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ORDER IN THE COURT: A STUDY OF THE LONGITUDINAL
CO-CONSTRUCTION OF CHILD LEADER DEVELOPMENT
AND GROUP ACTIVITY DEVELOPMENT

presented by

Cherie D. Wilcox

has been accepted towards fulfillment
of the requirements for the

Doctoral degree in School Psychology

Jean A. Barber
Major Professor's Signature

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ORDER IN THE KIDSVILLE COURT:
A STUDY OF THE LONGITUDINAL CO-CONSTRUCTION
OF CHILD LEADER DEVELOPMENT
AND GROUP ACTIVITY DEVELOPMENT

By

Cherie D. Wilcox

A DISSERTATION

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

DEPARTMENT OF COUNSELING, EDUCATIONAL
PSYCHOLOGY, AND SPECIAL EDUCATION

2003

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ABSTRACT

ORDER IN THE KIDSVILLE COURT: A STUDY OF THE LONGITUDINAL CO-CONSTRUCTION OF CHILD LEADER DEVELOPMENT AND GROUP ACTIVITY DEVELOPMENT

By

Cherie D. Wilcox

This descriptive study explores the co-construction of leadership over a six-month period of time in an elementary school activity, the Kidsville Court. This activity was part of a "town" created by children in their spare time during the mid-1980's. The setting is a two-room private elementary school. Analyses use transcriptions of dialogue taken from videotape of 28 Kidsville Court trials. Activity theory methodology is used to describe leadership development at three levels: task organization behaviors of child leaders; development of legal practices of the Kidsville Court activity; and developmental processes that bring about changes for individuals and the activity.

Child leadership is often equated with task-organization behaviors of individuals. A quantitative analysis identifies four child leaders who frequently display task-organization behaviors. These older peers are experienced judges, lawyers, and bailiffs, and they perform task organization behaviors during court trials as part of their role-related duties.

A second analysis demonstrates change in practices of legal representation at the activity level. In American culture it is considered essential to provide procedural equity in spite of unequal distribution of resources to assure that both

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sides of an issue are heard. Legal representation is a foundation of American procedural justice. In early Kidsville court trials, legal representation is often not provided to litigants, and there is no expectation that court leaders provide representation. A qualitative improvement is seen in later Kidsville court trials, with leaders consistently assuring representation.

A third analysis focuses on developmental processes of change in Kidsville Court. Change begins in specific court trials when court leaders confront inequities to individual litigants caused by court practices of legal representation. Contradictions continue to arise between equity and uneven distribution of legal resources. Leaders take action and, with the help of their teacher, co-construct transformations of inequitable practices. After several transformations, court practices begin to change toward universal provision of legal representation.

The Kidsville Court activity provides a “zone of proximal development” (Vygotsky, 1978) for participant action. The activity provides extant practices, a forum for discussion of contradictions, and a status hierarchy which enables change. Leaders collaborate to construct new legal practices and values. New practices provide further opportunities for leader development and stimulate development of the complexity of the court activity. Court events contribute to shared history and experience. The interdependence of actions of child leaders with the framework of the activity results in the establishment of a value of equity in legal representation.

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2003

This work is de

husband. Bill.

DEDICATION

This work is dedicated to my loving family and friends and especially to my husband, Bill.

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ACKNOWLEDGEMENTS

I am indebted to King Beach, who has helped this project to go forward from its inception and has shared his extensive knowledge of activity theory and research methodology. I am very grateful to Susan Florio-Ruane, who has been a great support to me throughout this process. I want to thank Jean Baker, Ellen Altermatt, and Troy Mariage who have been very generous with their time and expertise as committee members. Evelyn Oka, my advisor, has been supportive not only during this project but throughout my program. I also want to thank my husband, friends, colleagues, and family for their patience and support during this project, which has become a major part of all of our lives. Jennie Weber's manuscript editing has been timely and useful and will be especially appreciated by readers.

Lastly, I want to extend sincere thanks to the many supporters of our health and well being throughout this process, including Dr.'s Norine Tracy, Joel Eisenberg, and John Talbot, who saved Bill's life, and other medical persons who have helped me to manage the physical exertion of this dissertation.

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Chapter One: Introduction

Dewey (1916) and others have argued that schools should prepare children for the responsibilities of adult citizenship by involving children as citizens in democratic school communities. There are probably infinite ways to define the *essentials* of citizen participation in democratic life. For purposes of this literature review, the writer takes a view of citizen participation in democratic life similar to the practical democratic theory of Boyte and Kari (1996) who state:

. . . public work, work that makes things of value and importance in cooperation with others, is the taproot of American democracy Through such work people gain visibility, authority, and larger intellectual horizons . . . [and they] become creators of their communities Practical democratic theory looks at questions of civic action and civic capacity: What forms of education, popular organization, relationships, and culture practices cultivate the confidence, spirit, and skills that citizens need for effective action and participation in governance? (p. 2-7).

From this perspective, schools would be communities in which children practice civic work, producing things of value in cooperation with others and taking actions to address local contextualized problems. Leadership, emerging from within community work groups, is a practical feature of civic work.

1.1 Reasons For The Study Of Childhood Leadership In Local Peer Group Settings.

This study is of peer group leaders engaged in civic work in a school community. There are practical, theoretical, and methodological reasons to focus on leaders and leadership practices as these are observed in natural peer

group settings. See below. Peer leadership experiences with group's abilities to support group members' the developmental experiences with group experience for some as an outcome of through their children experiences may may be that the story for the sorts of leadership

One purpose of resolve disputes and in some school settings productively among (Johnson, 1994). that the uses of peer and systematic building unresolved conflict disruptive to learning regular targets of and Adler, 1998)

group settings. Several reasons for such study are discussed in the paragraphs below. Peer leadership can be studied as a variable that affects the peer group's abilities to resolve disputes, take effective action, and protect and support group members. As such, peer leadership in a group setting will affect the developmental outcomes for all group members, providing either positive experiences with group membership or negative and possibly traumatizing experience for some members. From another angle, leadership can be studied as an outcome of peer group experience. That is, children learn how to lead through their childhood experiences as leaders in groups. These peer group experiences may positively or negatively affect how people lead in the future. It may be that the study of childhood groups can provide a model or explanation for the sorts of leaders that our culture is producing.

One purpose of leadership within any community is to provide methods to resolve disputes among community members. Studies have found that children in some school settings do not know how to resolve conflicts peacefully or productively among themselves (Johnson and Johnson, 1996; Johnson and Johnson, 1994). Recent episodes of fatal violence in schools highlight the fact that the uses of power in child and adolescent peer groups can involve planned and systematic bullying, revenge, and hate crimes in response to chronic unresolved conflict. To a lesser extent children's use of power strategies can be disruptive to learning and cooperation in schools, with some children becoming regular targets of peer abuse as has been studied in peer group cliques (Adler and Adler, 1998). Parents, teachers, and citizens express concern that children

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learn how to resolve disputes for the benefit of their communities, but adults often express helplessness in attempting to change uses of peer group power and methods of conflict management in a peer group (Adler and Adler, 1998). Study of peer leadership may provide insight into the practical processes of resolution of peer conflict in peer groups. In this respect, peer group leadership can be viewed as an important variable in the development of the school environments that support the development of all children.

One purpose of this study is to examine the ways in which leaders and leadership practices affect the development of group activities. As is discussed in the section on methodology of this paper, there is reason to believe that much human behavior is learned and developed through participation in cultural activities. In practical group settings, all children are not equally powerful, and it is the powerful peers who are most influential in the creation and development of peer group activities (Harris, 1999; Harris, 2000). To understand the development of peer group activity, it may be necessary to understand the uses of peer group power in local settings. This requires that researchers study how individuals come to wield power and such studies need to provide longitudinal information about how the uses of power change over time in natural peer group settings.

The need to foster leadership within child and youth activities is an issue of practical significance in our culture, and in this way leadership can be viewed as an important outcome of peer group experience. Practical settings which propose to foster or encourage leadership include high schools (Boccia, 1997),

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programs for gifted students (Smyth and Ross, 1999) and community programs for disadvantaged youth (Roach, et. al., 1999). There are, however, few models for programs of how to promote leadership among children or youth, and there is little research in this topic (Boccia, 1997; Smyth and Ross, 1999; Roach, et. al., 1999).

Another purpose for study of leadership in natural child group settings is that such study allows one to evaluate and modify theories of leadership. Theories of leadership have been beset by controversies about whether leaders are *great men* who influence history, or whether leadership behaviors are contingent upon and defined by cultural expectations, norms, and circumstances (Heifetz, 1994). The problem can be stated succinctly as follows: Leaders, by definition, help to shape the historical movement of activities; furthermore, the shape of activities dictates the forms that leadership takes, the skills that leaders need to develop, and the choice of candidates for leadership. Leadership can be seen as both an outcome of and an influence in activity development, whereas activity development can be seen as both an outcome of and an influence in the development of individual leaders. This research project emphasizes the interrelated development of individual leaders and of changing leadership responsibilities and practices in the activity.

This is a study of a child's peer group and its work in making a conflict resolution activity: the Kidsville Court, a children's court of law. The study examines pre-existing videotapes of a children's court activity that was part of a "town" that elementary school children created in their free time. The setting is a

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two-room, privately-owned school with a population ranging from 15 to 20 students (aged 6 to 12 years) during the time videotapes were made in 1985. In earlier years the school had a much larger student body, but enrollment declined rapidly during the economic recession of the early 1980's, resulting in a very small, mixed-aged group of students. About half of the students in this school population had educational disabilities. Disabilities ranged from mild (ADHD, learning disabilities or mild developmental disabilities) to severe disabilities (severe sexual and physical abuse, emotional impairments, oppositional-defiant disorder, and autism). This study is based on videotape records that were made of the Kidsville Court trials. Videotape was taken during the first year of Kidsville and only during the last five months of that year. The Kidsville Town and Kidsville Court continued through the next four years until the school was closed. For the current study, videotapes include 28 formal Kidsville Court trials.

The Kidsville Court activity was initially created by the children in order to enforce the first law produced by the children's town Council, a self-elected group of older children in the school. After that, the court functioned over the next four years to enforce law and order and to settle interpersonal and intergroup disputes among the town's citizens. Within the first several months of the Kidsville Court's existence, licensure was created to control who could take positions as bailiffs and lawyers. Eventually child judges were also licensed.

Teachers were some of the first lawyers in the Kidsville town. However, during the period of this study teachers were usually prohibited from arguing in court as lawyers. Teachers usually participated in Kidsville Court trials, if at all, in

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roles of private citizens of the Kidsville town as defendants, plaintiffs, witnesses, or as observers. The director of the school, however, was often involved informally as a legal advisor to court participants.

1.2 Overview Of The Chapters In This Dissertation

Chapter One is the introduction to this study. The introduction delineates the purposes of the study and reasons to study leadership in naturally occurring peer groups. It also introduces an overview of the paper.

Chapter Two is a critical review of the literature, including the research on childhood leadership and developmental studies of play and conflict negotiation that provide insight into the functions of leadership in childhood group maintenance. This literature review begins with three sections introducing the study of leadership development in children: The first defines forms of power; the second introduces literature on domination hierarchies in child and adolescent groups, and the third discusses developmental studies of leadership traits in children. Chapter Two takes an alternative perspective on childhood leadership, emphasizing contributions by leaders to the co-construction of peer group culture. This review briefly introduces literature on the development of peer group play as a culture-making process and on interventions in improving peer group conflict resolution and democratic processes in peer groups. This direction of study of peer leadership fits a values-based definition of leadership proposed by Heifetz (1994) where leaders are seen as persons who help groups or organizations to engage in "civic work" (Boyte and Kari, 1996) or "adaptive work" (Heifetz, 1994).

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Kidville Court and activity theory. The processes of social activities and indi

Chapter Three summarizes a pilot study of the videotaped data on the Kidsville Court. It introduces the setting, participants, and the videotapes which were then used for the current study. The pilot study analyzed legal arguments and decisions using a Piagetian model of moral reasoning, and its findings were ambiguous. However, during that study the researcher observed that practices of legal representation in the Kidsville Court may have undergone change over the time of the study. This observation became important for the genesis of the current study, which focuses on the development of the court's practices of legal representation and the interaction between individual leaders and changing leadership responsibilities of the Kidsville Court activity.

Chapter Four presents three research questions for the current study.

- (1) Is there a change from the early period to the late period in frequencies of leadership behaviors as evidenced by changes in *task organization leadership* and *helping or evaluating specific others*?
- (2) How does the nature and quality of the practice of legal representation change over time in the Kidsville Court?
- (3) What processes bring about the observed development in practices of legal representation of the Kidsville Court activity, and how do individual leaders contribute to this development?

Chapter Five provides the methodological framework for studying the Kidsville Court and its participants. The framework is based on principles of activity theory. The chapter begins with a definition of development as the processes of sociogenesis: a dynamic, open-ended process by which group activities and individuals create their social worlds, themselves, and others. It is

argued that development is a process of
promoting adaptive behavior that is
adaptively to environmental demands,
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Chapter 5

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argued that developmental study should view leadership as a process of promoting adaptive work, defined as the work that groups do to respond adaptively to environmental challenges. This chapter emphasizes the culture-making function of peer groups and the function of peer group leaders as persons who promote the creation of adaptive peer group cultures. Activity provides the purposes for which individual leader work can be put; it provides the tools, symbols, and other mediating artifacts that leaders use, and it provides roles in which participants can take effective action. Leaders may find that some aspects of the activity should be changed to address social problems in the group or the effectiveness of group processes. Activity theory provides a model for the study of the interactions of leaders and activity settings, where leaders may learn and grow and where these activities may improve the functioning of the leader and of the group.

Chapter Six describes the subjects, the videotaped data, the transcripts, and the setting and describes the specific methods that are used in this study to address each of the three research questions. The methods for the first research question use a coding scheme for quantifying leadership and non-leadership behaviors (which can be found in Appendix A). Descriptive statistics are used to identify changes over time in the frequencies of leadership and non-leadership behaviors in Kidsville and to identify four individual leaders of the group. The second research question requires a qualitative analysis of change over time in practices of legal representation of the Kidsville Court. This includes an in-depth analysis of seven indicators of change in legal representation, with descriptive

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Chapter Seven presents the research findings of the first analysis, which describes change over time in frequencies of leadership and non-leadership behaviors in Kidsville Court trials. Findings indicate that there is an increase over time, from the early to late court trials, in frequencies of both leadership and non-leadership behaviors. Both leadership and non-leadership behavior are found to be strongly related to the role of the participant, where persons performing in roles of judge, bailiff and lawyer perform more leadership behaviors, on average, than persons in roles as witnesses or court observers. The analysis identifies four individual leaders of the group on the basis of their production of leadership behaviors. The analysis in Chapter Seven shows that the production of leadership behavior is strongly related to role-dependant expectations for behavior in the Kidsville Court, and that certain persons in the group more often fulfill the roles of court officials and also produce the majority of leadership behaviors. There is also an indication that change takes place from the early to the late periods of this data, but the nature of that change cannot be determined from this quantitative analysis of behaviors.

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Chapter Eight presents the research findings of a qualitative analysis of indicators of change over time in the practices of legal representation in the Kidsville Court. As will be discussed further in Chapters Five and Eight, practices of legal representation perform a special function for procedural justice in the American legal system to assure that litigants have an opportunity to have their side of the issue heard in court. Chapter Eight demonstrates that changes in practices of legal representation from the early to late periods of this data result in important changes in ways that Kidsville Court litigants are heard by the court and the ways that judges are able to take both sides of a conflict into account. Chapter Eight also demonstrates that there were a number of practices in the early period of the Kidsville Court that acted as impediments to the provision of universal legal representation to litigants. Viewing these impediments over time provides an interesting way to analyze change in Kidsville Court legal practices. The analysis in Chapter Eight provides information about changes in the responsibilities of leaders over time, especially the responsibilities of judges and lawyers to assure and provide representation to others.

Chapter Nine provides an analysis of the transition period, the period during which practices of legal representation have been shown to undergo change. This historical period of the court is presented to the reader in sequential detail to show how Kidsville Court leaders encounter contradictions between equity and unequal distribution of legal resources in their justice system. Specifically, situations arise in which a litigant is not provided with representation due to practices of the court which support unequal distribution of legal

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resources. For example, there may not be enough licensed lawyers available to provide representation for both litigants, or a litigant may not have enough Kidsville money to pay for a lawyer. In these court trials, Kidsville Court leaders are seen taking action, sometimes supporting more equitable distribution of legal resources and sometimes supporting extant Kidsville Court practices (which limit provision of legal resources). This results in an ongoing dialogue among Kidsville leaders concerning contradictions between equity and current practices of resource distribution. Transformations of inequity arise out of the interdependence of individual action and the development of collective practice as new practices are negotiated among the participants. Leaders are especially important in this process of transformation, as they provide the voices for and against change.

Chapter Ten presents conclusions about the study, weaknesses of the study, implications for practice, and directions for further research. The primary conclusion of this study is a definition of equity leadership as a feature of the interdependence of individual leaders and the collective practices of the activity.

Following are the Appendices and the Reference section.

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Chapter Two: Critical Review Of Relevant Literatures

Heifetz (1994) argues that there are three basic approaches to defining leadership: *great man* definitions, *situationist or contingency models*, and *values-based models*. In this section these three approaches are defined, and they are used throughout this review to refer to their respective literatures.

Great man models of leadership define leadership as a set of traits, particularly power-wielding traits of individual leaders (Bales, 1953; Bales and Slater, 1855). Dachler and Hosking (1995) argue that traits ascribed to leaders compose a “caricature of the dominating, competitive, aggressive, manipulating, and achievement-driven male.” (p.12). Studies based on great man models examine personalities of great leaders or provide lists of characteristics that predict success for managers in business, government, or military. For example, Clark and Clark (1988) have edited a compilation of leadership measures reflecting management potential, inspiration and influence, managerial thinking styles, managerial behaviors, and intellectual qualities of effective managers.

Situationist or contingency models of leadership define situations that bring about certain leadership behaviors (Dachler and Hosking, 1995; Heifetz, 1994). The most radical situationist models of leadership argue that traits of great leaders can be entirely explained by historical events or specific situations. Patton and Churchill became great leaders due to specific circumstances during World War II. Less radical models, called contingency models, emphasize the fit

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Situationist and contingency approaches have clear advantages for study of leadership in children because these models assume that leadership requirements vary broadly across history and across cultures. One cannot know *a priori* which styles of leadership will be useful for specific activities. To use an example from anthropology, an outsider cannot know without some kind of research which leadership skills are needed in the Kpelle "Talking Matter." "Talking Matter" is a public court process in Kpelle Villages (Lancy, 1971, 1974, 1975, 1976a, and 1976b; cited by Schwartzman, 1978). Similarly, it may not be useful to assume that leadership skills for children are the same as those for adults. Some writers argue that qualities of successful governmental or business leaders (great men) may not be appropriate or relevant for children. Mach, et. al. (1999) argue against the direct application of adult-based great man models to children or youth:

. . . actual and emerging youth leadership may differ in significant ways from established adult leadership, . . . [and] leadership programs with youth need to derive from field-based studies of the ways youth themselves define, value, and enact leadership. (p. 13).

Situationist and contingency definitions have another advantage in studies of leadership. Using such models, one can account for different leadership expectations within the same organization or activity. Katz and Kahn (1978) find that leaders at different levels in modern democratic bureaucracies have responsibility for different functions. Lowest level leaders have responsibility to

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administer established rules. Intermediate level leaders are responsible for the welfare of subordinates and for resolving disputes. Top level leaders are responsible for planning the direction of the organization. This indicates that successful leaders may not have identical qualities. Persons with different skills coordinate their efforts within the organization, and this coordination results in the meeting of goals.

Heifetz (1994) proposes a third definition of leadership, one which emphasizes the values that leadership should promote, and the purposes for which power should be used. He argues that great man and situationist definitions purport to be "value free." These models implicitly emphasize the importance of prominence, influence, and authority, but they do not clearly address the purpose(s) to which influence should be put. According to Heifetz (1994), these researchers should simply call their topic "influence, power, and authority relationships." The study of leadership should be prescriptive and value-based. Throughout history there have been infamous power-users with charisma, organizational skills, and persuasive influence. These power-users had skills well suited to the demands of their situation. Such people are effective power-users, but they should not be called leaders according to a values-based definition, because leaders should help their communities to develop in adaptive ways. Adler and Adler (1998) provide a longitudinal study of childhood cliques in which elementary-school children were observed practicing Machiavellian styles of power-use, including systematic scapegoating. A values-based definition

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Many experts in the leadership literature argue that leadership requires an "ethics of social responsibility," (Drucker, 1977), "morality," (Emler and Hogan, 1981; 1991), "caring" (Colby and Damon, 1992), or "stewardship" (Block, 1993). . . These qualities are important for all members of a community, but they are especially important for persons who have power. Heifetz (1994) argues that leadership should help organizations to choose between different "values" and to make values-based decisions. Instead of glorifying the simple use of power, leadership should be defined as helping groups and organizations weigh and decide between values for the purpose of adapting to their environments. In other words, Heifetz argues for a leadership value of supporting adaptive change in groups. Heifetz (1994) defines "adaptive work" as:

. . . the learning required to address conflicts in the values people hold, or to diminish the gap between the values people stand for and the reality they face. Adaptive work requires a change in values, belief or behavior Getting people to clarify what matters most, in what balance, with what trade-offs, becomes a central task. (p.22)

Heifetz views influence and authority as the primary means used by leaders. Leadership outcomes are judged by the adaptive work that leaders encourage in others and in groups. Rather than viewing leaders as unique great men, or viewing leaders as defined by situations, Heifetz views leaders as those who are influential in changing culture in adaptive ways. This definition is consistent with the definition of civic work given earlier in this paper (Boyte and Kari, 1996).

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This critical review of the literature on childhood leadership includes several topics. The first sections of Chapter Two define types of power relations, child and adolescent dominance hierarchies, and research on developmental changes in power-use during childhood. Developmental literature shows that as children mature, managerial leadership in the peer group begins to become differentiated from simple domination. Child leaders contribute to organization of group activities, provide task-oriented feedback to participants, maintain efficient execution of task demands by the group, and help younger or less able peers. The later sections of Chapter Two focus on the ways in which child leaders contribute to the development of peer group activities, including group play activities and serious conflict negotiations.

2.1 Defining Power Relationships

Observational and experimental research has produced robust findings about basic within-group processes by which human and primate social groups maintain themselves (Harris, 1995; Fishbein, 1996). One of these processes is the creation of status and power differences between group members.

According to Wentworth (1980):

Power is said to be the result of an at least temporarily held controlling interest in certain resources originating in the subjective, objective, material, and symbolic realms (Weber, 1964)

Power is said to arise in and change the course of interaction and thereby affect future realities (Lasswell and Kaplan, 1950; Mills, 1956; Parsons 1957; Weber, 1958). Power, therefore is embodied in action affecting the "negotiation of reality. (p. 112-113)

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Ventworth (1980) defines three sources of power as physical power (control of capacity for force), economically conditioned power (control of strategic material resources), and social power. While the first two of these sources of power are important, the remainder of this discussion is on the topic of social power.

Raven (1992) and French and Raven (1959) define four sources of social power as coercion and reward, expert and referent power, informational power, and legitimacy. Coercion and reward include such tactics as physical threats, monetary rewards, expressions of approval, and withdrawal of affection. Expert and referent power are based on specific characteristics of the person exerting influence; while the power of an expert comes from an expectation that the expert knows what is correct, referent power comes from the target's desire to emulate the person. Informational power is the power to persuade based on logical argument.

Raven (1992) defines four kinds of legitimate power. Legitimate power is based on the structural relationship between the influencing agent and the target. Implicitly or explicitly the agent says, 'I have a right to ask you to do this, and you have an obligation to comply.'" (p. 220). The most obvious is position power, as exemplified by the formal power of a supervisor over a subordinate. Raven (1992) defines the three other forms of legitimate power as those which flow from other social norms: the legitimate power of reciprocity, meaning that I did something for you, so you are obligated to do something for me, the legitimate power of equity, meaning that I have worked hard, so I have a right to ask you to do something to make up for it, and the legitimate power of responsibility or

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Position power has been further specified by some writers. Weber (1964) differentiates between two kinds of position power: traditional authority, (which depends on custom and inherited titles), and legal-rational authority, which requires obedience to an impersonal legal order and to persons who hold positions in that order. Emler and Hogan (1981) argue that legal-rational authority has become the primary model in modern democratic societies. Specific features of the legal-rational order are:

. . . authorities in particular positions are permitted to do only particular things; their jurisdiction is usually specified in rules and legal codes [Also] legal-rational authority does not depend upon a personal relationship between bureaucratic officials and those whose activities they regulate. (p. 299)

According to Emler and Hogan (1981), appropriate use of position power defined in its modern democratic sense ideally includes both "authority" and "impartial representation." A democratic leader is supposed to represent the people fairly, personally, within a specified jurisdiction, and to be answerable to the people represented.

Power relations have been shown to be relatively stable features of groups; thus, stability is the focus of much research on power. However, it is clear that power relations can and do change over time. While power changes are occasionally dramatic, as in the American Revolution, most changes are slow and more subtle, as in the erosion of job discrimination due to affirmative action. Finally, civic action implies the creation of new organizations, the emergence

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of new power groups and leaders, and changes in the social structure, including changed power relations between and within groups. To paraphrase Wentworth (1980), power arises in and changes the course of interaction affecting the negotiation of reality within communities.

A developmental task throughout one's lifetime is to understand and use the intricate rules of power relations as is appropriate for one's position within the culture. This understanding develops as children undergo status changes, maturing into fully functioning power-users of their cultures. Another developmental task according to some writers (Heifetz, 1994; Emler and Hogan, 1981; Emler and Hogan, 1991) is to learn to use power in ways that allow one's community to change in adaptive ways. As will be seen in the next section, some writers consider the promotion of adaptive change to be the hallmark of leadership, as compared to other forms of power usage.

