies, and Agatha explained that due to the scientific nature of the testimonies in this specific trial, **if you don't have knowledge about certain things, it's like you're on the moon... I'm intrigued by the sciences, and I work in the sciences, but I don't know, other people, bankers for instance, it's like you're speaking in Arabic.** Several witness testimonies seemed to contradict each other, but **when you start discussing, with the help of other people [jurors] who might be intrigued in certain areas, scientific areas in this case, you notice things.** However, these contradicting testimonies **kept going for almost nine days... our minds were always focused on that.** These testimonies introduced doubt, leading Agatha to think that **I don't want to give a wrong verdict.** Agatha disclosed that anxiety was a limitation for her during witness testimonies, leading her to focus less than she would have wanted to. **When they're witnessing, I would know what they're saying, but at the same time, the other half of my brain was going, "Ugh, how am I going to get out of here [the Court]? ... I'm not comfortable."** A lot of anxiety. The issue of contradicting witness testimonies finally cleared up for Agatha **when people were testifying, and they said that it [the homicide] was already planned... I said, "That's it, there's intent."** Due to her studies in Criminology, Agatha knew the law, leading her to make up her mind about

the case once she heard that the accused intended on carrying out the criminal act. Her knowledge of the law **served as an advantage as well... because the other jurors didn't know certain things, but you explain, "Ah! I didn't know. Oh, wow!"**

At mid-day, the jurors were taken to a restaurant... there [during a trial] **the food is always at a restaurant... I was used to always eating at home... I'm not eating, eating slowly, everybody's wolfing down food, and I haven't even started.** After the hearing ended on the day, Agatha was allowed a phone call with her family, **five minutes, "Come on, come on, let's go!"... because it would be time to go back to the hotel... the jury is so rigid in ways that don't make sense... even if we go and eat at Valletta and we walk around, and we, I don't know, I see my sister, or my brother, I can't tell her hello... it becomes a tedious routine.**

In the meantime, **there was a change of juror.** One of the jurors fell sick, was exempted, and was replaced with a new juror. Due to this replacement, Agatha **had to change seat** [in the jurors' bench]; a seat in which Agatha **came face-to-face with the accused... I'm always looking at him. He shows no emotion... you know that the person had the guts to do certain things... his eyes were straight ahead, he used to make a lot of eye-contact with me... [he showed] absolutely no remorse.**

When it was the defence lawyer's time to speak, Agatha explained that **I tip my hat to him, a very good lawyer, he knew what he was saying... the defence lawyer remained calm.** Agatha claimed that the lawyer had **a certain confidence that would influence me as a juror, irrelevant of whether I have knowledge or not in the relevant fields. So, hmm, he would make you doubt things, so you have to be careful of him.** Afterwards, **the prosecution starts, and anyway, that was a little dramatic.** The prosecution lawyer seemed to be **more focused on**

making movements of what happened during the criminal act... rather than verbally... he made a big fuss of it. While listening to the prosecution, the jurors **spent three-quarters of an hour with everyone huffing and puffing**, with Agatha thinking, **“Ugh, what an irritating person. Wouldn’t it be better if he remained quiet?”**

The Judge then gave his summary of the trial; **from the beginning, rewind, everything, everything, that was told throughout the hearings... he starts going through it very quickly... if you don’t have any idea [of court jargon], for you... nothing, like it’s child’s speech.** When the summary was ready, the Judge directed the jurors to proceed with their deliberation of the case. **You can’t just deliberate in a span of two hours, because it looks bad... so, obviously, you’re not really always deliberating in the room. Sometimes you laugh, sometimes you joke, some go to smoke a cigarette... and no one goes out, meaning that it [smoking] all happens in the toilets.** During the deliberation, the jurors decided on **drawing up a chart... like a pyramid, so that we say, “Look, was [the homicide] intended or not?”** You start, **“Yes,” “No,” “Yes,” “No,”** and without wanting to, you arrive at a **conclusion.** Once the jurors reviewed several pieces of evidence, **the affair was unanimous;** the jurors deemed the accused guilty. However, it was **mandatory that you say that one person was against, to safeguard ourselves, in the case that someone comes after us... they [people at court] knew my name, where I work, because this information is revealed in front of everybody** during juror selection. **Nevermind that, where he’s [the accused] now, he’s not going to have a chance to look... but, who knows?... At the end of the day, we put him there [prison].**

It was time for the verdict to be announced. The foreman **stands up, he starts reading the accusations, that, “Look, accusation one we find [the accused] guilty.”** When the

accusation was read, **a big panic arose... panic in the sense from the side of the [victim's] family, they felt relieved... you hear them sobbing... there's a certain emotion which came out.** At that moment, Agatha **felt like I was in another dimension. Because... you can't hold back a tear when you hear them.** The victim's son even turned to the jurors and thanked them.

Afterwards, the Judge thanked the jurors for their service and the jurors were quickly escorted out of the courtroom. **The Judge is supposed to exempt you [from serving as a juror for a stipulated time-frame] but he didn't say it. We didn't know.** Agatha even remembered the Registrar informing the jurors about an application they may fill in to avoid being summoned ever again, but Agatha never found this application, leading her to think that the Registrar only said this **to shut us up and we calm down.** After leaving the courtroom, **we go get our bags, because that day we had already packed in the morning, and we were escorted home.**

After the trial, Agatha claimed that she **was very nervous, even to drive... everyone felt that I was immensely nervous, like, the trauma, the experience.** Agatha **wasn't eating certain food... I told them [her family], "Don't take me anywhere close to another restaurant."** I spent around three weeks **not going anywhere close to a restaurant.** She also **spent some time not sleeping well, and sometimes I dreamt about him [the victim] as well.** These reactions initially upset Agatha, because she felt that she shouldn't have been so struck by the experience due to her knowledge of Criminology, but what influenced her most was that the victim **was a renowned person... he used to show up everywhere.** Agatha **spent the first two days [after the trial] looking up, looking up things about him... my boyfriend used to tell me, "Stop looking! I'm going to take your mobile away."** However, Agatha explained that looking things up **was like a coping mechanism for me. That I felt like, I still didn't have enough closure, I want to look things up, see his children, see his son who had told us, "Thank**

you." Agatha recounted how she cried the first time she entered a location which reminded her of the victim, but felt that as a result of all her actions, she got closure. Yet, Agatha still tried to avoid places associated with the victim, up to this day.

Agatha believed that support should be provided to people working in Court and to jurors, because **you got used to it** [the trial], **others didn't get used to it**. A few months after the trial, Agatha remembered going home and finding another court summons. **At that moment, the world fell at my feet, because I said, "It's going to happen again."** Agatha submitted an application to court to be excused from the trial, using a psychiatrist's evaluation, **because I was suffering even nearly PTSD**. Agatha explained that her anxiety **became worse, much, much, much worse. I found myself thinking and feeling differently after the... the jury... at school, I had to record lessons, I couldn't drive, I couldn't do anything**. Agatha claimed that the Judge in charge of the second trial decided not to give any notice to the applications submitted, exclaiming that **this guy** [the Judge], **he was arrogant enough that irrelevant of what you have, you can be bed-bound, that it's mandatory to go** [to Court]... **certain people abuse their power, because they're higher up in society**. However, Agatha was eventually not selected for the second trial. She generally described her experience with the jury as **nine days of purgatory... I don't want to go through the trauma of the jury again, in reality. Because for me, that was... not enjoyable**.

Silence hung in the air as Agatha finished her story. I asked Agatha how she felt, and she said, **oh my God, relieved!... sharing this with someone who is actually studying, who has a level of interest about what you go through, it makes a big difference**. I thanked her for her time and for her readiness to share her experience with me. Agatha and I exited the boardroom we were in, and we parted ways at the lift.

Analysis of Narratives

This section provides a paradigmatic analysis and discussion of narratives drawn from the experiences of this study's six participants. Following Kim's (2016) analysis of narratives approach, I shall be discussing the themes and patterns [Table 3] that were extracted from participants' narratives, while comparing them against relevant literature. This section aims to answer the second, third, and fourth research questions of this study, with one theme being dedicated to answering each research question respectively. The full data analytic table may be found in Appendix H.

Table 3

Themes and Patterns

| | <u>Themes</u> | <u>Patterns</u> |
|---|---|--|
| 1 | The Criminal Trial Theatre - Patterns of Situated Context | A Great [Yet Tiring] Responsibility A Voiceless Process Contextual Drawbacks Questionable Audience Segregation in Maltese Criminal Trials An Urgent Matter |

2 Juror Role Development - Patterns of
Continuity and Change

Becoming a Juror

The Juror's Backstory

The Level of Juror Role Synchrony

Retiring the Juror Role

The Silver Linings of Being a Juror

3 The Jury Trial Performance - Patterns of
Interaction

Being Actors

Being Audience Members

Dynamics with Individuals Outside the
Juror Team

Dynamics Within the Juror Team

The Degree of Loyalty to the Juror
Role

Theme 1: The Criminal Trial Theatre - Patterns of Situated Context

Based on Dewey's (1938/1997) concept of situation, in this theme I discuss issues regarding the situated context of criminal trials, as reported by this study's participants. By providing a description of the situated context of criminal trials, I portray the metaphorical theatre which served as the setting for the social dramas of the jury trials that occurred throughout participants' narratives.

A Great [Yet Tiring] Responsibility. A pattern observed by several participants was that jurors carried a heavy sense of responsibility during criminal trials; "You can send someone to, to prison for his life, or throw him in the street... it's [the jury] not to be taken lightly..." [Oscar]. Studies by Caviness (2021) and Kyle (2016), which argued that jurors experienced the weight of deciding upon another individual's future, were in line with this pattern that was observed among participants' narratives.

Enacting this responsibility within the context of criminal trials seemed not to be a simple task. Participants constantly felt the need to be alert during trials, "You have to be alert... your mind has to be there [on the trial]" [Oscar]. Jurors possibly needed to be intensely alert for prolonged periods of time, as participants noted that criminal trials presented jurors with an abundance of information they needed to decode and process. For instance, "There were many [witnesses], there were many" [Jane], with some information perceived as repetitive, "You hear a lot, a lot, a lot, of repetitions" [Agatha]. The sense of repetition also extended to how days were planned out for jurors, "Everything repeats itself. So the day after, it's always the same"²⁴ [Charlotte].

²⁴ "Kollox l-istess. Jigifieri l-ghada nerġghu, dejjem l-istess."

Over the course of trials, the participants' repetitive schedules, their continued need for focus, and the responsibility they carried, might have had deleterious influences, "Because it's [being a juror] a big responsibility. But then it gets very tiring" [Virginia]. Therefore, in contrast to studies by Antonio (2008) and Bertrand et al. (2008), being exposed to witness testimonies and lengthy trials seemed to create more tiredness rather than stress among participants in this study, with the repetition in the trials leading to this tiredness, rather than the length of trial.

A Voiceless Process. Although the purpose of criminal trials is to allow society, in the form of the jury, to use its voice to make legal decisions (Herzog, 2001), participants in this study explained how throughout trials, their voices were silenced by the court system. Participants experienced the silencing of their voices through the loss of agency they faced throughout their trials. Even before trials started, participants explained how they had no other choice but to appear at court when they received their summons, "You have to go up to court nonetheless. It doesn't matter that you had sent a letter..."²⁵ [Charlotte]. This lack of agency was even experienced throughout trials themselves;

"You feel like you're in a prison in reality. Like, you can't communicate with anyone, you have to stay where they [court marshals] tell you to, you literally cannot go outside, they [court marshals] need to come out with you even if you want to smoke a cigarette. Literally, it's like you are always being watched, you know?" [Jane]

Such explanations of agency-loss show that the court system may share some similarities with total institutions. According to Goffman (1961), a total institution involves organisational bureaucratisation, the rationalisation of everyday life, and isolation from the outside world.

²⁵ "...inti trid titla l-Qorti xorta... Mhux imbilli baghatt ittra..."

Throughout participants' narratives, organisational bureaucratisation, which refers to the presence of one class of people in power and another class subject to that power, was made clear in criminal trials through the loss of agency that participants faced, seeing that they had to obey orders while being closely monitored.

As also exposed through the previous pattern, everyday life throughout criminal trials was rationalised; days were planned according to daily routines, hence the repetition experienced by the participants. This repetition seemed to have been linked to the third criterion of a total institution; isolation from the outside world, "[You're] absolutely alone, you don't know what hit you, erm, it was very repetitive" [Agatha].

Another example of this isolation from the outside world during the trial was described by Virginia, who narrated that on a Sunday during the trial, when family members were allowed to visit jurors, Virginia said, "I was there waiting [at the hotel], hoping that someone [from her family] would show up. Obviously, they [her family] didn't have means to contact me, so I didn't know whether they would be coming..." Interestingly, Charlotte did not only experience isolation from the outside world, but even described that court personnel ordered her to remain isolated from other jurors, "I'm not going to cause trouble... if we [jurors] can't [speak], we can't... You have to stay alone..."²⁶ [Charlotte]. Therefore, participants' experiences provided evidence to the possibility that the criminal trial system shares similarities with total institutions. In spite of this, there are also significant differences between clear-cut total institutions and the court system. Goffman (1961) explained that individuals within total institutions are separated from the outside world for considerable periods of time, and participants in this study were

²⁶ "Imbagħad jien mhux ħa noqgħod ngib l-inkwiet... jekk ma nistgħux, ma nistgħux... Trid tibqa waħdek..."

involved in criminal trials for only a maximum of around two weeks. Thus, there is a significant difference between total institutions and the court system, but this study acknowledges similarities between the two.

Contextual Drawbacks. Jurors in the study by Sicafuse et al. (2013) claimed to have been bothered by extensive waiting times at court. While concerns about waiting times were shared by participants in my study, “We did sometimes take a long time [waiting]” [Agatha], concerns about other logistical issues seemed to be more prominent. Oscar was concerned about the antiquated ways in which the Court functioned, “It was the first time that they were showing a presentation, with a laptop. In this day and age” [Oscar]. Furthermore, several participants commented on the dated records that the Court possessed. Virginia, who had stopped working within financial services many years before her jury experience, claimed, “I was still listed as a financial service employee [on court records]”. Participants shared concerns about the extensive periods of time that had elapsed between the occurrence of criminal cases and when their corresponding trials took place. For example, Virginia explained that when jurors were taken on the site where the alleged crime had taken place, she noticed that the way the locality looked back when the case occurred had changed, making the jurors’ ability to judge the case more complicated, “...years had passed [since the case happened]. And even the locality had changed... so there were these, like, setbacks, if you want to call them” [Virginia].

Sicafuse et al. (2013) argued that jurors were unsatisfied by their accommodation throughout the duration of trials. While some participants in my study did not find issues with the hotel in which they resided, “It was nice there [at the hotel]... We had good breakfast...” [Edgar], others were bothered with the level of hygiene at the hotel. After finding cockroaches in her hotel room, Agatha explained, “I spent the last two days with my eyes open, checking for

cockroaches... putting my shoes up on the bed... it was a bit of a bitter experience”. The food jurors were offered at the hotel also seemed to occasionally be unsatisfactory, “...the food wasn’t that exquisite. Sometimes it was still frozen, the bread would still be frozen inside. And, it’s always the same” [Virginia].

Questionable Audience Segregation in Maltese Criminal Trials. According to Goffman (1956/2022), audience segregation is when actors avoid audiences who they previously performed different roles to, for the sake of giving consistent performances. Within the context of criminal trials, audience segregation may be done during juror selection, as jurors who would have known anyone involved in trials prior to their commencement may be exempted. However, participants explained that juror selection was not a thorough process. Oscar was only asked, “Just the name and what’s your occupation...”, while Virginia shared, “I thought that they [lawyers] would be... ‘Where were you working?’ Or stuff like that. But they just, ‘Okay, we don’t have a social worker [as part of the jury panel]”.

The lack of thorough juror selection processes seemed to lead to issues with audience segregation. Possibly due to Malta’s small, tight-knit community (Vella & Gauci, 2016), both Oscar and Virginia had known people involved in the trial. “I had met... the Judge outside of the courtroom, around twenty years earlier” [Oscar], and, “There was one of the police inspectors who knew me... He told me, ‘Really and truly I don’t mind you being there [in the jury]... ‘Cos I know you have a background and I know you have skills’” [Virginia]. The police inspector in Virginia’s case seemed to have created expectations of her performance as a juror, due to his knowledge of her previous roles. Aside from creating expectations, other participants seemed to be concerned that due to Malta’s small size, the accused in the trial might eventually learn details about what had transpired among jurors, “Word goes round in Malta, not everyone keeps things

confidential, and obviously... the accused knows this... Now he should be about to be released [from prison]" [Jane]. Therefore, Jane's statement may show her uncertainty about the effectiveness of audience segregation in Maltese trials. Such perceived ineffectiveness may have various consequences; from worries such as those experienced by Jane, to possibly even danger to jurors if the accused were to learn what had happened within jurors' rooms.

An Urgent Matter. Across many participants' narratives, a sense of urgency was felt throughout their trials. The wider context in which criminal trials occurred created a sense of urgency, as Jane's narrative showed that her trial was particularly rushed due to the COVID-19 pandemic, "If COVID hadn't hit, I think we would have taken a longer time... they were hurrying up the witnesses..." [Jane]. Beyond the wider context of the trial, urgency was observed in various moments throughout trials, such as when jurors were escorted home to pack their bags, "Big panic station... my boyfriend, my mother, my brother, everyone at home shouting, 'Come on, come on, throw it [clothes] in [the bag], throw it in!'" [Agatha], when jurors were allowed to call home during the trial, "You have five minutes' call to the family. Five minutes..." [Agatha], and during transportation, "We [jurors] had to drive, escorted by police, to and from the hotel. At high speed. Not to be allowed to stop in the traffic... for my stomach it was a disaster" [Virginia].

In line with these experiences, Sussman and Sekuler (2022) argued that the experience of feeling rushed may generate distress and impair individuals' executive functioning. Thus, urgency may not only have caused distress to participants, but possibly also had negative influences on the way participants made decisions during criminal trials, "Immediately, that's it! I decided immediately [about her judgement of the case]" [Jane]. Despite its negative influences, urgency also brought about resourcefulness among some participants. For instance,

resourcefulness occurred in Virginia's story. Although she had not packed enough clothes for the duration of the trial, due to the urgency with which she packed her bag, "I used to wash my clothes and leave them to dry in the balcony [of the hotel]... and indoors as well, in the shower, with the AC they would dry as well" [Virginia].

In conclusion to this theme, it may be argued that participants entered complex and tense situated contexts within criminal trials. Caviness (2021) and Kyle (2016) attributed this tension to the weight jurors felt about making a decision about someone else's life, but findings in this current study suggested that while participants did feel like they were given great and tiring responsibilities, tension might have also precipitated through additional contextual factors in the court system. Participants were placed in contexts which shared similarities with total institutions (Goffman, 1961), in which they experienced lack of agency and a sense of urgency. Several drawbacks pertaining to court procedures and accommodation, as shared by Sicafuse et al. (2013), were also experienced by participants. Audience segregation, which supports individuals to perform their roles adequately (Goffman, 1956/2022), was also questionable within participants' narratives. Therefore, the metaphorical theatre of criminal trials presented participants with a plethora of challenges which may have complicated their performances as jurors from their outset.

Theme 2: Juror Role Development - Patterns of Continuity and Change

Now that I have presented an overview of the situated context of criminal trials, within this coming theme I shall move onto another aspect of Dewey's (1938/1997) model of experience; continuity. I shall explore how participants attempted to establish continuity with their past/present/future selves, and experienced change. In effect, throughout this theme I shall denote the development of the juror role and identity.

Becoming a Juror. Nickerson (2021) established that one form of role strain is role ambiguity; when individuals do not have enough information about the expectations of a role they are to perform (Mobily, 1991). Upon receiving their court summons, role ambiguity, and feelings of fear associated with it, was common among several participants, “I never, erm, got the feeling, sort of, of what being a juror was... you’re going in something, you don’t know nothing, never been there, never been to court... I was a bit afraid” [Edgar].

In accordance with Welsh et al. (2020), juror selection engendered distress among many participants in this study, “There were some [jurors] who took it [being selected] badly, like me” [Agatha]. Distress was not only limited to juror selection, but was detected throughout the entire process of transitioning into the juror role. In fact, Virginia explained her experience of being taken home to pack her bags at the beginning of her trial as, “...the most traumatic part of it [the trial] all... almost like you’re being abducted from your normal life”.

Transitioning into the juror role seemed to possibly involve elements in common with a process which Goffman (1961) called the mortification of the self. Aspects of mortification, such as role dispossession, loss of valuable time, and trimming, were observed among participants’ stories of transitioning into the juror role. Virginia’s explanation of her transition as an abduction may show how cut-off from her everyday roles she felt [role dispossession], while a loss of valuable time was noted in Charlotte’s narrative, as while serving as a juror, “...I had one of them [daughters] who was going through exam-time”²⁷. Elements of trimming, i.e. the undressing of a person’s individuality, may be observed in the following quote, “...you wouldn’t be your normal self, how you live your life... there [at the hotel], you shower, you eat, literally...

²⁷ “...kelli waħda minnhom li kienet waslet għall-eżamijiet...”

you piss and go to bed. So, like, you don't have a life" [Jane]. Hence, these findings show the possibility that the process of becoming a juror may involve some extent of mortification. Due to the comparatively short durations of participants' trials, mortification influences might not have been as lasting as Goffman (1961) outlined, and thus, it may be interesting to observe whether such influences are more pronounced among the experiences of jurors who had longer trials than this study's participants.

While it was clear that, in line with Sarbin (1984), transitioning into the juror role brought with it significant strain, some factors supported participants in adopting the juror role. What might have helped Oscar to think that, "This [the trial] will be fun", was the fact that he had already enacted the juror role in two previous trials, while first-time jurors were supported when their personal businesses outside the trials had been taken care of, "Once I had everything settled, I knew everything was taken care of, then I didn't bother that much. I said, 'Okay, this is my [juror] role now, I have nothing else to worry about...'" [Virginia].

The Juror's Backstory. Participants explained that the Court attempted to limit jurors from receiving outside information during trials, as in their hotel rooms, participants had, "...a television, all with weird stations, that aren't even in English or Italian... they [the Court] aren't going to risk the possibility of a conflict of interest, or that we'd be biased by what we're hearing" [Agatha]. However, participants explained that their pre-trial knowledge and roles, i.e. their backstories as individuals prior to their criminal trials, exerted an influence on their adoption and enactment of the juror role. Agatha could not forget the pre-trial knowledge she had about the case she was judging, "We had been hearing about the case for three years [in media]". Therefore, although the Court tried to detach jurors from their lives outside of the trial, complete detachment seemed impossible. Other participants also brought in pre-trial information about the

court system. Edgar had been tutored by a colleague of his about the court system before the trial, “He [colleague] told me, ‘I’m a juror [in previous trials]!’, and he started... explaining [the court system]...”, and Virginia’s own experiences in court as a social worker also came into play, “...even my exposure to the court environment, I was more in-tune when they [court personnel] mentioned certain things...”. Hence, Virginia’s knowledge about the Court was gained from a previous role that she played. In line with Landy (2009), participants all had fully-fledged role systems before they were given the juror role, and hence previous roles influenced the juror role.

For instance, Edgar’s need to be fair throughout the trial was influenced by his role as an engineer, “I’m an engineer... and even, I try to treat everybody equally”, while Virginia’s perception of the accused was influenced by her previous knowledge of working as a social worker, “I’ve heard stories from clients themselves, so, you know, I, I had some background information”. Due to his experiences as a juror in previous trials, Oscar also had pre-trial knowledge, “You know what to expect with regards to procedures”. Oscar was also aware of what he needed to look out for when observing other people’s performances in court, “...[observe] body language. I learnt that from my... from my first... court case”, possibly making him a more efficient juror due to his previous juror experiences, in accordance with the findings by Lorek et al. (2019).

The roles individuals played prior to being jurors seemed to exert an influence in another two ways. Firstly, participants viewed their selection as jurors as a reflection of their pre-trial roles, “I’m a homemaker, kind of... they [court personnel] say, ‘We’ll snatch this one up, because she’s a homemaker, she’s flexible’”²⁸ [Charlotte]. Secondly, participants noted that the

²⁸ “... imma jiena mara tad-dar, bħal speċi... jgħidu, ‘Din nahfuha, għax mara tad-dar, tista tiċċaqlaq’”.

pre-trial roles other jurors played also had an influence on how they viewed other members of the jury, “You get to know also, from their [the jurors’] personal life... even when you discuss, you know that the person means, means business. They have good intentions” [Edgar].

The Level of Juror Role Synchrony. Sarbin (1984) argued that the enactment of roles is mediated by the degree of the role’s congruence with a person’s perceived self. Some participants claimed that the juror role was congruent with other roles they played in their everyday lives, “I had an idea of the court setting, because when I was working [with people who used drugs], I used to go testify frequently... it [the Court] wasn’t like, so daunting for me. I felt at home...” [Virginia]. In accordance with Feller (2017), Charlotte, a female juror with a low educational background, borrowed information from her personal life, and thus her previous roles, to make sense of her feelings about the case she was judging, “...if my kids tell me [that they’re going to gain money from migrant smuggling]... That I don’t allow. That my children become associated with these things. I teach my children that money should be gained wisely and with hard work.”²⁹

Although Agatha also experienced role congruence, “I’m intrigued by the sciences, and I work in the sciences... I already knew how certain things [forensic evidence presented at court work], the role congruence she experienced seemed to lead to her feeling upset after the trial, as she felt that she should not have been affected by the trial due to her role as a Criminology graduate, “It [the trial] shouldn’t have affected you that much, considering that you’ve studied Criminology”. Negative emotions were also experienced by Agatha, Charlotte, and Virginia, when they felt that the juror role was not congruent with the rest of their role system, i.e. role

²⁹ “... jekk it-tfal jghiduli [li se jakkwistaw il-flus permezz li jdahhlu l-immigranti]... Hekk ma nhallix. Li t-tfal tieghi jiccappsu b’dawn l-affarijiet. Jien ghallimt lit-tfal li l-flus jigu bil-ghaqal u bix-xoghol iebes.”

conflict; “I was going to miss lessons [at school while serving as a juror]... let’s say, it’s scary” [Agatha], “I worried more about leaving the children alone”³⁰ [Charlotte], and “I stayed there [at court], already worrying what I’m going to do with my dog, with my daughter” [Virginia].

Therefore, role conflict, a kind of role strain (Nickerson, 2021), caused worry and fear among participants, in line with Creary and Gordon (2016). Participants’ narratives also showed that role conflict and role congruence were not mutually exclusive, as Agatha, Charlotte, and Virginia all experienced both role congruence and conflict.

