

# A Corpus Analysis of Deliberations in Japanese Trials

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## **Abstract**

Access to jury deliberations is extremely limited, or even illegal and accordingly impossible, in most jurisdictions in the world. Accordingly, the linguistic exchanges in deliberations have seldom been compiled into a corpus. In this research, the linguistic exchanges in mock deliberations were compiled into corpora to examine the dynamics of verbal interactions between lay people and judges. Japan has been undergoing an enormous judicial reform, in which lay participation in a trial is one of the main changes. Under the new system, three professional judges and six lay people called lay judges will comprise a body that decides certain types of criminal cases that are statutorily specified. Lay judges are recruited from citizens in respective jurisdictions, and they discuss a case with real judges in deliberation. Thus, although the data were from mock trials, the deliberations were not laboratory experiments but are virtually real and authentic, because, those trials were organized and held by collaboration of district courts, public prosecutors offices, and the bar associations in various areas of Japan. Under the new system, lay and professional judges are supposed to be “equal” in the deliberation of a case. The quantitative and qualitative examination of the data in the corpora, however, will reveal the “inequality” between them in many respects. This research encompasses academic and practical implications: It will contribute to the linguistic study of language in legal context in that linguistic exchanges in deliberation have never been compiled into corpora or studied in Japan; it will offer keys to establish a fair and just administration of justice in the new system.

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