2 Studies Of Domination Behaviors And Dominance Hierarchies In Wild Groups

Dominance hierarchies are a basic feature of group functioning. Children under the age of 2 years do not operate as members of groups in their dominance and affiliation behaviors (Strayer and Trudel, 1984); after that age dominance hierarchies among age-mates become an increasingly important part of group functioning. Dominance hierarchies are usually measured in terms of who wins in a dispute or conflict between two children. It is expected that in a group the dominant partner will win in the majority of conflicts. In a group, these

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dyadic relationships will be hierarchical. If child A is dominant over child B, and B is dominant over C, then child A is expected to show dominance over child C.

One prominent theory is that dominance hierarchies function to maintain group stability and reduce aggression. In an experiment covering a 5-day period of time, Petit, Bakshi, Dodge, and Coie (1990) tested the relationship between formation of stable dominance hierarchies and the occurrence of aggression in groups of first and third grade boys. These authors defined four types of dominating social encounters (persuasion, bullying aggression, instrumental aggression, and angry-reactive aggression). Their analysis found that age-related differences in group coherence were a function of lower rates of aggression in the groups of older boys.

Savin-Williams (1979) studied dominance hierarchies in camp groups of adolescents over a three-month period of time using eight indexes of domination behaviors. In this study dominance hierarchies in both male and female groups were established quickly and were relatively stable across time and settings. There were differences between male and female groups in frequency of specific dominance behaviors. Specifically, boys were three times more likely to engage in arguing and physical encounters. Girls were four times more likely than boys to use evaluative behavior such as complimenting, asking favors, imitating, soliciting advice, and shunning or ignoring. However, the purpose of the study was to determine who asserted dominance over whom, not to evaluate the quality of domination behaviors. As the author notes,

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individual adolescents, for whatever ontogenetic reasons, varied considerably in their use of the eight indices to achieve their status. Some, cabin bullies, physically threatened and fought, while others used verbal directives and control to assert their dominance. What was important was whom the dominance behavior was directed toward." (p. 932).

Dominance hierarchies not only reduced antagonism within groups, but also allowed a stable division of labor to appear. High ranking adolescents had specialized group functions and performed specific instrumental roles, such as initiating activities and making decisions. Lower ranking adolescents performed their functions by taking cues from dominant group members and by following directions. In female groups, dominant girls also intervened in squabbles to ease bad feelings or repair interpersonal relations. Group activities and chores were accomplished through this division of labor.

The importance of dominance hierarchies in group functioning cannot be doubted. As peer groups become more sophisticated, however, dominance hierarchies may not be the most effective way to study their organization and uses of power. One limitation to the study of dominance hierarchies is that dominance attempts often result in a "tie" because there is no clear "winner" in an exchange. Dominance behavior may be especially difficult to observe in older or more sophisticated subjects. For example, Savin-Williams (1979) found that dominance behaviors in adolescent girls' groups were sometimes quite subtle. It is possible that stable and effective dominance hierarchies emerge so subtly in group settings that overt dominance behaviors are not necessary in order to assert or communicate dominance, except perhaps in serious conflict situations.

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Since open conflict is rare in naturalistic settings, study of dominance in conflict situations may require use of videotape to analyze relatively unusual events (Petit, Bakshi, Dodge, and Coie, 1990).

When children are observed in groups after the age of 3 or 4 years, some researchers have noticed a distinct type of behavior task organization behavior which can be distinguished from other dominance behaviors. Petit, Bakshi, Dodge, and Coie (1990) called this behavior "leadership" and defined it as the extent to which a subject "displayed assertive attempts to direct the group in a positive fashion. (p.1020)" In their study, leadership predicted dominance rank in groups of third grade boys, but not in groups of first grade boys, which suggests that as children mature, leadership becomes a more important feature of peer group functioning. Savin-Williams (1979) confirms this supposition. In that study leadership clearly predicted dominance status rank among adolescents: male and female alphas were clearly leaders in their cabin groups, and they tended to use indirect dominance behaviors or to express authority by giving verbal directives. The following section reviews research on the development of leadership in children defined by managerial and task-oriented uses of power.

The Emergence Of Managerial Competence: Task-Facilitation As A Dimension Of Leadership

Some researchers have argued that hierarchical arrangements in groups are established through leadership, defined as direction, organization, and regulation of group behavior, instead of through coercive types of dominance.

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The rest of this chapter reviews studies of leadership as a specific aspect of group functioning and social competence in individuals.

One obvious feature of preschool play is that some children are active and sophisticated in organizing play episodes among their peers. LaFrenier and Groufe (1985) studied peer social competence in four to five-year olds in two preschool groups using multiple measures over the course of a school year. Leadership was defined as organizing or directing the activity of a peer by making suggestions, demonstrating an activity, leading by the hand, or appointing children to various roles. These researchers found that dominance rank was not a reliable measure of peer social competence because of differences between the two classroom groups in the study. In one group, leadership was significantly correlated with social competence, sociometric status, social participation, and attention rank, but it was not significantly related to dominance rank. The other group had a higher proportion of children with behavioral problems, and in that group leadership was not significantly correlated with social competence. These findings provide indirect evidence of a differentiation between dominance and leadership in preschool groups, although this differentiation is not strong enough to be demonstrated if the group has a large number of poorly adjusted individuals.

In a factor analysis of preschool play leadership in Japanese children, Fukada, Fukada, and Hicks (1997) studied the behaviors of 6 pupils in 3 preschool classes. The children were selected by their teachers as being "centrals," "in-betweeners," or "peripherals" in group play activities. The

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researchers tested Misumi's (1985) theory that leadership has a multidimensional nature, and their study found evidence for two factors of leadership in their subjects during free play: (1) facilitation of play, and (2) consideration for and evaluation of playmates. Although facilitation of play did not differentiate between groups, the researchers found that centrals demonstrated significantly more consideration/evaluation behavior toward playmates than did the in-betweeners or peripherals. The four behaviors that defined consideration/evaluation were those of giving directions for rules of play, giving approval or criticism based on play rules, worrying about or helping others, and protecting others. This study supports the view that managerial behaviors differentiate leaders from non-leaders, but it also points to a difference between task facilitation behaviors and leadership behaviors that maintain positive relationships among group members, that is, consideration and evaluation of peers. This topic will be elaborated on later in this chapter.

Managerial uses of power have also been studied in middle childhood. Petit, Bakshi, Dodge, and Coie (1990) defined leadership in terms of the child's assertive attempts to direct play in a positive manner. Using this definition, they found that leadership predicted dominance rank in play groups of third graders, but not in the first grade groups they studied. French and Stright (1991) studied "facilitative leadership," defined as "behavior that organizes and directs a group toward the attainment of a goal." (pp. 188-189). In that study, second, fourth, and sixth graders were assigned to same-age groups and video-taped as they engaged in a cooperative task which involved selecting pictures to put in a

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hospital. The researchers express some surprise that leadership was not correlated in their study with the behavior of "offering opinions," which has been thought to be indicative of leadership in some settings, but they concluded that leaders may have had too little investment in the task to attempt to convince others of their opinions.

Edwards (1994) studied naturally occurring leadership in school-age Girl Scout troops. The subjects were fourth, fifth and sixth graders enrolled in 16 troops. The researchers took several measures of leadership, including adult rating scales of different personality traits, peer descriptions of personal qualities, and adult and peer ratings of frequency of formal and informal leadership within the troop. Results showed that a managerial leadership style (as perceived by adults and peers) consistently distinguished leaders from non-leaders. Furthermore, informal leadership was relatively stable over time and predictable from personality characteristics.

Leadership behaviors may be more common in mixed-age groups.

Finch, Wass, Stright, and Baker (1986) point out that:

. . . children are more likely to exhibit prosocial behavior. . . and offer instruction . . . to younger peers than to age-mates. They are more likely to establish friendships . . . and exhibit aggression . . . with age-mates. (p. 1277).

Brody, Stoneman, and MacKinnon (1982) found that during a board game older siblings assumed dominant roles (teacher and manager) with a younger sibling, but they assumed equalitarian roles (playmate) with a friend. Since peer interaction in communities, neighborhoods, and clubs is often in mixed-age

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groups (Ellis, Rogoff, and Cromer, 1981), it makes sense to study leadership behaviors in mixed-age groups. French, Wass, Stright, and Baker (1986) compared the leadership behaviors of same-age and mixed-age triads in a cooperative picture-choosing task, using the same methodology as French and Stright (1991). Asymmetries in leadership behaviors were most pronounced in mixed-age triads composed of one 9-year-old and two 7-year-olds. In these groups, older group members showed increased frequencies of task organizing behaviors and solicitations of opinion and exhibited less opinion-giving than their counterparts in same-age groups. The authors note that the failure to replicate these differences in older mixed-age groups (groups with two fourth graders and one sixth grader) could be because the task was too easy to require leadership behaviors. This indicates that task difficulty may have something to do with the situational display of managerial behaviors. French and Stright (1991) had found that some task organizational behaviors may be not needed under certain task conditions in order to achieve a task.

Helping And Evaluating Others: The Group Maintenance Function Of Leadership

The Japanese researcher, Misumi (1985) and his colleagues have challenged leadership models which focus on task organization as the primary dimension of leadership. Using a two-factor model, these researchers have shown that in actual industrial, governmental, and educational settings, task facilitation and group maintenance are separate but complementary dimensions of leadership. If one or the other factor is missing, then it is difficult to accomplish

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als in such group settings. Furthermore, in many settings the same managers do not fulfill both functions equally. In successful organizations, persons fulfill different functions, which allows for the coordination of goals.

The two-factor model has been developed and tested primarily in adult work groups, but one study in Japanese preschools (Fukada, Fukada, and Hicks, 1997) has substantiated the usefulness of Misumi's (1985) two factor model in child play groups. The researchers found that the factor that distinguished central play group members from others was that central play group members expressed concern for playmates, helped others, evaluated or corrected playmates' behaviors, and protected the group from outside disruptions. In the Fukada, et. al. (1997) study, preschool leaders provide group maintenance through helping and evaluating others. In other words, it is the leader's job to help individual group members meet expectations for group behavior and to provide guidance and support for that.

American research on leadership in children seems to focus on the task organization dimension of leadership to the exclusion of group maintenance. When group maintenance is considered, it is not defined as a separate factor, though the research cited above would indicate that group maintenance may be as important in childhood leadership as task organization. Leadership through cooperation, mutual helping, positive criticism, and guidance may be a factor that is not well understood in American culture.

Evidence of the need for group maintenance leadership can be seen in studies of cooperative learning in classrooms. During peer cooperation in

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learning, both leaders and followers work together to gain insights into problems. This requires that children help and evaluate each other and accept help and feedback from others. According to Foot, Shute, Morgan, and Barron (1990), there are three basic types of cooperative learning situations that have been studied extensively: peer tutoring, peer collaboration, and cooperative learning. In peer tutoring, relationships between peers are asymmetrical in terms of knowledge or age so that the novice learner can get help and guidance from the more experienced tutor. Symmetrical relationships are more important in peer collaboration, in which peers mutually engage in discovery learning through conversation and having their views challenged by others, or in cooperative learning in which cooperation among peers is needed to accomplish certain highly structured tasks. Each of these learning situations may provide different opportunities for leadership in the forms of task organization and helping and evaluating others.

Research on peer learning experiences has shown a number of benefits for students. In tutoring, for example, the opportunity to assume an active role in helping others tends to increase the tutor's internal motivation, improves attendance, and improves school learning and behavior. Research on collaborative learning is extensive (Rogoff, 1998). Several studies show that joint decision-making with a balanced exploration of different opinions among peers results in improved understanding of solutions. For example, peers who are engaged with each other's ideas are more likely to gain competence on logic games or math and science tasks than peers who did not collaborate on the

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tasks (Damon and Phelps, 1987; Light and Glachan, 1985). Gauvain and Rogoff (1989) found that individual children did better on an errand planning task after they had worked together in collaborative groups. Light, Littleton, Messer, and Joiner (1994) found that school-aged children performed better on errand-planning tasks or games when their work together involved discussions of planning, negotiations, and co-construction of knowledge.

Studies of cooperative learning show that some groups never achieve the level of cooperation and idea-sharing that is necessary to learn from group problem-solving. Specifically, Euro-American children sometimes need specific instruction in order to coordinate the leadership and followership functions of task-facilitation, helping others, and asking for help. Ellis and Gauvain (1992) compared pairs of Navajo and Euro-American 9-year-olds who were asked to teach a game to 7-year-olds. Pairs of Navajo 9-year-olds were more likely to build on each other's comments and collaborate in trying to teach the task to the 7-year-old student. Together they provided useful task information, remained engaged in the task, and observed their partners. In contrast, European American 9-year-olds tended to offer parallel and unrelated lines of instruction to 7-year-old students. These helpers did not cooperate together to provide instruction.

A brief review of recent work on collaborative learning shows that there are many books and articles on how to encourage collaborative learning so that American children can benefit from group learning experiences. The literature points to fostering environments of collaborative learning. Perhaps the most

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important outcome in cooperative learning groups would be what Misumi (1985) refers to as group maintenance leadership in the learning environment. Group members accept help and give help, and members can accept a peer's criticism, assessment, or suggestion. Members can disagree without dismissing other group members.

Brice (1998) studied two high school focused-discussion groups in a detailed linguistic analysis. One of the groups was able to form a stable leadership pattern which allowed them to focus on the discussion tasks. The acceptance of a group leader allowed the group to function cooperatively and productively. The other group never formed around a stable leader, and consequently group members continuously challenged for dominance, which was task-disruptive and eventually was disruptive to group maintenance. Without a leader, this group rarely had the kinds of cooperative learning experiences that stable leadership allowed the other group to have.

2.5 Leadership Processes In Play: Peer Group Culture Making And Changing

Leaders not only organize tasks and help maintain group cohesion, they are involved in making and changing group cultures and developing methods of conflict management (Heifetz, 1994). Some writers have argued that the formation of a functional group requires the emergence of group institutions. Janiecki (1925) states:

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which constitutes the dynamic organization of the group. The function of each member consists in his [or her] obligatory participation in group institutions: functions vary for the different categories of members. (p. 208)

It is the formation and standardization over time of group activities that is the defining feature of a functional group. Local play activities, as they are organized and standardized by group members over time, can be seen as a powerful way in which children learn to create and participate in functional groups. Understood as civic work (Boyte and Kari, 1996), play and the conflict resolution involved can be viewed as the child group's collective work in making their society and co-constructing things of lasting value: symbolic artifacts, distributed roles, and methods of conflict resolution. Child leaders are observed helping peer groups to create these local activities.

One can ask in longitudinal research: What is created by this group? What conflict management strategies does this group use, and do these change over time? Is there a problem that the group attempts to resolve over time? Do leaders help groups choose between alternative values or meanings over time? Such research questions address the nature of adaptive work (Heifetz, 1994) which involves maintaining cultural practices and relations and also helping groups to change cultural practices in adaptive ways.

The next two sections give examples from sociolinguistics and psychological studies of peer group co-creation. The studies chosen for review are taken from two different literatures: (1) children's group play and games in natural settings and (2) peer conflict negotiation interventions. These literatures

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In some ways the Kidsville Court activity is a complex “game with rules” created by the children in their spare time. The pilot study on this data (Wilcox, 1996) described the Kidsville Court as “a sustained children’s play activity.” Thus, parts of the literature on play and games are relevant to the study of culture-making and culture-changing in the Kidsville Court.

In other ways, the Kidsville Court is clearly a children’s court of law with the expressed purpose of settling conflicts. One of the pilot study findings (Wilcox, 1996) was that decisions of the Kidsville Court were binding on the participants and that the court’s processes were taken very seriously by the Kidsville town citizens, as a court of law would be. The very serious behaviors of the court participants do not resemble those of persons who are “playing.”

In the following pages, this review will sum up some of the major findings in the peer play literature and in the peer conflict intervention literature that demonstrate the ways in which peer group leaders act to create, maintain, and change peer cultures.

Peer play is a context in which mutual co-creation of childhood peer group activities has traditionally been studied. Piaget (1962) and Vygotsky (1967) both argue for the developmental importance of play because play activities allow children to co-construct social rules, experiment with social roles, and develop methods of conflict resolution among themselves. The task of creating society within childhood peer groups is multi-faceted, and it also changes over the

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course of child development. It is possible that the group's ability to form and maintain such play and game activities is dependant upon the formation of leadership structures, a possibility that is briefly outlined here.

Vygotsky (1967) focuses on the importance of early childhood symbolic transformations of objects and of the self into something else. In solitary pretend play, the broomstick can become a horse and the child can become a cowboy; in shared pretend play children actively negotiate these symbolic transformations in order to make play scenarios together. Symbolic transformations of self and other are probably a key element in the ability to understand role-taking. Research in pretend play communications shows that children must maintain their real relationships, while at the same time engaging in cooperative symbolic transformations, such as pretending to be a teacher or fireman. This requires that children engage in extensive negotiations as they co-create pretend play reality (Bretherton, 1986; Gearhart, 1979; Garvey, 1982; Schwartzman, 1976, Giffin, 1986). The process of pretend play negotiation requires political finesse, and it is not surprising that leaders in the child group are often leaders in the sophisticated processes of pretend play negotiations, as well (Fein, 1981; Garvey, 1982; Howes, Unger and Matheson, 1992; Schwartzman, 1976). This implies that without leaders to help the coordination of group symbolic play, the group could not enact complex pretend play activities.

Piaget (1962) emphasizes rule play in middle childhood, arguing that in middle childhood, through games with peers, the child begins to see social rules

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as negotiable through playing games with peers. Piaget (1962) expresses this in the following way:

. . . the rules of the game of marbles are handed down, just like so-called moral realities, from one generation to another, and are preserved solely by the respect that is felt for them The little boys . . . are gradually trained by the older ones in respect for the law As to the older ones, it is in their power to alter the rules. If this is not "morality," then where does morality begin? (p. 17).

Piaget has been criticized for blurring the boundaries between game rules and moral rules (Turiel, 1983; Gilligan, 1982). However, one can interpret Piaget's statement at a deeper level: that children practice rule-using and rule-altering authority while negotiating game rules (Kurtines, 1987). Again, such opportunities to engage in rule-using and rule-changing activities are made possible by leadership structures of the child group.

Piaget's work on games with rules has not been followed up by child developmental psychologists, except for a study confirming his stages of play (Eifermann, 1971). However, anthropological studies have shown that game rules and play negotiations can provide practice in legal-argumentative skills. For example, an ethnographic study of dispute settlement in the game of "Red Light-Green Light" (Von Gloscoe, 1980) found that children's argumentation was highly legalistic. If accused of moving during the "no-go" condition, the player's defense can be expressed in the following paradigm: "I didn't move. If I did move, it wasn't goal directed. If it was goal directed, it wasn't intentional. And if it was goal directed and intentional, you didn't see me." (p. 229).

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Lancy (1974, 1975, 1976a, and 1976b), cited by Schwartzman (1978), analyzed the relationship between Kpelle children's language games and the skills necessary in village court appearances (called the *Talking Matter*). The *Talking Matter* is a serious public court event, affecting wealth, prestige, marriage and family relations. All adults (and some adolescents) are required to participate in these court appearances at some time -- as plaintiff, defendant, witness, elder, or judge. *Talking Matter* requires complex skills, verbal fluency, memory of past events, and ability to use several kinds of speech events; and Kpelle children's language games clearly hone legal-argumentative skills. In telling short stories (mini-pele), children practice verbal agility in the face of a hostile audience; longer stories (pole-yee) require holding audience attention by use of dramatic techniques; riddles (sia-polo) require remembering evidence and defending the rationale for one's position; and verbal memory games (cologne) involve memorization of proverbs.

Research in many American and European school groups has shown that co-construction of a peer society frequently requires complex forms of practical argumentation in which children can advocate for themselves and justify their positions. Such justifications can be evaluated by peers on the basis of merit. Corsaro (1992) notes that as he observed and studied children's play, he found that he was observing "collective, communal, and cultural processes." (p. 160).

Little by little, I began to see that I was not simply studying the positive effects of peer interaction but also was documenting the children's creative production of and participation in a shared peer culture Theories of children's social development must break free from the individualistic doctrine that regards social development solely as the child's private internalization of adult

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skills and knowledge . . . children enter into a social nexus and, through interaction with others, establish social understandings that become fundamental social knowledge on which they build continuously. (p.161).

To create a shared peer culture may require methods of conflict resolution. One neo-Piagetian view is that opportunity for conflict resolution among peers is the major developmental factor in peer group play or games (Rubin, et. al., 1982). Conflicts are real, and they disrupt play. Outcomes of conflicts during play are also real but usually not permanent or damaging. Thus, in the safety of play, child groups have the opportunity, and motivation to experiment with dispute resolution artifacts and to create their own peer culture through the exercise of dispute resolution. As has been discussed in sections 2.3 and 2.4, processes of conflict resolution may take the form of peer group leadership.

The above studies would indicate that in successful peer groups the relationship between group members and group leaders is one of shared but differentiated responsibilities and mutually negotiated, although sometimes hotly contested meanings. Leaders are not simple task managers, nor do they simply provide group coherence by helping and providing feedback to others. Leaders (usually multiple leaders) are influential contributors to ongoing dialogues about the best way to do things, especially when the group must make important decisions. Child leaders are influential participants in persuasive dialogue, negotiation, argument, and decision-making about how to best structure activities. Rogoff (1998) indicates that the need to explain or justify oneself

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Absence of open debate is problematic in authoritarian governments and in some peer group settings, such as cliques and gangs (Adler and Adler, 1998).

2.6 Civic Leadership Among Peers: Serious Conflict Negotiation

Sometimes skillful peer group members use their power to exclude alternative voices and to encourage abuse against other children. Educators, however, are assigned the task of providing a safe, productive, and collaborative learning environment for all children, including those whom peer cliques tend to exclude and abuse.

A recent longitudinal ethnographic study (Adler and Adler, 1998) of preadolescent cliques in a middle- to upper-class American school setting found that over a three-year period of study, cliques of third, fourth, and fifth graders used very similar methods of classifying clique members, and of treating out-group children and less powerful clique members. Cliques techniques were astonishingly similar between groups and also over time despite other differences between cliques especially those of masculine- and feminine-typical behaviors, age, and attitudes toward school achievement (Adler, Kless and Adler, 1992). One of the most disturbing features of clique-leader's behavior was the encouragement of verbal abuse against less powerful others. Clique members found sport in harassing low-status out-group children because the clique leader did so. Clique members also picked on less powerful clique members. Members would passively accept this, even if a best friend was the target because of fear that the abuse would be turned on them.

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Adler and Adler (1998) conclude that there are a set of political dynamics specifically associated with cliques, that included boundary maintenance and exclusive definitions of membership, a hierarchy of popularity (status stratification and differential power), and relations between in-groups and out-groups (cohesion and integration). Techniques of inclusion included recruitment, application, friendship realignment, and ingratiation. Techniques of exclusion included out-group subjugation, in-group subjugation, compliance, and stigmatization. Examples from interviews with clique members and clique leaders indicated that the methods of using these political moves and tactics could be subtle, covert, and manipulative on the parts of the group leaders. The authors conclude that:

[Clique] leaders maintain their power not through attractive qualities or the contributions they can offer the group, but through their inherent grasp of the subtleties of [political] dynamics and their ability to successfully manipulate them. (p. 73).

Collecting longitudinal ethnographic data across groups and over time, Adler and Adler (1998) were able to look below the surface of what people claim to do, what can be measured in brief observations of public behavior, and what can be observed in a laboratory.

There have been many programs designed to promote changes in groups, often with the goal of creating more democratic group processes, promoting the moral development of individuals, or reducing violence and destructive conflicts. It will be argued here that effective intervention programs usually promote appropriate uses of peer leadership, although this may not be a stated goal or a

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perceived method of intervention. Kohlberg and Higgins (1987) found that peer groups had to actively take responsibility for their member's welfare, including enforcing rules by serving in student discipline committees. Kohlberg and Higgins (1987) states that the appeal of the democratic community of students was less to escape the authority of adults, but "to escape the theft, intimidation, and isolation created in the peer world of cliques and gangs." (p.125) Reed (1997) states that in what Kohlberg has termed "just communities":

Individuals began to articulate their concern as members of the group, but they [more importantly] began to reason as a group. They moved from heteronomous reasoning in which they conceived themselves as subjects of an external authority to autonomous, cooperative reasoning . . . ruling themselves as a community would rule itself. (p. 210).

The above statement suggests that healthy group self-rule requires the development of civic leadership within the group.

Peer mediation programs are more modern examples of peer conflict management intervention. The basic premise of peer mediation programs is that children can learn to mediate between peers during conflict situations. Some studies (Johnson and Johnson, 1996; Johnson and Johnson, 1994; Johnson, Johnson and Dudley, 1995; Johnson, Johnson, Dudley, and Acikgoz, 1994) have found that before training in mediation, students did not know how to resolve conflicts through negotiation, and teachers complained of being overwhelmed by conflict management demands.

Studies of interventions, such as "just community" and peer mediation programs, have not systematically examined the group developmental processes

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by which dispute resolution artifacts are established, accepted, changed and used (or not used) by peer communities during the intervention. Emler and Hogan (1981; 1991) for example, are critical of Kohlberg's (1981) theoretical model, and they argue that by emphasizing the ideal that all participants are equal, "just community" interventions downplay the social realities of leadership that are required to bring about positive changes in any community. Specifically, leadership, whether provided by students or staff, is not usually considered to be a theoretical factor in peer group intervention programs. Research reviews do not report on the development of leadership during the intervention, although lack of leadership may be mentioned as a reason for the failure of an intervention.