Some participants also experienced role expansion (Marks, 1977). For example, Agatha played both roles of ‘juror’ and ‘scientist’, “Maybe it [scientific knowledge] served as an advantage as well... Because the other jurors didn’t know certain things, but you explain, ‘Ah! I didn’t know. Oh, wow!’ There’s that knowledge”, and Oscar simultaneously played the roles of ‘juror’ and ‘joker’, “...it [being a joker] helped a lot... sometimes a laugh here and a laugh there helps a lot. I do it all the time...”

Overall, it seemed that the presence of role conflict and role congruence did not determine whether participants perceived their jury experiences positively or negatively, because although Agatha, Charlotte, and Virginia all experienced role conflict and congruence, Virginia viewed her overall jury experience positively, while Agatha and Charlotte viewed theirs negatively.

Retiring the Juror Role. Once their trials were concluded, many participants were eager to return to their normal lives, “We [jurors] were so happy... to regain our independence” [Oscar], and “I was looking forward [to returning to normal life], because the fact that you’d be

³⁰ “...iġtar inkwetajt għax ha nħalli t-tfal wehidhom...”

like, erm, cut-off to a world on your own [during a trial], it's like you went abroad for two weeks and you forgot everyone" [Jane]. It seemed that undressing the juror role required another transition for participants, which shaped the meanings they constructed out of the juror role. Not all participants had positive outlooks on this transition, "...going back to reality was daunting as much as it was when I was abducted from that normality... My energy had already depleted... trying to catch up with what has been going on" [Virginia].

As Landy (2009) discussed, at different points in individuals' lives, certain roles within role systems take the forefront, while others take a backseat, but those roles in the backseat do not vanish from role systems. Therefore, although participants stopped performing the juror role after their trials' conclusions, the juror role still had an influence on them, as all participants continued thinking about their jury experiences, "You spend a few weeks... still thinking what you passed through. But then... You go back to normal" [Edgar] and, "...you continue to think about it [the case]. It's inevitable... And then you begin having doubts if you were right giving the person a 'guilty' or a 'not guilty' verdict. Because you are getting influenced from the outside..." [Oscar].

Other participants reported post-trial reactions beyond the ruminations described in Edgar's and Oscar's quotes above. In line with Welsh et al. (2020), Sicafuse et al. (2013) and Miller (2008), participants in this study experienced intense physical and psychological repercussions after serving as jurors. In accordance with various studies (Fisher, 2020; Welsh et al., 2020; Hawkins Maras, 2017; Lonergan et al., 2016; Kyle, 2016; Nuñez et al.; 2015; Robertson et al., 2009), these repercussions included emotional disturbance, sleep disturbance, and even elements of vicarious traumatisation/PTSD;

“I was immensely nervous, like, the trauma, the experience, it made me suppress certain things, and then they came out later. I wasn’t eating certain food... I spent around three weeks to four weeks not going anywhere near a restaurant... I spent some time not sleeping well, and sometimes I dreamt about him [the victim] as well... I still stay a bit back from the places where I know I can find places which remind me of the victim...”
[Agatha].

Furthermore, those participants who experienced post-trial repercussions seemed to develop scepticism towards the CJS, in line with Schulte Lewis (2020); “...I don’t know whether it [the trial’s result] would all be planned from before with the lawyers... Sometimes you end up thinking a little... you become suspicious...”³¹ [Charlotte].

Moreover, it seemed that the negative post-trial reactions reported by female participants were more elevated than those reactions shared by male participants; a result which corresponded with the findings by Welsh et al. (2020). However, it may be that such reactions were elevated because female participants coped with their jury experiences in different ways than male participants, and thus, it might be the coping style they employed which influenced their reactions, rather than their gender. Female participants tended to continue thinking about the case long-term, and even continued researching the case they judged, “...it [researching the case] was like a coping mechanism for me. That I felt like, I still didn’t have enough closure, I want to look things up...” [Agatha], while male participants tended to distance themselves from the case through compartmentalisation, “...then you have to be... Mature enough to delete it

³¹ “...issa ma nafx jekk tkunx kollha pjanata minn qabel mal-avukati...kultant qisek tibda tahseb naqra... naqra hazin, qisek...”

[thoughts about the trial]. Because then you'll... go on continuously thinking about it. Then you begin, 'My job is done, that's all'" [Oscar].

Irrespective of the participants' gender and how they evaluated their jury experiences, most participants reacted with shock and fear when they received another court summons after the end of their jury experiences; "I was afraid, I was afraid [when he received his second summons]" [Edgar], and, "At that moment [upon receiving a second summons], the world fell at my feet, because I said, 'It's [the jury experience] going to happen again'" [Agatha]. Hence, it was clear that regardless of the severity of their post-trial reactions, all participants required effort to transition back into their everyday roles after performing the juror role, and most were upset upon receiving another court summons.

The Silver Linings of Being a Juror. Despite the negative influences that participants reported because of their jury experiences, several participants described their jury experiences positively, which was consistent with findings by Sicafuse et al., (2013) and Woolf (2011), "I still think it [the jury] was a very enriching experience. It was... priceless. It was very enriching" [Virginia]. Participants described the jury experience positively for multiple reasons. Firstly, participants saw their involvement in criminal trials as learning experiences, "...it's still nice to serve as a juror. Meaning that, one may start understanding and learning [how the court works]"³² [Charlotte], and, "You learn... even how, how the police do their job. Or how the lawyers do their job, or how the Judge does her job" [Oscar].

³² "...sabiha xorta li tmur ta' ġurat. Jiġifieri, wiehed jista jibda jifhem u jitghallem..."

Secondly, participants felt a sense of fulfilment due to serving their duty to their country by acting as jurors, "...it [the jury] was a nice experience... I met some people... The state called me and I did my duty" [Edgar], and;

"It's an honour, I think to have served and gave a bit of, of, erm, I think my knowledge as well, and, erm... again maybe because I like courts... Erm, but I mean, it's, it's a duty as a citizen also. So, I do feel honoured that I was picked" [Virginia].

This contentment at fulfilling one's duty was shared by Caviness (2021) and Kyle (2016). However, the participants did not indicate that the jury experience led to changes in their political engagement, voting patterns, or moral strength, opposing findings by Clark (2013), Gastil et al. (2010), and Gastil et al. (2008). It was also unclear whether a satisfactory jury experience altered participants' confidence in the effectiveness and fairness of the CJS, contrasting findings by Findlay (2018), Pyo (2018), Gastil et al. (2014), and Van de Walle (2009). Instead, Edgar focused on the fact that he met new people whilst Virginia valued the input she provided as a juror; input which was informed by her pre-trial role as a social worker, showing the importance of considering the influence of pre-trial roles even when participants evaluated their jury experiences post-trial.

Thirdly, participants explained that the jury experience influenced them positively on a personal level, "...it's [being a juror] a big responsibility put on your shoulders... when someone puts a big responsibility on your shoulders... in a way, it means that you are responsible enough to, to carry the burden" [Oscar]. Oscar also added that, "...you see certain people... and certain situations, which we normal people see only on TV. We expect that these situations don't exist, but they exist... So, in a way, it helps you, erm, feel positive about yourself". Additionally, although Charlotte felt inadequate due to her level of education when compared to other jurors

on her trial, she seemed to find pride through her pre-trial role as a mother, once more showing the value of pre-trial roles in post-trial jury experience evaluations;

“...despite my ignorance, I still managed to do it [the jury]. And I still could think.

Because in truth, erm, I raised my children in a certain way, so... So I'm not that bad.

And then I was proud that I was able”³³.

An interesting evaluation was shared by Jane, “My experience was somewhat okay, it passed... it depends on the group you're with. So, if the group you're with, you have six of them, five of them, who decide differently than you would... you wouldn't be too happy”. Here, Jane theorised that one's satisfaction with their jury experience significantly depends on the other jurors one shares the panel with. Thus, for one to have a holistic understanding of the juror role, one cannot only consider the context of the trial and the continuity jurors create with their past/present/future selves, but one also needs to consider the interactions individuals have with other role players during criminal trials.

This theme has explored how participants created continuity between the juror role and their past/present/future selves. Sarbin (1984) postulated that role transition involves strain, which was experienced as role ambiguity and role conflict among participants in the process of becoming jurors, with some experiencing elements of mortification (Goffman, 1961). Some participants experienced role congruence and role expansion (Marks, 1977) when adopting the juror role. While Richard et al. (2009) argued that a juror's attitudes are shaped by the person's sex, age, and profession, this study theorised that participants' attitudes and enactments of the

³³ “għalkemm l-injoranza tiegħi, xorta stajt mmexxi... U xorta stajt naħseb. Għax fil-verita', erm, it-tfal rabbejthom ċertu mogħod, jġigifieri... mela mhux daqshekk hażina. Imbagħad kont *proud* li kont kapaċi...”

juror role were significantly influenced by their pre-trial role systems. Returning to everyday life after the conclusion of trials presented participants with another transition. As proposed by Landy (2009), although the performance of the juror role ceased, the juror role had become part of participants' role systems, and influenced the ease with which they re-adapted back to their everyday lives. In line with Welsh et al. (2020), Sicafuse et al. (2013), and Miller (2008), some participants experienced myriad negative post-trial reactions which required the employment of various coping mechanisms, while others experienced positive post-trial reactions, as elaborated by Sicafuse et al. (2013) and Woolf (2011).

Theme 3: The Jury Trial Performance - Patterns of Interaction

In this theme, I shall delve into the third and final aspect of Dewey's (1938/1997) model of experience; interaction. Throughout this theme I shall explore how the interactions participants had with other role players shaped how participants adopted and performed the juror role. Hence, I shall outline the performance that this dissertation's protagonists carried out within the theatrical situated context of criminal trials.

Being Actors. A majority of participants explained that their behaviour was being watched by many people throughout their jury trial experiences. Some participants mentioned that lawyers, Judges, and the accused, surveilled jurors within the courtroom, "You are on the alert because the Judge, every fifteen minutes, she scans you and gives you a look" [Oscar], and "It's [being in court] not a nice situation, because, I don't know, they're [the accused] seeing who you are, and you have to make a decision about the case for him" [Jane]. Other participants alluded to their experience of being watched by court marshals outside of the courtroom, "...they

[court marshals] stay next to you... while you're calling [on the phone]"³⁴ [Charlotte], while others mentioned that they felt watched by the public, for instance when Virginia went on the site where the alleged crime took place along with the other jurors during the trial, "People looking at us... I don't know if they thought we're shooting a film or something...". These participants' quotes hinted at the alertness and discomfort the jurors felt during their trials due to being watched. Furthermore, Edgar also felt like his alertness during the trial was tested by other jurors, "'What do you think?' [the foreman would ask the jurors] I think it's a test on you that you are following...".

These experiences meant that the participants had an audience watching them, and hence, they needed to give convincing performances as jurors. For the participants to perform their roles adequately, they first needed to learn how to perform the juror role. According to Goffman (1956/2022), individuals learn new roles when they are given cues by other people on how to perform well. Participants were directly guided on how to perform as jurors through their interactions with lawyers, Registrars, and Judges;

"...the prosecutor emphasised that, that it [the verdict] needs to be beyond reasonable doubt. How we should go about it [making the verdict], erm, how we should analyse the documents that we are provided... even the Judge explained to us. So there were explanations given to us as we went along" [Virginia].

While most participants were given sufficient information on how to carry out their role, Charlotte felt that she was not given such extensive information, in line with Chopra (2002) and Sicafuse et al. (2013), who argued that jurors felt like they were not given enough guidance on

³⁴ "...joqgħodu hdejk... meta ċċempel..."

how to perform their role within court, “All they [court personnel] told us... they gave us an A4 paper and a biro, and they told us, ‘If you’d want to speak to the lawyers and take some notes, you may take them’”³⁵. Charlotte’s juror role learning seemed to have been greatly influenced by her interaction with a court marshal, “The marshal came up to us [jurors], and told us we can’t [talk amongst themselves]”³⁶, which led to her significantly isolated experience that lacked extended interaction with other jurors. Other participants’ narratives showed that interaction with other jurors supported juror role learning, “The head juror will explain, you know, what, how, how, how to hear things, you know? What to consider... the first meeting [with other jurors], it was important I think. Especially when you don’t have experience...” [Edgar]. It was clear that the presence of extensive and accurate interactions with other role players was essential for the participants to learn the juror role.

Once participants adopted the juror role, they put up various performances as jurors. For example, jurors performed appropriate court etiquette, “In there [courtroom], you couldn’t talk, you can’t even say something small, because the Judge quickly shushes you...” [Jane]. Participants even gave some convincing performances; performances which convinced audiences that the actors’ frontstage behaviour reflected the actors’ true selves (Goffman, 1956/2022), “...we [jurors] asked a lot of questions, so even the Judge was impressed in a way with the amount of questions we asked...” [Virginia]. To give such convincing performances, participants explained that they engaged in impression-management strategies, in line with Goffman (1956/2022), “You... can’t just deliberate in a span of two hours, because it looks bad” [Agatha].

³⁵ “Kull ma qalulna... tawna A4 paper u biro, u qalulna, “Jekk tkunu tridu tkellmu lill-avukati u tiehdu xi noti, tistgħu.”

³⁶ “...il-marxall qaltilna, li ma nistgħux...”

Most participants outlined an impression-management strategy in which their final vote was altered so as to safeguard jurors, "...you say that one person was against [other jurors' votes], to safeguard ourselves, in the case that someone comes after us... because, they [the accused] knew our names, his family was present when the jurors were selected" [Agatha]. Therefore, it was clear that jurors required putting up complex performances to navigate criminal trials; performances which required the aid of various role players.

Being Audience Members. Participants' narratives showed that being jurors required performing a dual role; that of actor, as exemplified in the previous pattern, and that of audience member.

As audience members, participants were tasked with observing the performances of other role players throughout trials, such as those by witnesses, lawyers, the accused, as well as that of other jurors. For instance, "...some witnesses were, were relying on earlier depositions that they had, they did years earlier. And it's impossible... It's ridiculous. You can't... it's impossible to remember all those things" [Oscar]. As shown through Oscar's quote, while observing others' performances, the participants were also evaluating the performances they were observing. Participants evaluated other jurors' opinions during deliberations, "...everyone [jurors] speaks his mind out, literally... and everyone tries to evaluate each other's ideas..." [Oscar]. In several cases, participants seemed unconvinced by the performances of the prosecution and the police in their respective trials, "I felt that the prosecution was not very strong, 'cos like they had to report on someone else's report" [Virginia]. While some were unconvinced by certain performances, others struggled to understand what was being said, "Sometimes they [lawyers] say things that

for me are... I feel that they're difficult. Because I didn't receive much education..."³⁷

[Charlotte], showing that Charlotte's level of education seemed to influence her ability to evaluate performances appropriately.

Furthermore, in accordance with Rose et al. (2010), participants in this study evidenced instances of using offstage observation, and of forming opinions on the case based on such observations, "I'm always looking at him [the accused]. He shows no emotion... absolutely no remorse, so he, the intent [to carry out the homicide] was there" [Agatha]. Offstage observation may be considered as extra-legal information, and participants tended to use such extra-legal information to make sense of individuals' performances and the cases. Instances of using extra-legal information also included using pre-trial information about certain individuals involved in the case, "The other one comes from a family that is not so nice, from what I've heard, so, they're a bit harsh, them, as a family"³⁸ [Charlotte] and evaluating performances based on an actor's non-verbal behaviour, "...there were people [jurors], like myself, who focused mainly on the witnesses [during the deliberation], and their reliability and non-verbals and what they presented. And the eye-contact there was between the accomplice and the accused" [Virginia]. Virginia's latest quote was in line with findings by Gunnell and Ceci (2010), and Weiner (2014), as jurors seemed to attempt to give reason to their intuitive evaluations of performers' non-verbals, which eventually contributed to the verdict given.

Another factor which influenced participants' evaluations of others' performances was empathy. Participants who experienced empathy for other role players in the courtroom altered

³⁷ "...kultant jghidu affarijiet li jien għaliġa... nħosshom tqal. Għax jien m'inix daqshekk ta' skola..."

³⁸ "L-ieħor kien ġej minn familja ma tantx mill-ħelwin, kif kont smajt, jġifieri, naqra ħorox, huma, bħala familja..."

their attitude about the case and focused on giving an accurate verdict, in line with findings by Wevodau et al. (2014) and Sprain and Gastil (2013);

“When I saw them [autopsy photos], kind of, I pitied him [the victim]... you look up and you see his mother crying, like, it breaks your heart... I started telling them [the jurors], ‘Imagine if this was your son.’... I put myself in his mother and father’s place...” [Jane].

Some participants experienced barriers which interfered with their ability to properly evaluate others’ performances. The wider context within which certain trials took place caused distractions, “...it was the pandemic, the witness stand had these cubicles, perspex whatever... there was the reflection of the glass... you couldn’t really see the faces [of the witnesses]... for me, that’s crucial... to even look at the non-verbals” [Virginia]. Other participants experienced anxiety;

“Anxiety was a bit of a limitation for me, that I wished to focus more than I did, than what I was meant to do... when they’re witnessing, I would know what they’re saying, but at the same time, the other half of my brain was going, ‘Ugh, how am I going to get out of here?...’” [Agatha].

Thus, being audience members was not a simple task for participants, as they needed to overcome any barriers, and filter extra-legal information, in attempts to make sense of the performances presented to them.

Dynamics with Individuals Outside the Juror Team. Apart from being both actors and audience members, participants had various direct interactions with several role-players throughout criminal trials, with some interactions occurring with individuals outside the juror team.

Most of these interactions seemed to be positive in nature, "...if we [jurors] needed something... They [court marshals] were with us... They were very helpful" [Edgar], "...one of the court marshals came with us to pharmacies and... she tried to carry out most of our errands on her own..." [Virginia], and, "...we had a break, they [court marshals] took us out for lunch... Very good places to go out and eat" [Virginia]. Furthermore, others felt supported by the direct interactions they had with Judges, "...they [Judges] take it... as their responsibility to make it [the trial] very, very clear. Very, very easy. For the jurors... [the Judge] made it clear that if everything is okay, and if the others are finding it interesting..." [Oscar].

Yet, not all interactions participants had outside the juror team were positive. For example, Agatha felt that she was lied to by a court Registrar;

"She [Registrar] told us [jurors] that for those who want, the application, that you'd be exempted forever [from serving as a juror], it opens in August... Apparently, it was not true... Maybe she just said it to shut us up and we calm down at the end."

Dynamics Within the Juror Team. Interactions within the juror team may have shaped the narratives of participants. Some participants commented on the importance of juror interaction, "...that [the Judge's statement] didn't influence me... More when we meet... the jurors ourselves..." [Edgar]. Through these meetings, jurors, "...start building, you start building your thoughts, and asking questions" [Edgar], and thus, it was especially crucial to understand the dynamics within juror teams and the interactions' influences on participants.

Goffman (1956/2022) explained that actors inhabit frontstage and backstage regions, and participants reported extensive interactions amongst jurors which occurred in the backstage region. While backstage, meaning when participants were not being viewed by audiences made

up of people outside the juror team, some participants claimed that jurors continued to discuss the criminal case, “Many times we [jurors] used to meet up again in someone’s [hotel] room and keep on discussing” [Virginia]. This meant that certain participants used their time backstage to discuss and plan out their next performance in court, which is in line with what Goffman (1956/2022) explained may occur within teams while backstage. Other participants employed another backstage function; to undress the juror role and relax (Goffman, 1956/2022), “We [jurors] organised some games, some paper games, or some cards, we used to do some relaxing as well” [Edgar], and, “...when we [jurors] went down to eat, we joked a lot amongst ourselves...we didn’t mention court cases, but we used to laugh...”³⁹ [Charlotte].

Charlotte’s latest quote mentioned that while relaxing, jurors did not discuss the case they were judging. This lack of interaction about the case became an issue, as Charlotte claimed that there was no interaction between jurors even during the deliberation, “Interviewer: So, wow, so even when you came to making the decision, you didn’t discuss amongst yourselves? Charlotte: Nothing, no”⁴⁰. This lack of communication may have even contributed to Charlotte’s dissatisfaction about the deliberation, as exposed through her narrative.

This stark lack of communication was only evident in Charlotte’s narrative, as all other participants claimed that extensive interaction occurred among jurors at various stages of the trial, including during deliberations. Some participants, in line with Fox (2019), approached deliberations in factual and rational ways, “We [jurors] agreed on drawing up a chart... Like a

³⁹ “...meta ninżlu nieklu, niċċajta bejnietna... ma nsemmux każijiet tal-Qorti, imma konna nidħqu...”

⁴⁰ “ Interviewer: Jiġifieri, istra’, lanqas meta ġejtu biex tagħmlu d-deċiżjoni ma ddiskutejtu bejnietkom?
Charlotte: Lanqas, xejn.”

pyramid, so that we say, ‘Look, was it [the homicide] intended or not?’ You start, ‘Yes’, ‘No’, ‘Yes’, ‘No’...” [Agatha], while others, in accordance with several studies (Robinson, 2017; Ellison & Munro, 2015; Devine & Caughlin, 2014), collectively constructed stories out of the criminal cases they were judging, and used the most plausible story as the basis of their verdict, “[Jurors discussed] How it [the case] could have been possible from the accused’s end, and obviously, how the victim... what he said to trigger him to do what he did, right?... But why did he push him...?” [Jane]. Although participants created these stories during deliberations, there was no clear evidence that jurors found gaps in these stories which they tried to fill with their own intuitions about the case, in opposition to Conley and Conley (2009). Furthermore, findings by Clark and Wink (2012), McQuiston and Morris (2009), and Mossière and Dalby (2008) could not be supported either, as the contribution of participants during deliberations did not seem to be the result of their gender or age, but rather, as a result of the dynamics and quality of interaction that participants had with the rest of the jury panel throughout the entirety of their trials.

It seemed that experiencing a sufficient and good-quality level of interaction with other jurors led to satisfaction about deliberations. In accordance with Gastil et al. (2007), those participants who were satisfied with their deliberation experiences were also satisfied with their overall jury experiences. The only exception to this conclusion was Agatha, who despite experiencing a good level of interaction with other jurors, still evaluated her jury experience negatively. Yet, this negative evaluation may have possibly been engendered due to factors outside the juror team, such as court procedures and Agatha’s anxiety, as elaborated in previous patterns.

The Degree of Loyalty to the Juror Role. Landy (1993) outlined the expectations of the juror role; to give impartial judgements based on empirical evidence, together with other jurors

who collectively act as representations of society. Participants were loyal to these role expectations to varying degrees. Some attempted to be very loyal to juror role expectations, “...you have to evaluate... what was said. How it was said. When it was said. So, eventually, you have to distil everything. There’s a lot to process. A lot. You have to put everything into context” [Oscar]. The role expectation to be impartial was discussed by several participants, with some focusing on the importance of considering doubt when assessing the case, “...the fact that there were so many inconsistencies [in the case], then, there started to be the doubts. So, it [her judgement] was no longer beyond reasonable doubt....” [Virginia]. Some even became concerned about the possibility of doubt, alluding to how particular participants wanted to adhere to juror role expectations, “...to take a decision, it [certainty] must be 100%. That’s a little bit confusing for me as well... so if it’s 1% what shall I do?” [Edgar].

It was observed that once participants developed opinions about the cases, they remained loyal to their conclusions, and seemed to develop inflexibility towards other opinions, “I stuck to my word [during deliberation]” [Jane], and, “I still went with my... hunch [in her vote]” [Virginia]. Such inflexibility may be a concern in criminal trials, as participants seemed to experience a confirmation bias; the downplay of information which opposes previous judgements (Kappes et al. 2020), “...he [the accused] had a very good lawyer, who in some way, he convinces you. But he didn’t manage to convince me, because for me... what’s white is white, what’s black is black” [Jane]. Such confirmation biases led participants to become upset if deliberations did not align with their personal judgements, and the perseverance of such opinions may have even interfered with the provision of fair verdicts.

Conversely, there were participants who witnessed disloyalty to the juror role. Jane was bothered when jurors in her trial suddenly changed their vote during the deliberation, “What

bothered me, was their expression of how they [jurors] were going to decide seemed one way, and then in the end, they ended up switching sides”. In fact, in part due to the disloyalty some participants felt, deliberations were major causes of distress among these participants, in line with findings by Welsh et al. (2020). Disloyalty to the juror role was not only witnessed by participants, but some were themselves disloyal to the role. Due to her fear of the Court, Charlotte did not intervene to ensure that justice was served impartially, despite disagreeing with the verdict, “I used to be afraid, because if I weren’t afraid, I would have gone up to the Magistrate [to tell him her thoughts about the verdict]...”⁴¹.

It seemed that any form of disloyalty towards the juror role that participants experienced led to a cascade of negative emotions, including disappointment, anger, defeat, and disbelief, in line with Fortune (2009), “I can’t understand how there were people who decided... who can manage to think that it really was self-defence” [Jane], and, “...it’s like the trial was for nothing... But what’s done is done”⁴² [Charlotte]. Hence, loyalty to the juror role seemed to be an important factor among participants’ narratives, and any disloyalty to that role was associated with negative emotional repercussions.

This final theme has discussed how the interactions participants had throughout their criminal trial experiences influenced their navigation and negotiation of the juror role. As Goffman (1956/2022) argued, participants learnt the juror role to different extents by receiving cues from other people both within, and outside, the juror team. Participants felt watched throughout trials, leading them to put up various performances using impression-management

⁴¹ “Jien kont nibża, għax li kieku ma kontx nibża, kont nitla quddiem il-Magistrat...”

⁴² “...qisu l-Qorti għalxejn kien... imma insomma, m’hemmx x’taġhmel.”

strategies (Goffman, 1956/2022). Despite several barriers, participants were also audience members who evaluated the performances of other role players, with some using offstage behaviour (Rose et al., 2010) and empathy (Wevodau et al., 2014; Sprain & Gastil, 2013) to guide their attributions on the performances they watched. Participants mostly experienced positive interactions with people outside the juror team, but experiences of negative interactions were also shared. It seemed that the level and quality of interactions participants had with other jurors influenced both the dynamics and effectiveness of jury panels, as well as participants' overall evaluations of their jury experiences. As argued by Welsh et al. (2020), deliberations were major sources of distress to participants, but it seemed that such distress was partly influenced by instances of disloyalty participants experienced towards the juror role. Disloyalty to the juror role, exhibited by the participants themselves or others, was associated with the negative emotional repercussions reported by Fortune (2009).

Conclusion

Throughout this chapter, I presented the data analysis and discussion of this study. A narrative analysis in the form of six interpretive stories was exhibited, and an analysis of narratives which explored the juror role, through the lens of Dewey's (1938/1997) model of experience and role theories, was discussed. In the next chapter, I shall synergise my analysis and bring this dissertation to a conclusion.

Chapter 5: Conclusion

Introduction

This study aimed to unearth the stories of individuals who were given the juror role in Maltese criminal trials. Through these stories, this study aimed to explore how the juror role is navigated and negotiated in conjunction with other role players in the CJS, how jurors construct meaning out of their role in light of their past/present/future selves, and how the adoption and navigation of the juror role is influenced by the situated context of the Maltese CJS. This chapter shall provide an overview of this study's main findings, significance, implications for policy and practice, limitations, and suggestions for future research.

Main Research Findings

This study presented a narrative analysis in the form of interpretive stories based on the experiences of six post-trial jurors. These stories showed the variety and complexity of participants' experiences in temporal and chronological orders; before, during, and after Maltese criminal trials. By putting forth the often-unheard voices of jurors, these stories presented how the juror role was adopted and navigated by participants, and attempted to highlight participants' narrative truths and individualities.

Through an analysis of narratives, I interpreted participants' stories using social constructionist/symbolic interactionist role theories and Dewey's (1938/1997) three-dimensional model of experience. I explored the situated context of criminal trials, by discussing that participants entered situations in which they were given heavy and tiring responsibilities. Lack of agency and a sense of urgency were observed among participants' narratives. Several drawbacks, pertaining to the court system and the accommodation in which participants resided throughout

trials, were noted. There also seemed to be questionable audience segregation exercised by the Court.

Participants experienced change and continuity between the juror role and their past/present/future selves. Becoming a juror was an ambiguous and strenuous process. The adoption and enactment of the juror role was influenced by the participants' pre-trial roles and pre-trial knowledge, and consequently, role conflict, congruence and expansion were observed to different extents among participants' narratives. Transitioning out of the juror role was also challenging, with certain participants experiencing negative post-trial reactions, including ruminations, emotional disturbances, sleep disturbances, scepticism towards the CJS, and elements of vicarious traumatisation and PTSD, with participants employing different coping strategies to mitigate such reactions. Positive post-trial reactions were also discerned, as participants viewed their jury involvements as learning experiences, personal achievements, and enactments of their duties towards their country.

The interactions participants had with other role players during criminal trials influenced the navigation and negotiation of the juror role. Participants learnt the juror role through individuals inside and outside the juror team. Due to feeling watched in court, participants orchestrated several performances in collaboration with other jury members. Despite certain barriers, participants had the complex task of observing and evaluating the performances of other role players throughout criminal trials. The evaluations participants made of others' performances seemed to be influenced by extra-legal information and the empathy they felt towards other role players. Participants mostly experienced positive interactions with individuals outside the juror team, but some negative interactions were noted. The level and quality of communication participants had with other jurors influenced the dynamic and effectiveness of

the jury panel, and the participants' evaluations of their jury experiences. The degree of loyalty to the juror role was also important, as any form of disloyalty to the juror role was associated with negative emotional repercussions among participants.

Significance of Findings

This study has shown the importance of viewing the jury experience from a narrative perspective. Findings highlighted how the juror role may be adopted and enacted in view of the individuality that participants brought to such a role. While building upon previous studies which explored what jurors experienced throughout criminal trials, this study gave an in-depth explanation of what participants experienced and how these experiences came about. Such an understanding may broaden forensic psychology's knowledge on what may occur in criminal trials. Furthermore, this study was the first of its kind in Malta, and hence provided an understanding of certain idiosyncrasies specific to local criminal trials.

Main Implications for Policy and Practice

This study may have various implications for policy and practice regarding criminal trials, especially locally. Participants reported various drawbacks of the court system which may have interfered with their role as jurors, such as dated records and procedures, as well as the duration between alleged offences and their respective trials. Despite attempts to mitigate these issues through reforms in the CJS (Criminal law improvements, 2014), this study's findings show that the criminal trial system may still be rusty. Thus, it may be worth updating court records and procedures, and considering options for conducting criminal trials closer to alleged offences, to allow jurors to serve their duties effectively with more ease.

Presently in Malta, potential jurors are only asked a maximum of three questions at court to determine their eligibility as jurors (Grech, 2017). This study has shown that audience segregation in Maltese criminal trials may be questionable, and therefore, it may be beneficial to review local methods of juror selection. Such methods may be made more thorough through the consultation of forensic psychologists during selection processes. Internationally, forensic psychologists aid in juror selection (Finkelman, 2010) by attempting to achieve better audience segregation, while examining potential jurors' biases, matching criminal cases with jurors' selves, and attempting to construct a jury panel which is likely to have positive team dynamics. Since this study has shown that participants observed and created attributions about criminal cases based on performances of other role players in the courtroom, forensic psychologists may act as consultants to the prosecution or the defence as suggested by ForensicPsychologyEDU (2022), to assess their performances prior to presentation in court.

Most participants experienced ambiguity about the juror role, and learnt how to perform their role to different degrees through cues they received from other people. As proposed by Koehler (2006), instead of allowing jurors to haphazardly learn their role, the Court may train jurors before the initiation of trials, by equipping them with information about trial processes and standards to uphold during deliberations, and by providing them with evidence-based guidance on how to exercise appropriate legal reasoning.

This study has also shown the various psychosocial challenges which jurors may experience, and how such challenges may create difficulties for both jurors' enactments of their role, and their transitions to their personal lives post-trial. As Landy (2009) discussed, conflicts related to enactments of roles may be resolved through the support of guides, who are commonly mental health professionals. Unlike international criminal trials, in which jurors receive pre- and

post-trial support by psychologists (Miller & Bornstein, 2004), no professional support is offered to jurors locally to my knowledge. Therefore, it may be worth introducing forensic psychologists in local criminal trials as guides who provide psychological evaluations before trials, and debriefing after trials to jurors.

Limitations of the Study

Despite using various methods of verification, this study's findings should be considered in light of certain limitations. The story-writing approach chosen for this study was highly interpretive (McCormack, 2004, 2000a, 2000b). Although several member checks were carried out and multiple researchers were involved to reduce bias, the interpretive nature of story-writing may have led me to set boundaries for the stories which were in line with the conceptual framework of the study (Ntinda, 2018), even though I tried to remain loyal to participants' narrative truths. Therefore, the stories may have been different had the participants themselves written them.

The duration between trials and interviews varied among participants. Since stories are ever-changing, incomplete, and co-constructed (Smith & Monforte, 2020), participants' stories may have been different had the interview taken place at another point in time. Due to stories' incomplete natures, I also acknowledge the possibility that certain stories were left untold by participants, and that my presence as the interviewer might have influenced the telling of stories. Heeding the co-constructed quality of stories, my own social roles may have influenced how participants and I constructed stories.

This study's participants were primarily recruited via a social media call. Therefore, only those individuals who were aware of the call were able to take part, meaning that alternative

stories may have been presented had other individuals come across the call and had taken part instead. Hence, findings may only be applied to this study's six participants.

Suggestions for Future Research

Many possibilities for future research are available. It may be interesting to explore the experiences of supplementary jurors in Malta, as these individuals would accompany main jurors throughout the entire process but do not take part in decision-making phases.

Since this study revealed that pre-trial roles may have an influence on how jurors approach various trial phases, it may be beneficial to test this finding experimentally. For example, mock trials involving jurors with varying role systems may be conducted, with the aim of observing how different individuals approach criminal cases, and how jurors interact as teams.

It may also be worthwhile to study whether pre-trial juror evaluation by forensic psychologists influences jurors' experiences of criminal trials. Additionally, one may research the effects of post-trial debriefing by forensic psychologists on jurors' post-trial reactions.

Final Note

This chapter has provided an overview of this study's main findings, significance, implications, limitations, and suggestions for future research. The aim of this study was to present the stories of individuals who served as jurors in Maltese criminal trials. Through the construction of interpretive stories, the participants' experiences of interaction and continuity as jurors within the situated context of criminal trials were examined.

My interest in studying the topic of jurors through narrative inquiry was conceived through my passion towards stories, and my belief that jurors' stories were unheard. I was

honoured to engage with the stories of six participants, and through data analysis, I have attempted to be a vessel through which the voices of several individuals who served as jurors became heard. I have always believed in the power of stories, and thus, I hope that through reading their stories, the local psychological community and the court system become more aware of what jurors may experience, and reflect on how the criminal trial system may be improved for the sake of jurors, and society.

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Appendices

Appendix A: University of Malta Social Wellbeing Faculty Ethics Committee Approval



Kurt Abela <kurt.abela.15@um.edu.mt>

Research Ethics Application - Approved by FREC, no UREC decision needed

1 message

SWB FREC <research-ethics.fsw@um.edu.mt>

2 August 2022 at 10:02

To: kurt.abela.15@um.edu.mt

Cc: "Prof. Marilyn Clark" <marilyn.clark@um.edu.mt>, Gottfried Catania <gottfried.catania@um.edu.mt>

REDP Application ID: SWB-2022-00427

Dear Kurt Abela,

Your ethics application regarding your research titled *Courtroom Drama: A Narrative Study into the Role of Jurors in Maltese Criminal Trials* has been **approved**.

Faculty Research Ethics Committees are authorised to review and approve research ethics applications on behalf of the University of Malta, except in the case of sensitive personal data. In this regard, your ethics proposal **does not need to be sent to UREC-DP**. Hence, **you may now start your research**.

Disclaimer: *The research team should note that only the English versions of the documents submitted have been reviewed by FREC. It is the duty of the research team to ensure that all documents in Maltese (or any other language) are faithful translations of the English version.*

Regards,



Faculty Research Ethics Committee

Faculty for Social Wellbeing
Room 113, Humanities A Building
+356 2340 3689/3220

um.edu.mt/socialwellbeing/students/researchethics



Appendix B: Information Letters in English and Maltese

04/06/22

Information letter

Dear Sir/Madam,

My name is Kurt Abela and I am a student at the University of Malta, presently reading for a Master of Psychology in Forensic Psychology. I am presently conducting a research study for my dissertation titled ‘The Juror Role in Maltese Criminal Trials: A Narrative Inquiry’; this is being supervised by Prof. Marilyn Clark. This letter is an invitation to participate in this study. Below you will find information about the study and about what your involvement would entail, should you decide to take part.

This study is a narrative inquiry into how a juror makes sense of a criminal trial in order to fulfil their role within the criminal justice system, as a result of cumulative learning gained through their navigation along the various phases of a criminal trial proceeding. These phases include but are not excluded to the juror selection, production of evidence and presentation of witnesses, statements of the defence and the Judge, and the deliberation/verdict processes. This study also aims to inquire into the personal meanings that a juror constructs throughout their involvement with the Maltese Criminal Court of Justice, and how these meanings influence their life beyond the courtroom. Your participation in this study would help contribute to a better understanding of the role of jurors who form part of the jury system, and the process they undergo within the Maltese Criminal Court. Any data collected from this research will be used solely for purposes of this study.

Should you choose to participate, you will be asked to sit for an individual semi-

structured interview with myself, which will explore the key themes of the study while also allowing you to contribute any concepts that you think are relevant but may have not been included in the original interview schedule. The interview shall last around one hour, and shall be held at a place of your choice.

Data collected will be used to assist me in completing my dissertation in this area of interest. All the information which you provide shall be pseudonymised, and all data shall be processed lawfully and fairly. All necessary measures will be put into place to make sure that personal data is correct and up-to-date. Audio recordings and transcriptions shall be stored safely in a password-protected folder on a password-protected computer, and shall only be accessed by the researcher and tutor. Your consent form, which shall include your real name, shall also be stored on a password-protected folder and will be kept separately from the recording and transcriptions. Hard copies of consent forms shall be stored and locked in a cabinet/drawer. All data will not be retained longer than is necessary, and all audio recordings, transcriptions, consent forms and any other relevant materials shall be discarded upon conclusion of the study and the publication of results.

Participation in this study is entirely voluntary; in other words, you are free to accept or refuse to participate, without needing to give a reason. You are also free to withdraw from the study at any time, without needing to provide any explanation and without any negative repercussions for you. Should you choose to withdraw, any data collected from your interview will be erased as long as this is technically possible [for example, before it is pseudonymised or published], unless erasure of data would render impossible or seriously impair achievement of the research objectives, in which case it shall be retained in a pseudonymised form.

If you choose to participate, please note that there are no direct benefits to you. Your

participation does not entail any known or anticipated risks.

Please note also that, as a participant, you have the right under the General Data Protection Regulation [GDPR] and national legislation to access, rectify and where applicable ask for the data concerning you to be erased. All data collected will be disposed of after the research has been completed and results have been published.

A copy of this information sheet is being provided for you to keep and for future reference.

Thank you for your time and consideration. Should you have any questions or concerns, please do not hesitate to contact me by e-mail kurt.abela.15@um.edu.mt; you can also contact my supervisor via email: marilyn.clark@um.edu.mt.

Sincerely,

Kurt Abela

kurt.abela.15@um.edu.mt

Prof. Marilyn Clark

marilyn.clark@um.edu.mt

If you feel that the semi-structured interview has distressed you in any way, the researcher shall provide you with a document which contains a list of services which may provide you with professional support without any payment on your part.

04/06/22

Ittra ta' Tagħrif

Għażiż/a Sinjur/a,

Jiena Kurt Abela, student fl-Università ta' Malta, u bħalissa qed insegwi Master tal-psikoloġija fil-psikoloġija Forensika. Ir-riċerka għad-dissertazzjoni tiegħi jisimha: 'The Juror Role in Maltese Criminal Trials: A Narrative Inquiry'; it-tutor tiegħi hi Prof. Marilyn Clark. B'din l-ittra nixtieq nistiednek tipparteċipa fir-riċerka. Hawn taħt issib aktar informazzjoni fuq l-istudju li qed nagħmel u fuq xi jkun l-involviment tiegħek jekk tiddeċiedi li tiegħu sehem.

L-għan tal-istudju hu li b'mod narrativ ninvestiga kif ġurat/a jagħmel/tagħmel sens mill-proċess kriminali biex b'hekk jissodisfa/tissodisfa l-irwol tiegħu/tagħha bħala parti mis-sistema ġudikarja, bħala riżultat ta' tagħlim kumulattiv li jingabar permezz ta' navigazzjoni matul il-fażijiet varji tal-proċedura ta' każ kriminali. Dawn il-fażijiet jinkludu s-selezzjoni tal-ġurati, il-produzzjoni ta' evidenza u l-preżentazzjoni ta' xhieda, dikjarazzjonijiet tad-difiża u tal-Imħallef, kif ukoll il-proċess ta' deliberazzjoni u verdett. Dan l-istudju jimmira wkoll li jesplora t-tifsir personali li ġurat/a jibni/tibni matul l-involviment tiegħu/tagħha mal-Qorti Kriminali ta' Malta, u kif dawn it-tifsiriet jinfluenzaw il-ħajja tiegħu/tagħha lil hinn mill-Qorti. Sehmek jgħin biex ikun hawn iżjed għarfien dwar l-irwol ta' ġurati li jagħmlu parti mis-sistema tal-ġuri, u dwar il-proċess li jgħaddu minnu għewwa l-Qorti Kriminali ta' Malta. L-informazzjoni kollha li tingabar fir-riċerka tintuża biss għall-fini ta' dan l-istudju.

Jekk taqbel li tipparteċipa, tintalab tattendi intervista individwali semi-strutturata miegħi, li tesplora it-temi prinċipali waqt li tipprovdni ċ-ċans sabiex tinkludi xi kunċetti li tħoss li huma

relevanti iżda li mhumiex inkluzi fil-mistoqsijiet provduti. L-intervista ddum madwar siegħa, u tinżamm f'post li hu konvenjenti għalik.

L-informazzjoni miġbura se tintuża biex tassistini nikkonkludi d-dissertazzjoni tiegħi f'dan il-qasam. L-informazzjoni li se tipprovi se tiġi psewdonimizzata, u d-data kollha se tiġi proċessata b'mod ġust u legali. Il-miżuri kollha meħtieġa se jiddaħħlu fis-seħħ biex jiżguraw li d-data personali kollha hija korretta u aġġornata. Rekordings tal-awdjo u traskrizzjonijiet se jinżammu b'mod sikur ġewwa folder protett permezz ta' password fuq kompjuter ukoll protett permezz ta' password, u jistgħu jiġu aċċessati biss mir-riċerkatur u t-tutor. Il-formola ta' kunsens, li tinkludi l-isem veru tiegħek, wkoll se tinżamm ġewwa folder protett permezz ta' password u se tinżamm separatament mir-rekordings u t-traskrizzjonijiet. Kopji fiżiċi tal-formoli ta' kunsens se jinżammu msakkrin ġewwa kabinet/kexxun. Id-data kollha mhux se tinżamm għal perjodu itwal milli huwa neċessarju, u kull rekording, traskrizzjoni, formola ta' kunsens, u kull materjal ieħor relevanti se jintremew meta dan l-istudju jintemm u r-riżultati tiegħu jiġu ppublikati.

Il-parteciġazzjoni tiegħek f'dan l-istudju tkun għalkollox volontarja; fi kliem ieħor, inti liberu/a li taċċetta jew tirrifjuta li tiegħu sehem, mingħajr ma tagħti raġuni. Inti wkoll liberu/a li twaqqaf il-parteciġazzjoni tiegħek fl-istudju meta tixtieq, mingħajr ma jkollok tagħti spjegazzjoni u mingħajr ebda riperkussjoni. Jekk tagħzel li tirtira mir-riċerka, l-informazzjoni li tkun laqget ittiegħdet fl-intervista miegħek tithassar dment li dan ikun teknikament possibbli (ngħidu aħna, qabel ma tiġi psewdonimizzata jew ippubblikata), u sakemm l-għanijiet tar-riċerka jkunu jstgħu jintlaħqu u ma jintlaqtux serjament. F'dak il-każ, l-informazzjoni tiegħek tintuża u tinżamm psewdonimizzata.

Jekk tagħzel li tipparteċipa, jekk jogħġbok innota li m'hemm l-ebda benefiċċju dirett

għalik. Il-partecipazzjoni tiegħek ma fiha l-ebda riskju magħruf jew mistenni.

Bħala partecipant/a, għandek id-dritt, skont ir-Regolament Ġenerali dwar il-Protezzjoni tad-Data [GDPR] u l-leġiżlazzjoni nazzjonali, li taċċessa, tikkoreġi u fejn hu applikabbli, titlob li l-informazzjoni li tikkonċernak tithassar. L-informazzjoni kollha li tingabar fl-istudju se tiġi mormija wara li l-istudju jintemm u r-riżultati jiġu ppublikati.

Qed ngħaddilek kopja ta' din l-ittra biex iżzommha bħala referenza.

Grazzi tal-ħin u l-kunsiderazzjoni tiegħek. Jekk ikollok xi mistoqsija, tiddejjaxx tikkuntattjani fuq kurt.abela.15@um.edu.mt; tista' tikkuntattja wkoll lit-tutor tiegħi elettronikament fuq: marilyn.clark@um.edu.mt.

Tislijiet,

Kurt Abela

kurt.abela.15@um.edu.mt

Prof. Marilyn Clark

marilyn.clark@um.edu.mt

Jekk tħoss li l-intervista semi-strutturata b'xi mod kidditek jew iddisturbatek, ir-riċerkatur ser joffri dokument b'lista ta' servizzi fejn tista tircievi support professjonali li jkun disponibbli għalik bla ħlas.

Appendix C: Consent Forms in English and Maltese

The Juror Role in Maltese Criminal Trials: A Narrative Inquiry

I, the undersigned, give my consent to take part in the study conducted by Kurt Abela.

This consent form specifies the terms of my participation in this research study.

1. I have been given written and/or verbal information about the purpose of the study; I have had the opportunity to ask questions and any questions that I had were answered fully and to my satisfaction.
2. I also understand that I am free to accept to participate, or to refuse or stop participation at any time without giving any reason and without any penalty. Should I choose to participate, I may choose to decline to answer any questions asked. In the event that I choose to withdraw from the study, any data collected from me will be erased as long as this is technically possible (for example, before it is pseudonymised or published), unless erasure of data would render impossible or seriously impair achievement of the research objectives, in which case it shall be retained in an anonymised form.
3. I understand that I have been invited to participate in a semi-structured interview in which the researcher will ask questions to the participant with the aim of exploring key themes under study to investigate how a juror makes sense of a criminal trial in order to fulfil their role within the criminal justice system, as a result of cumulative learning gained through their navigation along the various phases of a criminal trial proceeding. This includes but is not excluded to the juror selection, production of evidence and presentation of witnesses, statements of the defence and the Judge, and the deliberation/verdict processes. This study also aims to inquire into the personal meanings

that a juror constructs throughout their involvement with the Maltese Criminal Court of Justice, and how these meanings influence their life beyond the Court. I am aware that the semi-structured interview will take approximately one hour. I understand that the semi-structured interview is to be conducted in a place and at a time that is convenient for me.

4. I understand that my participation does not entail any known or anticipated risks.
5. I understand that there are no direct benefits to me from participating in this study. I also understand that this research may benefit others by contributing to a better understanding of the role of jurors who form part of the jury system, and the process they undergo within the Maltese Criminal Court.
6. I understand that, under the General Data Protection Regulation [GDPR] and national legislation, I have the right to access, rectify, and where applicable, ask for the data concerning me to be erased.
7. I understand that all data collected will be erased on completion of the study and following publication of results.
8. I have been provided with a copy of the information letter and understand that I will also be given a copy of this consent form.
9. I am aware that, by marking the first-tick box below, I am giving my consent for this semi-structured interview to be audio recorded and converted to text as it has been recorded [transcribed].

MARK ONLY IF AND AS APPLICABLE

I agree to this semi-structured interview being audio recorded.

I do not agree to this semi-structured interview being audio recorded.

10. I am aware that my data will be pseudonymised, i.e. my identity will not be mentioned on notes or transcripts of my interview, but alternatively, a pseudonym [a made-up name or code – e.g. respondent A] shall be assigned. The pseudonyms that link my identity to my data shall be stored separately and securely from the data, in an encrypted file on the researcher's password-protected computer, and only the researcher will have access to this information.

11. I am aware that extracts from my interview may be reproduced in the output of this study, using a pseudonym.

12. I am aware that all data shall be processed lawfully and fairly. All necessary measures will be put into place to make sure that personal data is correct and up-to-date. Audio recordings and transcriptions shall be stored safely in a password-protected folder on a password-protected computer, and shall only be accessed by the researcher and tutor. My consent form, which shall include my real name, shall also be stored on a password-protected folder and will be kept separately from the recordings and transcriptions. Hard copies of my consent form shall be stored and locked in a cabinet/drawer. All data will not be retained longer than is necessary, and all audio recordings, transcriptions, consent forms and any other relevant materials shall be discarded upon conclusion of the study and the publication of results.

13. If I feel that the semi-structured interview has distressed me in any way, the researcher shall provide me with a document which contains a list of services which may provide

me with professional support which do not require any payment on my part.

I have read and understood the above statements and agree to participate in this study.

Name of participant: _____

Signature: _____

Date: _____

Kurt Abela

Prof. Marilyn Clark

kurt.abela.15@um.edu.mt

marilyn.clark@um.edu.mt

The Juror Role in Maltese Criminal Trials: A Narrative Inquiry

Jiena, hawn taht iffirmit/a, nagħti l-kunsens tiegħi li nieħu sehem fl-istudju ta' Kurt Abela. Din il-formola tal-kunsens tispjega t-termini tas-sehem tiegħi f'din ir-riċerka.

1. Inghatajt l-informazzjoni bil-miktub u/jew bil-fomm dwar l-iskop tar-riċerka; kelli l-opportunità nagħmel il-mistoqsijiet, u kull mistoqsija nġhatajt twegiba għaliha b'mod sħiħ u sodisfaċenti.
2. Nifhem ukoll li jiena liberu/a li naċċetta li nieħu sehem, jew li nirrifjuta, jew li nwaqqaf il-partecipazzjoni tiegħi meta nixtieq mingħajr ma nagħti spjegazzjoni jew mingħajr ma niġi penalizzat/a. Jekk nagħzel li nipparteċipa, jaf niddeċiedi li ma nwegibx kull mistoqsija li ssirli. F'każ li nagħzel li ma nkomplox nieħu sehem fl-istudju, l-informazzjoni li tkun laħqet ingabret mingħandi tithassar dment li jkun teknikament possibbli (ngħidu aħna, qabel ma tiġi psewdonimizzata jew ippubblikata), u sakemm l-għanijiet tar-riċerka jkunu jistgħu jintlaħqu u ma jintlaqtux serjament. F'dak il-każ, l-informazzjoni tiegħi tintuża u tinzamm psewdonomizzata.
3. Nifhem li ġejt mistieden/mistiedna nipparteċipa f'intervista semi-strutturata u l-persuna li qed tagħmel ir-riċerka se jesplora t-temi prinċipali tal-istudju biex tinvestiga kif ġurat/a jagħmel/tagħmel sens mill-proċess kriminali biex b'hekk jissodisfa/tissodisfa l-irwol tiegħu/tagħha bħala parti mis-sistema ġudikarja, bħala riżultat ta' tagħlim kumulattiv li jingabar permezz ta' navigazzjoni matul il-fażijiet varji tal-proċedura ta' każ kriminali. Dawn il-fażijiet jinkludu s-selezzjoni tal-ġurati, il-produzzjoni ta' evidenza u l-preżentazzjoni ta' xhieda, dikjarazzjonijiet tad-difiża u tal-Imħallef, kif ukoll il-proċess ta' deliberazzjoni u verdett. Dan l-istudju jimmira wkoll li jesplora t-tifsir personali li

gurat/a jibni/tibni matul l-involviment tiegħu/tagħha mal-Qorti Kriminali ta' Malta, u kif dawn it-tifsiriet jinfluenzaw il-ħajja tiegħu/tagħha lil hinn mill-Qorti. Jiena konxju/a li l-intervista semi-strutturata se ddum bejn wiehed u ieħor siegħa. Nifhem li l-intervista semi-strutturata se ssir f'post u f'ħin li huma komdi għalija.

4. Nifhem li l-parteci-pazzjoni tiegħi ma fiha l-ebda riskju magħruf jew mistenni.
5. Nifhem li bil-parteci-pazzjoni tiegħi f'dan l-istudju, m'hemm l-ebda benefiċċju dirett għalija. Nifhem ukoll li din ir-riċerka jaf tkun ta' benefiċċju għall-oħrajn għax: tgħin biex ikun hawn iżjed għarfien dwar l-irwol tal-gurati li jagħmlu parti mis-sistema tal-ġuri, u dwar il-proċess li jgħaddu minnu għewwa l-Qorti Kriminali ta' Malta.
6. Nifhem li, skont ir-Regolament Ġenerali dwar il-Protezzjoni tad-Data [GDPR] u l-leġiżlazzjoni nazzjonali, għandi dritt naċċessa, nikkoreġi u, fejn hu applikabbli, nitlob li l-informazzjoni li tikkonċernani tithassar.
7. Nifhem li l-informazzjoni kollha miġbura se tithassar meta jintemm l-istudju u wara li jiġu ppublikati r-riżultati.
8. Inghatajt kopja tal-ittra ta' tagħrif biex inżommha u nifhem li se ninghata wkoll kopja ta' din il-formola tal-kunsens.
9. Konxju/a li, jekk nimmarka l-ewwel kaxxa t'hawn taħt, inkun qed nagħti l-kunsens tiegħi biex l-intervista semi-strutturata tiġi rrekordjata bl-awdjo u maqluba f'kitba fl-istess waqt [traskrizzjoni].