Intervention researchers rarely study the development of individuals as peer leaders during intervention programs. Trela and Conley (1997) point out that peer conflict negotiators may have to act as leaders in their school communities in order to be effective, and that through their work as conflict negotiators these students could be expected to experience developmental changes as leaders. In their study of student peer mediators, aged 15 to 22 years, the authors found that peer group mediators reported that they felt they related differently with their peers, listened to both sides of a story, changed the way they dealt with personal conflict, thought more independently, and surprised people with their mediation skills after they had become peer mediators. The authors concluded that many aspects of peer mediation are closely related to leadership traits (Wyach, 1992; Rost, 1991). Trela and Conley (1997) point out that peer mediators explain their development in relational terms, and they

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describe their mediation experiences as helping them to gain personal efficacy, including improved ability to act in a responsible manner, be decisive, and become more involved in leadership roles in their school and community.

The above research on leadership development among peer mediators would indicate that peers, especially as leaders in their peer groups, can strongly influence the development not only of the peer group, but of themselves and their relationships with others.

2.7 Summary And Conclusions

Rogoff (1998) sums up the status of research on collaborative processes in child groups:

- (1) There has been little study of the social and cultural aspects of how people determine the problems, goals, and means of their collaborative efforts;
- (2) We know little about collaboration when children and adults are in each other's presence without interaction as their agenda, when interaction is controlled by children seeking assistance, or when groups of children are not in the presence of adults.
- (3) The dynamics of groups larger than the dyad have received little attention. Even when larger groups have been studied, they are often treated simply as collectives of more individuals, interacting with each other as successive dyads rather than as integrated groups; there is insufficient information regarding populations other than middle-class

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Leadership is one feature of collaboration in child groups that warrants further study. This review of the literature is meant to show not only the technical competencies and abilities of child leaders as they use task management skills, but also to focus on the ability of child leaders to coordinate group efforts toward adaptive changes. Adaptive work sometimes requires that groups change their structures and even re-organize their uses of power. This study is about leadership practices as adaptive work in the creation of a children's court of law.

This study of Kidsville Court holds promise as a study of enculturation and culture-making within American school life. The students and the activities in this setting are certainly recognizable as features of American culture. However, there are a number of unique and possibly surprising features of peer group development within the Kidsville Court setting that may provide food for thought about the development of groups and of individual leader development within groups. Such research allows psychologists to re-examine traditional views of how enculturation and culture-making happen in American culture through an intimate, longitudinal view of local culture-making.

This project is designed to study both individual and activity development through the interrelated processes of enculturation, culture-making, and culture-changing. The study of culture-making is illuminated throughout this review by studies of children's peer group play and cooperative problem solving. Children's

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work within peer groups can be studied as children define and “make a place” for themselves and others within peer group activities. Different activities have different affordances and constraints for the ways that people can define themselves and be defined by others. Furthermore, a specific peer activity is not the “same” from the points of view of the various participants, since participants occupy different “places” within the activity (Sui-Lan and Moghaddam, 1999). Leadership positions within group activities are especially important, because persons in positions of power within activities often have more authority or influence to alter activities, and the practices by which the “meanings of self” are achieved (Bruner, 1990).

It is common in news and governmental reports to refer to “cultures” as large, universally held sets of beliefs and behaviors. If this were true, there would be no reason to study specific peer group cultures, or their activities, because all peer groups would essentially be the same. It would also be an overwhelming task to try to intervene in peer group culture because one would have to change large sets of beliefs in large segments of the population. This is a popular approach taken by politicians to address widespread problems of violence, drug abuse, and premarital sex, as is exemplified by “just say no” programs or governmental attempts to control sex and violence on TV.

But outside-of-the-home child enculturation and culture-making, for specific children and groups of children, takes place in specific peer group settings with local ways of doing things and ways of belonging. (Harris, 1999; Harris 2000; Adler and Adler, 1998). These local ways are developed over time

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by peer group members, and they are passed on or changed over the course of time through peer group processes. Viewing peer group culture-making and enculturation in this local way, the proper unit of study for peer group development is not the statistically average individual child, but local peer group cultures and the children's co-construction of their activities. Cole (1995) illustrates this level of study in the following description of his study of an after-school activity called "The Fifth Dimension":

. . . my colleagues and I have adopted what might be called a "mesogenetic" approach to cultural mediation, one whose time scale falls between the microgenetic scale employed in classical studies, where [individual] children are confronted with a difficult problem and their use of new mediation means is studied, and the macrogenetic scale implied by the historical difference between peasant and industrialized societies. The basic strategy for this research [on The Fifth Dimension] has been to create a system of activities with its own standing rules, artifacts, social roles, and ecological setting, that is its own culture (p. 194) [emphasis added]

The proposed study of the Kidsville Court is of a child-created court activity and the child leaders (judges and lawyers) of that court. The study is designed to observe the ways in which court officials create, maintain, and enforce their own town traditions. The children are free to "import" aspects of adult institutions into their court, but they make these choices based on their own needs and motivations subject to the approval of other peers. The ethnographic study of cliques (Adler and Adler, 1998) reviewed in this chapter illuminates one way of looking at peer group enforcement in a sub-cultural setting that is common in schools and neighborhoods. The Kidsville Court provides a different view of peer group development in a very different sub-cultural setting.

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Such detailed longitudinal studies can provide ways to see peer group development and processes and illuminate potential problems with traditional methodologies of developmental study. This study provides an opportunity to study child leadership in a unique setting through use of longitudinal data aimed at the mesogenetic time scale.

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Chapter Three: Pilot Study

3.1 Purpose

The pilot study was undertaken to organize videotape of the Kidsville Court into a data base, to prepare transcripts from the videotapes, and to make a preliminary analysis of the Kidsville Court as an activity. The theoretical basis of the pilot study was Piagetian, and the study attempted to delineate moral development in the arguments of the Kidsville Court participants. The findings of the pilot study were ambiguous in this respect, since the majority of arguments of court participants were based on the legality of a specific behavior and concrete evidence that the behavior occurred. Such legalistic reasoning does not usually score highly in a model that is based on the need for abstract reasoning (Piaget, 1933).

3.2 Setting, Data, Analysis And Major Findings

The setting is a two-room privately-owned school with 15 to 20 students who ranged in age from 6 to 12 years when the videotapes were made in early 1985. The school had previously had a much larger student body, but had declined suddenly due to economic recession in the 1980's. The school was closed for financial reasons in 1988. The videotape was taken for purposes other than research, as is described later in this section.

The school was an unusual setting primarily because of the educational philosophy of its founder and director, Will. The director emphasized the "self-

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appropriate nature of the learning experience.” He also referred to the Montessori (1965) principle of “freedom to learn in a prepared environment.” Probably the most critical issue for the director was the preparation of a school environment in which children self-govern. According to the philosophy of the school power exists and is a normal part of social life. Learning to assert oneself via appropriate use of power was considered to be basic to the self-concept, and guidance in this area of life was considered to be of utmost importance. The director taught that self-control is the basis of ethical conduct and self-concept, and also of appropriate use of power. Further information on the school and its philosophy is located in Appendix B.

The topic of this study is the Kidsville Court, an activity which was part of a town created by the elementary school children. In the fall of the 1984-1985 school year, the older elementary school children began to organize their town, called Kidsville, in their spare time. One child started the Kidsville bank when she brought Monopoly money from home and began to distribute it. Several children asked the director if they could use various pieces of unused furniture to divide their room into private offices from which they could operate businesses. Kidsville businesses included performing clowns, office cleaners, art stores, mental stores, hand-made toys, and decorative sticker sales.

Sometime in the fall of 1984 the older children used a rubber printing press to mint the first official Kidsville currency. When a younger child minted his personal currency and began distributing it among his friends, a group of older children formed the Kidsville Town Council and wrote the town’s first law, against

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counterfeiting. They created the Kidsville Court to enforce their law. Within the first several months of the court's existence, licensure was created to control who could become bailiffs and lawyers. Eventually judges were also licensed. The court functioned over the next four years to enforce law and order and also to settle interpersonal and intergroup disputes among the town's citizens (Wilcox, 1996; Wilcox and Beach, 1996).

The participants in this study are the students of the elementary school aged 6 to 12 years old and their teachers. About half of the students in this school population had educational disabilities. The students with disabilities ranged from those having mild disabilities (ADHD, learning disabilities, mild developmental disabilities) to children with histories of severe disability and stressors such as histories of sexual and physical abuse, emotional impairments, oppositional-defiant disorder, and autism.

Teachers were usually not involved in court trials as court officials during the time of this study, although there were exceptions. Specifically there were three court trials during the time of this study in which a teacher was used to fill an official role. Teachers usually participated in the court as private citizens of the town and as defendants, plaintiffs, witnesses, advisors, or court observers. (Wilcox, 1996). The teachers also made the videotape on which this study is based. Although the director Will was an active contributor to the development of the activity, this was not focused on in the pilot study.

The study was based on videotapes of court trials that were made during the last five months of the 1984-1985 school year, which was the year in which

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the Kidsville town was created. Videotaped data in this six- month period includes 28 formal court trials and one formal court action where a judge censured a Kidsville lawyer for contempt of court. The court trials in this study took place from early January to early June in 1985. These videotaped trials were culled from a larger videotaped record of school life, including academic activities, lunch, and daily interactions of Kidsville Town participants. Videotape was taken for purposes other than research, as is described below. Written consent for taping in the school was obtained from each child's legal guardian prior to the beginning of collection of videotape.

Videotaping was started in this school setting for practical reasons. Due to the recession of the early 1980's the school was losing enrollment and was beginning to take children with serious behavioral problems. The director had a history of success with difficult students and had discussed the possibility of starting a day treatment program to prevent residential treatment for children in intensive foster care with the local Department of Social Services. In January of 1985, the school began videotaping in order to be able to demonstrate the kinds of social experience that this school environment promoted. It was expected that the tape would be useful for foster parents, social workers, consultants and other persons involved with these difficult cases, as well as for the purposes of the school in exploring the possibility of an intensive day treatment program and documenting the progress of children in that program.

For the pilot study (Wilcox, 1996; Wilcox and Beach, 1996), dialogue from the videotapes was transcribed, the court participants were given pseudonyms,

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the nature of each conflict that motivated a court trial was determined, and participant's roles in each court trial were delineated. Also the sequences of interaction and the main story lines of each court trial were summarized into small vignettes. This information is in a data base, accessible only to the researcher.

A major finding of the pilot study (Wilcox, 1996) was that the Kidsville court served to resolve conflicts on a range of issues in the school community including interpersonal disputes over property, Kidsville currency, or insult, disputes in which the Kidsville Council acted to enforce the laws of the town, and disputes in which the issue was unrelated to the Kidsville Town.

The pilot study (Wilcox, 1996) also showed that legal representation practices may have undergone changes during this five month period, although the topic was not explored in detail. Wilcox (1996) noted, for example, that the number of lawyers per court trial and the use of defense attorneys increased during the course of study, as can be seen in Table 1. The researcher noted a significant increase over time in use of formal legal representation, especially defense representation. Conversely, the incidence of self-representation showed a decrease near the end of the school year.

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Table 1. Uses of Legal Representation In Kidsville Court Trials During The Period Of January 1985 To June 1985.

Trial#	#Lawyers	Defense Attorney?
1	2	Yes
2	0	No
3	0	No
4	0	No
5	1	No
6	2	Yes
7	1	Yes
8	1	No
9	2	Yes
10	2	Yes
11	2	Yes
12	2	Yes
13	2	Yes
14	1	No
15	1	No
16	1	No
17	2	Yes
18	2	Yes
19	1	No
20	2	Yes
21	1	Yes
22	2	Yes
23	2	Yes
24	2	Yes
25	2	Yes
26	2	Yes
27	2	Yes
28	2	Yes

3 Need For Additional Study

The pilot study provided an opportunity to locate the videotapes of Kidsville Court trials, transcribe dialogue from the court trials, identify the participants, and understand the conflicts and arguments of the Kidsville Court participants. The pilot study indicated that the children in the school used the court to solve conflicts, and it illuminated the types of conflicts addressed by the court. However, the primary thrust of that study was based on Piagetian theory,

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and was intended to be an analysis of children's "moral" argumentation in Kidsville Court trials. Although the pilot study was able to show some evidence of changes in children's arguments over time, the results were ambiguous. Specifically, children's argumentation during court trials usually focused on whether it could be proven that a law in the Kidsville lawbook had been broken. Thus, the majority of arguments during Kidsville Court trials seemed to result more from practical or legalistic concerns rather than moral concerns. Given the setting, which was a children's court of law, this makes sense, but the study of moral reasoning in the children's court arguments was difficult to determine.

One observation discussed in the pilot study was that there seemed to be changes over time in uses of legal representation. Given the importance of legal representation in the larger society, it seemed that practices of representation could be productively analyzed in greater detail to show change at the level of the activity, and also to show changes over time in Kidsville leaders' provision of assurance of representation to others.

This avenue of thought provided the basis for the current study of the Kidsville Court representation practices and the Kidsville leaders' actions concerning legal representation. It may be that specific arguments during court trials are not as important as the legal processes by which litigants are given an opportunity to have their side of the issue heard by the court. A study of the court's uses of procedural justice could provide a better view into the development of the court and its leaders than a study of individual argumentation. Thus, the current study focuses on leadership behaviors of

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dsville Court leaders, changes in representation practices over time, and the developmental processes by which changes in practices of legal representation can be observed to take place.

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Chapter Four: Research Questions

There are three research questions in this study, each of which addresses a different aspect of the study of leadership. Although it is good to view leadership as a whole entity that involves the interaction of leaders, followers, and the situational aspects of the activity, for purposes of analysis in this study the analysis of leadership within the activity has to be cut in various ways to demonstrate specific types of relationships. As is discussed in Chapter Five, activity can be analyzed at various levels, but the units of analysis are always defined in terms of the functions they fulfill.

The units of analysis in this study are the actions of individuals and the practices of the Kidsville Court activity. For purposes of the analysis of Question #1, the actions of individuals that are of interest are leadership and non-leadership behaviors. Question #2 focuses on the practices of the Kidsville Court activity, specifically the practices of legal representation. This set of practices can be seen to affect the behaviors of individuals in another way, where leaders take on new responsibilities to provide and assure legal representation to others.

The third unit of analysis in Question 3 is the interaction between individual action and the practices of legal representation within the activity. During the transition period one can see the leaders taking on a new kind of responsibility, that of changing their practices of legal representation. With

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changes in practices of legal representation, leaders then have added responsibilities to others in the provision and assurance of legal representation.

According to Heifetz (1994) there are three basic ways to define leadership. Leadership is often defined as a ***trait of individuals*** and studied as specific behaviors that individual leaders exhibit. In one way, the description in chapter Seven of leadership as individual behaviors and the identification of individual leaders could be seen as a way of viewing identified Kidsville Court leaders as having certain traits as leaders. In contrast to definitions of leadership as an individual trait, leadership can be defined as the ***social settings or circumstances*** that ordinarily bring about leadership behaviors. Certainly the analysis of changes in the practices of legal representation would indicate that leaders are filling very similar roles in the ways that they respond to the practices of their court. In the early period leaders frequently did not provide representation to others, nor did they make any assurance that defendants are represented. However, in the late period, leaders are consistent in providing and assuring legal representation to others. Heifetz (1994) argues for a ***values-based definition*** in which leadership is seen as a process by which individuals help their communities to evaluate values and to change in response to adaptive pressures. In addressing Question 3, one can see leaders as they struggle with the problem of social inequity in the provision of legal resources. As a group and as individuals, the leaders are confronted with contradictions between the ways that some people are treated in court, resulting in unfair uses of the court. Child leaders are seen taking actions that help their community change.

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The three questions of the Kidsville Court study cut the data in different ways to aim at different aspects of the relationship between leaders and the activity in which they are leaders. By looking at leaders as individuals and counting frequencies of their behaviors, one is able to confirm a traditional view of leadership as a trait of the individual. Since the individual's leadership behaviors are highly determined by their roles in the court at the time, it is also clear that leaders must conform their behaviors to those required by the activity. Question #2 focuses on the place of the activity in defining and determining the requirements of leaders, specifically whether they are required to provide and assure legal representation to others. It is Question #3 that shows how leaders co-construct their practices of legal representation, and thus have a hand in the creation of new leadership requirements. In the end, it is impossible to separate the effects of individual versus the effects of the activity, although it can be understood by analyzing the data in different ways to explore the relationship.

The following sections introduce the research questions of this study of the Kidsville Court.

3.1 Is There A Change From The Early Period To The Late Period Of The Kidsville Court In Frequencies Of Leadership Behavior As Evidenced By Changes In "Task Organization Leadership" And "Helping Or Evaluating Specific Others"?

Leadership is perhaps most often studied as a set of certain organizational behaviors that can be used to identify individual leaders during a group activity.

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Leaders are the persons who more frequently engage in these organizational behaviors. It is also traditional to measure the frequencies of these behaviors in specific groups or social settings in order to understand the nature of leadership behaviors as they are influenced by social expectations. In this analysis the quantitative study of specific leadership behaviors is used to identify leaders in the Kidsville Court and also to determine if there are changes over time in the frequencies of leadership behaviors in Kidsville Court trials.

To address this question, the researcher devised a coding scale that delineates child and adolescent leadership behaviors that have been observed in peer play groups, classrooms, and in mixed-age groups. Two dimensions of leadership behavior are identifiable based on the review of the leadership literature. One dimension is that of organizing the structure of tasks and guiding the formation of group opinions (French and Stright, 1991; French, Waas, Stright and Baker, 1986; Fukada, Fukada and Hicks, 1997; Brody, Stoneman and MacKinnon, 1982; Bass, 1990; Rogoff, 1998; Fein, 1981; Howes, Unger and Matheson, 1992; Schwartzman, 1976). A second dimension of leadership is that of helping, guiding, tutoring, and evaluating others (Englund, Levy, Hyson and Sroufe, 2000; Markell and Asher, 1984; LaFrenier and Sroufe, 1985; French and Stright, 1991; French, Waas, Stright and Baker, 1986; Brody, Stoneman and MacKinnon, 1982; Rogoff, 1998; Fukada, Fukada and Hicks, 1997).

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4.2 How Does The Nature And Quality Of The Practice Of Legal Representation Change Over Time In The Kidsville Court?

Study of leadership as an individual trait is problematic because the behavior of individuals must be considered in relationship to the cultural activities in which persons are engaged. Although leaders influence activities, leaders are also influenced by the activities in which they are involved (Rogoff, 1998; Damon, 1984; Roach, et. al., 1999; Katz and Kahn, 1978; Cole, 1995; Bugental and Goodnow, 1998; Valsiner, 1987). As activities change significantly, leaders experience different opportunities for development. This analysis focuses on the way that changes in the court activity alter the requirements of leadership and expectations for leader behavior.

The second research question uses a qualitative approach and examines leadership as related to the social setting or circumstances in which the leader is acting. This descriptive analysis measures changes over time in certain leadership practices of the Kidsville Court activity, specifically in practices of legal representation. The researcher performed an analysis of Kidsville Court trial transcripts for evidence of genesis and change in the nature of practices of legal representation using five basic principles of activity theory that are described in detail in Chapter Five.

Change in practices of legal representation was chosen as the topic of this analysis because it involves procedures that are considered to be extremely important in modern American courts of law. Practices of legal representation

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have been developed over time in the larger American legal system in order to preserve two major principles of procedural justice: both sides of the conflict have a chance to present evidence and refute the evidence of the other side, and decision-maker(s) make decisions impartially based on the rule of law. The provision of legal representation is especially important for the person who is accused of wrong-doing because of the difficulty in defending oneself without legal help. This analysis begins with evidence of changes over time in the nature of legal representation practices of the Kidsville Court. Such practices include expectations that leaders will assure or provide legal representation for others. Next, the researcher studied the transcripts for evidence of change over time in impediments to the provision of representation. It was determined in the review of transcripts that the provision of representation was difficult for the Kidsville Court participants because of a number of limitations or restrictions that were built into their court practices. Impediments to the provision of representation were analyzed when they were noted.

3 What Processes Bring About The Observed Development In Practices Of Legal Representation Of The Kidsville Court, And How Do Individual Leaders Contribute To This Development?

Some critics of the traditional study child development and of child leadership argue that real-life leaders, including child peer leaders, contribute to the history of their communities through activity-making and activity-changing, including civic action (Boyte and Kari, 1996; Boccia, 1997; Smyth and Ross,

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1999; Roach, et. al. 1999, Corsaro, 1992; Corsaro and Miller, 1992; Corsaro and Eder, 1990). The third question comes closer to Heifetz' definition of value-based leadership. Leaders are viewed not only as task organizers but as persons who help communities to address social problems and bring about enduring change in important social practices. If the child leaders are truly leading the Kidsville Court, then one would expect to see evidence of these children helping the group to make needed changes in practices of the court.

Question #3 requires that the researcher qualitatively investigate "what happens" in the relation between the activity and the individual leaders during the period of change in the practices of legal representation. This question is designed to inquire into dynamic developmental processes in the interaction between the development of individual leaders and the development of the activity. In order to do this, detailed temporal examination of the period of developmental change was undertaken by the researcher.

This analysis focuses on the challenges that Kidsville Court participants face in changing court representation practices, and the creative and adaptive ways in which the court and its leaders respond to problematic situations that arise as practices of legal representation undergo change. The result of this examination is a qualitative historical account of events that take place during the transition period, with an emphasis on times when changes are made in representation practices. Individual leaders are seen as contributors to changes in practices of representation during specific court trial events.

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Chapter Five: Theoretical/Methodological Framework

Bugental and Goodnow (1998) point out that there are exciting possibilities in the study of enculturation and culture-making in child development. Many of these directions for study are associated with the emerging popularity of cultural-historical approaches to the study of child development, models that highlight fluid change in groups and individuals.

The study of practical activity and everyday cultural practices provides a strong way to observe relationships between the development of individuals and groups. Bugental and Goodnow (1998) point out three reasons for the use of practice approaches in research. First, such approaches focus on routine interactions that are culturally relevant and that are enacted or commonly observed by the participants, often without comment. Second, practices provide a particular link between actions and identity. Routine ways of acting or solving problems often affirm one's identity and demonstrate changes in identity. Finally, the concept of practice allows researchers to examine ways that actions and ideas are interrelated in the course of enculturation and culture-making. Common cultural practices can develop an inertia or momentum of their own, resisting questioning or reflection. But everyday practice can also be questioned, discussed, and changed, resulting in changes in individual and cultural views and ideas.

Two generic approaches to cultural-historical research include models that emphasize negotiated meanings within groups, between individuals, and in larger

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segments of the society, and models that emphasize the ways in which change in one party and changes in the other are intrinsically inseparable. This study of leadership in the Kidsville Court uses both of these models of research. In chapter Seven and Eight, this analysis focuses on the ways that changes in activity can be used to understand changes in individual leader behavior. Chapter Nine shows how change in the activity is negotiated between members of the group in a brief span of time.

This chapter outlines the theoretical and methodological underpinnings of this research study. This study aims to understand complex interrelated changes in individuals and in an activity, using activity theory as a model. Leaders grow and change over time, and organizations also change over time in the leadership realities they demand of leaders. The interaction of these developmental processes will mutually affect each other --- sometimes in unpredictable ways

Defining And Studying Activity.

A number of activity-theoretic approaches have evolved in the Marxist tradition of Russian psychology. In Marxist philosophy and psychology, it is through labor that individuals contribute to the creation of society and also find a place for themselves within that society. Activity provides the connection between the person's labor, which is organized by participation in activities, and the environment in which activities are developed and changed over the course of time.

Leont'ev (1981) has produced an integrated psychological theory of activity, and he defines activity as follows:

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Activity is the nonadditive, molar unit of life for the material, corporal subject. In a narrower sense (i.e., on the psychological level), it is the unit of life that is mediated by mental reflection. The real function of this unit is to orient the subject in the world of objects. In other words, activity is not a reaction or an aggregate of reactions, but a system with its own structure, its own internal transformations, and its own development

With all its varied forms, the human individual's activity is a system within the system of social relations. It does not exist without those relations It turns out that the activity of separate individuals depends on their place in society, the conditions that fall to their lot, and on idiosyncratic individual factors. (pp. 46-47)

Analysis of activity allows researchers to study individual development as a function of cultural activity, the enactment and creation of cultural activity as an accomplishment of collaborative labor of people over time, and the ways in which contribution to activity-creation influences individual development. Rubinshtein (1986) calls this the principle of creative self-activity.

The subject is not only revealed and manifested in his actions and in the acts of his creative self-activity; he is created and determined in them The possibility of pedagogy rests on this alone In creating his work of art, the artist creates himself and his own aesthetic individuality in the process. The creator himself is created in the act of creativity. [emphasis added] (pp. 15-16).

Creative self-activity usually requires the coordination of many persons, whose specialized contributions enrich not only themselves but also their society, thus furthering the history of civilization. Leont'ev (1981) uses the metaphor of the architect: the architect's blueprints are of little value without the goal-directed labor of others who share the collaborative purpose of creating something of lasting value. In the Kidsville Court, the goal-directed actions of an individual lawyer or judge further the co-construction of a court trial event, which is a

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Wertsch (1981) reviews several features of the concept of activity as this is used by Leont'ev and others. He notes that these basic principles are foreign to American psychologists, and thus require elaboration. The following definitions of activity are taken from Wertsch (1981).

1. Activities serve some purpose or purposes. For example, a pilot study based on the Kidsville Court data (Wilcox and Beach, 1996), demonstrated that Kidsville Court activity served the functions of settling disputes between citizens of the Kidsville Town, enforcing laws of the Kidsville Council, and (occasionally) settling matters that came about in the school in general unrelated to Kidsville.