IMMARKA BISS DAK LI JAPPLIKA

Naqbel li l-intervista semi-strutturata tiġi rrekordjata bl-awdjo.

- Ma naqbilx li l-intervista semi-strutturata tiġi rrekordjata bl-awdjo.
10. Jien/a konxju/a li d-data ser tiġi psewdonimizżata, jiġifieri li l-identità tiegħi mhux se tissemma fuq noti jew traskrizzjonijiet tal-intervista tiegħi, imma li minflok, psewdonimu [isem ivvintat jew kodiċi - eż. partecipant A] ser jiġi assenjat. Il-psewdonimi li jagħmlu konnessjoni bejn l-identità u d-data tiegħi ser jiġu miżmuma separatment u sikuri mid-data, ġewwa file encrypted fuq il-kompjuter tar-riċerkatur li jkun protett permezz ta' password, u r-riċerkatur biss ikollu aċċess għal din l-informazzjoni.
11. Konxju/a li siltiet mill-intervista tiegħi jistgħu jiġu riprodotti bl-użu ta' psewdonimu.
12. Jien konxju/a li d-data kollha se tiġi proċessata b'mod ġust u legali. Il-miżuri kollha meħtieġa se jiddaħħlu fis-seħħ biex jiżguraw li d-data personali kollha hija korretta u aġġornata. Rekordings tal-awdjo u traskrizzjonijiet se jinżammu b'mod sikur ġewwa folder protett permezz ta' password fuq kompjuter ukoll protett permezz ta' password, u jistgħu jiġu aċċessati biss mir-riċerkatur u t-tutor. Il-formola ta' kunsens, li tinkludi l-isem veru tiegħi, wkoll se tinżamm ġewwa folder protett permezz ta' password u se tinżamm separatament mir-rekordings u t- traskrizzjonijiet. Kopji fiżiċi tal-formola ta' kunsens tiegħi se jinżammu msakkrin ġewwa kabinet/kexxun. Id-data kollha mhux se tinżamm għal perjodu itwal milli huwa neċessarju, u kull rekording, traskrizzjoni, formola ta' kunsens, u kull materjal ieħor relevanti se jintremew meta dan l-istudju jintemm u r-riżultati tiegħu jiġu ppublikati.
13. Jekk inħoss li l-intervista semi-strutturata b'xi mod kidditni jew iddisturbatni, ir-riċerkatur ser joffrili dokument b'lista ta' servizzi fejn nista nirkievi support professjonali li jkun disponibbli għalija bla ħlas.

Qrajt u fhimt l-istqarrijiet t'hawn fuq, u naqbel li nipparteċipa f' dan l-istudju.

Isem il-parteeċipant/a: _____

Firma: _____

Data: _____

Kurt Abela

kurt.abela.15@um.edu.mt

Prof. Marilyn Clark

marilyn.clark@um.edu.mt

Appendix D: Debrief Forms in English and Maltese

Name of student researcher: Kurt Abela

Course: Master of Psychology in Forensic Psychology

Student researcher's contact email: kurt.abela.15@um.edu.mt

Student researcher's contact number: 79042121

Name of research supervisor: Prof. Marilyn Clark

Research supervisor's contact email: marilyn.clark@um.edu.mt

Title of Research Study: The Juror Role in Maltese Criminal Trials: A Narrative Inquiry

Dear Participant,

I hope this email finds you well.

I would like to take this opportunity to thank you for your participation in this study. I appreciate your involvement and cooperation throughout this entire process.

I would like to remind you of the aims of this study; to narratively investigate how a juror makes sense of a criminal trial in order to fulfil their role within the criminal justice system, as a result of cumulative learning gained through their navigation along the various phases of a criminal trial proceeding, including but not excluded to the juror selection, production of evidence and witnesses, statements of the defence and the Judge, and the deliberation/verdict processes. This study also aims to inquire into the personal meanings that a juror constructs throughout their involvement with the Maltese Criminal Court of Justice, and how these

meanings influence their life beyond the Court.

This study was not anticipated to cause distress and the interview questions were formatted in as sensitive a manner as possible; however if your participation has led you to experience any distress or discomfort for whatever reason, then below I have included some information about services that offer free professional support that you might find helpful.

If you require any additional information or wish to report any concerns about this study, please do not hesitate to contact both myself, on kurt.abela.15@um.edu.mt or my research supervisor on marilyn.clark@um.edu.mt

Kind regards,

Kurt Abela



Richmond Foundation

info@richmond.org.mt

+356 21 224580/ 21 482336/ 21 480045

Supports both individuals who are experiencing mental health problems as well as those around them. Apart from supporting individuals by offering therapeutic help, Richmond Foundation also guides individuals by teaching the necessary skills to live and work independently. Their services include support groups, assisted living solutions,

educational programmes, as well as counselling services.

fsws.gov.mt

Supportline 179

This is Malta's national helpline acting to provide support, information about local social welfare and other agencies, as well as a referral service to individuals who require support. It is also a national service to individuals facing difficult times or a crisis. Their primary mission is to provide immediate and unbiased help to whoever requires it.



Kellimni.com

<http://kellimni.com/>

21244123/21335097

kellimni.com is an online support service in which trained staff and volunteers are available for support 24/7 via email, chat and smart messaging. This service is managed by SOS Malta.

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Titlu ta' l-Istudju-Ricerka: The Juror Role in Maltese Criminal Trials: A Narrative Inquiry

Għażiż Partecipant,

Nixtieq nieħu din l-opportunità biex niringrazzjak tal-partecipazzjoni tiegħek f'dan l-istudju. Napprezza l-involvement u l-kooperazzjoni tiegħek matul dan il-proċess kollu.

Nixtieq infakkrek l-għanijiet ta' dan l-istudju; narrativament ninvestiga kif ġurat/a jagħmel/tagħmel sens mill-proċess kriminali biex b'hekk jissodisfa/tissodisfa l-irwol tiegħu/tagħha bħala parti mis-sistema ġudikarja, bħala riżultat ta' tagħlim kumulattiv li jingabar permezz ta' navigazzjoni matul il-fażijiet varji tal-proċedura ta' każ kriminali, li jinkludu selezzjoni tal-ġurati, il-produzzjoni ta' evidenza u xhieda, dikjarazzjonijiet tad-difiża u tal-Imħallef, kif ukoll il-proċess ta' deliberazzjoni u verdett. Dan l-istudju jimmira wkoll li jesplora t-tifsir personali li ġurat/a jibni/tibni matul l-involvement tiegħu/tagħha mal-Qorti Kriminali ta' Malta, u kif dawn it-tifsiriet jinfluenzaw il-ħajja tiegħu/tagħha lil hinn mill-Qorti.

Dan l-istudju ma kienx antiċipat li jikkawża diffikultà u l-mistoqsijiet tal-intervista ġew

ifformattjati bl-iktar mod sensittiv possibbli; madankollu jekk id-diskussjoni wasslitek biex tesperjenza kwalunkwe tbatija jew skumdità għal kwalunkwe raġuni, hawn taht jien inkludejt xi informazzjoni dwar servizzi li joffru appoġġ professjonali b'xejn li tista ssib utli.

Jekk teħtieġ xi informazzjoni addizzjonali jew tixtieq tirrapporta kwalunkwe tħassib dwar dan l-istudju, jekk jogħġbok toqgħodx lura milli tikkuntattja kemm lili stess, fuq kurt.abela.15@um.edu.mt, jew is-supervizur tar-riċerka tiegħi, Prof. Marilyn Clark, fuq marilyn.clark@um.edu.mt.

B'xewqat tajba,

Kurt Abela



Richmond Foundation

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Jappoġġa kemm individwi li qed jesperjenzaw problemi ta' saħħa mentali kif ukoll dawk ta' madwarhom. Minbarra li tappoġġja individwi billi toffri għajnuna terapewtika, Richmond Foundation tiggwida wkoll individwi billi tgħallem il-ħiliet meħtieġa biex jgħixu u jaħdmu b'mod indipendenti. Is-servizzi tagħhom jinkludu gruppi ta' appoġġ, soluzzjonijiet ta' għajxien assistit, programmi

edukattivi, kif ukoll servizzi ta' pariri.

fsws.gov.mt

Linja ta' Appoġġ 179

Din hija l-linja ta' għajnuna nazzjonali ta' Malta li taġixxi biex ttiprovdi appoġġ, informazzjoni dwar il-benesseri soċjali lokali u aġenziji oħra, kif ukoll servizz ta' riferiment għal individwi li jeħtieġu appoġġ. Huwa wkoll servizz nazzjonali għal individwi li qed jiffaċċjaw żminijiet diffiċli jew kriżi. Il-missjoni primarja tagħhom hija li jipprovdu għajnuna immedjata u imparzjali lil kull min ikun jeħtieġha.



Kellimni.com

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kellimni.com huwa servizz ta' appoġġ online li fih personal imħarreg u voluntiera huma disponibbli għall-appoġġ 24/7 permezz ta' email, chat u messagġi intelligenti. Dan is-servizz huwa amministrat minn SOS Malta.

Appendix E: Interview Guides in English and Maltese

Let's imagine that your involvement with the Maltese Criminal Court, as a member of the jury, was a theatrical play. A play usually includes a number of different scenes, a cast of characters, and a plot-line.

SECTION A - THE BEGINNING

1. Let's start by setting the scene. How would you describe yourself around the time before you became part of the jury?
 - a. How old were you?
 - b. What was your status?
 - c. What was your occupation?
 - d. When was the trial held?
 - e. Was this your first trial?
 - f. What did you know about being a juror before you became involved with the Court?

SECTION B - THE MIDDLE

2. Now that we have set the scene, the play may begin. Tell me the story of your involvement with the Maltese Criminal Court of Justice; from when you found out that you were called up to be a juror, up until the point that a verdict was given.

- a. How were you selected to be a juror?
- b. How did you come to understand what you had to do in your role as a juror?
- c. How did you feel about being a member of the jury?
- d. How do you think your personal experiences influenced the way that you acted as a juror?
- e. What are your memories of the evidence produced in the case, if at all?
- f. What are your memories of the witnesses in the case, if at all?
- g. What can you tell me about the statements of the lawyers, if at all?
- h. What can you tell me about the statement of the Judge, if at all?
- i. What can you tell me about what used to happen between one seating and another at court?
- j. What memories do you have of the other jurors?
- k. What happened in the deliberation process?
- l. How was the verdict received?

SECTION C - THE END

3. We've come to the end of our play. However, we sometimes may continue thinking about a play that we've watched or were part of. Tell me what happened after the end of your involvement with the Maltese Criminal Court as a member of the jury.

- a. How did you feel after the trial ended?
- b. Today, how do you look back on your time as a juror?
- c. If you had the opportunity to relive this story, what would you do differently?

SECTION D - DEBRIEFING

4. How did you feel throughout this interview?
5. Is there anything else about your role as a juror which we have not discussed?

Ejja nimmaginaw li l-involviment tiegħek mal-Qorti Kriminali ta' Malta, bħala membru tal-ġurija, kienet produzzjoni teatrali. Produzzjonijiet bħal dawn normalment jinkludu numru ta' xeni u karattri, kif ukoll storja.

SEZZJONI A - IL-BIDU

1. Ejja nibdew billi nibnu x-xena. Kif tiddeskrivi lilek innifsek madwar iż-żmien qabel ma ġejt imsejjaħ biex tkun membru tal-ġurija?
 - a. Kemm kellek żmien?
 - b. X'kien l-istatus tiegħek?
 - c. X'kienet l-okkupazzjoni tiegħek?
 - d. Meta nstema l-każ fil-Qorti?
 - e. Dan kien l-ewwel proċess kriminali li kont involut/a fih?
 - f. X'kont taf dwar l-irwol ta' ġurat/a qabel ma ġejt involut/a mal-Qorti?

SEZZJONI B - IN-NOFS

2. Issa li bnejna x-xena, il-produzzjoni teatrali tista tibda. Ghidli dwar l-involviment tiegħek mal-Qorti Kriminali ta' Malta; minn meta ġejt imsejjaħ biex tkun parti mill-ġurija, sa meta ingħata verdett.
 - a. Kif ġejt magħżul/a bħala ġurat/a?

- b. Kif fhimt dak li kellek tagħmel fl-irwol tiegħek bħala membru tal-ġurija?
- c. Kif hassejtek bħala membru tal-ġurija?
- d. Kif taħseb li l-esperjenzi personali tiegħek influwenzaw kif aġixxejt bħala ġurat/a?
- e. X'inhuma l-memorji tiegħek dwar l-evidenza fil-każ, jekk xejn?
- f. X'inhuma l-memorji tiegħek dwar x-xhieda fil-każ, jekk xejn?
- g. X'tista' tgħidli dwar id-dikjarazzjonijiet tal-avukati, jekk xejn?
- h. X'tista' tgħidli dwar id-dikjarazzjoni tal-Imħallef, jekk xejn?
- i. X'tista' tgħidli dwar dak li kien jġgri bejn seduta u oħra ġewwa l-Qorti?
- j. X'memorji għandek tal-ġurati l-oħra?
- k. X'għara matul il-proċess tad-deliberazzjoni?
- l. Kif intlaqa l-verdett?

SEZZJONI Ċ - IT-TMIEM

- 3. Wasalna fit-tmiem tal-produzzjoni teatrali tagħna. Minkejja dan, jista jkun li aħna nkomplu naħsbu dwar produzzjoni teatrali li rajna jew li konna parti minnha. Għidli dwar x'għara wara t-tmiem tal-involviment tiegħek mal-Qorti Kriminali ta' Malta bħala membru tal-ġurija.
 - a. Kif hassejtek wara li spicċa l-każ?
 - b. Illum, kif thares lura lejn iż-żmien tiegħek bħala membru tal-ġurija?

- c. Jekk ikollok l-opportunita li terga tgħix din l-istorja, x'tagħmel differenti?

SEZZJONI D - MISTOQSIJET TAL-AĦĦAR

4. Kif hassejtek matul din l-intervista?
5. Hemm xi haġa oħra dwar l-irwol tiegħek bħala membru tal-ġurija li ma ddiskutejniex?

Appendix F: Coding Sample***Step 1: Locating Virginia's Juror Selection Story***

Virginia: I went on the day, and I started to see all these people from financial services, people I knew. Erm, but, there were so many people, the hall was packed, the actual hall. So, the people were all outside, mainly. Or there were a lot of people outside. And then we start, them, calling names.

Orientation

Interviewer: Mhm.

Virginia: There is, erm, an automated system, the computer just brings up the names, and the court marshals call out the name.

*Complicating
Action*

Interviewer: Okay.

Virginia: And I wasn't in the hall, so, I heard something... I thought I heard Virginia Fox, and I approached. Like, I wasn't near the hall, so I went, and when I asked the court marshal they told me, "No, no, no, it's a man they're calling, like." And exactly as I was walking out, I heard them again, once again, calling out my name.

Interviewer: Okay.

Virginia: And, so, I, I walked in, and I told him, [whispers] “They’re calling me!” Like, I mean, it’s not a man! They’re calling me!

Resolution

Interviewer: [laughs]

Virginia: Shit! [laughs] Erm, I went in, basically, she asked me, “You’re Virginia Fox, you work with financial services.” I told her, “No, I’m, I worked with financial services in the past... I’m a social worker now.” The judge turned to the defence lawyer, “Ah! We don’t have a social worker. We’ve had teachers, so far, and bank employees. We don’t have a social worker. Do you object?” “No, no, no, good for me. Good.” “Okay. Take your place.”

Orientation

*Complicating
Action*

Resolution

Interviewer: Oh my god.

Virginia: So I was asked to leave my handbag on the, erm, desk or table that there was in the middle of the room, and I took a seat, in the jurors’...

Orientation

Interviewer: In the bench, yeah.

Virginia: In the benches, or seats, call them what you like.

Interviewer: Okay.

Virginia: So, I stayed there, already worrying what I'm going to do with my dog, with my daughter. But I was already, "What am I going to do? With work? Unfinished business." Especially, "Who's going to take care of my dog?"

*Complicating
Action*

Interviewer: [laughs]

Virginia: But, in any case, you couldn't do anything at that point. So, you're already without a phone, you're already without your bag, and, and you have to stay there. I stayed there, listening, while the other names were called in. Some people were refused, some people were accepted, till ultimately, the whole team was assembled.

Evaluation

Resolution

Step 2: Example of Excavating a Narrative Process for Virginia's Juror Selection Story

Virginia: Erm, so they thought I was a financial service employee.

Interviewer: Okay, they had no idea, so...

Virginia: No, not even that I was a social worker.

Interviewer: Wow, okay, okay.

Virginia: So, that in itself was a much more appetising ingredient to the mix they had to choose from. So, when I said, “Listen, I’m a social worker...” “Oh, okay! Erm, dottore, we don’t have a social worker, this is good.” They didn’t even ask where I was working...

Augmentation

Interviewer: Okay.

Virginia: And I thought that they would be...

Interviewer: Ah! Like more, like, thorough, sort of.

Virginia: Yes, “Where were you working?” Or stuff like that. But they just, “Okay, we’ll... we don’t have a social worker.”

Step 3: Re-constructing Virginia's Juror Selection Story and Coding Paradigmatically

“So, that in itself was a much more appetising ingredient to the mix they had to choose from.”

Virginia: Because funnily enough, I was chosen because I was still registered... before I continued to study... I used to work in financial services. And funnily enough, I was still listed as a financial services employee. In fact, most of the people... I met several old colleagues, from... financial services... and I mean, it was like a big reunion. So, I went on the day, and I started to see all these people from financial services, people I knew. Erm, but, there were so many people, the hall was packed, the actual hall. So, the people were all outside, mainly. Or there were a lot of people outside. And then we start, them, calling names. There is, erm, an automated system, the computer just brings up the names, and the court marshals call out the name. And I wasn't in the hall, so, I heard something... I thought I heard, “Virginia Fox”, and I approached. Like, I wasn't near the hall, so I went, and when I asked the court marshal they told me, “No, no, no, it's a man they're calling, like.” And exactly as I was walking out, I heard them again, once again, calling out my name. And, so, I, I walked in, and I told him, [whispers] “They're calling me!” Like, I mean, it's not a man! They're calling me! Shit! [laughs] Erm, I went in, basically, she asked me, “You're Virginia Fox, you work with financial services.” I told her, “No, I'm, I worked with financial services in the past... I'm a social worker now.” Erm, so they thought I was a financial services employee.

*Dated
Court
Records*

Interviewer: Okay, they had no idea, so...

Virginia: No, not even that I was a social worker. So, that in itself was a much more appetising ingredient to the mix they had to choose from. So, when I said, "Listen, I'm a social worker..." "Oh, okay! Erm, dottore, we don't have a social worker, this is good." They didn't even ask where I was working... And I thought that they would be...

Secondary role used as an adjunct to be selected

Interviewer: Ah! Like more, like, thorough, sort of.

Selection process not thorough, so audience segregation wasn't done

Virginia: Yes, "Where were you working?" Or stuff like that. But they just, "Okay, we'll... we don't have a social worker. Yes!" Whoops. Erm, but I honestly thought that I would get out of it. And I was hoping that maybe I would know the, the... [laughs]

Interviewer: The accused? [laughs]

Virginia: The accused! So I would say, "Listen, I know the person." And honestly, I thought that even the, the lawyer of the defence or the inspectors would, like, recognise me, and say, "No, listen, she, she works too much in this field." But we didn't know, erm, who the case was about, obviously, until

Knowing defence and police pre-trial

we were there and we saw the accused. And unfortunately he wasn't someone who I had worked, like, directly with.

Interviewer: Yeah, you couldn't get out of it.

Virginia: No. I tried! The Judge turned to the defence lawyer, "Ah! We don't have a social worker. We've had teachers, so far, and bank employees. We don't have a social worker. Do you object?" "No, no, no, good for me. Good." "Okay. Take your place." So I was asked to leave my handbag on the, erm, desk or table that there was in the middle of the room, and I took a seat, in the jurors'...

Interviewer: In the bench, yeah.

Virginia: In the benches, or seats, call them what you like. So, I stayed there, already worrying what I'm going to do with my dog, with my daughter. But I was already, "What am I going to do? With work? Unfinished business." Especially, "Who's going to take care of my dog?" But, in any case, you couldn't do anything at that point. So, you're already without a phone, you're already without your bag, and, and you have to stay there. I stayed there, listening, while the other names were called in. Some people were refused, some people were accepted, till ultimately, the whole team was assembled.

*Role
conflict*

*Lack of
agency*

Step 4: Drafting Virginia's Juror Selection Story into her Overall Interpretive Story

...When Virginia went up to court, she **met several old colleagues, from... financial services... and I mean, it was like a big reunion.** Suddenly, Virginia thought she heard her name being called, but a court marshal told her, **“No, no, no, it’s a man they’re calling...”** However, Virginia soon heard her name being called again and she said, **“They’re calling me!”** **Like, I mean, it’s not a man! They’re calling me! Shit! [laughs].** Virginia rushed into the courtroom, where **the hall was packed,** and the Judge addressed Virginia, **“You’re Virginia Fox, you work with financial services.”** It turned out that Virginia **was still listed as a financial service employee** on court records, prompting Virginia to reply, **“No, I’m, I worked with financial services in the past... I’m a social worker now.”** When the Court heard that she was now a social worker, Virginia was selected as a juror, leading her to reflect that being a social worker **in itself was a much more appetising ingredient to the mix they [the Court] had to choose from.** Virginia thought that the juror selection process would be more thorough, because she assumed that she would be asked questions like, **“Where are you working?” Or stuff like that. But they just, “Okay, we don’t have a social worker [in the jury panel].”** Virginia even hoped that due to the people she had come across over her various work experiences, **the lawyer of the defence or the inspectors would, like, recognise me, and say, “No, listen, she, she works too much in this field.”** But none of these questions were posed. And so, Virginia’s ten-day juror experience thus began.

Virginia was asked to leave her handbag **in the middle of the room, and I took a seat, in the jurors’... benches.** She stayed there, already worrying what I’m going to do with my dog, with my daughter... **“What am I going to do? With work? Unfinished business.”** But,

she couldn't do anything at that point. So, you're already without a phone, you're already without your bag, and, and you have to stay there...

Appendix G: The Remaining Five Interpretive Stories

This appendix presents the remaining five interpretive stories based on participants' experiences of serving as jurors, which were not included as part of the main text of the dissertation due to space limitations. One is encouraged to read through these stories, in addition to Agatha's story in the main text, prior to engaging with the analysis of narratives' portion of the data analysis, to gain a comprehensive understanding of the experiences of the participants in this study. It may be worth reminding that any unformatted text in the stories are my own words as the researcher, while the text in bold are extracts taken from interview transcripts, to highlight the different voices of researcher and participants.

Jane's Story: I Stuck to my Word

Jane and I conducted our interview over the course of a work break Jane had at the agency with which she worked as a support worker. Jane made herself comfortable in a room that separated her from the children she worked with daily, and prepared herself to tell me her story about being a juror. Jane explained that at the time of receiving her court summons, she was in her thirties and **was a normal person, I lived a normal life, but I had no idea that this jury existed**. Jane was unaware that members of the public may be called up to serve as jurors, and thus, Jane **asked around to see what this [the jury] was**. People around Jane gave her a rudimentary idea of what it meant to serve as a juror, leading her to feel **a little fear because I didn't know how long I'd be there. If you had never been [a juror], like, you wouldn't know what you're going to find. But then, the fact that I was going to be locked in without knowing when I was going to be let out, that was a bit worrying**. Little did Jane know that she was about to embark on a fourteen-day experience of jury duty.

Jane briefly explained how she went to court on the day indicated by her summons, was selected as a juror, **and the case starts on the day**. Jane recounted how upon selection, **the Judge started explaining that we had to take down notes while the witnesses were talking**, that the court personnel **give us a paper associated with him** [the witness], and that **we** [the jurors] **can ask questions ourselves** [to the witnesses through the Judge]. Upon finding out that the case the jurors needed to judge was a homicide, Jane thought, **“Ouch,” kind of. It wasn’t such an easy case**. To complicate matters, **the fact that the person, the victim, wasn’t that old in age when they found themselves the victim of this incident... I felt more like, it’s a misfortune... he didn’t deserve to die. Right?**

In the evening following the first day’s court hearing, Jane called her **Mum to tell her, “I got chosen, prepare my bag downstairs.”** Jane was dropped off at her home, **you pick up the bag, and you go off again. You can’t go inside the home... and tell the family how it’s been, or anything. You just... take the bag.** From there, Jane was escorted to a hotel, in which she would stay for the duration of the trial along with the other jurors.

Jane described her days during the trial as a routine, where she would be woken up for breakfast at 7AM, arrive at court by 8:30AM, listen to a hearing until 1PM, and have lunch for an hour. Jane explained that the jurors used to be looking forward to the lunches, **because that used to be our break when we could speak. In there** [the courtroom], **you couldn’t talk, you can’t even say something small, because the Judge quickly shushes you.** During lunches, the jurors used to occasionally discuss the trial while **sometimes we used to do nothing, and we kind of, forget the case and focus on the outdoors, the air from the outdoors, and you chat, you know? Something different, you disconnect a bit.**

Following lunch, the trial would resume until around 6PM, at which point Jane would quickly call home, and be back at the hotel by 7PM. When describing her stay at the hotel, Jane expressed that at the hotel **you shower, you eat, literally... you piss and go to bed. So, like, you don't have a life... maybe you watch some television downstairs with the others** [the jurors]? **We used to eat together, and then, yes, if you go downstairs and there's a game on, we could follow the timings.** Jane explained that she spent her time in her room, **speaking with the void... but then, you'd be so tired, I used to be so tired, that I used to sleep immediately.** Jane disclosed that something that used to bother her about the hotel was that she **used to find hair stuck to the bath towels, hair that wasn't mine... I used to be a little disgusted by it, you know?** [chuckles] **It used to bother me, but it passed.** While reflecting on her time at the hotel, Jane said that **you wouldn't be your normal self... you feel like you're in a prison in reality. Like, you can't communicate with anyone** [who's not involved in the trial], **you have to stay where they** [court personnel] **tell you to, you literally cannot go outside, they need to come with you even if you want to smoke a cigarette. Literally, it's like you are always being watched, you know?**

At court, the jurors were shown the victim's autopsy photos, and when Jane saw these, **kind of, I pitied him** [the victim], **because they started showing the marks on his body, literally, they show you everything... you look up and you see his mother crying, like, it breaks your heart.** When the evidence in the case was being presented, Jane felt that the evidence **still shed some doubt... you start doubting whether it was him** [the accused] **or not** [who committed the homicide]. However, the jurors were then shown a recording of the accused **in which he said, he said, that he did it** [the homicide]... **he then changed it** [his statement] **and said it was self-defence... he admitted that he kill... so there he's confessing, to me.**

This recording struck Jane, leading her to think, **“This guy himself is confessing... so I’m sure it’s him.”** At this point, Jane **decided immediately** about her judgement of the case, describing the case as served on a **silver platter, he’s confessing... to me, the story is complete... how can you say that it was self-defence?** Jane was then further convinced once she heard the prosecution make their argument, because **the prosecution, obviously, was pushing for the questions that I’m telling you... and pushing for the fact that, “How can you say that it was self-defence...?”** What I said, just what I said exactly.

Jane also hinted that the COVID-19 pandemic also played a role in the trial, as Jane expressed that **she [the Judge] told us herself, they were hurrying up the witnesses.** Even though Jane claimed that there were many witnesses to listen to, **around thirty** to be exact, **we started speeding up the process... and we [the jurors] left much earlier** due to COVID-19. When the witnesses took the stand, **the Judge used to tell them [the witnesses] to look at us [the jurors]. Because, we have to make the decision, you know?**

Interviewer: Mhm. And how did you feel when you knew that everyone was looking at you?

Jane: ...it’s not a nice situation, because I don’t know, they’re seeing who you are, and you have to make a decision about the case for him [the accused], you know... when the time comes for him to be released, he might recognise you. I don’t know, I don’t know how I would take it, “That one decided that I receive a prison sentence.” Do you understand, you know?

Sunday was the jurors' only day off from court. The jurors went out for lunch, made their way back to the hotel, and then the jurors' families visited them at the hotel for about an hour. All in all, Jane felt that during trial, **you spend more time at court than at home** [the hotel].

When Monday came around, the jurors went back to their routine at court. Jane remembered that the accused had a very good defence lawyer, **who in some way, he convinces you. But he didn't manage to convince me, because for me... what's white is white, what's black is black. But he was so good, this lawyer, that he managed to, for me, he managed to manipulate half, if not almost all, of the jurors.**

Following the Judge's summary of the case, the jurors then gathered in the jurors' room to deliberate. The jurors generally seemed to believe that the accused committed the homicide, but they had to decide whether the homicide was committed wilfully or through an act of self-defence. When the jurors took an initial vote, **the result ended up being five against four, and obviously, we had to re-think it well, because it wouldn't count. It was more favouring the chance that he** [the accused] **receives a sentence which was harsher** [a guilty sentence for wilful homicide rather than self-defence]. However, over the course of a five-hour deliberation, the jurors reviewed their notes on the case and discussed how the case could have occurred, how the case could be understood as a self-defence case, and **how it could have been from the accused's end, and obviously, how the victim... what he** [the victim] **said to trigger him** [the accused] **to do what he did.**

When the jurors then took a second vote, **we ended up reversing... we turned out to be like seven against one** in favour of the accused receiving a guilty verdict for self-defence rather than for wilful homicide. Jane expressed that she **did not agree with that at all. I took it really badly, because I had gotten into it...** with Jane believing that the other jurors changed their

vote so that they obviously get things out of the way, that's how I felt about it, they dropped out... I stuck to my word. Jane ended up feeling like **nothing of substance came out of it** [the deliberation], because the accused **received the weakest sentence he could have gotten**. Jane claimed that **what bothered me, was their** [the other jurors'] **expression of how they were going to decide seemed one way, and then in the end, they ended up switching sides**. This turn of events angered Jane, and she turned to the other jurors and exclaimed, **"I didn't expect that this would happen, that at one point, five of us are agreeing, and that out of five, four of them dropped out."** I asked them, **"Did you believe what you saw or not?"** Jane put herself **in his** [the victim's] **mother and father's place**, turned to the jurors and continued by saying, **"Imagine if this was your son."** Jane could not fathom **how there were people who decided... Who can manage to think that it really was self-defence? I cannot imagine... how you can justify a macabre act like this with self-defence... You know how I reasoned it out? You can murder, you can murder, to me. You can go and murder people, because you're not going to receive that severe of a sentence**. In response to her retaliation towards the vote, Jane was swiftly told not to take the verdict too personally by the other jurors, leaving Jane feeling that **it's useless to keep persisting... I wish it was different, but it wasn't**.

The jurors then amended the verdict to seven against two towards a guilty sentence for self-defence, **so it doesn't look like only one person didn't agree... obviously because word goes round in Malta, not everyone keeps things confidential** that a 'seven against two' verdict truly meant 'eight against one'. **The accused knows this** [the fact that there truly only was one juror who voted against him], **he knows about it. Now he should be about to be released** [from prison], **because in their system, that's less years. And now the Pope came, and the sentence was further reduced**.

The verdict was then delivered in front of the courtroom. Jane observed that the Judge **looked like she wasn't happy with it [the verdict]... but she didn't have a choice, if that's what we decided, it had to be that way.** Jane also saw the accused hugging his lawyer; **they smiled, and they fled the courtroom.** On the other hand, Jane thought that the prosecution lawyer **couldn't believe, not even them, that this happened.**

With that, the trial came to an end. **We went back home. Then they were asking me certain questions, my family, and obviously I used to answer them. And then, nothing, I remember it was a weekend when I went back [home], and then from the Monday after, I resumed my normal routine.** Jane was eager to go back to work because she felt **cut-off to a world on your own, it's like you went abroad for two weeks and you forgot everyone.** Jane's colleagues at work asked about her experience, and Jane responded by saying that, **"I will not go [again to a trial]." Because I felt like it [jury duty] influenced me badly... it was like, like, a shock to me.**

Overall, Jane described her jury duty experience as **somewhat okay, it passed.** She felt that she made new friends, but she felt detached from her normal life, **because it [jury duty] does come out of the blue.** Despite her dissatisfaction with the final verdict, Jane still deemed her experience as a **privilege that, yes, you decide regarding the sentence.** Furthermore, Jane felt like jury duty was an **opportunity to see what happens [at court]... I now have experience of how a jury is conducted.** However, Jane did admit that she thought that one's satisfaction depended **on the group you're with, to decide together,** because if the others did not share your same opinion, **you wouldn't be too happy. It was an experience, as I said. But still, like, it was a disappointment only for the result.**

This was where Jane concluded her story. When I asked her how she felt throughout our interview, Jane shared that she felt **nothing, like, I reminisced, like, I went back, and while I was narrating it to you, like, I felt like I was living through the moment again.** After thanking Jane for her openness and honesty, we said our goodbyes, and Jane entered the adjacent room, in which she returned to her work with the children she was caring for.

Edgar's Story: Straight-forward

I was sitting on a rainbow-coloured bench right outside the University of Malta, waiting for Edgar to arrive. I realised that Edgar might not know what I looked like, so I quickly sent him an email informing him that I was wearing a yellow jumper. At that instant, a tall man walked up to me and asked if I was who he was meant to meet. It turned out that this man was Edgar. We greeted each other, and made our way to a room at the University which I had booked for our interview. Edgar and I sat down, and he informed me that he had taken an hour or two off work in order to attend the interview. I thanked him for his commitment to my study, and he explained that he was happy to help as his daughter had recently written a dissertation, so he knew how much effort was needed to complete a thesis.

When I asked Edgar what he did for work, he explained that he was **an engineer** working for a telecommunications company. He explained that earlier in his career, Edgar **had a section where I used to lead... but technology then evolved, and I was more on projects, then.** I then asked Edgar to tell me about his life around the time when he received his court summons, and Edgar said that at the time he was in his fifties, describing his life as **normal... I don't know if it's normal, but, uh, it's family life... my wife, kids... my mother, my father. Her family, my wife's family.** Apart from that, Edgar also mentioned his involvement with basketball, in which he was **still involved a bit.** Edgar **never, erm, got the feeling, sort of, of what being a**

juror was. You see them [jurors] in television, you know, a film, court case, perhaps you see what they are doing, sort of. When he received his summons, Edgar met one of the personnel at his workplace to tell him that he was called up to be a juror, and this person informed Edgar that, **“I’m a juror [in a previous trial]!”, and he started explaining [about the court’s process], you know?**

When Edgar went up to court, he remembered that there were lots of people present. Edgar recalled his name being called, and being selected to form part of the jury panel. **I was a bit... because I didn’t know what, you know, what type of environment, what was the juror, what was the jury on, who is he [the accused], or who is she, you know?**

Interviewer: It’s like a lot of fear of the unknown.

Edgar: Unknown, yes, yes, yes, yes. Because you’re going in something, you don’t know nothing, never been there, never been to court... I was a bit afraid, I think. I was a bit afraid, yes.

Edgar claimed to be afraid that the trial would be about **a murder or something**, but when the case was revealed to the jury, Edgar **felt then... more relieved. I was relieved, relieved. Sort of, even the pressure, the responsibility.** The jurors were tasked to decide whether the accused on trial had trafficked drugs into Malta.

After the Judge generally explained the jurors’ duties, Edgar entered a room with the other jurors and **then you meet the jurors, you know, the others, you know, and you discuss sort of, and then you will relax a bit.** The **head juror [foreman] will explain, you know, what, how, how, how to hear things, you know? What to consider... you know? Then they [the foreman] explain, they start explaining.** Edgar cited this first meeting with the foreman and the

rest of the jurors as **important, I think. Especially when you don't have experience... it was my first time** [serving as a juror]. **That... it was a very good introduction, I think.** From the beginning of his experience as a juror, Edgar was taught that **for you to have, to take a decision, it must be 100%** [certain]. **That's a little confusing for me as well... so if it's 1% [doubt] what shall I do?... That doubt it... it was...**

Interviewer: It was a bit of an issue for you.

Edgar: Yes, yes, yes, yes, yes.

At the end of the first day's hearing, Edgar was informed by the Court to pack a bag from home, but Edgar felt uncertain because the jurors **don't know how many... two, three days, four days, you know? You don't know how many days** [you have to pack for]. Edgar was not aware that in reality he had to pack enough clothes for what eventually was a four-day trial. However, Edgar put his mind at ease because he was told, **"Then, if you don't have enough clothes, you can call your wife, and we [court personnel] can pick them up for you."**

Once Edgar had picked up his bag from home, he was driven to a hotel which **was nice there, it was winter. But it was quiet. Quiet surroundings... we had good breakfast.** Edgar remembered that on the first evening, **you get to know the other jurors, what we do, I remember, making friends then and there, you know? One working there, the other working there.** Furthermore, Edgar shared his hotel room with another juror, and this particular individual **had other experiences as a juror, and he was explaining** [how a trial worked].

When the trial recommenced, Edgar felt that he **must be careful what you're hearing, you must, erm, how do you say it? You're like a sieve... you must, because you hear a lot of things... I wanted to hear everything, everyone, to the certain details... I cannot say,**

“Look, he’s right,” or “He’s wrong.” I wanted to hear everything. When I asked Edgar what he thought supported him to take on such a neutral stance, Edgar expressed that he was **an engineer, you know? And even, I try to treat everybody equally... when you’re in a certain role, you have a responsibility... Because that’s fair, I think... I cannot treat you because you’re a friend of mine, I give you allowance or I give you more work or I give you more overtime than the others... you try to be fair.**

Edgar recalled that **from the prosecutor’s side... I think they had a lot of things [evidence] on their hands... they [the defence] couldn’t question them.** In fact, Edgar noted that **there weren’t too many clashes between the prosecutor [and the defence]... everybody did his case... so, there wasn’t, sort of, beating, or...** In general, Edgar felt that the evidence in the case **was quite straight-forward.** In fact, the piece of evidence that seemed to particularly strike Edgar was **fingerprints, yes, yes, yes.**

Interviewer: Alright, so it’s like, it’s hard evidence there...

Edgar: Yes, yes, yes.

The clarity throughout the trial seemed to be distorted once the police took the stand. **What I remember is certain, certain pictures and certain documents, they, they weren’t presented good, you know?... The police I think, they should have done a bit more clearer, erm... clearer presentation.** As a reaction to the lack of clarity in the police’s evidence, Edgar’s thoughts favoured the defence for a moment, **because you’re not a 100% [certain].**

In the evenings following the hearings, Edgar recollected how at the hotel, the jurors **eat dinner, and then afterwards we used to stay around and discuss... it was not, how do you say? A formal meeting. Just, we are with the group, you know?... You start discussing even**

during meals, you know? Because what are you going to... you spend three, four days there. And discussing, "What do you think of today?"... But we used to go in some detail together... You start building your thoughts, and asking questions. Edgar felt that the jurors were a good, good group, because nobody sort of, pretended to be the, the chief, for example... we were a group. Edgar also had good things to say about the court marshals who accompanied the jurors at the hotel, explaining that if we needed something or, you know? They [the marshals] were with us... they were very helpful.

Even though the case is the main thing discussed during the jurors' conversations, the jurors also had some down-time at the hotel. We [the jurors] organised some games, some paper games, or some cards, we used to do some relaxing as well... I took a book, reading. I read as well, you know?... I mean, what do you do in three, four days?... We kept ourselves busy... it's good you know? Because you got to know [the jurors], you get to know also, from their personal life, you know?... You know that the person means, means business. They have good intentions. For instance, Edgar remembered a particular juror, whose friends he had known prior to the trial, who was very sharp... she was, straight, you know? And she was a head of some government department.

Interviewer: Alright, so you think that influenced how she was.

Edgar: Yes, yes, yes, yes, yes, yes.

When the trial was nearing its end, the defence lawyer gave his statement, and was picking on certain documents and certain pictures, and on the police, on the police that... questioning their... as I said, their reporting, their handling, sort of, of the case. The defence's statement briefly concerned Edgar, because at that point, the case was not straight-

forward, sort of... because the, they tell you, you must be 100% sure, you know? Yet, when I asked Edgar how he felt when the trial took this turn, he discussed that **you start weighing things, you know? And, then at the end, when you see everything, it was, it was him** [the accused], **you know? Then at the end it was clear...**

The Judge gave his summary of the case, which **didn't influence me, no, no, no. More when we meet... the jurors ourselves, yes, yes, yes, yes, yes.** The jurors then initiated their final deliberation on the case. **The deliberation, you feel responsible. The responsibility, that you know, you're saying, "Yes," or "No."** Over the span of around two hours, the foreman went through the documents provided by the Court, and **everybody has to say, sort of, his bit.** The foreman turned to the jurors and asked them, **"What do you think of this** [an aspect of the case]?"... **I think it's a test on you, that you are following, as well... it's important. Sort of, I think it's an exercise as well, to see that everybody's following. You know?** Following this discussion, the foreman approached each and every juror, and **everybody starts giving his... the verdict.** It seemed that when **everything was on the table**, the jurors all gave an initial 'guilty' vote. However, Edgar also remembered that the jurors shouldn't all give the same vote, and thus, the jurors entered a discussion to create an argument for the accused's innocence. **It was a hard discussion. But then, there was one who brought the things... and he said 'not guilty'. He gave one of us the 'not guilty'. All were 'guilty', but one 'not guilty'.** The argument presented for the 'not guilty' vote was **that the police should have done a better, a better job.** And so, the verdict was complete; **it was quite a straight-forward process, the deliberation.**

The foreman then presented the verdict in the courtroom, **and the police were, sort of, they did their job... [snickers] and the... the guilty party, the one who did the [offence]... went down. He went, sort of, was disappointed [snickers]... He got caught.** Following the

announcement of the verdict, the jurors had another short meeting amongst themselves, picked up their belongings from the hotel, and then **they let us go**.

Edgar confessed that he spent **a few weeks, sort of, still thinking what you passed through**. Edgar remembered discussing what happened during the trial with his wife, **because for one week we didn't... you don't talk, you know?... At work as well, discussing with friends, you know? And with those who... the one of the personnel I discussed with** [when Edgar received his court summons]... **you know? How the case worked, because he asked me, how the case went... but then, but then, it's... how do you say it?**

Interviewer: You go back, kind of, to your normal...?

Edgar: You go back to normal, yes, yes.

Edgar viewed his jury experience as **a nice experience... I met some people... the state called me and I did my duty**. This all changed when Edgar received a second summons for another jury, and then he **was afraid, I was afraid, that I'd spend a whole week, you know?... Because of other commitments you have, you know? Mostly because of that, not... not because of the case itself... we are, too... how do you say it? Too occupied with this, that**. In fact, at the time of receiving his second summons, Edgar's mother **had some issues, health issues**, which would have made it difficult for Edgar to be away on jury duty for a stretch of time. Eventually, Edgar was not selected for the second trial, but Edgar reflected that **nowadays it's [the jury] a bit more difficult, I think**. With Edgar's increased internet use in his personal life in comparison to when he had attended his first trial, Edgar felt that serving as a juror **will be a bit, a struggle I think for me. You spend three or four days... you tell me without Facebook, yeah, but, you know?**

Here ended Edgar's story. He told me that our interview **brought some memories**, and he wished me luck with my studies. Edgar informed me that he had to return to his workplace, so I thanked him, and he promptly left the room. And I remained in the room in which we conducted our interview, mulling over the details of the story I was just told.

Charlotte's Story: A Game Being Played

Charlotte settled down at a table inside her family home, and with a smile spread over her face, she introduced herself to me. I asked her to tell me about her life around the time when she received her court summons, and Charlotte explained that she was **a family woman⁴³** in her fifties, **taking care of my family, cooking, washing clothes, shopping, these sorts of things⁴⁴... I have a simple life, let's say. I like the simple life I've lived⁴⁵... I have four children⁴⁶... My husband's dead⁴⁷**. Charlotte informed me that it was her first time being called up to serve as a juror, and even though she had occasionally **heard some people saying what jurors are like⁴⁸**, she hadn't **been in the Courts many times... So, kind of, I don't know what the Court expects or what it does⁴⁹**.

⁴³ Mara tal-familja...

⁴⁴ Nieħu ħsieb il-familja, nsajjar, naħsel il-ħwejjeg, nixtri, affarijet hekk...

⁴⁵ Ħajja komuni, ngħidu hekk. Togħgobni l-ħajja komuni li għext fiha jien...

⁴⁶ Għandi erbgħa tfal...

⁴⁷ Ir-raġel mejjet...

⁴⁸ Ġieli smajt uħud jgħidu ġurat kif ikun...

⁴⁹ Ma tantx dhalt ġol-Qorti... Allura, bħal speċi, ma nafx il-Qorti x'titlob u x'taġmel...

When Charlotte received her court summons, she **still had two children who were still minors**⁵⁰, with one of them **going through exam-time**⁵¹. Thus, Charlotte **went to a lawyer, and I told him, “Listen, I’m not going to leave the children alone.”**⁵²

“No,” he [the lawyer] said... “**However, you’d gain an experience** [by being a juror].”⁵³

“No, I’m not going to go,”⁵⁴ Charlotte responded.

“**Anyway, it’s up to you,**” he said, “**I won’t force you, it’s up to you.**”⁵⁵ Consequently, the lawyer drew up an application in Charlotte’s name, and sent it to court. Despite the application, Charlotte explained that **you have to go up to court nonetheless... It doesn’t matter that you had sent a letter**⁵⁶ [application].

And so, Charlotte went up to court. Her name was drawn, and Charlotte approached the Judge saying, “**Sir Magistrate... I already sent a letter, because I have children who are minors.**”⁵⁷ It seemed that the Judge became frustrated because other people before her avoided jury duty on the day due to having children. Charlotte discussed that people within certain professions were also excused, **but I’m a homemaker, kind of... they** [court personnel] **say, “We’ll snatch this one up, because she’s a homemaker, she’s flexible.”**⁵⁸ The Judge

⁵⁰ ...kien baqali żewġt itfal minuri...

⁵¹ ...waslet għall-eżamijiet...

⁵² ...mort għand l-avukat, imbagħad għedtlu, “Isma’, jien mhux ha nafda t-tfal wehidhom.”

⁵³ “Le,” qalli... “Pero’, ikollok esperjenza.”

⁵⁴ “Le, mhux ha mmur ta’,”...

⁵⁵ “Insomma, inti taf,” qalli, “Ma nisforzakx, inti taf.”

⁵⁶ ...inti trid titla l-Qorti xorta... Mhux imbilli bagħatt ittra...

⁵⁷ “Sur Magistrat... jiena diġa bgħatt ittra għax jiena għandi t-tfal minuri.”

⁵⁸ ... imma jiena mara tad-dar, bħal speċi... jgħidu, “Din naħtfuha, għax mara tad-dar, tista tiċċaqlaq.”

exclaimed, **“Go, go!”**⁵⁹ and Charlotte understood that she was free to go home. However, as she was making her way out of the courtroom, a court marshal told Charlotte, **“Come on up here.”**⁶⁰

“Aren’t I excused?”⁶¹ Charlotte replied.

“You’re staying!”⁶²

“I’m staying?”⁶³

“Of course.”⁶⁴

“But I have kids. Both of them don’t know that I’d be staying.”⁶⁵ With that, Charlotte was guided to the jurors’ bench, **worried more about leaving the children alone**⁶⁶, and scared of **being in front of the aggressor, that kind of scared me a bit**⁶⁷. Other than that, Charlotte thought, **“Oh well, it’s [the jury] an experience.”**⁶⁸

After Charlotte’s phone was taken away, the jurors were provided with **an A4 paper and a biro, and they** [court personnel] **told us, “If you’d want to speak to the lawyers and take some notes, you may take them.”**⁶⁹ Due to a seeming lack of further guidance, Charlotte

⁵⁹ “Mur, mur!”

⁶⁰ “Ejja l’hawn fuq, ta.”

⁶¹ “Mhux għal barra?”

⁶² “Inti għal magħna.”

⁶³ “Għal magħkom?”

⁶⁴ “Mela.”

⁶⁵ “Imma għandi t-tfal. Kemm wahda u kemm l-oħra ma jafux li jiena għal hemm.”

⁶⁶ ...ihtar inkwetajt għax ha nħalli t-tfal wehidhom...

⁶⁷ ...li tkun quddiem l-aggressur, qisni bżajt naqra...

⁶⁸ “U ijwa, esperjenza.”

⁶⁹ ...A4 paper u biro, u qalulna, “Jekk tkunu tridu tkellmu lill-avukati u tiehdu xi noti, tistgħu.”

understood that her task as a juror **was common sense, right?**⁷⁰ The case was then presented and **it was a bit of a complex case**⁷¹, in which the jurors were tasked to decide whether the accused had smuggled migrants into Malta. Charlotte told herself, **“If these poor people [migrants] aren’t living well in their country, what damage does it do to bring them here [Malta]?”**⁷²... **I pity them more, these migrants**⁷³. While Charlotte empathised with the migrants implicated in the case, she reflected that if her children were to tell her that they were to become involved in a case of migrant smuggling, **that I don’t allow. That my children become associated with these things**⁷⁴.

During a break in the hearing, Charlotte introduced herself to the other jurors, and she became aware that the others **were all highly-educated**⁷⁵... **I was the only one who had less of an education... because I only did up to Form 2**⁷⁶. This led Charlotte to ponder, **“How did he [court] choose me to be a juror?”**⁷⁷

A while later, a person from court allowed Charlotte to give her children a call. **But they [court personnel] stay next to you... while you’re calling [on the phone]**⁷⁸... **the marshal told**

⁷⁰ ...is-sens komun itihulek, hu?

⁷¹ ...kien hemm każ naqra kumplikat...

⁷² “Jekk dawn imsieken mhux qed jghixu sewwa gewwa pajjizhom, billi gġibhom hawn?”

⁷³ ...aktar niħassar eżempju lilhom, lil dawn il-klandestini...

⁷⁴ Hekk ma nħallix. Li t-tfal tiegħi jiċċappsu b’ dawn l-affarijiet.

⁷⁵ ...kienu kollha ta’ skola...

⁷⁶ Jien biss kont inqas mill-iskola... jien Form 2 l-aħħar li għamilt.

⁷⁷ “Kif għażilni gurat?”

⁷⁸ Pero’ joqgħodu hdejk... meta ċċempel...

me, **“Careful. In here, the Court listens to everything you say.”**⁷⁹ When Charlotte called home, **the children didn’t understand me! “Why did you go there?! Oh, come on!”**⁸⁰ her daughters said. **There was some shouting, there was. I told them, “Be careful, because this is the Court. The Court is always listening.”**⁸¹ Still doubting her suitability as a juror, Charlotte even confided in her daughter, **“Anne [one of Charlotte’s daughters], how was I chosen?”**⁸² Charlotte was then informed that she would be accompanied home by a marshal in order to pack her luggage, and **I went for my things, underwear, clothes**⁸³... **and then the chauffeur picked us up, and he took us to a hotel**⁸⁴.

When Charlotte arrived at the hotel, **the marshal came up to us [the jurors], and he told us we can’t**⁸⁵... **we couldn’t talk amongst ourselves. For example, I couldn’t tell the one [juror] next to me, for example, “Look, for example, I didn’t agree with this or that.”**⁸⁶... **The juror needs to have his or her own options, you understand?**⁸⁷... **We never spoke about the case. You can’t. You can’t**⁸⁸... **And I’m not going to cause trouble... if we can’t, we**

⁷⁹ ...il-marxall qaltli, “Attenta. Għax hawnhekk, kollox jismagħkom minn naħa tal-Qorti.”

⁸⁰ ...it-tfal ma kienux jifhmuni! “Hemmhekk x’mort tagħmel?! U hallina!”

⁸¹ Għajjat kien ikun hemm, kien hemm. Għeditilhom, “Oqgħodu attenti, għax hawnhekk il-Qorti. Il-Qorti kollox qed jismagħkom.”

⁸² “Anne, kif ġejt magħzula?”

⁸³ ...mort għall-affarijiet, hwejjeġ ta’ taħt, hwejjeġ ta’ fuq...

⁸⁴ ...imbagħad għaddha x-xufier għalina, u haħna ġo lukanda...

⁸⁵ ...il-marxall qaltilna, li ma nistgħux...

⁸⁶ ...ma nistgħux nitkellmu bejnietna. Ma nistax ta’ hdejjja, eżempju, ngħidilha, “Jiena, eżempju, ma qbiltx ma haġa jew oħra.”

⁸⁷ Il-ġurat irid ikollu *his or her own options*, qed tifhem?

⁸⁸ Qatt ma tkellimna fuq il-każ. Ma tistax. Ma tistax.

can't. So four, five, six days pass⁸⁹... You have to stay alone⁹⁰. As a way to further ensure that jurors did not have opportunities to discuss the case, Charlotte clarified that **every juror sleeps in a separate room⁹¹**. Charlotte's explanation urged me to ask her how she felt about being alone, and she replied that **I didn't worry much about that, because I'm used to being alone as well⁹²**.

From there, Charlotte used **to wake up, have breakfast there** [at the hotel], **at around 6AM⁹³... then we quickly go off to court⁹⁴... Sometimes we stayed on** [at court] **from the morning until 2PM⁹⁵... then in the afternoon we used to go have something to eat at a bar in Valletta. And we used to stay there until around 4PM, at court⁹⁶**.