2. Activity can be analyzed at various levels, but the units used for analysis are always defined in terms of the functions they fulfill, rather than by intrinsic properties. One level of analysis in this study is that of "practice." Idens (1979) cited in Cole (1996) argues that practices (rather than roles, for example) are the basic constituents of the social system. Cole (1996) gives the following definition of social practice, taken from Taylor (1987, p. 53).

. . . taken-for-granted social reality [is] composed of social practices, which provide the . . . foundation for community and discourse. Meanings and norms are not just in the minds of the actors, but are out there in the practices themselves . . . which are essentially modes of social relations.

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A second level of analysis used in this study is that of "action," specifically conscious goal-directed actions of individual Kidsville Court participants.

3. Activity is mediated. In physical labor, mediation takes place through the use of tools. In thought, mediation takes place in the form of signs and sign systems. In a court of law, mediation is performed by people through the means of discourse. The Kidsville Court provides "third party mediation" in the form of a judge who assures that disputants follow the rules of the court and renders a decision based on the arguments presented in court (Wilcox, unpublished research practicum, 1996). When Kidsville legal actors take actions to assure or provide legal representation to others, they are providing a specific kind of mediation."

4. Activity and the tools that mediate it evolve through social interaction, and the study of activity often emphasizes development at historical levels of analysis. At the cultural level, sign systems, tools, and social practices are features of the evolution of activity. Historical analysis plays an important part in Vygotsky's research and is a central level of developmental analysis in this study of practices of legal representation in the Kidsville Court.

5. In the tradition of dialectics, important developmental changes in societies come about when basic contradictions in social practices result in conflict among social factions and a concomitant need for resolution. Such

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resolution is often of a revolutionary nature, resulting in transformation of social practices and redistribution of resources. In this study of the Kidsville Court, there is a basic contradiction between the ideal of a legal system and the actions of participants based on their growing awareness of the uses of such a system and of their own roles in it.

These five points provide the basis for a developmental analysis of the Kidsville Court and its legal leaders. Point four above requires further elaboration, since historical development is generally not considered to be relevant in American psychology. In this study, the historical development of activity is central to the definition and study of leadership. Kidsville Court leaders do not simply facilitate the group's accomplishment of pre-determined tasks, such as those assigned by a teacher or researcher. Leaders are persons who contribute to the historical development of their community, as such, they help their group to settle conflicts, make decisions, and accomplish new tasks. This is a study of historical changes in a children's court of law, specifically the development of practices of legal representation, and of child leaders who are responsible for those changes. In this process, Kidsville Court leaders must resolve a basic contradiction in their practices of legal representation.

Leadership has not been the focus of activity theory research. Thus, the definition of leadership must be taken from other sources for purposes of this study. As has been noted in the literature review of this paper, most definitions of group leadership "assume that leadership is centered in the person who

occupies the leader position in a network of static roles." (Fisher and Ellis, 1990; Pavitt and Curtis, 1990). An alternative way of defining leadership is to focus on leadership functions in the group's accomplishment of their activity. Barge and Hirokawa (1989) conclude there is no one set of task and social functions unique to leadership because leadership involves actions that assist the group in overcoming barriers to task achievement. It is an act performed by one or more group members that facilitates the group's ability to accomplish tasks. (Barge and Hirokawa, 1989) Such functional definitions shift the emphasis from the individual person to "clusters of communicative behaviors performed by multiple group members." (Brice, 1998).

According to the principle of creative self activity, people are changed by their creations. Social practices are never complete; there are always new problems needing new solutions. It is not clear, in fact, how one can study leadership in the absence of a significant social problem, and without opportunities to improve the social practices of their communities, it is not clear how persons can practice leadership.

In Kidsville, leaders struggle with contradictions in the court system that they have created. During this study, they are seen, with the help of their teacher, determining the nature of the problem and taking action. The problem that Kidsville Court leaders face is not new in legal history. Ideally, in the American legal system both sides of a dispute should have a chance to be heard in the court, in spite of differences in power between disputing parties; that is, a court trial should provide "equal treatment under the law." Anyone should be

able to use the courts to seek justice, and everyone has the right to competent legal advice if accused of a crime. Equal treatment under the law is rarely achieved, but legal practices to support this ideal have developed through historical and political processes. Some of the most important of these legal practices are those assuring equal opportunities for representation.

As stated earlier, social practices are never finished. They continue to be negotiated. In colonial America, Massachusetts, Virginia, South Carolina and Connecticut all had laws forbidding anyone to plead for another person in court for profit (Roth and Roth, 1989). This was considered to be an ideal, and in Pennsylvania it was said that: "They have no lawyers. Everyone is to tell his own case or some friend for him. . . . 'Tis a happy country." (p. 49).

Although this may describe a form of Utopia, the modern American has a much different perception of the right of the citizen to competent representation, which continues to be disputed. For example, the Bush administration has recently imprisoned people for months without legal representation or any due process of law (Lewis, 2003; Powers, 2003; Weiser, 2003). In response to abuses of power, corrective actions are attempted. In the current American system, advocacy groups, such as labor unions and human rights groups, often form and may take legal action against power groups resulting in new legal and advocative practices. In the final analysis, courts function to interpret the details of law and of individual rights which are re-assessed as new situations arise. Societal leaders make decisions, voice opposition, form advocacy groups, and take corrective actions (sometimes through the courts).

This study focuses on the micro-development of legal representation practices in the Kidsville Court over a six-month period of time. Similar to the larger legal system, the children's court is seen in the process of evolution as child leaders work out issues of individual rights in their court. Individual legal leaders are seen as contributors to leadership functions of the group, as they also are created by their contributions to the group history. The leadership function of the group is not only to facilitate a predetermined task but to create new tasks, define new processes, and decide what the group will do in the future.

5.2 Studying Developmental Crisis Periods In Temporal Detail.

The term "development" is used in this paper in a way that is consistent with Vygotsky's psychological theory. Learning and development are both ways of describing change, and Vygotsky (1935) delineates three ways to conceptualize the relationship between learning and development (Voss, 1996): (1) Hull-Spence learning theory views learning as an alternative expression for development: development is simply made up of "bits of learning." (2) Piagetian theory focuses on development as a prerequisite for learning: certain intellectual operations must mature before learning based on those operations can take place. (3) Vygotsky argues that learning and development form a unity in which "properly organized learning results in development and sets in motion a variety of developmental processes that would be impossible apart from learning." (Voss, 1996). Vygotsky (1978) emphasizes the "zone of proximal development," the distance between the child's current level of development and development that can be reached in collaboration with others.

Valsiner (1987, 1994) argues that development takes place "in times of re-differentiation of the previous forms and during the emergence of the novel ones" (Valsiner, 1987, p. 53). For this reason, developmental research should study moving, changing entities as they engage in interaction. The study of development should specifically focus on periods during which qualitatively new developmental forms emerge. Valsiner (1987) uses the following table to distinguish between developmental and non-developmental aspects of psychological processes and outcomes.

Table 2. Developmental And Non-Developmental Aspects Of Psychological study.

		Outcomes	
		Static	Dynamic
Processes	Static	Non-developmental 1.1	Non-developmental 1.2
	Dynamic	Developmental 2.1	Developmental 2.2

Cell 1.1 can be viewed as a psychological process that operates like a simple computer program. The same algorithm is used each time to produce the same result, and there is no opportunity for development.

Cell 1.2 is exemplified by Chomsky's theory of language generation; the theory focuses on the creative outcomes of language generation, but the production process is hypothesized as an invariable, fixed, genetically-determined "language-generation mechanism." Valsiner argues that in a similar way research in the field of child developmental psychology often focuses on static descriptions of outcomes, without attempting to study dynamic and

adaptive developmental processes. Some of the most obvious examples are developmental models that use factor analysis to predict certain behaviors, attitudes, or some other variable from combinations of genetic predisposition, parental attitude, childhood peer experiences, early success in school, parental divorce, maternal depression, or similar variables. Such methodologies cannot capture dynamic developmental processes as these emerge over time.

Valsiner (1987) argues that developmental methodologies must capture and explore the temporal and changing nature of developmental adaptation:

. . . . developmental research has its goal to ***adequately represent the reality of the generation process*** Instead of reaching satisfaction in finding a formal system that accurately describes all the possible outcomes of a productive (i.e., outcome-generating) psychological process, the goal of developmental research is to describe all of the possible versions of the time-dependent (sequential) structure of the process itself – even in cases when the process produces in some sense ‘deficient’ outcomes. Furthermore, developmental research includes the option that the set of different versions of the process is not finite, and that new versions of the process can emerge in the course of development. [emphasis in original] (p. 122).

Piaget’s theory is an example of cell 2.1, in which the processes of development are considered to be dynamic (assimilation, accommodation and dynamic equilibration), but the outcomes are studied as stable irreversible stages. Excessive emphasis on static, invariant stages draws attention away from Piaget’s theory of dynamic developmental processes, specifically “. . . the way that assimilation and accommodation ***interdependently*** play in the organism’s process of adaptation to its environment” (Valsiner, 1987, p. 56). Valsiner argues that “development of any kind . . . is an open-systemic

phenomenon in which novelty is constantly being created.” (p.56). Even if developmental outcomes can be described as pre-determined stages, developmental study should focus on the dynamic and often unique processes by which new forms emerge.

Cell 2.2 represents a dynamically changing process related to dynamically changing outcomes. For example, when the child learns to speak, this is an outcome of certain kinds of learning. Once signs become a part of the child's lexicon, the child's action is transformed qualitatively, and use of signs becomes a means to reorganize cognitive processes (Luria, 1979). Thus, “an outcome of a learning process (use of signs) has now fed into that process and changed it qualitatively, affording the production of new outcomes.” (Valsiner, 1987, p. 5). Another example is the qualitative change that can take place in a culture with the introduction of literacy. When important cultural texts are preserved through the introduction of writing technologies, oral retelling and memorization become less important, and high level memory skills are no longer needed to preserve texts; these skills are replaced by the limited memory skills observed in modern industrialized societies (Vygotsky and Luria, 1993; cited by Valsiner, 1987).

Valsiner (1987) argues that a powerful way to study child development as presented in cell 2.2, is for researchers to undertake the study of the joint construction of the psychological system of the developing person by him/herself and the goal-oriented “social others” who provide the person with social suggestions. This process is goal-oriented and goal-constructing as participants up, try to attain, replace, or abandon their goals. Social knowledge and

values are developed, maintained, learned, and changed through the dynamic interactions of groups and individuals. Individual development presents the potential for many life courses, out of which the person's unique and idiosyncratic life course is jointly constructed by the self and others.

All developmental theories, including those of Freud, Erickson, Piaget, and Vygotsky view developmental change as taking place during periods of crisis or conflict. Valsiner argues that it is useful to study crisis periods or "bifurcation points" during which the person negotiates with his/her own self-constraints and other's constraining suggestions. The result is the person's "next step into the future," which actualizes only some of many possibilities. The same could be said for the developmental crisis points of group activities, organizations, and cultures; there are times when events happen, decisions must be made, or new technologies are introduced. History is changed or group values are altered, after which periods of relative stability can be seen. Developmental study ideally captures these developmental crisis periods for analysis, to examine how groups and individuals chose their next steps into the future. Thus, Valsiner argues that developmental study should use a microgenetic research methodology to analyze developmental crisis periods in temporal (longitudinal) detail in order to view processes of development as they take place.

This research study is designed to address the dynamic developmental relationship between individuals and an activity, considering both as developmental entities with their own unique, but interrelated courses of development. The approach taken is a longitudinal study of the Kidsville Court

(specifically its practices of legal representation) and individual leaders (the
Kiddsville Court officials), with a focus on crisis periods or bifurcation points.

Chapter Six: Study Methods

Leadership is a complex topic because it requires an analysis of several different kinds of tasks that groups may be performing. The three questions of this study are designed to focus on different aspects of the relationship between leader development and activity development. This introduction to the methods provides an overview of each of the research questions as they relate to the chapters that follow.

Chapter Seven describes a quantitative analysis based on Question #1: Is there a change from the early period to the late period of the Kidsville Court in frequencies of leadership behaviors as evidenced by changes in “task organization leadership” and “helping or evaluating specific others”? This is a descriptive study of changes over time in frequencies of leadership behaviors and non-leadership behaviors of participants in court trials.

For the purpose of analyzing the leadership behaviors of individual Kidsville Court leaders, the researcher devised a rating scale of leadership and non-leadership behaviors. This scale was used to code behaviors in five court trials from the early period and five court trials from the late period of the Kidsville Court. The descriptive statistical analysis provides a description of changes in frequencies of leadership behaviors in the Kidsville Court over time, and it allows the researcher to identify four child leaders of the Kidsville Court on the basis of their providing the functions of task organization and helping and evaluating others. This analysis demonstrates that although leaders are the persons who

most frequently perform these functions for the court activity, their participation is clearly constrained by the activity itself, especially by the provision of specific role requirements that individuals fulfill.

Chapter Eight describes a qualitative analysis based on Question #2:

How does the nature and quality of the practice of legal representation change over time in the Kidsville Court? The analysis of Question #2 provides information about one aspect of leadership development in the Kidsville Court activity, namely, change over time in practices of legal representation that can be observed in the court's provision or assurance of representation. This chapter provides a descriptive analysis of the development of the Kidsville Court activity over time. The analysis focuses on the way that changes in activity can alter leadership requirements in the activity and expectations for leader behavior.

As described in Chapter Five, there are several basic points that guide this study of activity:

(1) Activities serve some purpose or purposes. Wilcox and Beach (1996) demonstrated that Kidsville Court activity served the functions of settling disputes and enforcing laws in the Kidsville Town.

(2) Activity can be analyzed at various levels, but analyses are always defined in terms of the functions they fulfill. One level of analysis used in this study is that of action, specifically goal-directed actions of individual court participants. A second level is that of practice, specifically the practice of legal representation.

(3) Activity is mediated by tools or symbolic artifacts. People can also become the means of mediation. The Kidsville Court provides third party mediation in the form of a judge who assures following the rules and renders a decision (Wilcox, 1996). . When lawyers become involved in advocacy for clients, they provide a specific form of mediation between their clients and the court. In this study, development over time can be observed in the practices of legal representation, that help to provide procedural justice in a court of law.

(4) Activity (and the tools that mediate it) evolve through social interaction, and the study of activity often emphasizes development at historical levels of analysis. Historical analysis is an important level of developmental analysis in this study of representation practices of the Kidsville Court.

Two basic principles of procedural justice are of interest here. One is that in a court trial both sides should have the opportunity to present a case and to refute the case of the opposing side (Bayles, 1990). Since courts have strict requirements for presenting and refuting cases, ordinary citizens may not be able to represent themselves adequately without legal advice. The second principle of procedural justice is that decision-maker(s) should impartially consider the merits of both cases before rendering a decision on the basis of law. Bayles (1990) notes that "complete impartiality is not always attainable," (p.19) but legal representation functions to assure or enforce a level of impartiality through the lawyer's use of objections and appeals processes.

In this analysis of leadership, the development of legal practices of representation can be seen as an evolution over time of changes in one

leadership function of the Kidsville Court leaders, that of providing and assuring representation to others. The leadership by individuals includes a new function over time through the development of the legal practices of the court. Since leadership behavior can involve different specific functions dependant upon the needs of the group and the task, it can be seen in this analysis that leadership requirements are changing in the court.

Chapter Nine is a qualitative descriptive analysis based on Question #3: What processes bring about the observed development in legal representation practices of the Kidsville Court activity; and how do individual leaders contribute to this development? Chapter Nine focuses on a specific aspect of the relationship between activity development and leader development. In theory and in practice, leadership does not simply involve the facilitation of pre-determined tasks set by teachers, researchers, or other authorities, nor is leadership solely the organization of simple tasks over short periods of time. Leaders settle disputes, invent new tasks, and provide ways to reach group goals. Leadership involves actions that assist the group in overcoming barriers to task achievement (Barge and Hirokawa (1989).

For purposes of this study, leadership is defined functionally, focusing on the various functions of leadership in the group's accomplishment of their activity. In Chapter Seven Kidsville leader are seen organizing their court trials. In Chapter Eight, an important change is described in the practices of legal representation in the court activity. In Chapter Nine, Kidsville Court leaders are studied as persons who are actively involved in changing the representation

practices of their court. They are seen struggling with procedural problems which come up in court trials, attempting alternative solutions, and revising their court procedures. Over the course of time the Kidsville Court leaders collaborate to transform problems during court trial, allowing legal representation practices of the court to develop.

To address question #3, the researcher provides a description of the events in each court trial during the transition period with special emphasis on the court trials in which there are disputes or problems concerning the provision of representation. During the transition period, court participants are seen confronting social contradictions that come to their attention during court trials. Over time the repeated resolution of various social contradictions by leaders of the court results in the emergence of a universal expectation of representation. This expectation of representation is not a "right" in the formal sense but rather a set of social conventions and expectations that participants are seen acting upon in their court trials in the late period of the court.

Taken together, Chapters Seven, Eight, and Nine focus on changes in task organization leadership behaviors and practices of legal representation of the activity, on changes in behavior of Kidsville Court leaders in their provision of and uses of legal representation, and on contributions of individual leaders to the development of legal representation practices over time. Developmental study of Kidsville Court leaders and the development of legal representation practices provides a unique opportunity to study developmental change in an

activity, changes in individual leader behaviors and leadership responsibilities, and the relationship between leader development and activity development.

6.1 Description Of The Setting

This section briefly describes the setting of the Kidsville Court. As described in Chapter Three, in early 1985, the setting was a two-room privately-owned school with a population of 15 to 20 students, aged 6 to 12 years when the videotape was taken. The student body had declined suddenly due to the economic recession in the 1980's, and the school was closed for financial reasons in 1988. Chapter Three provides a description of the school, some of the school's activities, the Kidsville town and court, and the educational philosophy of Will, the school's founder and director.

In the fall of the 1984-1985 school year, the elementary school children began to organize Kidsville in their spare time. One child brought Monopoly money to use as a currency, and the children scavenged cardboard, brown tape and furniture from an unused room to divide their schoolroom into private spaces, which became their offices and stores. Sometime that fall, the older children minted the first official Kidsville currency, but a younger child also printed a currency, which caused an argument about "who decides what real money is?" When the question was brought to the director of the school, he gave a short impromptu lesson on government. Kidsville Town Council was formed immediately thereafter to write a law defining money and prohibiting counterfeiting. When this did not stop the counterfeiter, the group came to the director, who gave another short impromptu lesson on the place of courts in

governance along with a field trip to a probate court. Over time, licensure practices were developed, and bailiffs, police, and lawyers were licensed. The pilot study (Wilcox, 1996) showed that court trials concerned a range of issues including interpersonal disputes over property, insult, Kidsville currency, and eventually disputes in which the Kidsville Council acted to enforce their laws, and disputes in which the issue was unrelated to the Kidsville Town.

6.2 Description Of The Participants

The participants in this study are the 6 to 12 year old students of the elementary school, their teachers, and the school director. As described in Chapter Three, about half of the students in this school population had educational disabilities. Unlike the pilot study, in this project, only a small segment of the student population is studied in detail, the leaders of the Kidsville Court. These are the older children, aged 9 to 12 years old, who, in this setting, are elders both by age and by their years of school experience. With a few exceptions during the 1984-1985 school year, the licensed officials of the court were not generally the more severely disturbed children in the school. The Kidsville Council, who minted the currency of the town, wrote the town's laws, and eventually organized the Kidsville Court, did not include any severely disturbed children during this year. Membership on the Kidsville Council was allowed only to the children who were oldest and who had been in the school the longest. Younger children or children who were newer arrivals in the school sometimes argued that they should be accepted on the Council, but such

suggestions were not accepted by the Council. The setting of the school as a setting is further described in Appendix B.

During the time of this study, teachers were usually not involved in court trials as court officials, although there are three court trials out of the 28 in this study in which a teacher participates as a judge or lawyer. Usually teachers participated as private citizens of the town (as defendants, plaintiffs, witnesses, advisors, or court observers) if they participated at all. The one teacher who served the function of a leader in terms of Kidsville Court representation practices was the director of the school, and his contributions to representation practices are analyzed in Chapter Nine along with the contributions of the child leaders of the court.

6.3 Description Of The Database

The current study is based on videotapes of court trials that occurred from January to June of 1985 that includes a set of 28 videotaped Kidsville Court trials. These videotaped court trials have been culled from a larger videotaped record of school life, including academic activities, lunch, and daily interactions of Kidsville Town participants.

Videotaping was started in this school setting for practical reasons. Due to the recession of the early 1980's the school was losing enrollment and was beginning to take children with serious behavioral problems. The director had a history of success with students with behavior problems and had discussed the possibility with the local Department of Social Services of starting a day treatment program to provide more than academics for children in intensive

foster care. In January of 1985, the school began videotaping in order to be able to demonstrate the kinds of social experiences that this school environment promoted. It was expected that the tapes would be useful for foster parents, social workers, consultants, and other persons involved with these difficult cases, as well as for the purposes of the school in exploring the possibility of an intensive day treatment program and the documentation of the progress of children in that program. Written consent for taping in the school was obtained from each child's legal guardian.

As noted in Chapter Three, during a pilot study using these videotapes (Wilcox, 1996; Wilcox and Beach, 1996) dialogue was transcribed, the participants were given pseudonyms, the nature of each conflict was determined, and the participant's roles in each court trial were delineated. The sequences of interaction and the main story lines of each court trial were summarized as small vignettes. The videotapes and transcripts used in the present study are the same as were used in the pilot study, except that one event has been excluded from the current analysis. That event was a power struggle that did not have the form of a court trial, where a judge censured a lawyer for contempt of court. It was decided to limit the current study only to court events that have the form and content of court trials. A few transcripts have been made more detailed in dialogue through further review of videotape for purposes of this study. The videotapes themselves have not been directly used in this study except as necessary to improve understanding of a transcript or to clarify coding problems.

6.3.1 Division Of The Data Into Three Historical Periods

For purposes of this study, the 28 videotaped Kidsville Court trials were divided into three historical periods for analytical and practical purposes. Pilot study data (Wilcox, 1996) suggested that there might be three periods in the development of practices of representation: an **early period** of eight videotaped court trials (from February 1985-- when the first court trial was videotaped-- to late April 1985), a **transition period** of eleven court trials (videotaped from late April 1985 to late May 1985), and a **late period** of nine court trials (videotaped from late May 1985 to the last day of the school year, June 7th 1985).

In order to assure accuracy of the division of court trials into these historical periods, the researcher engaged in a brief preliminary historical analysis of the data, which is described in following tables. Uses of representation in the early period of the Kidsville court data can be observed in Table 3. One can see that three of the court trials in this period did not involve any lawyers because litigants represented themselves in court. Only three of the court trials in the early period included a defense attorney.

Table 3. The Early Period Of Legal Representation Practices

Trial No.	# of Lawyers	Is there Defense representation?
1	2	Yes
2	0	No
3	0	No
4	0	No
5	1	No
6	2	Yes
7	1	Yes
8	1	No

Uses of legal representation during the transition period of this data can be seen in Table 4. In this historical period of the court, seven of the eleven court trials involved two lawyers, which shows increased use of legal representation. However, defendants in four court trials did not have representation during the transition period, which shows that defense representation was not a universal standard during the transition period.

Table 4. The Transition Period Of Legal Representation Practices

Trial No.	# of Lawyers	Is there Defense representation?
9	2	Yes
10	2	Yes
11	2	Yes
12	2	Yes
13	2	Yes
14	1	No
15	1	No
16	1	No
17	2	Yes
18	2	Yes
19	1	No

In the preliminary analysis of the transition period of the court, the researcher found that court trial 9 provided a turning point for the Kidsville Court's practices of legal representation. In court trial 9, the defendant is the school director who is acting in the role of an annoying Kidsville citizen. The defendant demands representation and is denied any opportunity for legal representation. This defendant argues with the Council members until a number of their reasons for denying representation are discussed; these actions helped to illuminate a major contradiction in the practices of legal representation of the Kidsville Court. After serious discussion about their representation practices, a

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Council member agreed to provide defense representation. This resulted in a series of court trials in which representation practices were in a transitional form. There are a number of court trials in which both sides are represented but not all litigants are represented, and defense representation is not universal.

The end of the transition period can be seen in court trial 19, another turning point in the development of representation practices of the court. In court trial 19, the Kidsville Court tried and convicted the defendant without benefit of representation. However, on the next school day, the Kidsville Council became involved and overruled the Kidsville Court's decision on the basis that defense representation had been denied. Court trial 19 is the last court trial in this data set in which a defendant is tried without opportunity for defense representation.

Table 5 shows uses of legal representation during the late period of this data in which there is a consistent use of defense representation. Also, with the exception of one court trial in this period, plaintiffs also used lawyers to represent them.

Table 5. The Late Period Of Legal Representation Practices

Trial No.	# of Lawyers	Is there Defense representation?
20	2	Yes
21	1	Yes
22	2	Yes
23	2	Yes
24	2	Yes
25	2	Yes
26	2	Yes
27	2	Yes
28	2	Yes

This brief preliminary analysis allows for the division of the court trials into periods for purposes of addressing the research questions. Questions #1 and #2 pertain to the early and late court trials. These questions analyze change over time between the early and the late court trials for individuals or for court practices. Analysis of Question #3 addresses the transition period in order to analyze processes of change in court practices of representation and in leadership practices of the Kidsville Court.

6.3.2 Organization Of The Individual Court Trial Transcripts

For purposes of coding and to increase understanding of the court trial events, the transcripts of court trials have been organized by the researcher as follows:

First, each transcript was divided into basic organizational units called blocks. These blocks often include preparations for the court trial, plaintiff's statement of case and suit, plaintiff's presentation of evidence, defense cross-examination of evidence, defense presentation of evidence, plaintiff's cross-examination of evidence, final presentation by plaintiff, final presentation by defense, and judge's statement of decision.