Charlotte remembered that the lawyers involved in the trial **seemed like they were arguing between themselves⁹⁷... Sometimes one, sometimes the other⁹⁸... sometimes they say things that for me are... I feel that they're difficult. Because I didn't receive much**

⁸⁹ Imbagħad jien mhux ha noqgħod ngib l-inkwiet... jekk ma nistgħux, ma nistgħux. Allura, erba' t'ijiem, hamsa, sitta, jgħaddu.

⁹⁰ Trid tibqa waħdek.

⁹¹ Kulhadd jorqod go kamra differenti...

⁹² Ma tantx inħabbel moħħi, għax jien imdorrija waħdi wkoll.

⁹³ ...konna nqumu, nieħdu l-*breakfast* hemmhekk, xis-sitta...

⁹⁴ ...imbagħad nitilqu għall-Qorti...

⁹⁵ ...għieli qattajna sas-sagħtejn...

⁹⁶ ...imbagħad wara nofsinhar konna mmorru nieħdu xi haġa f'*bar* il-Belt. U konna ndumu forsi sa xi l-erba', il-Qorti.

⁹⁷ ...qishom bdew jithaddtu għal xulxin...

⁹⁸ Kemm waħda, u kemm oħra...

education⁹⁹... so certain things, I feel that they're a bit difficult. Difficult words¹⁰⁰... So, if he [a lawyer] says a word... you have to explain what that word is. I didn't go to school much¹⁰¹.

As the trial unfolded, **some things started to be revealed¹⁰²**. A particular detail of the case seemed to stand out for Charlotte, leading her **to say, "It's true that what this person [the accused] did was wrong."¹⁰³** But when she considered other parts of the case's story, Charlotte felt that the accused **was guilty, because he was involved in the case, and he was also innocent¹⁰⁴**.

Once the day's hearing concluded, the jurors **go through hidden passageways, kind of, in the Court... So that his [the accused's] family don't see us coming out of the Court's front doors¹⁰⁵... We ran [through the passageways] as fast as we could. You wouldn't believe how fast we'd run. No one would be able to catch up with us for sure! [laughs]¹⁰⁶... And then we used to go back to the hotel, and then everything repeats itself. So the day after, it's always the same¹⁰⁷.**

⁹⁹ ...kultant jgħidu affarijiet li jien għalija... nħosshom tqal. Għax jien m'inix daqshekk ta' skola.

¹⁰⁰ Jigifieri ċerti affarijiet, nħosshom naqra tqal. Kliem naqra tqil.

¹⁰¹ Jigifieri, jekk jgħid kelma... trid tispjegali dik il-kelma x'inh. M'inix ta' skola.

¹⁰² ...bdew jinkixfu ċertu affarijiet...

¹⁰³ ...kont ngħid, "Veru ħażin għamel dal-bniedem."

¹⁰⁴ ...ħati kien, għax hu kien fil-każ, u innocenti kien.

¹⁰⁵ ...ngħaddu minn passaġġa moħbija, bħal speci, tal-Qorti... Biex il-familja tiegħu ma jarawniex hierġin mill-bieb ta' barra tal-Qorti...

¹⁰⁶ ...U niġru għal Alla tagħna. Għax tgħidx kemm niġru. Żgur ħadd ma jilhaqna! [tidħaq]

¹⁰⁷ ...imbagħad konna mmorru l-lukanda, u kollox l-istess. Jigifieri l-għada nerġgħu, dejjem l-istess.

At the hotel, the jurors **don't have access to any Maltese TV¹⁰⁸... I used to turn on the television for a bit, on Italian channels, I take a shower, and I sit down on the bed... I used to stay in the balcony, I have a coffee, and I smoke a cigarette¹⁰⁹**. Charlotte attempted to remain as **normal¹¹⁰** as possible, because **I wasn't going to tell them** [court personnel], **“Listen, I'm not liking this, I'm going to go home.” I couldn't do that. Because you have to do it** [jury duty] **in the name of the republic. So, you have to remain quiet, shut your mouth, and do as you're told¹¹¹**.

Despite the seeming solitude of her experience at the hotel, Charlotte did recount that **when we** [the jurors] **went down to eat, we joked a lot amongst ourselves¹¹²... so you're not always alone¹¹³... we didn't mention court cases, but we used to laugh... the men used to say, “I wonder what my wife would do if she knew what I was doing** [excessively eating]! **Cheers to sugar, cheers to cholesterol!”¹¹⁴** Charlotte felt that the jurors **used to get along, like, we weren't stuck up¹¹⁵**.

¹⁰⁸ Fuq il-Malti, ma jgibulekx...

¹⁰⁹ ...kont nixgħel naqra *television*, fuq it-Taljan hekk, niehu *shower*, u noqgħod bilqiegħda fuq is-sodda... kont noqgħod fil-gallarija, niehu xi kafe', u npejjep xi sigarett.

¹¹⁰ ...normali...

¹¹¹ ...mhux ħa ngħidilhom, “Isma', iddejjaqt jien, se mmur id-dar, ta'.” Heqq, ma stajtx nagħmilha dil-bieċa xogħol. Għax inti trid tagħmel oġġett f'għieħ ir-repubblika. Allura, trid toqgħod kwjeta, tagħlaq ħalqek, u toqgħod kif jgħidulek.

¹¹² ...meta ninżlu nieklu, niċċajta bejnietna...

¹¹³ ...jigħifieri mhux ħa tkun il-ħin kollu wahdek...

¹¹⁴ ...ma nsemmux każijiet tal-Qorti, imma konna nidhqu... mill-irgħiel, “Kieku hawn il-mara, x'tagħmilli! Viva z-zokkor, viva l-*cholesterol!*”

¹¹⁵ ...konna ngħadduha, bħal speċi, mhux tkun supperva...

Charlotte had limited memories of the witnesses at court, but recalled that the witnesses **would always want to be left out** [of the case]¹¹⁶... **but, but, he** [the witness] **couldn't outright lie, for example**¹¹⁷. She also distinctly remembered the accused taking the stand, and that **he always used to say that he was innocent**¹¹⁸. Charlotte also hinted that **a family that is not so nice, from what I've heard, so, they're a bit harsh, them, as a family**¹¹⁹ was implicated in the case, which made her doubt the degree of guilt that the accused carried.

The jurors eventually began their deliberation, which **in the entirety of the case... I only didn't like one thing** [the deliberation] **at all, at all, at all**¹²⁰. In what turned out to be a deliberation that **didn't take long**¹²¹, the foreman asked each of the jurors to write down their vote on a slip of paper and **when you're going to write, you're not going to show your friends what you wrote**¹²²... **You can't ask, "What are you going to vote?..."**¹²³

Interviewer: So, wow, so even when you came to making the decision, you didn't discuss amongst yourselves?

Charlotte: Nothing, no.¹²⁴

¹¹⁶ ...dejjem ikun irid qisu jaqbez il'barra...

¹¹⁷ ...Pero', pero', ma jistax, eżempju, jigdeb sa barra...

¹¹⁸ ...hu dejjem jgħid li innocenti...

¹¹⁹ ...familja ma tantx mill-ħelwin, kif kont smajt, jigħifieri, naqra horox, huma, bhala familja...

¹²⁰ Fil-każ kollu li għaddha... ħaġa waħda m'għoġbitni xejn, xejn, xejn.

¹²¹ ...ma domniex...

¹²² Inti x'ħin se tikteb, mhux ħa turi lil shabek xi ktibt...

¹²³ Ma tistax tgħid, "Int x'ħa tagħti?"

¹²⁴ Interviewer: Jigħifieri, istra', lanqas meta ġejtu biex tagħmlu d-deċiżjoni ma ddiskutejtu bejnietkom?

Charlotte: Lanqas, xejn.

The foreman then gathered the jurors' papers, which contained their votes, and he shared the result with the jurors. Upon hearing this, the jurors were uncomfortable with the way the voting process had been conducted. Charlotte felt that **there was a game being played**¹²⁵... **And I didn't like that one bit**¹²⁶. She didn't hold it **against those who wrote that he** [the accused] **was guilty... However, I also agree that there were others who were for 'innocent' as well. So, for me, for example, if... we had, for example, three 'innocent' and three 'guilty'** [votes], **to me that was fair enough**¹²⁷ ... **he** [the accused] **did deserve to be punished... but I don't believe he should have been punished so much**¹²⁸... **a person shouldn't have to be needlessly punished**¹²⁹. In response to their discomfort, one of the jurors turned to the foreman and said, **"No, no, it's not fair, not fair,"**¹³⁰... **he** [the foreman] **jumped in and said, "No, no, we're not going to play around."**¹³¹ **Charlotte was scared of speaking up, because the Court scares me**¹³²... **Because I was saying, "I might end up getting punished."**¹³³ Charlotte indicated that **you learn certain things**¹³⁴ [through the jury process], because the verdict was

¹²⁵ ...Kien hemm loġha qed tintlab.

¹²⁶ Dik m'għoġbitni xejn...

¹²⁷ ...ma noħodiex kontra dawk min kiteb li hu ħati... Pero', naqbel ukoll li kien hemm persuni li kien hemm 'innoċenti' wkoll. Jiġifieri, għaliġa, li kieku, eżempju, jekk... ġibna, eżempju, tlieta 'innoċenti' u tlieta 'ħati', għaliġa kien *fair* biżżejjed.

¹²⁸ Għandu jieħu tbeżbiza... pero' ma kellux naħseb jieħu dik it-tbeżbiza kollha...

¹²⁹ ...m'għandux għalfejn bniedem jeħel bla bżonn.

¹³⁰ "Le, le, mhux *fair* ta', mhux *fair*"...

¹³¹ Qabeż hu, qallu, "Le, le, mhux ha noqgħodu nilgħabu."

¹³² Bdejt nibża nitkellem, għax jiena l-Qorti jbeżżani...

¹³³ Għax għedt ngħid, "Malajr neħel xi ħaġa."

¹³⁴ ...titgħallem ċerti affarijiet...

then amended, so that the accused's family wouldn't **be able to say if one juror or another or another or another**¹³⁵ gave a particular vote.

According to Charlotte, that was how the deliberation came to an end. **We went up there**¹³⁶ [the courtroom]... **the foreman tells the Judge**¹³⁷ [the verdict]... **and the Magistrate gave the verdict**¹³⁸. Charlotte explained that **everyone was shocked**¹³⁹. When I asked Charlotte what she felt when the verdict was announced, she expressed that she experienced **disappointment, you know?**¹⁴⁰ Apart from disappointment, anger was another prominent emotion Charlotte felt, admitting that the only reason why she did not approach the Judge with her concerns was because she **used to be afraid, because if I weren't afraid, I would have gone up to the Magistrate**¹⁴¹. A particular aspect which scared Charlotte was that she was **facing the aggressor... So that scares you a bit.**¹⁴² In fact, Charlotte **cannot count the times I covered my face** [during the announcement of the verdict]. **Right here** [Charlotte pointed to her face] **I have a mole, and I said to myself, "The moment he [the accused] sees me, he'll definitely recognise me!" So I constantly did this** [Charlotte covered her cheek], **so that at least I'd cover part** [of her face] **[laughs]**¹⁴³.

¹³⁵ ...ma tistax tgħid hux dik, jew dik, jew ieħor..

¹³⁶ Morna hemm fuq...

¹³⁷ ...il-pro-ġurat jgħidu lill-Imħallef...

¹³⁸ ...u qata' l-kundanna l-Magistrat...

¹³⁹ Kulhadd baqa imbellah.

¹⁴⁰ Dispjaċir, hux?

¹⁴¹ ...kont nibża, għax li kieku ma kontx nibża, kont nitla quddiem il-Magistrat...

¹⁴² ...tkun qiegħda f'wiċċ l-aggressur... Allura, qisek tibża naqra.

¹⁴³ ...min jaf kemm il-darba għattejt wiċċi. Jien hawnhekk għandi għatsa, għad ngħid, "Kif jarani, mill-ewwel jarafni!" Allura sejra hekk, biex almenu ngħatti biċċa [tidhaq].

After the verdict was announced, **we [the jurors] leave, go through the passageway**¹⁴⁴. There, the other jurors retaliated against the foreman. **He [the foreman] started running ahead of us, we [the remaining jurors] couldn't keep up with him**¹⁴⁵... **he didn't tell them anything, and I can't tell you how much he ran**¹⁴⁶. Once the jurors were out of court, **between us [the jurors], it's not a problem if you speak**¹⁴⁷. Charlotte commuted back home with two other jurors, and **everyone agreed, that there were people who told me that**¹⁴⁸ they did not agree with the voting process.

Charlotte felt **like the trial was for nothing**¹⁴⁹... **but what's done is done**¹⁵⁰. She confessed that **I still think about it**¹⁵¹ [the verdict]... **I spent so much time thinking about it**¹⁵²... **you start saying, "How did this case turn out like this?"**¹⁵³ Charlotte went even as far as wondering whether the verdict was **planned**¹⁵⁴... **sometimes you end up thinking a little... you become suspicious, kind of**¹⁵⁵. If Charlotte had come across the foreman after the trial, she **would have stopped him, and I would have shouted at him!**¹⁵⁶... **And it's not the first time**

¹⁴⁴ ...nitilqu l'barra, ngħaddu minn dik il-passaġġa...

¹⁴⁵ U beda jiġri quddiem, lanqas laħħaqna miegħu.

¹⁴⁶ Xejn ma qalilhom, u tgħidx kemm ġera.

¹⁴⁷ ...bejnietna, mhux problema li titkellem.

¹⁴⁸ ...kulhadd l-istess kelma qabel magħha, kien hemm min qalli li...

¹⁴⁹ ...qisu l-Qorti għalxejn kien...

¹⁵⁰ ...imma insomma, m'hemmx x'taġħmel.

¹⁵¹ ...xorta naħseb...

¹⁵² Kemm domt naħseb fuqha...

¹⁵³ ...Tibda tgħid, "Dal-każ kif ġara hekk?"

¹⁵⁴ ...ma nafx ikunx miftiehem...

¹⁵⁵ ...kultant qisek tibda taħseb naqra... naqra ħażin, qisek...

¹⁵⁶ ...kont inwaqqfu, u tgħidx kemm kont ngħajjru ta'!

that I thought, “Should I go tell a priest?” But then, I thought, “And what can he do? Am I going to be the one who causes trouble again?”¹⁵⁷ At the end of the day, Charlotte still thought that, “I was one of those six [jurors] who were the reason that he [the accused] got so many years in prison.”¹⁵⁸

After some time, Charlotte was summoned again to be a juror, but thank God, it [the second trial] got cancelled. Because at the same time, I enjoy staying at home¹⁵⁹. Charlotte told me that today, I’m more careful¹⁶⁰... if I were to serve as a juror today, I would be attentive, and write what the lawyer says... as notes, do you understand? Erm, I’d be more attentive. And more attentive with how things are decided¹⁶¹. Despite the bitter aspects of Charlotte’s experience, she believed that it’s still nice to serve as a juror. Meaning that, one may start understanding and learning [how the Court works]¹⁶². Even though Charlotte felt that she could not be compared to the others [jurors] who were there, I’m not highly-educated¹⁶³... I was able to raise a family, I put them [her children] all in good schools, and they all have good jobs¹⁶⁴. So, although the other jurors knew some things, and I didn’t, but I still say, despite my ignorance, I still managed to do it [jury duty]... Because in truth, erm, I

¹⁵⁷ U mhux l-ewwel darba li hsibt, “Tgħid immur ngħid qassis?” Imma imbagħad hsibt, “Issa b’daqshekk x’se jagħmel? Ha nerga naqla l-inkwiet jiena?”

¹⁵⁸ “Jien kont waħda minn dawk is-sitta li jien weħhiltu daqshekk ħabs.”

¹⁵⁹ ...kont ergajt imsejjha għal ġurat, pero’ niżzu ħajr l’Alla imbierek, thassar. Ghax jien fl-istess ħin, qisni, id-dar niehu pjaċir.

¹⁶⁰ Illum noqgħod attenta aktar...

¹⁶¹ ...li kieku llum immur ġurat jiena, noqgħod attenta, u nikteb x’tgħid l-avukat... bhala noti, qed tifhem? Erm, noqgħod aktar attenta. U iktar attenta kif jinqatgħu l-affarijiet...

¹⁶² ...sabiha xorta li tmur ta’ ġurat. Jiġifieri, wiehed jista jibda jifhem u jitgħallem...

¹⁶³ ...ma dawk li kien hemm, m’inix tifla tal-iskola.

¹⁶⁴ ...rabbejt il-familja, rabbejthom kollha fi skola tajba u hekk, u kollha għandhom *job* tajieb.

raised my children in a certain way, so... so I'm not that bad¹⁶⁵... And then I was proud that I was able [to be part of the jury], but that [the verdict] bothered me¹⁶⁶.

Charlotte and I were transported back to the present moment. Charlotte said that she **enjoyed it** [the interview]. **It's only a shame that I couldn't help you more than the little I know, from what I remembered¹⁶⁷.** I assured Charlotte that her story helped me very much, and I thanked her for her participation in my study. It was here that Charlotte and I concluded our interview, and I was on my way. When I found myself alone, I stood in silence; simultaneously shocked and bewildered by Charlotte's story.

Virginia's Story: I Felt at Home

Upon meeting Virginia at her place of work, I was led into a cosy room in which we would conduct our interview. Virginia invited me to settle in while she wrapped up a task she had at hand. Once she concluded her task, Virginia made herself comfortable on a chair opposite me, and told me that in order **to keep in the atmosphere of being a juror, I didn't bring my mobile phone with me.** This gave me the sense that despite her seemingly busy schedule, Virginia was invested in telling me her story as a juror.

She started by explaining that she had received three court summons' over the years, **but the first two [trials] I managed to get out of, because my daughter was still very young.**

When Virginia received her third court summons, her daughter was a teenager, and thus, she couldn't use her daughter's age as a justification for missing trials any longer. Apart from being

¹⁶⁵ ...vera kienu jafu, u jien ma kontx, pero' xorta jien nghid, ghalkemm l-injoranza tieghi, xorta stajt mmexxi... Ghax fil-verita', erm, it-tfal rabbejthom certu moghod, jigifieri... mela mhux daqshekk hazina.

¹⁶⁶ Imbaghad kont *proud* li kont kapaçi, imma dik dejjqitni.

¹⁶⁷ ...hadt pjaçir, ta'. Iç-çuçata li ma stajtx nghinek aktar minn naqra li naf, milli ftakart.

a single mother in her forties, Virginia was **busy with work, busy with personal life... having a three-year-old dog to take care of... I was in a relationship back then.** Virginia worked as a social worker in a medical setting, but also had previous experience working with offenders and people who used drugs. Additionally, prior to becoming a social worker, Virginia had also worked within financial services. Seeing her work experiences with offenders and people who used drugs, Virginia assumed that she could go to court and explain, **“Listen, I might have a conflict of interest.”**

When Virginia went up to court, she **met several old colleagues, from... financial services... and I mean, it was like a big reunion.** Suddenly, Virginia thought she heard her name being called, but a court marshal told her, **“No, no, no, it’s a man they’re calling...”** However, Virginia soon heard her name being called again and she said, **“They’re calling me!” Like, I mean, it’s not a man! They’re calling me! Shit! [laughs].** Virginia rushed into the courtroom, where **the hall was packed,** and the Judge addressed Virginia, **“You’re Virginia Fox, you work with financial services.”** It turned out that Virginia was still listed as a **financial service employee** on court records, prompting Virginia to reply, **“No, I’m, I worked with financial services in the past... I’m a social worker now.”** When the Court heard that she was now a social worker, Virginia was selected as a juror, leading her to reflect that being a social worker **in itself was a much more appetising ingredient to the mix they [the Court] had to choose from.** Virginia thought that the juror selection process would be more thorough, because she assumed that she would be asked questions like, **“Where are you working?” Or stuff like that. But they just, “Okay, we don’t have a social worker [in the jury panel].”** Virginia even hoped that due to the people she had come across over her various work experiences, **the lawyer of the defence or the inspectors would, like, recognise me, and say,**

“No, listen, she, she works too much in this field.” But none of these questions were posed. And so, Virginia’s ten-day juror experience thus began.

Virginia was asked to leave her handbag **in the middle of the room, and I took a seat, in the jurors’... benches.** She stayed there, already worrying what I’m going to do with my dog, with my daughter... **“What am I going to do? With work? Unfinished business.”** But, she couldn’t do anything at that point. **So, you’re already without a phone, you’re already without your bag, and, and you have to stay there.** What seemed to console Virginia was that she **had an idea of the court setting,** because during her previous work experiences, she **used to go testify frequently... the courtroom as such, wasn’t a scary thing for me. I was quite confident, I knew the Judge,** so the courtroom **wasn’t like, so daunting for me. I felt at home [laughs], almost.** Though, Virginia observed that many of the other selected jurors did not share her same sentiment, as they were **almost scared. And, for the first few days, they were spaced out, still traumatised almost** [by being selected to serve as jurors]...

Once the selection process was complete, the Judge asked all those who were not directly involved with the trial to leave, **and they [the Court] present to you the case... they explain to you the process.** Virginia learnt that the trial she had become involved in was about a drug conspiracy, and although she got an immediate sense that the case would be **difficult to prove,** she was **intrigued. ‘Cos drugs [laughs] are my favourite [laughs]... I had been working in the addiction field for so long... so when it [the case] was about substances, “Ding! Ding! Ding! Ding! Ding! Ding!”** I was happy because I had an idea of how things go in that field [of addiction]. The Registrar explained that the jurors would be **living together** and that the trial would be in English. **So, probably that’s why also, the cohort of people [jurors] who were, like, chosen from had a level of education of a certain standard. Because, they needed to,**

you know, be able to understand and communicate in English. The Judge and the prosecution then also outlined that the jurors **were to base our judgements beyond reasonable doubt. And that's the term, highlighted, and, and drummed into our brains.**

During their first break in the trial, Virginia was allowed to make some calls **to sort things out.** Virginia started off by calling her daughter, **"I'm stuck!"** she said.

"What?!" her daughter replied.

"I've been chosen."

"What?! What are you going to do?"

"Well, you stay with Grandma for the day, tomorrow you go to your Dad's."

"But tell me how long this will take."

"I have no clue."

"Okay."

"We'll take it day by day."

"But, will I be able to speak to you?"

"Yes, we have a phone call every evening, but just one."

"Call me! Don't call Leonard [Virginia's partner at the time]... I'll create a chat, and I'll update everyone, call me."

"Okay." Fair enough, she's my daughter. Virginia then spoke to her parents to see who will take care of her dog, and she also called her workplace to inform them of her situation. Once Virginia settled these affairs over the phone, and **knew everything was taken care of, then I**

didn't bother that much. I said, "Okay, this is my role [the juror role] now, I have nothing else to worry about. Let me focus on this."

The prosecution then started to present the case. The jurors learnt that this particular jury was meant to take place on several other occasions in the past, but had been delayed due to various complications. As a result, **the prosecution had changed. So, the original people who were prosecuting and who had gathered the evidence back then [when the case first occurred] were not the same people who were in court that day.** A consequence of this change in prosecution lawyers was that Virginia **felt that the prosecution was not very strong, 'cos they had to report on someone else's report.**

During the prosecution's presentation, the jurors were immediately provided with a hefty amount of printed evidence, which the jurors instantly started reviewing during a break. **Everyone [the jurors] had his or her interest not to stay there [at court] too long. So, we wanted to really... we wanted to do a good job, but on the other hand, we were being given so much information that we decided that unless we start immediately, we would be overwhelmed with too much information, and we won't be able to process any of it. So, we, we like, divided the chores... we tried to share the responsibilities and, erm, collaborate as much as we could.** While examining the evidence, the jurors also **noticed that there were some documents which we as jurors believed were crucial, they [the documents] were not even presented in the first sitting... they were missing from our packs.** This made Virginia feel **disappointed that the prosecution who had first presented the case didn't present the necessary documents... I was really angry, in a way, at the prosecution. Because they missed out on particulars which obviously tilted the, the...**

Interviewer: The scale.

Virginia: ...the scale in a particular side. But unfortunately, years had passed [since the case happened], **and there was no hard proof... the report was not given to us.**

Despite their collaboration, Virginia felt that some of the jurors had instantaneously **decided if he's** [the accused] **innocent or not. But then, during our conversations, like, it was pretty obvious that most of them didn't have the experience or the exposure to certain manipulations and certain ways, which maybe I was more exposed to, because I used to work with drug addicts... I had a fair share** [laughs] **of these tactics and these... like, moves, and I've heard stories from clients themselves, so, you know, I, I had some background information.** Even though Virginia claimed that she didn't allow her knowledge to bias her, she had **learnt to, especially read non-verbals and take cues and notice the behaviour of, of the person who's being accused, or whoever is testifying. So, I think I was at an advantage in that regard.** Moreover, due to her **exposure to the court environment,** Virginia felt that she **was more in-tune** [than other jurors] **when they** [court personnel] **mentioned certain things.** Thus, during coffee breaks and lunches [which were **the highlights of the (jury) experience. Very good places to go out and eat**], Virginia shared that she used to explain the process of the trial to the other jurors, because **they used to ask me a lot. I don't know if it's out of curiosity or because they were intrigued or because they felt it helped.**

At the end of the first day's hearing, the jurors were escorted to their homes to pack up their belongings for their stay at the trial. Since Virginia had been convinced that she would not be selected for the trial, she **didn't prepare anything at all.** Hence, in the brief stretch of time that Virginia was allowed to stay home, she **had to pack. So, there was my brother and my daughter at home. Panic! I never prepared a luggage in such a short span of time.** Virginia instructed her brother, who had volunteered to take care of her dog, about what he needed to do

to properly look after the dog, said her goodbyes to her daughter, and **was still packing when they** [the chauffeur]... **were already there for me** [to pick her up]. **So that was, I think the most traumatic part of it all** [jury duty], **like. Erm, almost like you're being abducted from your normal life.** From there, Virginia was then taken to the hotel in which she was to stay with the other jurors.

At the hotel, Virginia disclosed that **many times we** [the jurors] **used to meet up again in someone's room and keep on discussing** [the case], especially in the initial stages of the trial when the jurors were given the bulk of the evidence. The jurors used to **keep on, like, trying to notice and pinpoint, "Listen, did you see this?" Or...**

Interviewer: So it, like, never ends.

Virginia: That's why it [jury duty] **was very tiring.**

What further contributed to Virginia's tiredness were the **long days** the jurors used to have. **The wake-up call was at 6AM, sometimes we slept close to midnight, so it was very tiring.** Yet, Virginia mentioned that **the worst part of it all** [jury duty] **was the high-speed driving. And I suffer from travel sickness... We had to drive, escorted by police, to and from the hotel. At high speed. Not to be allowed to stop in the traffic... I was staying in front** [of the van], **seeing all the times the van was going to crash in the cars before us. The police, the policeman on the last day did crash in a car in fact... for my stomach it was a disaster.** In fact, Virginia got a hand from a court marshal, who **came with us to pharmacies and... she** [the court marshal] **tried to carry out most of our errands on her own,** including buying travel sickness medication for Virginia.

Once the prosecution had finished with their arguments, witnesses started taking the stand in court. **There were a large number of witnesses to listen to**, who the jurors had to **listen and listen and listen to**, trying to analyse, and you try to start building a picture of **what's going on** [in the case]. Seeing that this trial took place amidst the COVID-19 pandemic, **the witnesses had these cubicles, perspex whatever**. The jurors asked the Court to close the [window] **shutters, so that we won't have the reflections. Because the perspex kept, I mean, you couldn't really see their** [the witnesses'] **faces. And that, for me, that's crucial... to even look at the non-verbals**. In fact, although Virginia expressed that the witnesses provided a lot of detail **which you had to absorb**, Virginia preferred to listen as much as possible rather than take down notes, because she **was afraid if I take notes, I'm gonna miss out on something. Even a smirk, I don't know, a side glance... But there were certain details that I thought it's better to jot them out.**

Virginia also evaluated that the jurors **took it** [jury duty] **seriously... we asked a lot of questions** [to the witnesses], **so even the Judge was impressed in a way with the amount of questions we asked... she** [the Judge] **knew we were reading, and going through our documents, which were given to us. So, she was happy with how we were doing things.**

The witnesses were also asked questions by the defence, and the defence lawyer in this trial was **a retired lawyer. He was working pro-bono. And he was a bit hard-of-hearing. So the Judge had to repeat most of the things more than once... So, someone** [a witness] **would say something. "Sorry? What did he say?..."**. Therefore, although Virginia believed that the defence had **a very good heart and good intentions, but that** [the lawyer's difficulty hearing] **prolonged the process**. The witness testimonies turned out to be **very, very tiring**, causing Virginia to develop **a bad migraine, and I had forgotten to pack medication... the Registrar**

also suffers from migraines... we asked one of the marshals to buy us [medication] [laughs]. In a coffee break, like, we shared the costs of a box of, of Solpadeine [a painkiller]. Despite this, Virginia said that listening to witness testimonies was **a very nice experience, like, because, erm, you wouldn't imagine the extent of the work that needs to go into certain things. So, it was amazing in a way.**

Back at the hotel, Virginia commented that as the days went by, she realised that she had not packed enough clothes with her, thinking, **“Oops, I'm doomed.”** However, Virginia was resourceful, and she **used to wash my clothes and leave them to dry in the balcony... and indoors as well, in the shower, with the AC they would dry as well... I managed, to mix and match.** On another note, **the food [at the hotel] wasn't that exquisite. Sometimes it was still frozen, the bread would still be frozen inside... sometimes in the evening we just had... I don't know. Some pasta. Just not to go to bed with an empty stomach.** Although Virginia recounted how the jurors had evenings during which they continued to discuss the case, there were some evenings when the jurors decided that, **“Listen, we're too exhausted... we're not gonna reason... let's go to bed, let's call it a day...”**... and even when you're about to doze off, **“Did I check that?”**

Interviewer: Mhm. So, you keep thinking.

Virginia: You want to do a good job. Because it's a big responsibility. But then it gets very tiring.

On other occasions, the jurors **stayed just talking about us, not about the case.** Virginia learnt that the jurors had **different characters, different ages.** The foreman in the trial **was the joker of, of it all... he was the life of the party,** while another juror was **really closed-minded.**

Yet another juror **initially, got a bit on my nerves. But, then it turned out... she was very nice and... and, after, afterthought, or hindsight, erm, she was being a bitch, so to speak [laughs], because she was still very badly affected by the fact that she was chosen [as a juror].**

When Sunday came around, the jurors were not required to visit the Court, and instead had lunch together at a restaurant, and had a family visit at the hotel. Virginia called her family in advance, and informed them that, **“Listen, you can come [to the hotel] from 3PM to 7PM.”** After lunch, Virginia stayed at the hotel, **waiting, hoping that someone would show up.** Her family did not arrive on time, but **obviously, they [her family] didn’t have means to contact me, so I didn’t know whether they would be coming, and just coming late.** At around 5PM, her family finally arrived, and **the first thing my daughter said, “I’m going to kill Grandpa!” [laughs].** It turned out that Virginia’s father was adamant on driving the family to the hotel, and he **took it very slowly and calmly.** Virginia then spent the available time left of the visit to catch up with her family, letting them know that the jury **was very interesting and tiring, but it was very enriching at the same time,** keeping in mind that the jurors were **told not to give any information [about the case].**

Back at the trial, the Judge decided to take all the people involved in the trial, including the jurors, on the site where the alleged offence took place, in an attempt to give more context to the case. Virginia described that going on-site **was amazing... people looking at us. Obviously, if you see three vans, two from prison. Another van which had us [the jurors] in, a car, the Judge, the inspectors, the, the, the prosecution. Like, they parked all in front of the church, so in the square, where everyone can see. People trying to take photos and trying to, like, I don’t know if they thought we’re shooting a film or something.** Virginia described this day as

very tiring and long, made even worse by the fact that Virginia was wearing **very uncomfortable shoes, we had to walk, like, bees zig-zagging in this town.**

During this on-site visit, **there was one of the police inspectors who knew me from when I was working** within the addiction field. Virginia approached him and said, **“I thought you’d get me out of it [jury duty].”**

“I recognised you, but they [other people at court] kept on insisting that you work with financial services... Really and truly I don’t mind you being there. ‘Cos I know you have a background and I know you have skills,” the inspector replied.

“Yeah, but I am [minding it]. You really put me in a fix.” The conversation ended there, and they continued with their visit. At the end of day, Virginia felt that going on-site **gave a clearer picture. But it made things harder as well... because, erm, then more incongruencies came up... years had passed [since the alleged offence occurred]. And even the locality had changed... so there were these, like, setbacks.** While Virginia **still had my hunches [about the case], there started to be some doubts. So, it [Virginia’s hunch] was no longer beyond reasonable doubt... I had to, revisit my thought process and my inclinations.**

In the courtroom, the defence lawyer, who was **a bit older in age, had a feast on all the discrepancies, and... and faults, and missing evidence, and reports which were not presented.** At one point, the lawyer’s statement was interrupted because **he was really trying to hold... he needed to go to the bathroom.** Virginia couldn’t help but think, **“Oh, poor guy!” [laughs].** When the urgency of the lawyer’s situation was recognised, the Judge **wrapped it up [the hearing]. But that meant that he [the defence lawyer] hadn’t concluded his end. So we had to continue the, the following day.**

When the defence lawyer eventually concluded his statement, the jurors then began their final deliberation of the case. Virginia explained that the case **was very debatable. Erm, because there were, as I said, people who were, from the very beginning, already decided [on their opinion of the case] and they didn't budge. People who had decided otherwise and then changed their opinion. People who, erm, had an opinion but then had to keep in mind the beyond reasonable doubts. So there was, there was quite a debate going on, including discussions about the reliability and non-verbals of the witnesses. In fact, we didn't reach a verdict immediately.** This was because the initial vote ended up being **five against four. And that's not accepted... we need to discuss and see. Till someone then converges... We had to take a multiple number of votes,** which resulted in a deliberation that lasted around **four hours.** Virginia admitted that **the lack of evidence [presented in the trial] made it [the deliberation] a bit easier, like, to go to one side and not to the other.** Virginia claimed that she **tried to find something to, to make me change my idea,** but when it came to her personal vote, **her conscience is clear. So I still went with my... hunch... from my end I feel at peace.** However, Virginia did **question whether we [the jurors] were fair,** because **there was a point when even people who were not that convinced still voted with the majority just to...**

Interviewer: Mhm... get it over and done with.

Virginia: ...get it over with because we were getting tired.

The jurors formatted their final verdict into **a template** that they were provided with, and presented their verdict in the courtroom. The jurors **were happy for the [defence] lawyer,** because **he looked so happy that he succeeded, probably it was, I think one of his last, erm, you know? Defence in a jury.** However, **the look on the accused... wasn't very convincing**

for me. After the verdict was announced, the Judge thanked the jurors for their service, and **she** [the Judge] **exempted us for three** [years from serving as a juror again]. **Then we were set free!**

After the jury ended, Virginia received a text from the police inspector she spoke to when she visited the site of the alleged offence during the trial. He said, **“You’re done, finally. I know prosecution didn’t do a good job.”** Virginia also received a message from a lawyer involved in the case, who she had known prior to the trial. It seemed like he had also recognised Virginia as a person who had worked in the addiction field, but the Court had ignored him when he had brought up the issue of her work experience. He texted Virginia, **“It [the jury] wasn’t easy.”**

Returning back to her normal life after the trial **was overwhelming.** **‘Cos I wasn’t on a cruise, you know? I wasn’t sleeping all I wanted and relaxing. So I didn’t have the energy** [to go back to normality] **[laughs]. My energy had already depleted.** Virginia was **overwhelmed by the mobile. It was so peaceful not having the mobile phone** [during the trial] **and not having to check if someone sent a message... going back to reality was daunting as much as it was when I was abducted from that normality.**

Virginia saw her jury experience as **a positive experience.... It was... priceless.** Virginia added that she was no longer **scared of that experience** [being a juror] **anymore, like. Erm, but I would be prepared better for it.** Virginia felt that it was **an honour, I think to have served and gave a bit of, of, erm, I think my knowledge as well, and, erm... it’s a duty as a citizen also... Traumatic at first, but...**

Interviewer: Then you settled in, and you went along. So it’s like the transition from your personal life to juror, and from juror to personal life back, sort of.

Virginia: Yes, those were the most [traumatic].

With that, Virginia concluded her story. She told me that she liked **recalling what, what it was like, and what it felt like** to be part of the jury. Virginia asked if I needed any more participants for my research, and when I informed her that I was still looking for some participants, Virginia said that she **had a WhatsApp group with the jurors**, which they used to sometimes keep in contact, and had even **planned to, to do a reunion**, which had unfortunately never occurred. Virginia offered to reach out to the other jurors and inform them of my study, and I thanked her for the support. Virginia and I then made our way out of the room we were in, and we both continued with our days. Later on that very same day, I received a text from Virginia; one of the jurors who she had served with was interested in participating in my study. And that was how I was introduced to Oscar.

Oscar's Story: Not A Joke

As I stepped into Oscar's home, I was greeted by the barking of a small dog. With a smirk, Oscar told me that his dog, Dorian, was very protective of him. Oscar invited me to set up for our interview, while he went to put Dorian in another room, so that we would not be disrupted by his barking. While setting up, I sensed the serene atmosphere in Oscar's home, and observed that the walls of the house were adorned with various paintings. When Oscar returned, he explained that he was **a full-time artist**, and that some of the paintings were his work. Oscar added that he had also worked at a bank in the past, but he had always described himself **as an artist who happens to work in a bank. Not the other way round.**

Oscar had served as a juror three times, and described that throughout his first two trials, he learnt that being a juror was **a very big responsibility. And, obviously, it makes you grow**

up. It helps you to make certain decisions. Oscar also mentioned that during his first two trials, he understood that a juror's **personal experiences help** to make sense of a criminal case.

Together, Oscar and I decided to focus on the latest trial that Oscar was involved in for our interview. Oscar explained that around the time when he received his third court summons, he was in his fifties, was **very single**, led a **very normal, stress-free life**, and already worked full-time as an artist. Due to his previous experiences in jury trials, Oscar automatically was **in the list of [potential] head jurors [foremen]... when you read the notice around two or three weeks before [the trial], you know, it shows that you're on the list of head jurors.** Oscar expressed that being on the list of potential foremen was **no big deal. You know what to expect with regards to procedures [due to his previous jury experiences]... head juror and a member of the jury is the same responsibility... it's like [being a foreman] a head of... a head of department. You coordinate everything... and then you sum up everything, and then eventually... you come in the last [of the trial] and you have to say, "Yes," or "No."**

Oscar went to court on the day indicated by his summons, and **as soon as I entered the room... my name came up, "Oscar Tame!"**

"Fuck!" And one of the messengers heard me. Oscar added that his name still came up because **I'm still on the list of the banks.** Oscar entered the courtroom, stood in front of the Judge, and was asked his **name, job... The Judge told me, "But you're listed as a banker."**

"No, I'm not," Oscar replied. He was then selected to be the foreman in the trial, and Oscar thought that the jury **will be fun. It [being a juror] makes you feel important. It makes you feel that you are given, kind of, this opportunity... to take certain decisions. Which are very grown-up decisions.**

The rest of the jury panel, which included Virginia, was then selected. Once this was done, anyone who was not involved with the trial was asked to leave, the jurors took an oath, and the drug conspiracy case that the jurors were tasked to judge was then presented. During the presentation of the case, Oscar felt that whether **you like it** [the case] **or not, you cannot get out of it** [the trial]. **‘Cos you took the oath, so, basically you’re fucked up... but... listen, I’m a very adaptable person. So, anything could be interesting. And eventually it** [the trial] **was interesting.** After the bill of indictment was presented, the Judge **explains to us** [the jurors] **the laws**, and told the jurors that being part of the jury panel was **a great responsibility... she** [the Judge] **stresses always that if you have pre-, any preconceived ideas about the subject** [pertaining to the case], **you have to delete completely. You have to listen and react and decide, on everything that is said in the courtroom only.** The jurors were also informed that they **couldn’t contact family members** [during the trial], **no newspapers, no news. No telephones, nothing. We’re completely cut-off from reality, for nine days. Even outside. When we’re walking in Republic Street** [a street in Valletta]... **we cannot talk to other people... the thing** [the trial] **is taken very seriously.** The jurors were also told not to discuss the case while they are outside of the Court during their lunches, so instead, during lunch the jurors discussed **anything!** [laughs] **Especialy food** [laughs]... **it’s** [lunch] **a very welcome break. ‘Cos it’s** [the trial] **very tiring.**

The evidence of the case then started to be presented to the jurors, and Oscar commented that through listening to the presentation of evidence, **you see how the police work... how they research on the subject.** I asked Oscar how he felt during this phase of the trial, and Oscar quickly responded that **you don’t think about yourself. ‘Cos you have to be alert... your mind has to be there. Very important.** The jurors were provided with **copies of documents...**

all the documents that are mentioned in the... during the case. Although Oscar felt that the documents they were provided with were **very extensive... no, they're** [the lawyers] **very well-prepared,** he felt that the immense amount of documentation was **a waste of paper... It's** [the Court] **not a paperless office. There's a lot, a lot of waste in the courts. Lots of waste of time, waste of human resources, waste of paper. A complete waste! Because there are a lot of procedures, and very antique procedures,** so much so, that during this trial, **it was the first time that they** [the Court] **were showing a presentation, with a laptop. In this day and age.** However, Oscar did then disclose that the jurors would need to **take them** [the documents] **to the hotel to read them again. To understand, so. In the long-run it** [having many documents] **makes sense... this** [the trial] **is not a joke. It's a very serious thing.**

The prosecution took the stand, and Oscar felt that **they** [the prosecution] **were terrible! They were asking, sometimes, they were asking... stupid questions, which didn't make any sense and were very obvious... in my personal opinion. I found it** [the prosecution] **a little bit weak... Listen, here in Malta... if you have a very good defence lawyer, but not a very good prosecution...**

Interviewer: It [the trial] **might veer to one side, more than the other.**

Oscar: Do you understand?

Interviewer: Simply because of the lawyer?

Oscar: Yes, yes, yes.

At the end of the first day's court hearing, the jurors were taken to a hotel. Oscar said that **everyone was very tired** by the end of their court days, which were **very long. Mentally,**

you're very tired... **Once, in the evening, we stayed in [Court] up to 9PM. That was very tiring... That's why I said that you cannot take it [the trial] lightly. It's not a joke.**

During their stay at the hotel, the jurors **got to know each other**. The jurors were **coming from different backgrounds, different jobs... I met Virginia. She works within the addiction field. And that, especially in this case, in this thing, it was a big help.**

Oscar mentioned that the dynamic amongst the jurors needed to **go well, because you have to stick, to sit with these people for nine days**. It seemed like throughout the trial, Oscar was **the joker [of the jury panel]... I was the centre of laughter. I threw a party! [laughs]**. This humoristic role seemed to come naturally to Oscar, because he **was always like this [the joker] [laughs]... even at the bank**. Oscar felt that humour **helped a lot [throughout the trial]... it breaks the ice. Some people are not... outgoing, and some people find it difficult to... to open up, let's say... everyone is, at the end of the day, is... feeling heavy mentally. So, sometimes a laugh here and a laugh there helps a lot. I do it all the time, it's nothing special.**

In the mornings, the jurors rode a van to the Court in Valletta, and despite the distance between the hotel and the Court, **it used to take us only around twenty minutes [to get to court]. All the traffic would stop**. When Oscar saw that the van had darkened windows, he told the Registrar, **"This is... you should have advised me before. The, the, the windows should be clear so that I could wave to people!" [laughs]... you need to laugh, because the situation is a little bit tough, it's very tough.**

The jurors then started listening to witness testimonies, and Oscar noted that **some witnesses were, were relying on earlier depositions that they had, they did years earlier...**

it's ridiculous. You can't... it's impossible to remember all those things [that occurred in the case]. Although Oscar admitted that he himself did generally **remember very clearly, but, I'm an artist. And I have a visual memory. So what I see I will... I don't forget. What I hear, I forget. But that's through my training as an artist...**

Interviewer: And, it might obviously be different for the witnesses who are up on the witness stand.

Oscar: Yes, because, everyone was coming from a different background.

Oscar discussed how **the problem here in Malta, for example this case, the thing happened years earlier. It's impossible to remember all those details. And when some people come out with very, very crisp details... What is it? A memory of an elephant? It's a little bit difficult. So, then you begin to evaluate... while they [the witnesses] are talking... you have to rely on what is said. Not what... not, if, if you got a perception... If the details are extensive, it's one thing, if the details are not extensive, then it's another thing.**

Oscar evaluated that while listening to the various people speaking during a trial, jurors have to **be a kind of psychologist. If you do understand the accused... why they acted that way... it's a very complex process. You put your mind at work a 100%. Because you have to listen to whatever is said, being said. Everything. You cannot just nap or something.**

Oscar even mentioned the importance of being aware of the **body language** of those at court, including the accused. **I learnt that [observing body language] from my... from my first, erm, erm, court case.** However, Oscar reflected that **surely, the defence lawyers teach their clients not to move. Not to show any emotion. Usually, all of them [the accused] are like that. They don't show any emotion. Or they would give it [their act] away.** Ultimately, this need for

alertness also seemed to be important because **the Judge, every fifteen minutes, she scans you and gives you a look. ‘Cos it’s not a joke... you can send someone to, to prison for his life, or throw him in the street.**

Oscar revealed that he had met the Judge taking care of this trial **around twenty years earlier.** In the midst of this trial, Oscar came across the Judge outside the courtroom, and talked with her. The Judge asked how the jurors were finding the case, checked whether **everything is okay, and if the others are finding it [the case] interesting... if it’s easy enough, if it’s too tough.** Oscar answered, **“Everyone finds it very interesting. It’s not easy, obviously... and very tiring, but it’s part of the job.”** Oscar argued that Judges try to ensure that the jurors feel that they **are the most important part of the case, and take it as their responsibility to make it [the case] very, very clear. Very, very easy. For the jurors.**

After spending Sunday, **a complete free day** which Oscar used as an opportunity to have **a very welcome break** by staying **by the pool and didn’t move [laughs],** the Judge decided to take the jurors on-site where the alleged case took place, in order **to help us, guide us.** Oscar said that **it’s different being there [on-site]... That was a big help... another thing in the jigsaw puzzle.** The jurors then listened to the defence lawyer’s statement at court, during which Oscar noticed that the lawyer’s partner **was scanning the jurors. Literal scanning, for body language.** Oscar portrayed the lawyers’ arguments as **a ballet... a continuous battle between them... The defence lawyer was quite old, so I was amazed at his energy and memory.** In fact, Oscar described the defence lawyer as **a great white shark, who went around every comma, and every... to find a loophole, to, to, to instil, instil, erm, doubt.** However, the defence lawyer’s prowess **doesn’t influence you. In the sense that... you have to evaluate... you have to distil everything... You have to put everything into context.**

Oscar said that **you cannot rely on the first impression that you, you, you get when the jury begins... it [the impression] changes completely.** Oscar had **some small question marks** throughout the trial, but after he **heard all the stories** and the Judge's statement on **everything that was said during the nine days... then you have a clear idea. You get the final idea literally when... just before you're going to deliberate.** Oscar recounted that while listening to the Judge he didn't **think at that moment. Ears up, feelers up, and you have to...**

Interviewer: Okay, and you were just processing whatever...

Oscar: Yes, you have to process continuously. It's a continuous process. Listen, it's [the Judge's statement] a bombardment of information.

On the last day when the jurors were to deliberate, Oscar **woke up at around three in the morning, to read everything** [the documents the jurors were provided with]. When the jurors arrived at court, the Judge **tells us how to deliberate... it is... a complete spoon-feeding process.** The jurors then started their deliberation, through which Oscar had to **preside over the counsel. And you have to keep, kind of, discipline and a procedure and all that... you keep track of what is being said, who is saying it, everyone has had time to speak... guide the counsel, kind of. Like a shepherd with the sheep.** To me, this disciplined role seemed quite different than the humoristic role Oscar claimed to have had throughout the trial, but when I asked him about this, he said that he was **very disciplined. And I'm very structured. I'm a very strange artist, because in the arts, you usually are nuts. No, I'm not like that.** Oscar continued by narrating that he had **everyone speak his mind out** during the deliberation, **and everyone tries to evaluate each other's ideas.** The deliberation was a **very open discussion,** and Oscar did not **have an idea of what the verdict will be, up until the last minute.** Although **there was a little bit of uncertainty in the air,** and though multiple discussions needed to be

made to **make the picture as clear as possible**, it seemed like Oscar's opinion of the case did not falter throughout the deliberation, because he had **to be very rational with others, and especially rational with yourself... it's a very realistic decision. Very clearly straight-forward... there is no greys, it's either black or white.**

When the jurors reached a verdict, Oscar entered the courtroom accompanied by the rest of the jury panel, and he announced the verdict. **I felt important. Literally, I read it** [the verdict], **so, there's a whole procedure how to read it, and what to read. What to say... no, part of, kind of, part of the job.** Oscar also hinted that he **made a joke out of it** [the verdict]. **I said that the only fuck-up is that my signature is... only my signature is there** [signed on the verdict] **[laughs]**. However, having his signature on the verdict did not seem to concern Oscar much in reality. After the verdict, the trial came to an end, and the jurors **were happy to regain our independence.**

Although the trial was over, Oscar continued **to think about it** [the case]. **It's inevitable... even if you watch TV, you'll be, you'll begin influencing yourself. You're back to normality. And then you begin having doubts if you were right giving the person a 'guilty' or a 'not guilty' verdict.** Even after a significant stretch of time would have passed since the trial, **you go back to it. Even if you are watching a programme on the subject, or... or watching the news and there's the same subject. And then you inevitably make comparisons... Because you are getting influenced by the outside... It's part of the [jury] experience, and the experience remains there.** When Oscar started experiencing these doubts, he felt that he had to be **mature enough to delete it** [the doubt]. **Because then you'll continue... you'll go on continuously thinking about it** [the case]. Then you begin, **"My job is done, that's all."** Oscar viewed his jury experience as **a nine-day job... you did it and that's**

all. You're done. This is like, listen, prostitutes or pornstars. For them it's a job. No big deal, so. They did the job, they did what was needed to be done, and that's all. Oscar eventually saw the verdict made as **a decision in the context of when it happened. On the time-frame when it happened.**

Oscar deemed his involvement with the jury as **a very interesting experience and everyone should have a... have a go at least once in a lifetime... it was a very, very positive experience.** Oscar claimed that through this experience he learnt **how the police do their job. Or how the lawyers do their job, or how the Judge does her job.** He met a lot of people, new people, made new friends, and became exposed to **an outlook on a different world that normally we don't form part of... the Courts live in a world of their own... and even if you see certain people, you begin asking, "Good God, I live in the same country?"** Bewildering, **certain people and certain situations, which we normal people only see on TV. We expect that these situations don't exist, but they exist. And how they exist. So, in a way, it helps you, erm, feel positive about yourself.** Ultimately, Oscar thought that being part of the jury was **a growing-up experience... because as I said, it's a big responsibility put on your shoulders for nine days. And, and when someone puts a big responsibility on your shoulders, in a, in a way, it means that you are responsible enough to, to carry the burden.**

With that sentiment, Oscar concluded his story. As if on cue, we heard Oscar's dog, Dorian, barking from the other room. I thanked Oscar for his time, and he invited me to visit his studio upstairs to have a look at his paintings, to which I gladly obliged. Later, as I viewed Oscar's works of art, images from his story, like those of great white sharks and ballets, vividly flashed through my mind.