Second, blocks were divided into units called components. The components are specific elements that make up the block. For example, the plaintiff's presentation of evidence may be divided into several components in a particular court trial. These would include presenting material evidence and questioning each witness.

Third, components are divided into speech interactions called sequences.

Sequences are common types of interaction between court participants. Such sequences in a specific court trial might include an interruption and response to the interruption, an argument about a procedure, a set of questions and answers during the questioning of a witnesses, a request and response to the request, and a mistake and correction of the mistake.

Fourth, sequences are made up of the statements or actions of the individual participants. A person makes a statement or takes action and then either finishes that action or it is ended by another person. This is the unit that is coded. Table 6 provides an example of the division of transcripts into organizational units.

Table 6. Organization Of A Court Trial Transcript

Block--- Plaintiff's Presentation of Evidence
Component ---Second Plaintiff's Witness
Sequence --- Calling the second witness
- Plaintiff to judge: "I have another witness." - Plaintiff gestures to the second witness - Witness rises, carries his chair to the right side of the judge's stool, faces the courtroom, and sits down - Judge to witness: "Are you done with your work?" (i.e., school work) - Witness says he is.
Sequence --- Questioning the second witness
- Plaintiff to witness: "Was you not here when Dan broke into the offices of Sally and the InterKidsville Independent?" - Witness: "I was." - Questioning continues.

From this example, one can see how components are nested within blocks, and sequences are nested within components. The organization of court trials into blocks, components, and sequences allows the reader to understand the meaning of a particular speaker's actions in relation to the complimentary

actions of others. In the above example, the plaintiff is in the process of presenting her evidence to the judge. The interaction between the plaintiff, the witness, and the judge can be clearly observed within the context of the sequence of "calling a witness" or "questioning a witness." Leadership is not something that can be observed in isolation from the behaviors of others. When a person gives instructions to others or clarifies an idea for the group, it is important to observe the complimentary behaviors of other actors to determine if leadership behavior is present.

6.4 Operationalization And Coding Of Research Questions

The next three sections describe the operationalization of the three research questions, and the specific methods used to address each question. As has been noted throughout this section, each question requires a different kind of analysis of the data. Question #1 requires a quantitative descriptive analysis comparing frequencies of leadership and non-leadership behaviors from the early and late periods of the Kidsville Court. Question #2 requires a qualitative descriptive analysis comparing the practices of legal representation in the early and late periods of the Kidsville Court. Question #3 requires a qualitative descriptive analysis of the transition period in historical detail that describes processes by which change in representation practices takes place over time.

6.4.1 Is There A Change Over Time In Frequencies Of Leadership Behaviors, As Shown By Changes In “Task Organization Leadership” And “Helping Or Evaluating Specific Others”?

Chapter Seven presents an analysis of the frequencies and ratios of leadership and non-leadership behaviors in the Kidsville Court trials of the early and late period, comparing the two periods for evidence of change. Details of the coding scheme can be found in Appendix A.

The scale addresses two basic dimensions of leadership: task organization and helping and/or sanctioning a specific other.

Task Organization involves three different types of organizational behaviors:

- organization of the physical court environment (someone puts chairs, tables, and other furniture in the right places and tells people where they belong);
- organization of the court procedures (corrects errors or mistakes of others that interrupt the task flow, gives reminders, gives prompts, or gives criticism to assure that group members stay on task, maintains turn-taking, and enforces rule-following); and
- organization of ideas during the court trial (solicits opinions or ideas of others, summarizes ideas, clarifies points of view, or relates ideas to each other to enhance meaning).

Help and/or evaluate a specific other also includes three types of behavior:

- help or teach another person (help, guide, teach, instruct a specific other);
- give needed advice or information (advise, praise, or provide constructive criticism to a specific other);
- offer emotional help (give personal support, sanction behavior that is inappropriate, and help someone regain emotional control).

Non-leadership behaviors are coded in two categories: compliance or followership and off-task or inappropriate behaviors.

Compliance or Followership involves actions that ordinarily compliment leadership behaviors in the Kidsville Court trials. Compliance behaviors include such behaviors as witnesses going to the stand when ordered by the judge and answering questions of the lawyer. Five specific types of compliance or followership behaviors are defined in the coding scheme:

- agree with another, comply with commands or directions of others
- ask for help, advice, or information ("What do I do in this court?" "Would you be my lawyer?" "What happens if he doesn't pay it?")
- physically follow, observe other(s), wait for others (observers sit quietly waiting for the judge to call court to order).

- simple procedural comments that are related to task, but not needed by the group in the organization of the task at that moment. (After the judge has made a prompt, another participant echo's it.)
- simple statement of opinion, evidence, or position ("I don't like it." "Did you see him do it?" "It's against the law.")

Off-task or Inappropriate Behaviors are coded in four categories as follows.

- irrelevant or off-task comments or behaviors ("Hey Judge, look at this book I found. It's been lost about a year.")
- angry outbursts, teasing, taunting, insulting, gloating, threatening ("I'm going to get you back for this, Andy." "You're going to lose this court trial, and I think it's funny." "Nobody is going to help you.")
- disobey, ignore, argue with a legitimate command/ direction/ direct order ("I don't care what the judge says, I'm not going to pay it." "I don't care about 'Order in the court,' You can't tell me what to do.")
- whining, complaining about, or mocking task-related behavior of others ("Why don't you just say something, huh?" "Can you hurry it up so we can go to lunch?" "Well, that's a dumb decision.")

In counting leadership and non-leadership behaviors, when a participant is coded as having performed one of the four categories of behavior, this behaviors is not coded again for that specific participant within the same sequence.

(Sequences are described in section 6.2.3 above) This avoids over-estimating behavioral frequencies of leadership behavior due to repetitions of the same types of behavior by an individual. For example, a plaintiff could ask multiple questions of a witness but counting each question would inflate estimations of leadership behavior for the plaintiff.

In coding leadership, the research plan was to measure two dimensions of leadership: that of task organization and that of helping and evaluating specific others. This distinction turned out to be difficult and perhaps insignificant in the rating of leadership behaviors. The results of this analysis suggested that the majority of leadership behaviors during formal court trials were of the task organization type. When the code of helping and evaluating others was seen during court trial events, it was difficult to differentiate it from behavior serving to organize the task. To illustrate this problem, some examples will be useful here.

An example of helping and evaluating others in this court setting takes place prior to the formal court trial, not during the trial itself.

Ron: [Bailiff Ron enters the courtroom guiding Witness Rich, a first grader. Ron's hand gently rests on Rich's shoulder, and he points out the defense side of the courtroom to Rich]: OK, so you just answer the questions 'Yes' or 'No,' but you wait until someone asks you, OK?" [Ron points to a seat on the defendant's side where the witness will sit. Ron leaves and Rich follows him].

Rich: [Rich returns guiding George, another first grader]. "This is how you do it. You sit right here." [The two first graders walk over to the chairs on defense side. One of them approaches to the gathering participants]: I'm a jury.

Jack: There's no jury.

Rich: [Seeing defendant Sally walk into the room, Rich approaches her] Where does the jury sit?

(Text from the preliminaries of court trial 1).

Such examples of helping and evaluating others are rarely seen during formal court trials. In fact, during the court trials one sees interactions in which young litigants are not given much direction, as in the following example.

Sally: [The Judge prompts Defendant Rich, a first grader]: Would you like to cross examine?"

Rich: What does that mean?

Jack: Ask questions.

Ann: [The bailiff asks George, a first grade witness, if he knows What "cross-examine" means. George doesn't know, either. Bailiff Ann shrugs].

Sally: [to Rich]: Defendant, would you like to defend yourself?

Rich: [Sits silently for about a second]: No.

Sally: Okay. I'll come back with my decision. [Sally goes to her office briefly and then returns to the courtroom]. I find the defendant guilty. You must pay Jack \$100. This has to be paid within a certain date."

Jack: Either today or tomorrow.

Sally: [addressing court] The defendant did not have any evidence or did not have anything to say for himself.

(Text from defense case of court trial 3)

The literature indicates that task organization and helping and evaluating others may be two different dimensions of leadership behavior, and the above

examples would support such a distinction. From the above examples, it can be seen that helping behaviors took place among these participants, but the researcher found that such behaviors were rarely seen among the children during the formal court trials. For the purposes of statistical analysis, in Chapter Seven the two codes were condensed into one code called "leadership behavior." It appears that during the formal trial, the officials are busy assuring that court events are taken care of in the proper order, and their behaviors are highly task-oriented rather than being oriented to guiding individuals who may need instruction or help.

Another change in the research plan must be explicated here. The original plan was to use the first eight and the last nine court trial transcripts to address Questions #1. However, when these 17 court trial transcripts were reviewed by the researcher, some of the court trials could not be used for purposes of coding data for question #1. Court trials that were eliminated included the following: fragments in which only a part of the court trial was on videotape, court trials where teachers played primary roles, such as plaintiff, defendant, or judge, or court trials that were extremely difficult to understand because important dialogue could not be transcribed from videotape. This reduced the data to be coded for Question #1 to a smaller set of ten court trials, five from the early period and five from the late period. The trials that could be coded in this analysis were court trials 1, 3, 4, 6, and 8 from the early period and 21, 23, 24, 27, and 28 from the late period. This data provides adequate

information to analyze changes for the activity over time and to identify individual Kidsville Court leaders.

Using the coding scheme to code this data set of 10 court trials, the researcher coded individual children's behaviors. In lieu of interrater reliability information, the researcher has provided the coding scheme in Appendix A.

Using leadership frequency data collected from ten transcripts, four leaders were then identified by their production of leadership behaviors as compared to other participants in court trials.

6.4.2 How Does The Practice Of Legal Representation Change Over Time In The Kidsville Court?

Chapter Eight provides a comparison of the early and late periods of this data for evidence of change in practices of legal representation. In order to address Question #2, the researcher collected information on Kidsville Court practices of legal representation in all of the 17 early and late period court trials. All 17 early and late court trial transcripts could be used because this analysis did not require highly detailed transcripts that included all dialogue of the major participants. Also, court trials in which adults filled crucial roles would not unnecessarily skew the data.

The following seven questions were used to gather information in the early and late court trials for an analysis of change over time in the practices of legal representation in the Kidsville Court. For each of the 17 court trials in the early and late period, the researcher asked the following questions:

- Is each side of the issue expressed in court, and does this change from early to the late court trials?

- Are there changes from the early to the late court trials in how a person initiates a lawsuit?

- How does a defendant get heard by the court, and does this change from the early to the late period?

- Is there change from the early period to the late period court trials in how legal representation is used. Is legal representation primarily for the benefit of oneself, one's peers, or for younger classmates?

- Is there a change by the Kidsville lawyers in their provision of legal representation for others from the early to late court trials?

- What do court participants say or do if a defendant is not represented by a lawyer? What actions are made by the court to assure or prevent representation? What thoughts and arguments do court participants make about provision of representation. What are the results of these comments or discussions? Do these discussions or decisions by the court indicate changes from the early to the late period in representation practices?

- Are there impediments to the provision of representation, or are there changes, innovations, or attempts to remove impediments to the provision of representation from the early to the late court trials?

In Chapter Eight the researcher compares the first eight court trials and the last nine court trials in various aspects of legal representation that is provided or not provided by the Kidsville Court leaders. This analysis includes information

about other practices of the court that are related to practices of legal representation. The results of this analysis are primarily about changes in the quality of representation rather than the frequency. For example, one might see that in an early court trial a defendant is denied representation, and no one comments on this fact or makes an issue of it, whereas in a late court trial participants may be seen encouraging a defendant to accept representation, or if the defendant is denied legal representation, the participants may take actions to repair their error of denying representation. In such examples, participants are seen to qualitatively change their behaviors concerning representation.

6.4.3 What Processes Bring About The Observed Development In Legal Representation Practices Of The Kidsville Court Activity, And How Do Individual Leaders Contribute To This Development?

The purpose of question #3 is to understand how changes take place in the representation practices of the Kidsville Court and how individual leaders contribute to those changes. Information from the pilot study indicated that there may have been rapid changes in uses of representation during the transition period. Given what can be deduced from developmental theories concerning processes of development (Valsiner, 1987), during a period of crisis or change, elements of the early period and late period may be expected to co-exist, possibly coming into conflict and bringing about events necessary for change.

The researcher provides a qualitative analysis of the events of the transition period at the activity level, at the individual leader level, and in the interaction between individuals and the activity. The analysis requires detailed temporal description of events that produced change. It was determined that some incidents in the Kidsville Court trials provided challenges to existing representation practices, and study of the transition period became an analysis of the creative and adaptive ways in which the court and its leaders adjusted their practices of legal representation. The result is a qualitative historical analysis of events during the transition period, with an emphasis on times when changes were made concerning representation practices. Individual leaders are studied as contributors to historical changes in practices of legal representation during the transition period. These changes in legal representation result in changed leadership responsibilities for leaders, where leaders now provide and assure representation to others.

Chapter Seven: Change In Frequency Of Leadership Behaviors In Kidsville Court Trials Over Time: Analysis And Findings.

Is there a change from the early period (court trials 1, 3, 4, 6 and 8) to the late period (court trials 21, 23, 24, 27 and 28) in frequencies of leadership behaviors as evidenced by changes in task organization leadership and helping or evaluating specific others?

The researcher coded leadership and non-leadership behaviors in Kidsville Court trial transcripts for all children who participated in 10 court trials, as described in Chapter Six. It should be noted that only 10 of the 17 early and late court trial transcripts were usable for the purposes of coding individual leadership and non-leadership behaviors as required in this particular analysis.

In order to be usable for coding purposes in this specific analysis, a court trial transcript needed to include all of the events of the court trial from its beginning to its end, and the dialogue of all major participants had to be fairly detailed in the transcript. Because of poor quality in the original videotaped data, five court trial transcripts were not adequately detailed nor sufficiently complete to allow for coding of individual behaviors. Two other court trials were not used in this specific analysis because an adult participated in the trial in a major role (judge or litigant), and this analysis focuses specifically on child leadership and non-leadership behaviors. In the end, five court trials from the early period and

five court trials from the late period were usable for purposes of coding individual child leadership and non-leadership behaviors.

This descriptive quantitative analysis serves two purposes. The first purpose is to determine if the frequency of leadership behavior during the Kidsville Court trials increased overall over time and in relation to non-leadership behaviors. This analysis consists of comparisons of the early and the late court trials in average per trial frequencies of leadership behaviors, average frequencies of non-leadership behaviors, and the ratio of leadership to non-leadership behaviors. The second purpose is to identify the children who most often perform leadership behaviors during Kidsville Court trials. These particular individuals are studied as Kidsville Court leaders in the chapters that follow.

The researcher used the coding scheme provided in Appendix A that describes the leadership and non-leadership behaviors that were counted in these court trials. The first leadership dimension, task organization behavior, was found to be the most common type of leadership behavior demonstrated in these Kidsville Court trials. The second leadership dimension, helping and evaluating others, was seen infrequently during the formal court trial events. As described in Chapter Six, section 6.4.1, to simplify this analysis the two leadership dimensions were combined into one category of leadership behaviors.

7.1 Descriptive Analysis Of Frequencies Of Leadership And Non-Leadership Behaviors In The Early And Late Court Trials.

A primary purpose of this analysis is to describe changes over time in frequencies of leadership and non-leadership behaviors. The tables in this section compare differences between the early and late periods in average frequencies of leadership behaviors, average frequencies of non-leadership behaviors, and ratios of leadership to non-leadership behavior. This data has been derived by averaging the observations of leadership and non-leadership behaviors for the early period and the late period, so averages can be compared for the two periods of the Kidsville Court. For each period five court trials have been coded, resulting in averages across those five trials for each of the periods, described in Chapter Six.

During the analysis of this data, it became clear that an important variable was that of the participants' roles in the court trial. Although specific individuals might participate in different roles across court trials, the leadership behaviors of judges, lawyers, and bailiffs appear to fulfill role-dependant functions in the court. Therefore, it is useful to compare frequencies of leadership and non-leadership behaviors based on the roles of the participants.

Leadership behaviors were coded in the five early and five late court trials for all child court participants, including judges, bailiffs, lawyers, litigants, witnesses, and observers. Table 7 shows that average frequencies of leadership increased over time for court participants in official roles (judges, bailiffs, and lawyers). In this analysis, litigants who self-represent are considered to be acting

as lawyers, since they are representing themselves and serving the same functions in the court trial as a lawyer would serve.

As can be seen in Table 7, judges and plaintiffs' attorneys engage in leadership behavior roughly twice as frequently during the late court trials as they do in the early court trials. The greatest increase in average frequency of leadership behavior is seen among bailiffs and defense attorneys, an increase of roughly three times.

Table 7. Comparison Of Leadership Behaviors In Early And Late Court Trials By Participant Role.

Average Frequency of Leadership Behavior				
Role of Participant	Early Court Trials		Late Court Trials	
	$\bar{X}^1$	S_o^2	$\bar{X}^1$	S_o^2
Judge	11.6	(3.4)	28.2	(16.3)
Bailiff	2.6	(3.7)	8.6	(6.7)
Plaintiff or Plaintiff's lawyer	8.6	(0.5)	15.8	(12.0)
Defendant or Defense lawyer	4.6	(3.4)	15.2	(10.3)
Witness/Observer	0.2	(0.4)	0.8	(1.3)

¹ Average frequency of leadership behaviors over five court trials from the early period and five court trials from the late period.

² Standard Deviation from the mean

It should be noted that during the early period bailiffs were not used in each court trial, with the result that frequency averages for bailiffs are not exactly comparable to those of the other roles that occurred in every court trial. Specifically, bailiffs were used in only three out of the five early court trials of this data whereas bailiffs were used in all five of the later court trials of this data. It was also discovered upon examination of the transcripts that the frequency information for bailiffs during the early period was inflated because of one high

scoring outlier (a frequency score of nine). Thus, the changes in frequency of bailiff leadership behavior over time is difficult to interpret from this information.

For the second analysis, non-leadership behaviors were coded for all court trial participants in the same five early and five late court trials. Non-leadership behaviors included both compliant and disruptive non-leadership behaviors. Disruptive behavior was rare in these court trials, and most non-leadership behaviors involved such behaviors as witnesses answering questions or observers making comments. As shown in Table 8, average frequency of non-leadership behavior is seen to increase over time for all participants with the exception of judges. Frequencies of non-leadership behaviors increased from the early to the late period by about three times for plaintiffs or plaintiffs' attorneys and about five times for defendants or defense attorneys.

Table 8. Comparison Of Non-Leadership Behaviors In Early And Late Court Trials By Participant Role.

Role of Participant	Average Frequency of Non-Leadership Behavior			
	Early Court Trials		Late Court Trials	
	$\bar{X}^1$	S_p^2	$\bar{X}^1$	S_p^2
Judge	1.2	(0.4)	0.6	(0.5)
Bailiff ³	0.8	(1.3)	2.0	(1.4)
Plaintiff or Plaintiff's lawyer	2.4	(2.3)	6.0	(6.8)
Defendant or Defense lawyer	1.4	(1.7)	6.0	(1.0)
Witness/Observer	5.4	(0.9)	7.8	(7.3)

¹Average frequencies of non-leadership behaviors over five court trials from the early period and five court trials from the late period.

²Standard deviations from the mean

³Information on bailiffs during the early period is limited because only three of five court trials included a bailiff.

By comparing Table 7 and Table 8, two important observations can be made. First, non-leadership behaviors during court trials were infrequent

compared to leadership behaviors during both the early and late periods. This is an unusual finding. In previous studies of leadership behaviors among elementary school children in peer group settings have been relatively rare compared with non-leadership behaviors because of the primarily egalitarian relationships between friends and peers. Some writers (French, Wass, Stright and Baker, 1986; French and Stright, 1991) argue that asymmetrical relationships among participants may result in higher frequencies of leadership behaviors. This certainly describes the hierarchical relationships that are seen in the formal Kidsville Court trials.

Transcripts were reviewed to understand the reason for the high frequency of leadership behaviors and the relative infrequency of non-leadership behaviors. It was determined that during formal Kidsville Court trials both officials and non-officials of the court are limited to specific types of behaviors. Judges, for example, are expected to make decisions on objections, determine a verdict on the basis of evidence, and also direct the order of events during a court trial, calling the court to order, ordering a recess, informing lawyers of their turns to present evidence, or correcting participants on protocol. This results in high frequencies of task organization behavior by judges. Likewise, lawyers and litigants are expected to be directive but polite if they expect to be heard by the judge. Lawyers direct the order of court events by presenting their evidence in their own fashion and refuting the evidence of the other side. Lawyers and litigants also direct the judge's behavior by making requests to the judge for decisions, rulings, court orders, changes in court procedures, or delays and

recesses. Non-officials in court trials are limited in the range of appropriate behaviors allowed to them, which mostly include non-leadership behaviors. Witnesses are limited to responding to a judge's call to the stand by going to the stand, by answering questions when asked, and by being dismissed. Observers are usually allowed to watch but not contribute actively to the court trial events. Thus, the high proportions of leadership to non-leadership behaviors are due to roles which call on participants to produce specific types of behaviors.

A second observation is that the average frequencies of both leadership and non-leadership behaviors increased over time for participants in most roles. Although leadership behaviors increased over time in the Kidsville Court trials, it cannot be determined if this increase is due to increasing leadership or if it is due to a general increase in behavior during court trials. Table 9 describes these increases in more detail by calculating the ratios of leadership to non-leadership behaviors in early and late court trials by role. This calculation shows that ratios of leadership to non-leadership behaviors changed over time in ways that are specific to the roles of participants in the court trials. On the average, judges had higher ratios of leadership to non-leadership behavior than other participants, and this ratio increased by four times from the early period to the late period. On the average, attorneys or litigants performed more leadership than non-leadership behaviors at a rate of 2 or 3 to 1, but over time they demonstrated a slight decrease in the ratio of leadership behaviors to non-leadership behaviors. Witnesses and observers showed a pattern of far more

non-leadership behaviors than leadership behaviors, and over time this relationship became even more pronounced.

Table 9. Comparison Of Ratio Of Leadership To Non-Leadership Behavior In Early And Late Court Trials By Role Of Participant.

Ratios of Leadership (L) to Non-Leadership (NL) Behavior								
Participant Role	Early Court Trials				Late Court Trials			
	X L ¹	X NL ¹	Ratio ² L/NL	Quot ³ L/NL	X L ¹	X NL ¹	Ratio ² L/NL	Quot ³ L/NL
Judge	11.6	1.2	11.6/1.2	9.7	28.2	0.6	28.2/0.6	47.0
Bailiff ⁴	2.6	0.8	2.6/0.8	3.3	8.6	2.0	8.6/2.0	4.3
Plaintiff / Pl's atty	8.6	2.4	8.6/2.4	3.6	15.8	6.0	15.8/6.0	2.6
Defendant/ Def's atty	4.6	1.4	4.6/1.4	3.3	15.2	6.0	15.2/6.0	2.5
Witness/Observer	0.2	5.4	0.2/5.4	0.1	0.8	7.8	0.8/7.8	0.1

¹ Leadership (L) and Non-Leadership behaviors (NL) behaviors are averaged over five early court trials and five late court trials.

² The proportion of Leadership (L) behaviors to Non-Leadership (NL) behaviors expressed as a ratio.

³ The ratio of Leadership (L) behaviors to Non-Leadership (NL) behaviors expressed as a quotient.

⁴ Bailiff leadership behaviors in the early period include one high outlier (a frequency of 9). Also two court trials out of five do not include a bailiff during the early period.

Bailiff behaviors are difficult to assess from this data. One can see increased frequencies of both leadership and non-leadership behaviors for bailiffs over time, but information is inadequate to make any other assumptions about changes in ratios. As has been noted, in the early period the bailiff data was skewed due to a specific high outlier. Furthermore, bailiffs were only used in three of the five court trials in the early period.

One can see that leadership behaviors in the formal Kidsville Court trials are dependant upon the role requirements of the participants. Although both leadership and non-leadership behaviors increased over time in the Kidsville Court, it seems that there is also a trend toward a greater distinction between roles in the proportions of leadership behaviors that are appropriate for that role.

That is, judges specifically perform more leadership behaviors than non-leadership behaviors, and in the late court trials this relationship becomes more pronounced. Even though a particular person might be a judge in one court trial and display a high frequency of leadership behaviors in that specific court trial, the same person might be a witness or observer in a different court trial and display very few leadership behaviors during that event.

7.2 Identifying Individual Kidsville Court Leaders

The second purpose of this analysis is to identify the individual leaders of the Kidsville Court. In order to do this, the above data is re-analyzed to focus on the leadership behavior of specific individuals who occupy multiple roles over time.

Table 10. Leadership Behaviors By Specific Individual Participants By Role

Leadership Behaviors by Individual by Role							
Child	Judge	Pl's Att'y	Def Att'y	Bailiff	Non-Official	Total Leadership Behaviors	% of All Leadership
Ann	33	32	13	9		87	18.0
Dan	19	51	32	-		102	21.0
Sally	147	9	2	-		158	33.0
Ron	-	13	20	4		37	8.0
Jack	-	16	0	-		16	3.0
Terri	-	-	24	-		24	5.0
Tom	-	-	-	37		37	8.0
Josh	-	-	-	8		8	1.5
All others ¹	-	1	5	-	8	14	2.5
Totals	199	122	96	58	8	483	100.0

¹Number of other children is 5

Ann, Sally, and Dan provide a large proportion of the leadership behaviors in this data set, and they are also the children who most frequently serve as

judges and lawyers during this period of time. These three are the original lawyer/ judges of the Kidsville Court, and they were the first children licensed as lawyers. They are also prominent Council members and the older children in the school.

Ann is a sixth grader who organized the Kidsville Council and was elected as the first Kidsville Council President during the early period. She acted as the judge of the first Kidsville Court trial.

Sally is a fifth grader, a Council member, and the original President of the InterKidsville Independent Bank. During the late period Sally frequently acts as a judge in court trials.

Dan is a fifth grader, a Council member, and the President of the Kidsville Bar Association. As the only member of the Kidsville Bar, Dan controls all licenses to legal professionals in Kidsville --- the cop licenses, bailiff licenses, and lawyer licenses. During the late period of this data, Dan was elected as the Kidsville Council President after Ann had resigned. Between the three of them, Ann, Sally, and Dan provide 72% of the total leadership behaviors in this set of data.

Ron and Tom are the next likely candidates as leaders, since they each contribute 8% to the total number of leadership behaviors in this data. A more detailed analysis of the transcripts, however, shows that in the lower ranges, leadership frequency counts are not a reliable measure of leadership for individual children. Ron is a fifth grader, a prominent Council member, and the first licensed bailiff of the Kidsville Court. During the late period Ron became the

Kidsville Bank President and was licensed as a lawyer. As a lawyer, Ron successfully pursued two cases as a hired attorney. For these reasons, Ron should be considered as a leader for purposes of this study, even though he emerges as a legal leader only during the late period.

As compared to Ron, the total of Tom's leadership behaviors are displayed when he is given a bailiff license during the late period and is hired as a bailiff by Judge Sally in three court trials. He is a fourth grader, a new child in the school, and he is not a Kidsville Council member. During the period of this data, Tom also contributed to some of the rare disruptive behaviors that were observed in the court. For these reasons, Tom will not be studied as a Kidsville Court leader.

The three remaining children on this list did not contribute much to the leadership functions of the Kidsville Court during this period of time. Jack had a lawyer license during the early period of this data, but he was not seen representing anyone but himself. When Jack was hired to represent another child, he abandoned his client, and a different attorney had to be hired to replace him. Terri was given a lawyer license during the late period and is seen in this data representing one case as a defense attorney. Josh attained a bailiff license during the late period and was a bailiff in two court trials.

Considering the above information on individuals, four leaders of the Kidsville Court will be the focus of the analyses that follow: Ann, Dan, Sally, and Ron. The relationship between leadership behaviors and the performance of official roles has been noted in this analysis, and it is seen clearly in

Table 10. Individuals produce leadership behaviors in relation to their functioning as Kidsville Court officials and as is appropriate to their roles in the court trials. The older children were the most influential children in the school. They were members of the Kidsville Council, and they were licensed as lawyers and bailiffs in the Kidsville Court.

One might assume from the above analysis that in itself the role of judge or lawyer resulted in the production of leadership behaviors independently of the individual participant. This is not the case. There were several court trials in which an inexperienced lawyer or judge did not produce appropriate leadership behaviors required for their role. Lack of appropriate leadership behavior generally resulted in exclusion of the individual from legal leadership roles in the future. For example, in court trial 2, Terri was placed in the position of judge. When Terri had difficulty ruling on objections, Witness Ann started to give Judge Terri signs from the back of the courtroom, thumbs-up or thumbs-down to indicate whether to accept or overrule an objection. Terri was not used again as a judge during the time of this study. It should be noted that court trial 2 was not usable for purposes of coding in this analysis because Judge Terri's statements were spoken very softly and her words could not be transcribed from the videotape. As another example, although Jack had a lawyer license he was rarely hired as a lawyer because he frequently lost cases and sometimes abandoned his clients. It is clear that an individual performs leadership behaviors in the roles of judge or lawyer according to their level of skill and

ability, and they are chosen or excluded from performing these roles based on the perceptions of others of their level of ability.

7.3 Summarization Of Findings

The descriptive statistics in this chapter demonstrate three main findings. First, the quantity of both leadership and non-leadership behaviors in the Kidsville Court increased over time. Given the dramatic increase in both leadership and non-leadership behaviors, it is clear that changes in the court activity and/or in individual leaders resulted in a greater number of leadership behaviors during the late period.

Second, the production of leadership and non-leadership behavior is related to the roles that participants occupy in the activity. Persons acting as judges produced a greater number of leadership behaviors than any other participants in the court trials, and their ratio of leadership to non-leadership behaviors increased by four times from the early period to the late period of this data. Court officials (including litigants, attorneys, judges and bailiffs) produced almost all of the leadership behaviors seen in these court trials, whereas witnesses and observers produced very few of the total leadership behaviors. Since individuals performed different roles in different court trials, it can be shown that individuals conformed their leadership and non-leadership behaviors to the dictates of their communal role. Leadership and non-leadership behaviors of participants fulfilled specific activity requirements that cannot be attributed entirely to the influence of individual leaders.

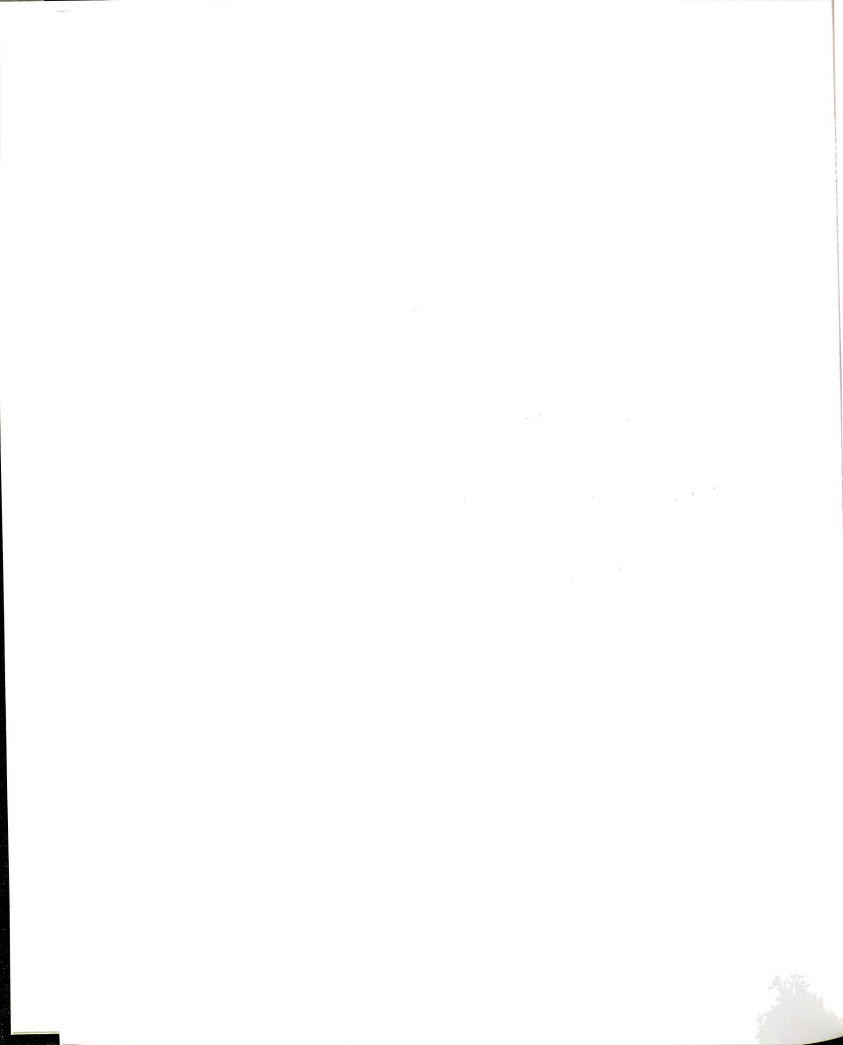
Third, there are four identifiable child Kidsville Court leaders who contribute the majority of leadership behaviors demonstrated in the Kidsville Court trials. These children are Kidsville Council members, primary Kidsville Court officials, and they are the older and more influential children in the school and in the Kidsville town.

This analysis shows that it is hardly possible and perhaps not useful to separate out the influence of individuals versus the influence of the social setting in this complex cultural activity called the Kidsville Court. Individuals fill roles within a complex activity system, and thus they are constrained by role-dictated functions which afford leadership behaviors. However, individual leaders are influential in the modification and maintenance of the activity. Dan, for example, decides who gets a license as a lawyer or bailiff. Yet his authority is limited by a written law in the lawbook that a legal license must also be signed by all 5 Council members. The production of leadership and non-leadership behaviors are clearly a joint construction where changes in the social organization of the Kidsville Court influence the behaviors of individual leaders and vice versa.

In this chapter, leadership has been defined and studied as a set of task organization behaviors performed by individuals. Yet when these behaviors are evaluated closely, it can be seen that leadership behaviors are not simply individual traits or properties of individual leaders. Not everyone can act as a hired lawyer or bailiff, since one attains these positions not only through skill and ability but also by being licensed. Leadership behaviors are part of a complex

cultural system. Individual leaders are both enabled and constrained by the roles they provide in the activity.

Different definitions of leadership discussed in this paper point to different ways that leadership can be studied. Barge and Hirokawa (1989) and Heifetz (1994) define leadership as a set of behaviors that help to improve the culture. These value-based views of leadership point to qualitative, descriptive, and longitudinal questions about leaders and the activities in which they are engaged. What is created by this group? What conflict management strategies does this group use and do these change over time? Is there a problem that this group attempts to resolve over time, and are there impediments to problem resolution? Does the group overcome these impediments and, if so, how? Do leaders help groups choose between alternative values or meanings over time? Such questions address the possibility that leaders help to change and improve their local culture contributing to the adaptive work of the group (Heifetz, 1994).



Chapter Eight: Change In Practice Of Legal Representation Of The Kidsville Court Activity: Analysis And Findings

This chapter addresses the following research question: How does the nature and quality of the practice of legal representation change over time in the Kidsville Court? The researcher approaches this question from two directions in this chapter. First, is there an observable qualitative improvement in the practice of legal representation in the Kidsville Court activity? Second, are there impediments to the provision of legal representation that change over time in the Kidsville Court activity?

Based on principles of procedural justice in the larger culture of American law, there is reason to believe that improvement in representation practices would be an important change in the Kidsville Court activity. Two basic principles of modern procedural justice have been discussed in this paper: both sides in a court trial should have the opportunity to present a case and to refute the case of the opposing side, and decision-maker(s) should impartially consider the merits of both cases before rendering a decision on the basis of law (Bayles, 1990). Anyone should be able to use the courts to seek justice, and everyone should have the right to competent legal representation if accused of wrongdoing in spite of differences in power between disputing parties.

The ability to present a case and refute the opposing case is improved by the provision of competent legal counsel. Likewise, legal counsel functions to

assure or enforce a level of impartiality on the part of the decision-maker; thus, the assurance of legal representation in modern democracies serves two basic principles of procedural justice.

Based on the pilot study data (Wilcox, 1996), the preliminary analysis provided in Chapter Six demonstrates that increased use of representation over time is observable in the data. This observation is especially strong in uses of defense representation. This quantitative change in the use of representation may represent an important qualitative change in the court activity, since practices assuring legal representation are considered necessary for assurance of procedural justice. This chapter provides a detailed qualitative analysis of the legal representation practices of the Kidsville Court by using the early and late court trials to evaluate qualitative change in the nature of legal representation over time.

8.1 Are There Changes Over Time In Legal Representation Practices Of The Kidsville Court?

To analyze change in practices of legal representation in the Kidsville Court, the researcher chose six indicators by which evidence of change could be identified.

- (1) *Is each side of the issue expressed in court for each case brought to the Kidsville Court, and does this change over time?*
- (2) *Are there changes over time in how a person initiates a lawsuit?*
- (3) *How does a defendant get heard by the court, and does this change over time?*

- (4) Is there change over time in how legal representation is used? Is it used primarily for the benefit of oneself, one's peers, or for younger classmates?
- (5) Is there a change over time in the provision of legal representation for others by Kidsville lawyers?
- (6) What do court participants say or do if a defendant is not represented by a lawyer? What actions are made by the court to assure or prevent representation? What thoughts and arguments do court participants make about provision of representation? What are the results of these comments or discussions? Do these discussions or decisions by the court indicate changes over time in representation practices?

The data for this analysis were derived by the researcher through careful reading of all 17 early and late court trial transcripts. All participants in these 17 court trials are included in these analyses.

8.1.1 Are Both Sides Of The Issue Expressed In Each Court Trial And Does This Change Over Time?

This first indicator is meant to determine whether there is an important qualitative change over time in the court's ability to fulfill a major function of

modern procedural justice where both sides of an issue have a chance to be expressed in court before a decision is made. It is especially important that the defendant, who is accused of wrong-doing, has an opportunity to refute the accusations against him or her. If one side or the other is not expressed during the court trial, then the decision-maker cannot be expected to take both sides of the issue into account prior to making a decision.

To assess whether a side of the issue was heard by the court, the researcher read the transcript of each early and late court trial for evidence that both sides presented evidence or refuted the evidence of the other side. Data are presented in Table 11.

Table 11. Are Both Sides Of The Issue Expressed In The Court Trial?

Are both sides expressed in court?		Early Period		Late Period	
		# Trials	% of litigants	# Trials	% of litigants
Plaintiff side	Expressed	7	88	9	100
	Not expressed	1	12	0	0
Defense side	Expressed	6	75	9	100
	Not Expressed	2	25	0	0
Total litigants in court trials	Expressed	13	81%	18	100%
	Not Expressed	3	19%	0	0%

From this data it is clear that the majority of litigants had the opportunity to express their side of the issue in court and to be heard by the court. Note a large change over time where 19% of litigants were not given a chance to express their side in court during the early period, whereas 100% of litigants had a chance to be heard by the court during the late period. There are three court trials (3, 7, and 8) in which a litigant was not able to express his or her side in court and none of these children had legal representation.

In court trials 3 and 8, the first grade defendants were not given an opportunity to express their side of the issue in court. These children were not able to respond when the judge told them that it was their turn to question witnesses or present a case. Both of these defendants were found guilty and charged to pay a fine to the plaintiff. This is exactly the situation for which modern systems of justice have developed a "right to representation" to protect the defendant who is unable to represent himself or herself.

In court trial 7, the plaintiff did not have a lawyer, and he was told that his court time needed to be moved to an earlier time to accommodate the defense attorney. When the plaintiff arrived in court, he was unprepared, and his case was dismissed by the judge.

It appears that increased use of representation in the late period has resulted in improved opportunities of both sides of a conflict to be heard in court. In late court trials all litigants consistently have lawyers, and their issues are expressed in court. The following two sections describe in more detail what is involved in going to court, first from the point of view of a defendant and then from the point of view of a plaintiff. These sections show how the presence of a lawyer helps the defendant or the plaintiff to negotiate the complex process of getting heard in the Kidsville Court.

8.1.2 How Does A Defendant Get Heard In Court And Does This Change Over Time?

This indicator addresses how the presence of a defense attorney influences the defendant's ability to be heard in the Kidsville Court. The

researcher reviewed the transcripts and found that a defendant has multiple tasks to manage in order to have his or her side of the issue heard in court. Upon being told of a lawsuit, a defendant must begin to gather evidence of his or her innocence. The defendant is usually given a short period of time to prepare a case, although he or she may ask the judge for delays. During the court trial the defendant must attempt to discredit the plaintiff's case through use of objections, cross-examination, and/or presentation of defense evidence. If the defendant does not present a case, the judge decides in favor of the plaintiff and assigns a penalty to the defendant. It has been noted that lack of representation is especially difficult for the youngest defendants who do not know how to present a case in court.

In the late court trials defendants consistently have lawyers to help them to negotiate these complex details, which means that from the point of view of the defendant the process of defending oneself is much less difficult during the late period. When a defendant has a lawyer to provide representation, the lawyer takes responsibility for the many tasks of gathering evidence and talking to witnesses, asking for delays, preparing the case, and speaking for the defendant in court. When the lawyer is a same-age peer, it is seen in the transcripts that the defendant usually works together with the defense attorney in planning and presenting a defense case. When the defendant is a younger child the defense attorney usually does the entire job of preparing and arguing the case.

8.1.3 How Does A Person Initiate A Lawsuit And Is There A Change Over Time In This Process?

Persons go to court to state their grievances and to have the conflict decided by a third party. This indicator is designed to determine what tasks a plaintiff must complete in order to use the court to express a grievance or complaint. It is found that the responsibilities of the plaintiff remain the same over time, but that the presence of an attorney assures that the plaintiff does not have to accomplish all of these tasks alone.

An analysis of the transcripts shows that initiating a court trial is a process involving several steps. Prior to the court trial, a plaintiff must hire a judge and arrange a time for court, assess chances of winning, find and interview witnesses, and inform the defendant. This process may also include negotiating other details such as hiring a bailiff for the trial. The complexity of these processes is such that litigants can forget an important detail. This is seen in court trial 3 and court trial 7 when the plaintiff does not have evidence in order prior to the court trial. In court trial 3, the plaintiff is seen trying to find a witness while beginning to present evidence during the trial. In court trial 7 the plaintiff has mislaid the documents that he planned to use as evidence, and his case is dismissed.

In the later court trials, the process of initiating a lawsuit involves the same basic steps, but during late court trials plaintiffs consistently have lawyers to initiate the court trial or provide assistance in that process. With a lawyer to

represent them, even younger children and persons who are inexperienced in court are able to initiate court trials. For example, in court trial 23, a first grader with a lawyer initiates a successful suit against an older child.

8.1.4 Is Legal Representation Used For The Benefit Of Oneself, One's Peers, Or Younger Children, And Does This Change Over Time?

The fourth indicator of change in practices of legal representation of the court (Wilcox, 1996) can be observed by documenting who is providing representation for whom and does this change over time? The results of this analysis are presented in Table 12.

Table 12. Is Legal Representation In The Kidsville Court Used Primarily For The Benefit Of Oneself, One's Peers, Or Younger Children?

Litigant	Category of Representation	Early Period		Late Period	
		# Litigants	% of Litigants	# Litigants	% of Litigants
Child	Represented by self	10	62%	1	5%
Child	Represented by same-age peer	3	19%	9	50%
Child	Represented by older child	2	13%	4	22%
Adult	Represented by child	1	6%	1	5%
Council	Represented by senior KV Council member	0	0%	3	17%

There is clearly a change from the early period (the first eight court trials) to the late period (the last nine court trials) in uses of legal representation in the Kidsville Court. During the early period, 62% of litigants in the court engage in

self-representation dropping to 5% in the late period. Representation of same-age peers increases from 19% of litigants in the early period to 50% of litigants in the late period. There is also an increase over time in representation of younger children by older children from 13% of the litigants in the early period to 22% of litigants in the late period. One can see from this analysis that provision of legal representation increases for all child litigants over time and that self-representation decreases.

8.1.5 Do Kidsville Lawyers Provide Representation And Does This Function Change Over Time?

The fifth indicator of change in legal representation in the Kidsville Court looks specifically at Kidsville licensed lawyers to determine if licensed lawyers are providing representation to others, if lawyers primarily represent themselves, or if non-lawyers are seen representing themselves. Data addressing this question are provided in Table 13.

Table 13. Do Kidsville Lawyers Represent Others And Does This Function Of Legal Representation Change Over Time?

Who Provides Representation?	Early Period		Late Period	
	# of Litigants	% of Litigants	# of Litigants	% of Litigants
Lawyers self-represent	7	44%	1	5%
Lawyers represent others (including same-age peers, younger children, adults or KV Council)	7	44%	17	95%
Non-lawyers represent themselves	2	12%	0	0%

There is a large change by licensed lawyers in their provision of representation to others over time. In the early period, 44% of the Kidsville Court litigants were licensed lawyers representing themselves. In the late period, only 5% of the litigants were lawyers engaged in self-representation. In the early period 44% of the litigants were represented in court by a licensed lawyer, and this percentage increases to 95% during the late period.

Non-lawyers are seen representing themselves 12% of the time in the early period which is not seen at all in the late period. This analysis shows that the “job” of lawyers changed over time, from representing themselves in their own disputes to assuring and providing representation primarily to others.

8.1.6 What Do Participants Say About Legal Representation, And What Do They Do To Prevent, Provide, Or Assure Representation, And Does This Change Over Time?

The sixth indicator in this analysis examines how court participants talk about the need for representation, and whether they express in actions or words an expectation that litigants should have representation.

A review of the transcripts shows that discussions about the need for representation during the early period were initiated by the school director, Will. Will is seen advising the defendant in court trial 1 to seek representation because she needs to be able to prove her innocence in court. During a court recess, he tells litigants in court trial 4 that hiring a lawyer helps people to avoid errors in pursuing their cases. However, the behavior of court officials indicates that

representation is not an expectation of the court at this point in time. This can be seen clearly in the examples in Figure #1.

Figure 1. Absence Of An Expectation Of Representation In The Early Period Court Trials, As Exemplified In The Behaviors Of Court Participants During The Early Period.

Trial No.	Absence Of An Expectation Of Representation Expressed In The Behaviors Of Court Participants In The Early Period Court Trials
1	The school director tells defendant Sally that she needs to get a lawyer to protect herself. She hires Ann, who is the last available lawyer. The plaintiff, Jack, is left representing himself.
2	Plaintiff Sally and defendant Dan are both lawyers who represent themselves.
3	Neither the fourth grade plaintiff nor the first grade defendant have representation. The defendant is unable to represent himself. No one comments on the need for defense representation and the defendant is found guilty by Judge Sally.
4	Plaintiff Sally and defendant Dan are both lawyers who represent themselves.
5	Plaintiff Sally has hired Ann to represent her. Defendant Dan represents himself successfully by getting informal legal advice from the school director.
6	The first grade defendant has a lawyer, Jack, who abandons his client just before the court trial. When the defendant shows up in court without a lawyer, Judge Sally begins the court trial as usual. While court is in session, the school director hires Ann to be the defense attorney.
7	The school director is the defendant, and he has hired Ann as his lawyer. Plaintiff Jack represents himself. Jack is unprepared for court, and his case is dismissed.
8	The fourth grade plaintiff hires Ann as his lawyer. The first grade defendant has Sally as his lawyer. Prior to the court trial, Ann insists that judge Dan must rule on the legality of Sally's law license. Dan rules that Sally's license is not valid, and she is not allowed to represent her client in court. The first grader is found guilty by judge Dan without benefit of representation.

These examples from the early period show that participants do not display an expectation that legal representation is a requirement of the court.

Figure 2 shows that in the late period, the participants rarely discuss their representation practices, but their behaviors often demonstrate that they are acting on an expectation of representation, a belief that representation should or

will be provided. Figure 2 gives examples that demonstrate an expectation of representation which can be observed in late court trials.

Figure 2. Examples Of An Expectation Of Representation In The Late Period Court Trials Expressed In The Behaviors Of Court Participants During The Late Period.

Trial No.	Evidence Of An Expectation Of Representation Expressed In Court Behaviors During The Late Period
20	A lawyer spontaneously volunteers to be the defense attorney for a first grade defendant.
21	The first grade defendant is successfully defended by newly licensed lawyer, Ron. Ron has been hired and prepared for this court trial by Will, the school director.
22-25	Both the plaintiff and defendant of these court trials have representation.
26	The first grade defendant is successfully defended by newly licensed lawyer, Terri. Terri was hired and advised by the school director Will.
27	A lawyer spontaneously volunteers to be the defense attorney. The angry defendant at first argues that he does not want a lawyer, but several participants urge him to accept defense representation.
28	Judge Sally denies defendant Dan the opportunity to get a lawyer. She is told by Ann "I think that a person has a right to have a lawyer." Then Sally gives Dan time to prepare his case with his defense attorney Ann.

With changes in the practices of legal representation, the school director changes his behaviors concerning representation. During early court trials, the director of the school initiates discussions about the need for representation. In late court trials the director is involved in the court's representation practices primarily through his provision of lawyers for litigants. During the period of this study, Will has created a Kidsville business called "Gorilla Services," and several lawyers work as employees in this business. Will informs his employees of legal cases that he wants them to pursue, and he often provides guidance on ways to prepare and present a client's case.

8.2 Are There Impediments To The Provision Of Legal Representation That Change Over Time?

This question approaches the issue of social change in the Kidsville Court from a different perspective in terms of impediments to the provision of representation that exist in the practices of the Kidsville Court. Heifetz (1994) and Barge and Hirokawa (1989) argue that leaders function within organizations to remove impediments to task completion. In the original Latin, *impedimenta* are encumbrances such as baggage, supplies, and equipment that hinder progress on a trip or military expedition. (New World Dictionary, 2nd Ed.). In this sense, impediments are not externally imposed obstacles, they are baggage that one has chosen to carry. In order to make progress on a trip one must leave certain valued possessions behind, choosing between what is needed and what is not. Similarly, in order to adapt to new pressures, groups must often re-organize or modify important practices in their social organization. Thus, impediments begin as important functions of the social organization which must later be modified or removed in order for the social organization to develop. Leaders can be observed as individuals or groups of individuals who facilitate the removal or modification of impediments to task completion. The following sections describe impediments to provision of representation that were observed in the Kidsville Court data.

8.2.1 Limited Availability Of Lawyers (Children Who Know The Kidsville Law And Who Have Legal Licensure)

The most obvious impediment to provision of representation is that there were not enough lawyers for everyone to have representation during the early period of this data because of licensure restrictions. At the beginning of the early period there are only four licensed child lawyers in Kidsville: Ann, Dan, Sally and Jack. Jack is not a popular choice as a lawyer because he regularly loses cases and sometimes abandons his clients. To compound the problem of lawyer availability, during court trial 8, Ann and Dan successfully challenge the validity of Sally's law license, which reduces the number of lawyers to three.

During the late period of this data, availability of representation increases dramatically because two new lawyers (Ron and Terri) are issued law licenses and Sally regains her law license that was revoked during the early period. Thus, there are six licensed lawyers at the time of court trial 28 compared to three lawyers at the time of court trial 8.

8.2.2 Each Court Trial Requires A Qualified Judge

Another reason for limited opportunities for legal representation is that each court trial requires one of the experienced lawyers to participate as judge. During the early period of this data set, participants attempted to use inexperienced persons as judges in court trials 2 and 5, but it was discovered that inexperienced judges make disruptive mistakes and have difficulty ruling on objections.