Appendix H: Data Analytic Table

| <u>Codes</u> | <u>Categories</u> | <u>Patterns</u> | <u>Themes</u> |
|---|----------------------|--|--|
| Repetition | Abundant Information | A Great [Yet Tiring] Responsibility | <u>The Criminal Trial Theatre: Patterns of Situated Context</u> |
| Many witnesses | | Sample Quotes: | |
| Many witnesses to listen to | | Oscar: You can send someone to, to prison for his life, or throw him in the street... it's [the jury] not to be taken lightly... | |
| Need for extensive evidence due to the severity of the case | | Oscar: You have to be alert... your mind has to be there [on the trial]. | |
| A lot of detail to take in | | Jane: There were many [witnesses], there were many. | |
| Need for focus/attention | Need for focus | Agatha: You hear a lot, a lot, a lot, of repetitions. | |

| | | | |
|---|----------------|--|--|
| Need to be alert | | Charlotte: Everything repeats itself. So the day after, it's always the same. | |
| Need for focus | | Virginia: Because it's [being a juror] a big responsibility. But then it gets very tiring. | |
| Vigilance | | | |
| Responsibility | Responsibility | | |
| Stress due to decision that needs to be made | | | |
| Felt important | | | |
| Concern about the nature of the case | | | |
| Immediate sense that the case was complicated | | | |
| Relief at finding out the nature of the case | | | |

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| Exhaustion | Tiredness | | |
| Tiredness | | | |
| More time frontstage than backstage | | | |
| Exasperation | | | |
| Tiring | | | |
| Tiring because it never ends | | | |
| Tiring due to long court days | | | |
| Tiring to keep thinking | | | |
| Interesting but tiring | | | |
| Tiring process | | | |
| Tiring days | | | |

| Helplessness | Loss of Agency | A Voiceless Process | |
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| Rigidity | | Sample Quotes: | |
| Regimental | | Charlotte: You have to go up to court nonetheless. It doesn't matter that you had sent a letter... | |
| Restriction | | Jane: You feel like you're in a prison in reality. Like, you can't communicate with anyone, you have to stay where they [court marshals] tell you to, you literally cannot go outside, they [court marshals] need to come out with you even if you want to smoke a cigarette. Literally, it's like you are always being watched, you know? | |
| Loss of control | | Agatha: [You're] absolutely alone, you don't know what hit you, erm, it was very repetitive. | |
| Lack of agency | | Virginia: I was there waiting [at the hotel], hoping that someone [from her family] would show up. Obviously, they | |

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| | | [her family] didn't have means to contact me, so I didn't know whether they would be coming... | |
| Obeying in the name of the republic | | Charlotte: I'm not going to cause trouble... if we [jurors] can't [speak], we can't... You have to stay alone... | |
| Obeying the Court | | | |
| Trapped | | | |
| Not wanting to cause trouble | | | |
| Not having a choice but to focus | | | |
| Juror frustration | | | |
| Anger at how jurors are treated | | | |

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| Anger at the Judge | | | |
| Isolation | Isolation | | |
| Loneliness | | | |
| Aloneness | | | |
| Not minding being alone | | | |
| Waiting time | Court drawbacks | Contextual Drawbacks | |
| Long duration between occurrence of case and its trial | | Sample Quotes: | |
| Dated court records | | Agatha: We did sometimes take a long time [waiting]... | |
| Waste in court | | Oscar: It was the first time that they were showing a presentation, with a laptop. In this day and age. | |
| Dated court procedures | | Virginia: ...years had passed [since the case happened]. And even the locality | |

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| | | had changed... so there were these, like, setbacks, if you want to call them... | |
| Disgust at hotel's lack of cleanliness | Hotel | Agatha: I spent the last two days with my eyes open, checking for cockroaches... putting my shoes up on the bed... it was a bit of a bitter experience... | |
| Satisfaction with hotel | | Virginia: ...the food wasn't that exquisite. Sometimes it was still frozen, the bread would still be frozen inside. And, it's always the same... | |
| Disappointment with hotel food | | | |
| Anxiety as a result of the hotel | | | |
| Selection process not thorough, so audience segregation wasn't done | Audience Segregation | Questionable Audience Segregation in Maltese Criminal Trials | |

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| <p>Selection process was quite basic, minimising possibility of audience segregation</p> | | <p>Sample Quotes:</p> | |
| <p>Information gained due to Malta's small population</p> | <p>Local context</p> | <p>Oscar: Just the name and what's your occupation...</p> | |
| <p>Discomfort about the accused possibly knowing about true result due to Malta's population</p> | | <p>Virginia: I thought that they [lawyers] would be... 'Where were you working?' Or stuff like that. But they just, 'Okay, we don't have a social worker [as part of the jury panel]...</p> | |
| <p>Knowing a juror before the trial - Maltese context</p> | | <p>Oscar: I had met... the Judge outside of the courtroom, around twenty years earlier.</p> | |
| <p>Knowing defence and police pre-trial</p> | | <p>Virginia: There was one of the police inspectors who knew me... He told me, 'Really and truly I don't mind you</p> | |

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| | | being there [in the jury]... ‘Cos I know you have a background and I know you have skills. | |
| Knowing police inspector pre-trial | | Jane: Word goes round in Malta, not everyone keeps things confidential, and obviously... the accused knows this... Now he should be about to be released [from prison]... | |
| Knowing a lawyer involved in the case pre-trial | | | |
| Knowing the Judge pre-trial | | | |
| Urgency | Urgency | An Urgent Matter | |
| Immediate decision | | Sample Quotes: | |
| Uncertainty about what to pack | | Jane: If COVID hadn’t hit, I think we would have taken a longer time... they were hurrying up the witnesses... | |
| Lack of preparation | | Agatha: Big panic station... my boyfriend, my mother, my brother, | |

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| | | everyone at home shouting, ‘Come on, come on, throw it [clothes] in [the bag], throw it in!’ | |
| Feeling sick during the day due to high-speed travelling | | Agatha: You have five minutes’ call to the family. Five minutes... | |
| COVID-19 leading to urgency | | Virginia: We [jurors] had to drive, escorted by police, to and from the hotel. At high speed. Not to be allowed to stop in the traffic... for my stomach it was a disaster... | |
| Anxiety due to urgency | | Jane: Immediately, that’s it! I decided immediately [about her judgement of the case]... | |
| Resourcefulness as a result of urgency and lack of clarity | Resourcefulness | Virginia: I used to wash my clothes and leave them to dry in the balcony [of the hotel]... and indoors as well, in the shower, with the AC they would dry as well... | |

| Making the best out of the situation | | | |
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| Anxiety due to role ambiguity | Role Ambiguity | Becoming a Juror | <u>Juror Role Development: Patterns of Continuity and Change</u> |
| Lack of role expectation | | Sample Quotes: | |
| Role ambiguity | | Edgar: I never, erm, got the feeling, sort of, of what being a juror was... you're going in something, you don't know nothing, never been there, never been to court... I was a bit afraid... | |
| Fear of the unknown | | Agatha: There were some [jurors] who took it [being selected] badly, like me... | |
| Lack of knowledge | | Virginia: ...the most traumatic part of it [the trial] all... almost like you're being abducted from your normal life... | |

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| <p>Stress due to role transition</p> | <p>Transitioning into the Juror Role</p> | <p>Charlotte: ...I had one of them [daughters] who was going through exam-time...</p> | |
| <p>Sudden transition</p> | | <p>Jane: ...you wouldn't be your normal self, how you live your life... there [at the hotel], you shower, you eat, literally... you piss and go to bed. So, like, you don't have a life...</p> | |
| <p>Cut-off from normal life</p> | | <p>Oscar: This [the trial] will be fun...</p> | |
| <p>Role dispossession</p> | | <p>Virginia: Once I had everything settled, I knew everything was taken care of, then I didn't bother that much. I said, 'Okay, this is my [juror] role now, I have nothing else to worry about...</p> | |
| <p>Detached from role system</p> | | | |
| <p>Abduction</p> | | | |

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| Making final arrangements for absence | | | |
| Mind put at ease once everything out of court was sorted, so focus could be given to the juror role | | | |
| Worry about personal issues out of court | | | |
| Relaxation once personal issues were settled | | | |
| Anxiety due to role transition | | | |
| Pre-trial knowledge on the case | Pre-trial knowledge | The Juror's Backstory | |

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| <p>Efforts by the Court to reduce outside influence</p> | | <p>Sample Quotes:</p> | |
| <p>Critique of court efforts to reduce outside influence</p> | | <p>Agatha: ...a television, all with weird stations, that aren't even in English or Italian... they aren't going to risk the possibility of a conflict of interest, or that we'd be biased by what we're hearing.</p> | |
| <p>Pre-trial knowledge on the jury from other people</p> | | <p>Agatha: We had been hearing about the case for three years [in media]</p> | |
| <p>Unphased about being a juror since already done before</p> | | <p>Edgar: He [colleague] told me, 'I'm a juror [in previous trials]!', and he started... explaining [the court system]...</p> | |
| <p>Pre-trial knowledge of the field</p> | | <p>Virginia: ...even my exposure to the court environment, I was more in-tune when they mentioned certain things...</p> | |

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| <p>Using pre-trial knowledge to judge the case</p> | | <p>Charlotte: I'm a homemaker, kind of... they [court personnel] say, 'We'll snatch this one up, because she's a homemaker, she's flexible.</p> | |
| <p>Pre-trial knowledge of the court system</p> | | <p>Edgar: I'm an engineer... and even, I try to treat everybody equally...</p> | |
| <p>Knowledge about the juror role</p> | | <p>Virginia: I've heard stories from clients themselves, so, you know, I, I had some background information...</p> | |
| <p>Using knowledge from a previous trial</p> | | <p>Oscar: You know what to expect with regards to procedures...</p> | |
| <p>Outside knowledge</p> | | <p>Oscar: ...[observe] body language. I learnt that from my... from my first... court case...</p> | |
| <p>Secondary role of engineer contributing to</p> | <p>Pre-trial roles</p> | <p>Edgar: You get to know also, from their [the jurors'] personal life... even when you discuss, you know that the person</p> | |

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| <p>neutrality of juror role</p> | | <p>means, means business. They have good intentions...</p> | |
| <p>Evaluating other jurors through their secondary roles</p> | | | |
| <p>Perception of secondary roles of other jurors influencing their role</p> | | | |
| <p>Taken for granted by the Court for being a homemaker</p> | | | |
| <p>Comparing herself to other jurors' secondary roles</p> | | | |
| <p>Secondary role used as an adjunct to be selected</p> | | | |

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| Secondary roles of other jurors was of support | | | |
| Continuity | | | |
| Role conflict | Role conflict | The Level of Juror Role Synchrony | |
| Role conflict in selection | | Sample Quotes: | |
| Role congruence | Role congruence | Virginia: I had an idea of the court setting, because when I was working [with people who used drugs], I used to go testify frequently... it [the Court] wasn't like, so daunting for me. I felt at home... | |
| Role congruence leads to more knowledge | | Agatha: I'm intrigued by the sciences, and I work in the sciences... I already knew how certain things work [in forensic evidence presented at court]... | |
| Using personal knowledge to make sense of the case | | Charlotte: ...if my kids tell me [that they're going to gain money from migrant smuggling]... That I don't | |

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| | | <p>allow. That my children become associated with these things. I teach my children that money should be gained wisely and with hard-work.</p> | |
| <p>Frustration at nerves due to role congruence</p> | | <p>Agatha: It [the trial] shouldn't have affected you that much, considering that you've studied Criminology...</p> | |
| <p>Role expansion</p> | <p>Role Expansion</p> | <p>Agatha: I was going to miss lessons [at school while serving as a juror]... let's say, it's scary.</p> | |
| <p>Ensuring that relationship with other jurors is good because you must spend a lot of time with them</p> | | <p>Charlotte: I worried more about leaving the children alone.</p> | |
| <p>Using humour for team cohesion</p> | | <p>Virginia: I stayed there [at court], already worrying what I'm going to do with my dog, with my daughter.</p> | |

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| <p>Encouraging others through humour</p> | | <p>Agatha: Maybe it [scientific knowledge] served as an advantage as well... Because the other jurors didn't know certain things, but you explain, 'Ah! I didn't know. Oh, wow!' There's that knowledge.</p> | |
| <p>Using humour to lighten the mood</p> | | <p>Oscar: ...it [being a joker] helped a lot... sometimes a laugh here and a laugh there helps a lot. I do it all the time...</p> | |
| <p>Missing out from outside life due to jury</p> | <p>Transitioning out of the Juror Role</p> | <p>Retiring the Juror Role</p> | |
| <p>Easy transition back to normal life</p> | | <p>Sample Quotes:</p> | |
| <p>Relief to be back to normal life</p> | | <p>Oscar: We [the jurors] were so happy... to regain our independence...</p> | |
| <p>Undressing the juror role</p> | | <p>Jane: I was looking forward [to returning to normal life], because the fact that you'd be like, erm, cut-off to a</p> | |

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| | | world on your own [during a trial], it's like you went abroad for two weeks and you forgot everyone... | |
| Returning to normality seen as daunting because jury experience was tiring | | Virginia: ...going back to reality was daunting as much as it was when I was abducted from that normality... My energy had already depleted... trying to catch up with what has been going on... | |
| Trying to catch up with unfinished business | | Edgar: You spend a few weeks... still thinking what you passed through. But then, but then... You go back to normal... | |
| Happiness at regaining independence at end of trial | | Oscar: ...you continue to think about it [the case]. It's inevitable... And then you begin having doubts if you were right giving the person a guilty or a not guilty verdict. Because you are getting influenced from the outside... | |
| Dissolution of the juror team | | Agatha: I was immensely nervous, like, the trauma, the experience, it made me suppress certain things, and then they | |

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| | | <p>came out later. I wasn't eating certain food... I spent around three weeks to four weeks not going anywhere near a restaurant... I spent some time not sleeping well, and sometimes I dreamt about him [the victim] as well... I still stay a bit back from the places where I know I can find places which remind me of the victim...</p> | |
| <p>Negative experience</p> | <p>Repercussions of the jury experience</p> | <p>Charlotte: ... I don't know whether it [the trial's result] would all be planned from before with the lawyers... Sometimes you end up thinking a little... you become suspicious...</p> | |
| <p>Post-trial nerves</p> | | <p>Agatha: ...it [researching the case] was like a coping mechanism for me. That I felt like, I still didn't have enough closure, I want to look things up...</p> | |
| <p>Post-trial trauma</p> | | <p>Oscar: ...then you have to be... Mature enough to delete it [thoughts about the trial]. Because then you'll continue...</p> | |

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| | | <p>you'll go on continuously thinking about it. Then you begin, 'My job is done, that's all'.</p> | |
| PTSD-like symptoms | | <p>Edgar: I was afraid, I was afraid [when he received his second summons]...</p> | |
| Lingering PTSD-like symptoms | | <p>Agatha: At that moment [upon receiving a second summons], the world fell at my feet, because I said, 'It's [the jury experience] going to happen again'...</p> | |
| Post-trial fear of the jury | | | |
| Anxiety after the trial | | | |
| Regret about the jury | | | |

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| Discomfort about having been part of the jury | | | |
| Reluctance to be part of the jury again | | | |
| Continued short-term rumination on the case | | | |
| Fear at second summoning | | | |
| Rumination post-trial | | | |
| Overwhelmed post-trial | | | |
| Doubt when re-entering normality | | | |
| Suspicion towards the Court | Suspicion | | |

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| Suspicion at deliberation process | | | |
| Coping | Coping post-trial | | |
| Making a boundary between juror role and other roles | | | |
| Compartmentalisation as coping | | | |
| Detaching from juror role as coping | | | |
| Learning how much work goes into a case | Learning through the juror experience | The Silver Linings of Being a Juror | |
| Learning how the police work | | Sample Quotes: | |

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| <p>Learning how the Courts work</p> | | <p>Virginia: I still think it [the jury] was a very enriching experience. It was... priceless. It was very enriching...</p> | |
| <p>Experience was worth it to learn about the Court</p> | | <p>Charlotte: ...it's still nice to serve as a juror. Meaning that, one may start understanding and learning [how the Court works]...</p> | |
| <p>Learning experience</p> | | <p>Oscar: You learn... even how, how the police do their job. Or how the lawyers do their job, or how the Judge does her job.</p> | |
| <p>New friends made</p> | <p>Positive evaluations of the jury experience</p> | <p>Edgar: ...it [the jury] was a nice experience... I met some people... The state called me and I did my duty...</p> | |
| <p>Okay experience</p> | | <p>Virginia: It's an honour, I think to have served and gave a bit of, of, erm, I think my knowledge as well, and, erm... again maybe because I like courts... Erm, but I mean, it's, it's a duty as a citizen also. So, I do feel honoured that I was picked.</p> | |

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| Tough, but not negative, experience | | <p>Oscar: ...it's [being a juror] a big responsibility put on your shoulders... when someone puts a big responsibility on your shoulders... in a way, it means that you are responsible enough to, to carry the burden...</p> | |
| Privilege to serve | | <p>Oscar: ...you see certain people... and certain situations, which we normal people see only on TV. We expect that these situations don't exist, but they exist... So, in a way, it helps you, erm, feel positive about yourself...</p> | |
| Happiness may be dependent on the jury panel | | <p>Charlotte: ...despite my ignorance, I still managed to do it [the jury]. And I still could think. Because in truth, erm, I raised my children in a certain way, so... So I'm not that bad. And then I was proud that I was able...</p> | |
| Positive experience | | <p>Jane: My experience was somewhat okay, it passed... it depends on the group you're with. So, if the group</p> | |

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| | | <p>you're with, you have six of them, five of them, who decide differently than you would... you wouldn't be too happy.</p> | |
| Fulfilled duty | | | |
| Pride that she managed to be a juror with others despite having a different background/secondary roles | | | |
| Jury seen as enriching experience | | | |
| Honour to have served their duty as a citizen | | | |

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| Interesting experience | | | |
| Getting a glimpse into another world | | | |
| Growing-up experience due to responsibility | | | |
| Discomfort at being watched | Feeling watched | Being Actors | <u>The Jury Trial Performance: Patterns of Interaction</u> |
| Feeling like you're being tested | | Sample Quotes: | |
| Role learning | Interactions which Guided the Performance of the Juror Role | Oscar: You are on the alert because the Judge, every fifteen minutes, she scans you and gives you a look... | |
| Learning the role through the Judge | | Jane: It's [being in court] not a nice situation, because, I don't know, they're | |

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| | | [the accused] seeing who you are, and you have to make a decision about the case for him... | |
| Learning the role through the foreman | | Charlotte: ...they [court marshals] stay next to you... while you're calling [on the phone]... | |
| Importance of foreman's introduction to learning the juror role | | Virginia: People looking at us... I don't know if they thought we're shooting a film or something... | |
| Limited information given to learn the role, leading to using common sense | | Edgar: 'What do you think?' [the foreman would ask the jurors] I think it's a test on you that you are following... | |
| Learning the role through the Registrar | | Virginia: ...the prosecutor emphasised that, that it [the verdict] needs to be beyond reasonable doubt. How we should go about it [making the verdict], erm, how we should analyse the | |

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| | | documents that we are provided... even the Judge explained to us. So there were explanations given to us as we went along... | |
| Learning the role through the prosecution | | Charlotte: All they [court personnel] told us... they gave us an A4 paper and a biro, and they told us, 'If you'd want to speak to the lawyers and take some notes, you may take them'... | |
| Informed not to speak by the marshal, i.e. learning the role | | Charlotte: The marshal came up to us [jurors], and told us we can't [talk amongst themselves]... | |
| Self-presentation | Onstage performance | Edgar: The head juror will explain, you know, what, how, how, how to hear things, you know? What to consider... the first meeting [with other jurors], it was important I think. Especially when you don't have experience... | |

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| Onstage performance | | Jane: In there [courtroom], you couldn't talk, you can't even say something small, because the Judge quickly shushes you... | |
| Impression Management | | Virginia: ...we [jurors] asked a lot of questions, so even the Judge was impressed in a way with the amount of questions we asked... | |
| Judge impressed by juror engagement | | Agatha: You... can't just deliberate in a span of two hours, because it looks bad... | |
| Giving a good performance | | Agatha: ...you say that one person was against [other jurors' votes], to safeguard ourselves, in the case that someone comes after us... because, they [the accused] knew our names, his family was present when the jurors were selected... | |
| Putting on a show on-site | | | |

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| <p>Criticising others' frontstage performance</p> | <p>Evaluating others' performances</p> | <p>Being Audience Members</p> | |
| <p>Offstage observation</p> | | <p>Sample Quotes:</p> | |
| <p>Inference due to offstage observation</p> | | <p>Oscar: ...some witnesses were, were relying on earlier depositions that they had, they did years earlier. And it's impossible... It's ridiculous. You can't... it's impossible to remember all those things...</p> | |
| <p>Difficulty understanding what lawyers were saying due to lower education</p> | | <p>Oscar: ...everyone [jurors] speaks his mind out, literally... and everyone tries to evaluate each other's ideas...</p> | |
| <p>Scepticism about witnesses</p> | | <p>Virginia: I felt that the prosecution was not very strong, 'cos like they had to report on someone else's report.</p> | |

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| Attributions on prosecution | | Charlotte: Sometimes they say things that for me are... I feel that they're difficult. Because I didn't receive much education... | |
| Negative perception of the prosecution | | Agatha: I'm always looking at him [the accused]. He shows no emotion... absolutely no remorse, so he, the intent was there. | |
| Observing a performance | | Charlotte: The other one comes from a family that is not so nice, from what I've heard, so, they're a bit harsh, them, as a family. | |
| Evaluation of each juror's thoughts | | Virginia: ...there were people [jurors], like myself, who focused mainly on the witnesses [during the deliberation], and their reliability and non-verbals and what they presented. And the eye-contact there was between the accomplice and the accused. | |
| Unreliable witnesses | | Jane: When I saw them [autopsy photos], kind of, I pitied him [the | |

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| | | <p>victim]... you look up and you see his mother crying, like, it breaks your heart... I started telling them [the jurors], 'Imagine if this was your son.'... I put myself in his mother and father's place...</p> | |
| <p>Justification for personal verdict</p> | | <p>Virginia: ...it was the pandemic, the witness stand had these cubicles, perspex whatever... there was the reflection of the glass... you couldn't really see the faces [of the witnesses]... for me, that's crucial... to even look at the non-verbals.</p> | |
| <p>Making sense of evidence</p> | | <p>Agatha: Anxiety was a bit of a limitation for me, that I wished to focus more than I did, than what I was meant to do... when they're witnessing, I would know what they're saying, but at the same time, the other half of my brain was going, 'Ugh, how am I going to get out of here?...'</p> | |

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| Making sense of the case | | | |
| Justification for personal belief on the case | | | |
| Dissatisfaction with police evidence | | | |
| Empathy for victim | Empathy | | |
| Pity for the victim | | | |
| Empathy with people involved in the case | | | |
| Empathy with victim's family | | | |
| Trying to instil empathy through secondary roles of other jurors | | | |

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| Attribution based on individual's family | The Consideration of Extra-Legal Information | | |
| Prioritising non-verbal behaviour | | | |
| Importance of non-verbals given during deliberation | | | |
| Anxiety | Barriers to Being an Effective Audience Member | | |
| Fear of the accused | | | |
| COVID-19 interrupting witness clarity | | | |
| Good interaction with Judge | Positive interactions | Dynamics with Individuals Outside the Juror Team | |

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| <p>Satisfaction with the help of the marshals</p> | | <p>Sample Quotes:</p> | |
| <p>Treated well by the Court</p> | | <p>Edgar: ...if we [jurors] needed something... They [court marshals] were with us... They were very helpful.</p> | |
| <p>Help from the marshals</p> | | <p>Virginia: ...we had a break, they [court marshals] took us out for lunch... Very good places to go out and eat.</p> | |
| <p>Help from the Judge</p> | | <p>Oscar: ...they [Judges] take it... as their responsibility to make it [the trial] very, very clear. Very, very easy. For the jurors... [the Judge] made it clear that if everything is okay, and if the others are finding it interesting...</p> | |
| <p>Deception by the court registrar</p> | <p>Negative interactions</p> | <p>Agatha: She [Registrar] told us [jurors] that for those who want, the application, that you'd be exempted forever [from serving as a juror], it opens in August... Apparently, it was not true... Maybe</p> | |

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| | | <p>she just said it to shut us up and we calm down at the end.</p> | |
| <p>Team discussion to make sense of things/ collaboration</p> | <p>Onstage team communication about the case</p> | <p>Dynamics Within the Juror Team</p> | |
| <p>Team discussion for a common front</p> | | <p>Sample Quotes:</p> | |
| <p>Building an idea of the case through team discussions</p> | | <p>Edgar: ...that [the Judge's statement] didn't influence me... More when we meet... the jurors ourselves...</p> | |
| <p>Team discussion at the hotel</p> | | <p>Edgar: ...start building, you start building your thoughts, and asking questions.</p> | |
| <p>Team discussions more important than Judge's statement</p> | | <p>Virginia: Many times we [jurors] used to meet up again in someone's [hotel] room and keep on discussing.</p> | |

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| Positive team discussion on verdict | | Edgar: We [jurors] organised some games, some paper games, or some cards, we used to do some relaxing as well. | |
| Team discussion after verdict | | Charlotte: ...when we [jurors] went down to eat, we joked a lot amongst ourselves... we didn't mention any court cases, but we used to laugh... | |
| Team discussion when deception was happening | | Interviewer: So, wow, so even when you came to making the decision, you didn't discuss amongst yourselves? Charlotte: Nothing, no. | |
| Intense team discussion during deliberation | | Agatha: We [jurors] agreed on drawing up a chart... Like a pyramid, so that we say, 'Look, was it [homicide] intended or not?'. You start, 'Yes', 'No', 'Yes', 'No'... | |
| Logical deliberation | | Jane: [Jurors discussed] How it [the case] could have been possible from the accused's end, and obviously, how the victim... what he said to trigger him to | |

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| | | do what he did, right?... But why did he push him...? | |
| Straight-forward deliberation | | | |
| Building a story to make sense of the case during deliberation | | | |
| Lack of communication with other jurors about the case | Lack of communication | | |
| Lack of discussion during deliberation | | | |
| Miscommunication in the deliberation process | | | |
| Backstage behaviour | Backstage behaviour | | |

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| Team relaxation | | | |
| Team backstage behaviour | | | |
| Good team dynamic backstage | | | |
| Preparation for performance | | | |
| Doubt | Doubt during trial | The Degree of Loyalty to the Juror Role | |
| Confusion | | Sample Quotes: | |
| Worry about doubts | | Oscar: ...you have to evaluate... what was said. How it was said. When it was said. So, eventually, you have to distil everything. There's a lot to process. A lot. You have to put everything into context. | |
| Doubt as an issue | | Virginia: ...the fact that there were so many inconsistencies [in the case], then, there started to be the doubts. So, it [her | |

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| | | judgement] was no longer beyond reasonable doubt.... | |
| Going on-site introduced doubt | | Edgar: ...to take a decision, it [certainty] must be 100%. That's a little bit confusing for me as well... so if it's 1% what shall I do? | |
| Going on-site led to juror re-thinking | | Jane: I stuck to my word [during deliberation]. | |
| Need for justice | Objectivity | Virginia: I still went with my... hunch [in her vote]. | |
| Wanting to be neutral as instructed | | Jane: ...he [the accused] had a very good lawyer, who in some way, he convinces you. But he didn't manage to convince me, because for me... what's white is white, what's black is black. | |
| Trying to be objective | | Jane: What bothered me, was their expression of how they [jurors] were going to decide seemed one way, and then in the end, they ended up switching sides. | |

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| <p>Inflexible judgement throughout the trial</p> | <p>Inflexibility</p> | <p>Charlotte: I used to be afraid, because if I weren't afraid, I would have gone up to the Magistrate [to tell him her thoughts about the verdict]...</p> | |
| <p>Inflexibility of opinion</p> | | <p>Jane: I can't understand how there were people who decided... who can manage to think that it really was self-defence.</p> | |
| <p>Inflexibility of personal judgement</p> | | <p>Charlotte: ...it's like the trial was for nothing... But what's done is done.</p> | |
| <p>Clear conscience about vote</p> | | | |
| <p>Disloyalty to the role</p> | <p>Disloyalty to the juror role</p> | | |
| <p>Deception</p> | | | |
| <p>Disappointment at team betrayal</p> | | | |

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| People changing opinion to get a valid verdict | | | |
| Anger | | | |
| Anger at the verdict | | | |
| Fear of the Court blocking proper juror behaviour | | | |
| Disheartened | Defeat | | |
| Defeat | | | |
| Shock | Disbelief | | |
| Disbelief at other jurors' reasoning | | | |