In the late court trials, there are enough experienced lawyers available that both litigants in a court trial can have representation and one lawyer can act as judge. Another change is that Sally has become an experienced judge, and she often volunteers to try cases "free of charge." This has the effect of providing a stable judge for the court activity while allowing other lawyers to focus on responsibilities of legal representation.

8.2.3 High Cost Of Representation To Litigants In Kidsville Currency

Another impediment to provision of representation in the early court trials is that of expense (in Kidsville currency). Several times in the transcripts participants are seen attempting to negotiate the price of legal services, but lawyers are expensive. For example, prior to court trial 5, Ann tells the plaintiff: "I cost \$200 in Kidsville money. You either want me for a lawyer, or you don't." Prior to court trial 6, Dan tells a friend that his services cost \$100 in Kidsville money. The friend tries to negotiate, so Dan decides that he will take his payment in two \$50 Kidsville money installments. Thus, even when lawyers are available, they sometimes are not involved in a court trial because the litigants do not have Kidsville money to pay for a lawyer. Since younger children usually do not have much Kidsville money, they are the most likely persons to go without representation due to the expense.

In late court trials the problem of legal costs to individual litigants is addressed in three ways. One, the school director often sends lawyers to pursue certain cases as part of their employment in his business "Gorilla Services."

Two, sometimes lawyers volunteer to take cases *pro bono*. It is not clear how this practice comes about, but it is possible that the influx of new lawyers results in persons who want court trial experience and are less concerned about being paid. Three, as has already been noted, Sally begins volunteering to provide judging services “for free,” further reducing legal costs for participants.

8.2.4 No Expectation Of Representation

Possibly because of practical problems caused by impediments during the early period of the court, there is no *expectation of representation* shown by litigants or court officials in early court trials. Lack of an expectation of representation becomes a further impediment, since there is no requirement that the court should assure legal representation to each and every litigant. The evidence for lack of expectation of representation has been discussed in section 8.1.

8.3 Conclusions

The analysis in 8.1 shows that over time there are important changes in the practices of legal representation in the Kidsville Court. All of the indicators discussed in Chapter Eight show improvements in legal representation practices in the Kidsville Court. This is demonstrated by increased use of lawyers, availability of licensed lawyers, provision of defense attorneys, and perhaps most significantly, by provision of representation to younger children.

Changes in Kidsville Court representation practices also result in significant changes in actions of individual child leaders. Differences between the

early and late court trials show that legal leaders express and act upon an expectation of representation in the late period that is not exhibited in the early period. In the examples throughout this chapter, it can be seen that during the late period, identified Kidsville Court leaders assure and provide representation for others. They also hire lawyers when they are involved as litigants. These observed differences between the early and late periods of the court appear to result from changes in the social organization of the court activity and its legal practices rather than from differences between individual leaders in their preferences, beliefs, or behaviors.

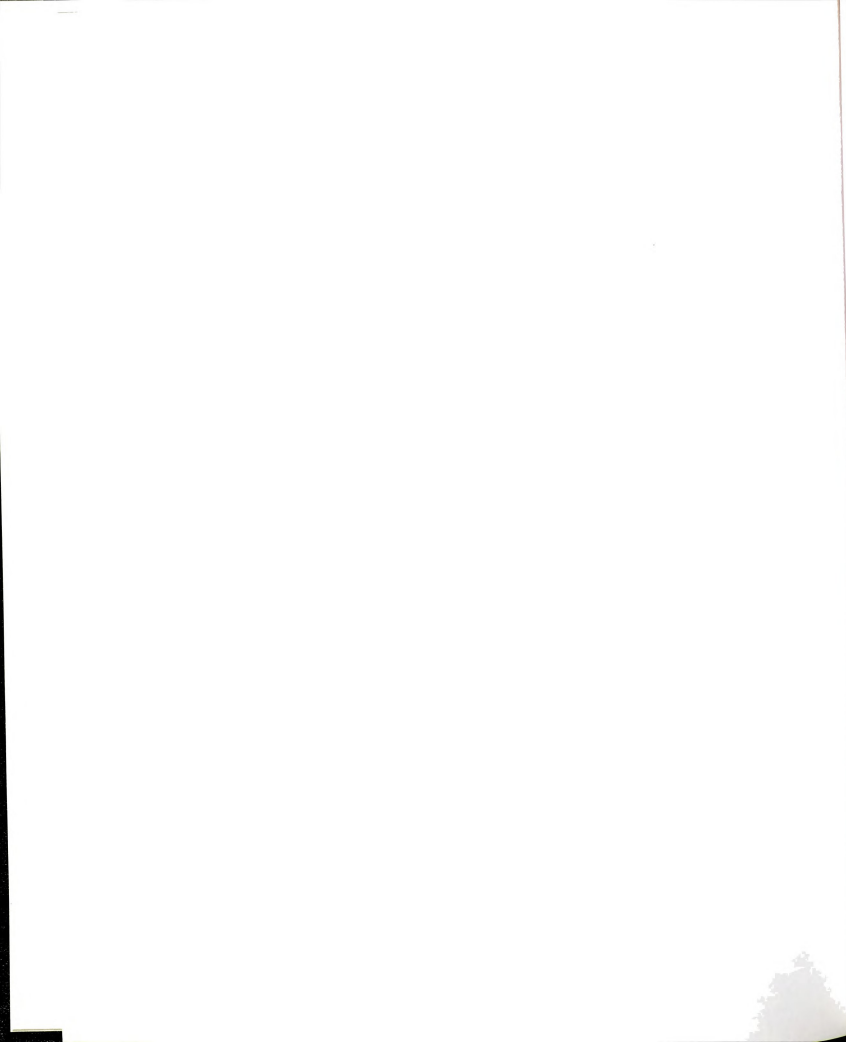
The list of impediments to legal representation in Chapter Eight demonstrates that in the early period there are many practical limitations to provision of legal representation. By the late period of this data these impediments have largely been overcome, which provides a significant improvement in procedural justice in the Kidsville Court.

From the early to the late period of this data, one sees a reduction of impediments to legal representation, increased use of legal representation, and the development of an expectation of legal representation. This leads one to wonder: what are the processes that bring about these changes?

Chapter Nine looks at the transition period of the court. The analysis examines how leaders contribute to historical events and bring about transformations in practices of legal representation of the Kidsville Court. Heifetz (1994) and Barge and Hirokawa (1989) specifically indicate that leaders help organizations to remove impediments to task completion. Leaders help groups

to make decisions about their values and weigh choices about how they want to attain their goals.

There is an inherent dialectic in the job of the leader, since it is through problems that the leader becomes useful to the group and practices leadership. If the group has no important decisions to make, no problems to address, no conflicting values that must be assessed and resolved, there is no need for leaders. Thus, if children are to practice or demonstrate leadership, child peer groups should be allowed to have important problems that require leadership skills such as organizing difficult tasks, helping persons who need assistance, and facilitating needed changes in important activities. If adults fulfill all of these functions within an activity, then child participants have no need nor any opportunity to practice and engage in leadership behaviors. In Chapter Nine it will be demonstrated that the presence of a serious social problem and a conflict between different values requires that child leaders engage in actions that transform their legal representation practices.



Chapter Nine: Processes Of Change In The Development Of Leader's Actions And In Practice Of Legal Representation: Analysis And Findings

What processes bring about the development in practices of legal representation of the Kidsville Court activity, and how do the actions of individual leaders contribute to this development are the questions addressed in this chapter.

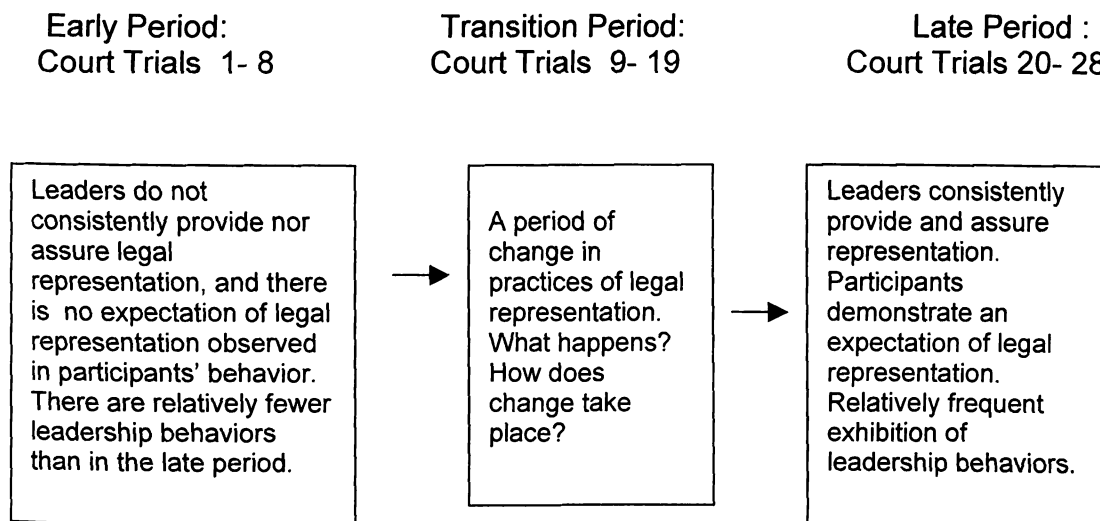
Valsiner (1987, 1994) argues that the study of development should primarily involve the analysis of developmental processes rather than the analysis of developmental outcomes. He states that "developmental research has as its goal to adequately represent the reality of the generation process." (Valsiner, 1987, p. 122). Development takes place during times of change when previous forms are reorganized and novel forms emerge. This means that developmental methodologies must capture and explore the temporal and changing nature of developmental adaptation. It seems sensible that developmental studies should ultimately focus on periods of change during which previous forms are reorganized and novel forms emerge.

Chapters Seven and Eight show developmental outcomes in the Kidsville Court. Chapter Seven demonstrates change in quantity or magnitude of leadership behaviors in Kidsville Court trials over time. Chapter Eight provides evidence of important qualitative changes in practices of legal representation of the court and concurrent changes in the responsibilities of court leaders.

Specifically, leaders are seen during the late period trials consistently providing and assuring representation to others, including younger litigants. As a result of changes over time in practices of legal representation, Kidsville Court trials are more fair by adult standards of procedural justice: both litigants have the opportunity to present a case and refute the case of the opponent, and decision makers are then able to take both sides of a dispute into account before making a decision.

Figure 3 summarizes the three historical periods of this study: the Early Period, the Transition Period, and the Late Period.

Figure 3. Historical Overview Of Changes In Representation Practices Of The Kidsville Court



Because the development of practices of legal representation takes place during the transition period among a limited number of known actors, the Kidsville Court data provide an opportunity to study processes of developmental

change in the interaction between individual leaders and the practices of the court activity. Chapter Nine provides an analysis of developmental processes of change in practices of legal representation during the transition period (court trials 9 – 19).

To understand the historical events during the transition period, this chapter first gives a description of each transition period court trial presented in historical order. Then, the historical development of the court is examined in terms of transformations of inequity. The emphasis is on the processes by which events in the court are transformed through the interdependence of actions by individuals and the development of the activity in its practices of legal representation. The conclusion to this chapter argues that the Kidsville Court activity creates a zone of proximal development (Vygotsky, 1978) for its participants by providing opportunities for them to encounter and discuss contradictions. The leaders of the Kidsville Court contribute to the development of equity practices of the activity, and thus they collectively create the next zone of proximal development for themselves and for their classmates.

9.1 A Historical Account Of The Court Trials Of The Transition Period.

Throughout the transition period contradictions provide opportunities for development at the level of the activity and at the level of the individual. As has been discussed in Chapter Five, there is a global contradiction between equity and unequal distribution of resources in many American social institutions. Differences in power and status resources usually result in differential treatment

of persons; however, many American institutions are expected to provide equity of treatment without consideration of a person's power or status resources. This global contradiction of equity is especially important in legal contexts. Unequal treatment in court trials, especially in criminal law, would result in the unfair application of law to persons who are accused of crimes. Chapter Five discusses the fact that certain practices in procedural justice have developed over historical time in the larger American culture in order to resolve problems in providing equal treatment. Specifically, assurance of legal representation partially resolves this tension because a competent lawyer can assure that the litigant's rights are not violated in a court of law.

This ***contradiction of equity versus unequal distribution of resources*** is relevant in this study of the Kidsville Court. In Kidsville Court the contradiction of equity is seen in local manifestations of inequity that arise from problems of limited resources in the local Kidsville culture: licensed lawyers, qualified judges, and Kidsville money. Through careful analysis of the historical events of the transition period one can see work that Kidsville leaders do to reorganize their court activity to resolve equity contradictions in their legal representation practices.

A second contradiction in equity verses uneven distribution of resources is seen throughout the transition period and it is basic to uses of power in democratic leadership. Ideally, leaders are expected to be responsible for less fortunate or less powerful others. Universal provision of representation, for example, would require that Kidsville Court leaders find ways to distribute limited

legal resources more evenly among litigants. However, limited resources are naturally attained by the more wealthy, powerful and competent members of the group who often do not perceive any need to redistribute resources. There are common and serious problems for organizations. First, why and how leaders become aware of their responsibilities to provide for less fortunate others, and second, if leaders become aware of the needs of less fortunate others, what do they do to improve the distribution of limited resources within their social organization? This contradiction will be referred to in this chapter as the ***contradiction in awareness of inequity***.

These two global contradictions arise in multiple local instantiations in the specific court trials during the transition period. Leaders are seen modifying their activity in attempts to resolve serious local contradictions that arise in Kidsville Court trials. Specifically, court leaders are observed resolving contradictions in their practices of legal representation and making transformations that eventually improve the practices of legal representation of their court.

In order to present the data for analysis, this section provides a brief sequential narrative description of each of the transition period court trials. Special attention is given to court trials in which legal representation is not provided or where problems in legal representation are encountered. The four individuals identified as Kidsville Court leaders in Chapter Seven become a focus of this discussion, since they are the children who are primarily responsible for the changes in practices of legal representation during the transition period.

Through analysis of transition period court trials, the researcher found that changes in legal representation practices involved Kidsville leaders taking direct action to transform the outcome of a court trial by providing legal representation. The school director, Will, was often involved in these incidents of transformation as a supporter, guide, and agitator for change. The focus is on ways that Kidsville Court leaders deal with contradictions in their legal practices by transforming problems to universal legal representation.

9.1.1. Court Trial 8, Tom Vs. George; Breaking And Entering And Destruction of Property.

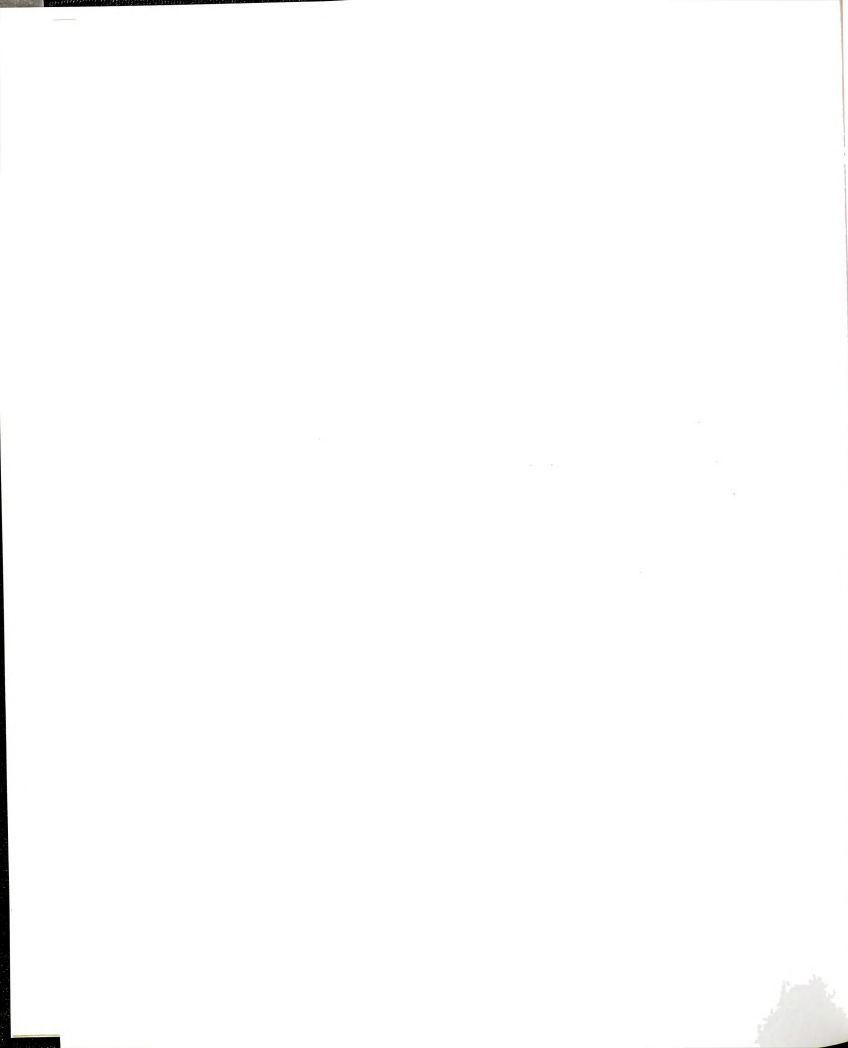
In order to understand the historical events of the transition period, one must first understand the events of court trial 8, which was the last court trial of the early period. Court trial 8 was initiated by Tom, an emotionally impaired fourth grader who was offended when George, a first grader, entered his office without permission and knocked over a cardboard wall in the office. Court trial 8, from the early period, is an event that sets several transition period court trial events into motion in the following days.

All four of the identified Kidsville Court leaders were involved as court officials in court trial 8. Sally was George's defense attorney and Ann was Tom's attorney. Dan was the judge, and Ron was the bailiff. At the beginning of court trial 8, plaintiff's attorney Ann insisted that Judge Dan must rule on the legality of Sally's lawyer license before the trial could proceed. Sally had been prepared to act as the defense attorney, but Judge Dan ruled that Sally's license was not legal, so first grader George was denied representation. George was not able to

defend himself in court. He was found guilty and told he must pay the plaintiff \$300 in Kidsville currency. This is a very large sum of Kidsville money for Kidsville participants. George, a first grader, did not have any Kidsville money. George's inability to pay his fine resulted in a number of further court trials.

Court trial 8 exemplifies two of the impediments to representation that were discussed in Chapter Eight: limited availability of lawyers and a clear lack of any expectation of representation. Due to a tightened restriction in lawyer licensing, Sally was not longer licensed and she could not act in George's defense. Since there was no expectation of representation, no attempt was made by the court to provide representation, and no notice was taken of the inequity of the result to George and Sally.

Because of their relative lack of power in this situation, both George and Sally were helpless to take action against this inequity perceived by them. It was not a problem for the court, because the inequity was not perceived by the court. It was a problem for George and Sally. Their voices were silenced by the powerful voices of Ann and Dan, who decided that Sally's law license was illegal. Without legal representation, George's voice could not be heard and his side of the story did not come to the attention of the judge. The next several Kidsville Court trials show how the court and its participants transform the events of court trial 8.



9.1.2 Court Trial 9, Kidsville Council Vs. Citizen Buh; Nonpayment Of Taxes.

Court trial 9 provides an opportunity to observe a collaboration between child leaders of the Kidsville Court and their teacher in the process of addressing the court's practices of legal representation. On Friday mornings the tax collector went on her rounds to each office. That Friday, the director of the school, Will, assumed the role of a citizen activist (commonly known to Kidsville town participants as citizen "Buh"), and he asked the tax collector to show him in writing where it says he has to pay taxes. A Council meeting was called. The tax collector returned to Buh with a written demand signed by the "Concil" [sic]. Buh said he doesn't know any "Concil" and he made a public show of throwing the paper away. The Council drafts, and the tax collector presents, a new, correctly spelled demand. Buh now asks: "What happens if I don't pay it?" The Council met again and drafted a new law that specifies a penalty for non-payment. It is to sit on a chair "in jail" for 15 minutes or to pay a fine of \$1000 in Kidsville money. The tax collector showed the new law to Buh who said: "Ok, I'll spend 15 minutes in jail, and then my taxes are paid." On short notice the Council informs Buh that they are suing him, and he is told to be in court in five minutes.

Once in court Buh demands that the court provide a lawyer for him. He is essentially told that the court does not have to provide a lawyer. Buh persists in his demand for a lawyer. The transcript below shows the result.

Buh: [Buh insists that he must be given a lawyer to represent him. Dan, President of the Bar Association, leaves to license a temporary lawyer. Dan returns with Rich, one of the youngest first graders in the school].

Dan: [Bar Association President Dan presents Rich to Buh]:
Here's your lawyer.

Buh: [Buh quickly establishes that Rich has no experience in the practice of law]: I don't accept him.

Ann: [Council President]: Ok, then you don't have a lawyer.

Buh: You gotta give me a lawyer.

Ann: We gave you a lawyer.

Buh: This lawyer doesn't know law.

Ann: He's a lawyer. We've given you a lawyer. You can either accept him or not accept him and represent yourself.

Buh: What's a lawyer if not a person who knows law? I mean, you could have put a stick of wood here and said "That's a lawyer." [Kidsville Council members chuckle at this, and there is some relaxation of tension in the courtroom.]

Will: [The teacher now speaks in his "teacher voice" as Will]:
Now, I'm going to talk to you as your teacher about what I need to do here. I need to protect Rich from this serious confrontation that is taking place here. [Will sends the first grader, Rich, back to his class, after which Will returns to his arguments as defendant Buh].

Buh: I'd be very happy with any of the Council members as a lawyer. [This suggestion results in a discussion of why Council members can't act as Buh's lawyer. Some Council members argue that a lawyer cannot provide representation unless he or she agrees with the client. Their reasoning is that the lawyer would be prejudiced against Buh's case.]

Dan: [softly]: No, they wouldn't be prejudiced.

Buh: I'd trust any Council member to present my case. They wouldn't have to agree with me. Just present my case. What's wrong with one of you guys? I'd take Josh. I'd take

Ron.

Ron: We're not licensed.

Buh: [laughing]: How do you manage to license poor Rich and feed him into this meat grinder that is about to happen here, but you won't license one of these guys who can stand up to it?

In this manner, two local instantiations of global equity contradictions are created and made explicit by Will together with the members of the Kidsville Council. Buh insists on being represented, which contradicts the Kidsville practice that a lawyer cannot represent someone unless he or she agrees with the client. Buh strongly states that any lawyer who can argue his case is fine. He doesn't have to have a lawyer who agrees with him. Dan's voice can be heard on the audiotape saying "No, . . . the lawyer wouldn't be prejudiced."

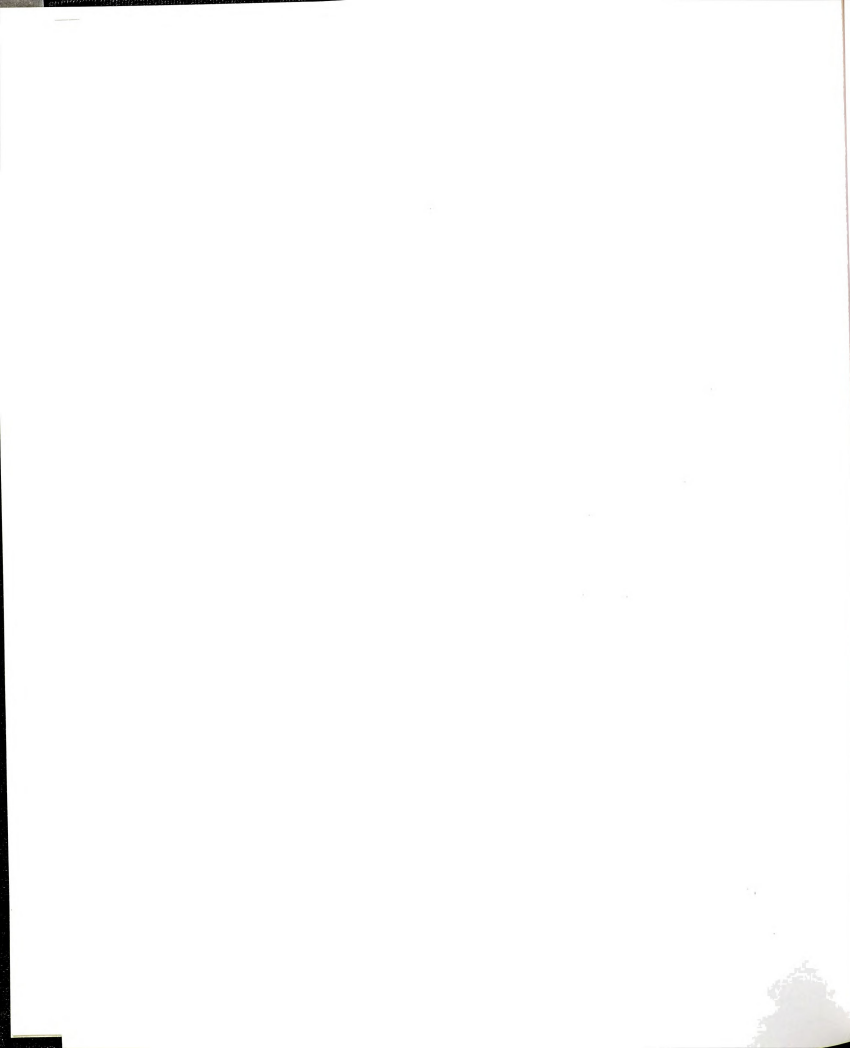
Another local instantiation of the global equity contradiction is that Dan, who is the President of the Bar Association, refuses to license capable senior members of the Council, including Sally, Ron, and Josh. However, Dan is willing to temporarily license a first grader to fill a "lawyer" slot. Currently the only licensed lawyers in Kidsville are Dan, Ann, and Jack. Will's comment is gently stated, but the contradiction is now open for discussion. At this point in court trial 9, a personal transformation takes place. Dan, the President of the Bar Association, offers to be Buh's defense attorney. Buh accepts and Dan changes sides in the courtroom. That the council consents to this indicates that a transformation may be taking place in the practices of the court as well.

During the trial Buh takes the stand and explains that he only wanted to talk to someone about lowering his taxes, but the Kidsville government is not willing to listen to someone who has a complaint. Buh expresses relief that the Council is now willing to listen to him, and he gives an argument about why he believes that his office taxes should be lowered. After heated argument, the court trial comes to an end when the Council decides to settle out of court by lowering Buh's tax. This court trial is stressful enough for the Kidsville leaders that Council President Ann and several other participants request to have hugs from Will after the court trial is over.

9.1.3 Court Trial 10, Tom Vs. George; Kidsville Money Overdue From Fine Awarded By The Court On Last Friday.

Court trial 10 is the first of four court trials that take place on the same day concerning a conflict between Tom and George that began with court trial 8. In court trial 8, first grader George was deprived of a lawyer, found guilty, and charged to pay \$300 in Kidsville money to Tom, the fourth grade plaintiff. By Monday the fine has not been paid, which is not a surprise because \$300 is a large sum of Kidsville money and jobless George usually don't have the means to make money.

Court trial 10 is initiated by Tom, who hires Dan as a lawyer to sue George for the Kidsville money that was awarded last Friday. Tom tried to specify at the end of court trial 8 that the money be paid to him by a certain date. He asserts



the previous Friday was that day, and he wants his money. This time defendant George has a lawyer, Jack, whose license is legal. With the addition of a defense attorney there are some clever arguments, most of which focus on confusion about the date that the Kidsville money is considered to be due. Judge Sally listens to both sides of the dispute and decides that George still owes the Kidsville money. In this trial the usefulness of a defense attorney is demonstrated publicly because the defense is able to put up a good fight in the court trial. As times goes on in this day, more of George's story will be heard and some interesting evidence will come out into the open.

9.1.4 Court Trial 11, Baltic Credit Cards Vs. Citizen Buh; Non-Payment Of Credit Card Debt.

In the month before this court trial, Buh had run up a bill on his Baltic Credit Card, a business run by Sally. Further, he made up excuses for not paying the debt. In doing this, Will, as a teacher, was trying to stimulate Sally to stand up appropriately to Buh because of her habit of being non-assertive with men. Will had been backing Ann to act as Sally's lawyer, hoping that Sally would sue him, win the case, and get on about her business. As an attorney, Ann had been trying to get Sally to go to court, but Sally kept backing out of a formal court confrontation with Buh.

Finally, after avoiding the problem for a month, Sally sued "Citizen Buh" for not paying the amount due on a credit card. Sally did not seem able to sue "Buh" without extra support, so, in court trial 11, Ann acted as the judge, and

Sally's lawyer is Marie a teacher in the school. Marie was not a licensed lawyer in Kidsville because of a law that prohibited adults from practicing law, so this use of Marie as a lawyer was against the law. Buh hired his own lawyer, Tom, who was also not a licensed lawyer. Buh may have hired Tom because he really did not intend to win the case and did not want a licensed lawyer who would want to win. Judge Ann made it clear that she was allowing these unlicensed lawyers to participate only because no one had complained about it. The outcome of the court trial was that Sally successfully sued Buh, who paid the Kidsville money that he owed to her.

9.1.5 Court Trial 12, George Vs. Tom; False Charges.

Court trial 12 is a counter-suit: George against Tom. Once again, Jack is George's attorney, and Dan is Tom's attorney. The counter-suit was stimulated by Will, who found witnesses to the actual event and then guided defense attorney Jack so that these events could be heard by the court.

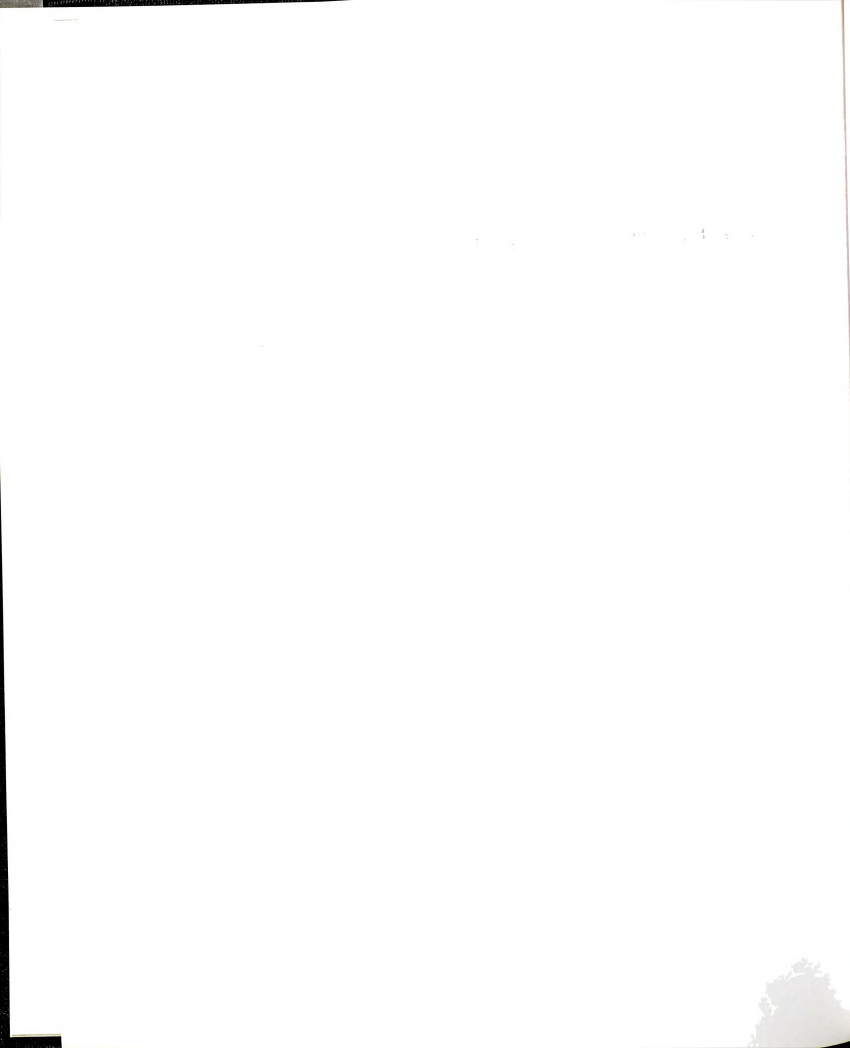
During this court trial some very surprising facts came forth. Several witnesses saw fourth grade Tom gesture to first grade George beckoning George to his office. When George stepped into the office entrance, Tom began yelling: "You stepped into the office. I'm going to sue you." George became frightened, stumbled, and knocked over a cardboard wall.

These circumstances had not been considered in court trial 8, the original court trial in which George was found guilty. The original guilty verdict expresses an assumption that George intentionally entered the office and destroyed

property, and thus was guilty of a crime. Tom was portrayed as a victim of a crime. As in adult courts, a guilty verdict is expected to represent a final truth.

The new evidence in court trial 12 presents Tom as an instigator who may have entrapped and frightened a younger child and then used the court to benefit from the situation. During court trial 12, it became apparent to participants that the court's act of denying representation to George in court trial 8 continued to have serious consequences for him. Now some other court participants, especially Dan, were starting to experience problems because the issues became contradictory. A guilty verdict was not an easy thing to reverse. These facts were not discussed in court trial 10 on the same topic. The discovery of this new evidence presented a clear contradiction between the previous guilty verdict and present evidence of George's extenuating circumstances

Dan, who was Tom's lawyer, showed obvious surprise when he heard about the events, and he began to argue for the correctness of the original verdict. Dan first argued for a specificity of purview: namely, George's guilt has already been decided, and the original verdict would have to be overturned by the judge who made the original verdict, who happens to be Dan. Next, Dan engaged in a hair-splitting argument that his client called George to the office but did not invite him to enter, which meant that George entered the office without permission. Lastly, Dan argued that the harm done was real, since it has already been proven that George did cause destruction by knocking over a cardboard wall. In this manner, Dan tried to uphold the meaning of the original court decision in spite of new evidence.



In response to Dan's arguments, George's lawyer called Will, the school director, to the stand as a witness. Will's testimony provides his interpretation of the events that lead to George's original guilty finding. Will stated that he was testifying as an expert witness in child development, and he testified that a first grader might not understand the difference between being called over to an office and being invited in. Will stated that everyone knew that George was clumsy and he often falls by accident. In other words, George's actions were probably accidental, not intentional. Will offered the humorous opinion that "anyone who called George to their office should be prepared for whatever happens." This caused general chuckling in the courtroom.

Through his testimony, Will showed that Dan's legalistic defense of the guilty verdict in court trial 8 was not useful since the defendant's acts were not intentional, but accidental. The contradiction here lies in the issue of legal responsibility. A person is usually not held responsible for simple mistakes, yet this one was. When court reconvened after a recess for lunch, Judge Sally levied a \$50 fine in Kidsville Currency to Tom on the counter-suit.

The new and contradictory evidence had brought the court's authority into question along with some collateral appreciation of the duties and functions of lawyers. The inequity of the \$50 fine and the \$300 penalty seemed to go unnoticed in the acrimonious trial atmosphere. All during trial 12 and continuing into trial 13, Jack and Tom made increasingly aggressive and personal arguments interrupting each other and making insulting remarks.

9.1.6 Court Trial 13, Tom Vs. George; Non-Payment Of Original Fine.

Court trial 13 began immediately after Judge Sally's verdict was given on court Trial 12. George's attorney demanded to have a new court trial to overturn the guilty verdict of court trial 8 and Dan wanted a trial to clarify that George still owed the original fine. In court trial 13, Dan again proved that George entered the office without permission, knocked over the wall, and was fined \$300 in Kidsville money. George's attorney interrupted with his arguments and witnesses proving that George was called over to the office by Tom. George's attorney and the plaintiff heatedly insulted each other. The bailiff walked off the job, claiming that he had not been paid for his services in the previous court trial. Judge Sally lost track of the order of speech events, allowing participants to interrupt each other's cases and insert their own witnesses. At times it was difficult to tell who was suing whom.

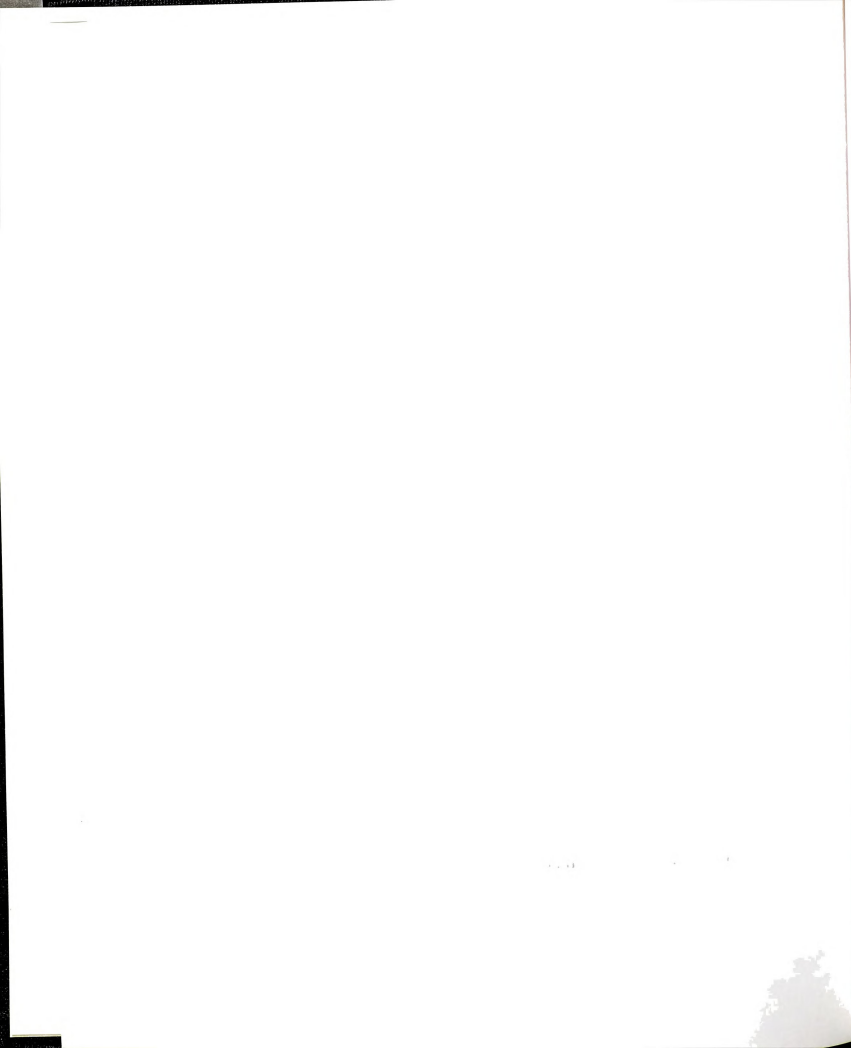
In the end, Judge Sally does not overturn the verdict of court trial 8, nor does she make any changes to the fines that have been charged to George and Tom. However, by this time George's, side of the story has finally been heard. This represents a significant attempt at transformation of the result of the original court trial in which George was found guilty but had no lawyer, and his side of the story was not heard at all. The practice of holding the individual responsible for his own defense representation was now evident as a manifest problem in the activity. There was no easy solution to this situation that had been created, and no solution at all that did not involve the defense giving up or the court changing its practices of legal representation.

9.1.7 Court Trial 14, George Vs. Tom And Dan; More Than Two Court Trials On The Same Topic.

The final court trial on this matter is court trial 14, initiated by George's attorney against both Dan and his client Tom. Time is running short because it is almost the end of the school day. This time Will, as the teacher, has hired Judge Ann to "clean up this mess and get some justice done here." George's attorney accuses both Tom and Dan of making false accusations against his client in court trial 8. Furthermore, he refers to the Kidsville law that a person cannot be sued more than twice for the same crime, and he argues that his client has been sued several times over the same issue.

Judge Ann hears both sides of the issue and all of the evidence; then she overrules all previous verdicts and fines. She fines both litigants \$50 in Kidsville money to be paid to the court (to herself). Prompted by Will, Ann says she thinks George "just became afraid and fell down, and he didn't understand what he was doing."

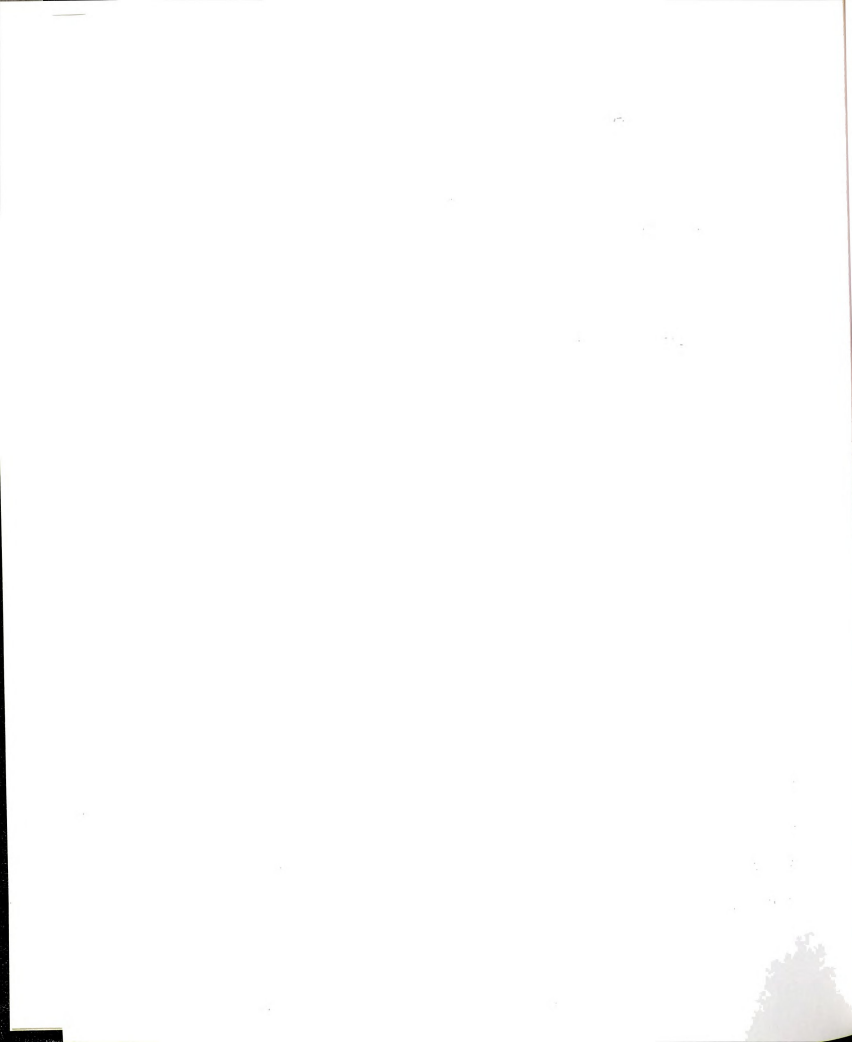
Judge Ann's decision and explanation provide a transformation of the events from court trial 8 by nullifying the court's original decision that George was guilty of a crime. There may be an underlying message for the participants: it is probably not a good thing to find people guilty without giving them opportunity for a defense. When the court does not hear someone the first time, it may cause a problem for everyone.



After trial 14 is over, it was time for the school's daily end-of-day-group. Will gave a soothing lecture gently pointing out that this matter became blown out of proportion. Will said that George should be more careful where he is falling and Tom should be less touchy about first graders who fall down. After conducting four court trials on this topic in one day, court leaders seem to be in agreement that there had been a miscarriage of justice in court trial 8. The issue had been argued and re-argued and finally was settled by Judge Ann, with Will's guidance. By the end, George's side of the story had been heard and taken into account by the court.

There had been other changes that had taken place in this one day. Specifically, there were four consecutive court trials in which both sides had legal representation, and the usefulness of legal representation had now been repeatedly proven.

There are also opportunities for individual leaders to consider their own behaviors. Ann and Dan have an opportunity to learn a lesson about their leadership actions because they were primarily responsible for denying representation during court trial 8, resulting in the original guilty verdict. In trial 8, Judge Dan did not hear George's side of the story and, at Ann's request, he denied representation to a first grader. Then, as a lawyer, Dan not check into his client's story, which resulted in an unpleasant surprise for him in the middle of court trial 13. In court trial 14, Judge Ann overturns the decision that she had worked to achieve three days before as the plaintiff's attorney. When Ann addressed the group, she said that George's actions were probably a mistake on



the part of a first grader, an idea planted by Will, that she had not considered or taken into account in court trial 8.

Sally was another leader who experienced changes in this sequence of court trials. When this sequence began, Sally had a law license that was ruled "not valid" by Judge Dan. Sally responded by becoming the judge of court trials 10, 12, and 13. By taking the role of judge, Sally helps resolve the problem of stability in judging in the Kidsville Court, and she created her own pressure on court participants by her willingness to hear both sides of the issue, even when people interrupted each other's cases or did not follow court protocols. During the court trials of this day, and with the recent experience of losing her law license, Sally seemed to be developing a new style of judging in which keeping order and the letter-of-the-law was less important than hearing what people had to say.

Will, acting as a teacher, demonstrated that he was an important leader in these events as well. He provided support for George and his attorney, he engaged in detective work to uncover the crucial evidence of Tom's entrapment, and he eventually testified as an expert witness explaining that George's actions were accidental rather than intentional. In the end, Will hired and guided Judge Ann so that the final transformation for this set of court trials could take place.

9.1.8 Court Trial 15. Kidsville Bank Vs. Jack; Stealing Kidsville Money From The Bank.

In court trial 15 a low status fourth grader, Jack, is sued for the theft from the bank of \$8,000 in Kidsville money. This came about because he publicly

bragged about stealing \$8,000 in Kidsville currency from the bank, and Bank President Ron took offence at this. Plaintiff Ron was the Kidsville Bank President and his attorney was Ann. The defendant did not have a lawyer because the plaintiff's attorney, Ann, had subpoenaed all of the Council members as witnesses for Ron. The defendant sat sucking his thumb throughout most of the trial. He asked for time to get a lawyer, but he was told by Plaintiff's Attorney Ann: "You were informed of the case at 9:30 [a.m.], and it is now 1:30 [p.m.]" During the court trial, the Bank provided no evidence that Kidsville money was missing, but there were many witnesses to the fact that the defendant had bragged about stealing the money. Without a defense, Jack was found guilty and fined \$9,570 to be paid to Bank President Ron by the end of the next school day.

This court trial presents a return to the early practices and impediments of the early period which is in contradiction with court practices that have been recently established for providing representation to all defendants. In court trial 9, citizen Buh argued successfully that he should be given defense representation, even though no one agreed with his actions. In court trial 14 it was shown that lack of defense representation could result in a guilty verdict on the basis of inadequate evidence. Court trials 9 and 14 would seem to have set precedents for the provision of defense representation. However, during the transition period, contradictory precedents and court practices co-exist, and some of these have long histories.

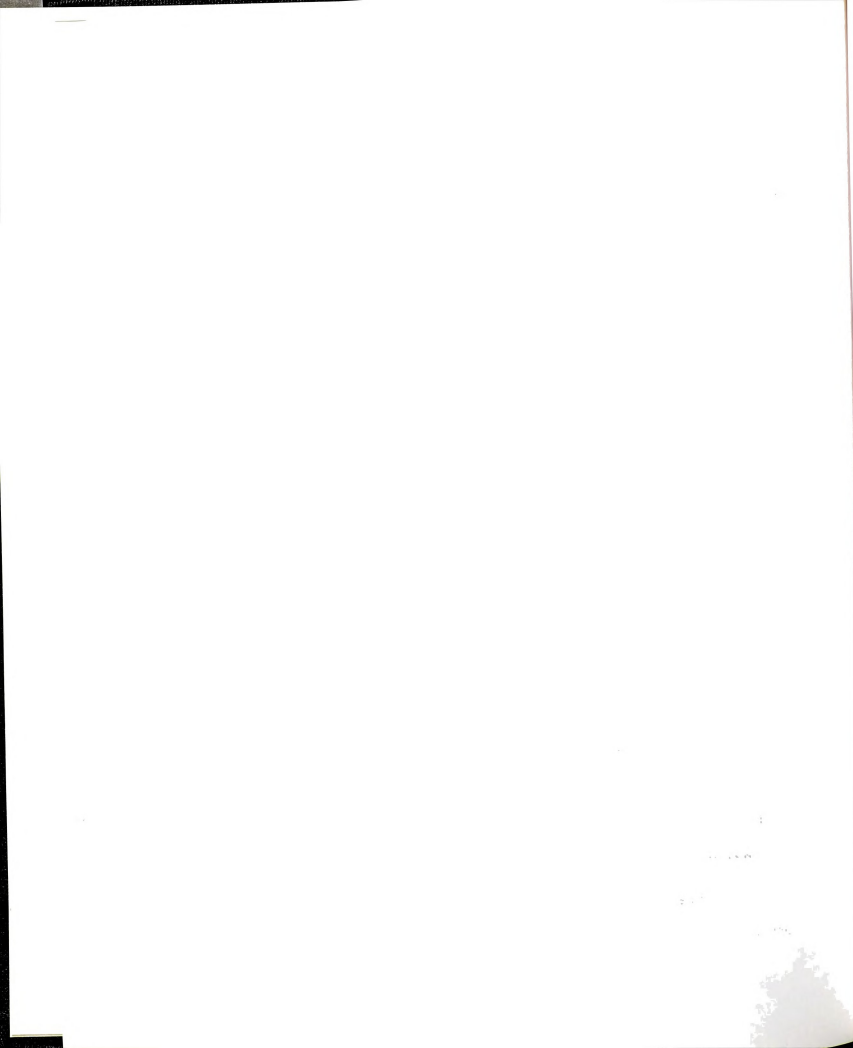
There were two problems in obtaining representation for the defendant in court trial 15. The first problem was that no one agreed with this client's behavior and thus no one wanted to represent him. Another obstacle to obtaining legal representation was that all of the licensed lawyers in Kidsville had been subpoenaed as witnesses. There was an unstated restriction that persons could not fulfill dual roles within the same court trial. Thus, a subpoenaed witness could not provide services as an attorney.

Court trial 15 is a short court trial in which several witnesses testified that they heard Jack brag that he had stolen Kidsville money from the Bank. Jack was found guilty and fined to pay the amount of the theft (\$8,000) plus a \$1,750 fine in Kidsville money to the Bank President Ron. At the end of the court trial, Jack was crying.

9.1.9 Court Trial 16, Jack Vs. Kidsville Bank; Making False Charges About Theft Of Kidsville Money.

After the verdict was given in court trial 15, Will approached Jack and said: "You've known about this since 9:30, but you didn't do anything to try to get help. So, do you want pity or do you want help?" Jack wiped away his tears. Then Will hired Dan as the attorney for Jack's counter-suit, and he suggested to Dan that he might subpoena all of the Council members as witnesses. Dan enthusiastically followed this advice.

In court, Dan presented a case accusing Bank President Ron of bringing false charges against his client in the previous court trial. Dan argued that the Bank had no evidence that Kidsville money was missing. Furthermore, all of the



subpoenaed witnesses observed this lack of evidence. Since Defendant Jack was denied representation in court trial 15 on the basis of the unstated rule against dual roles, then it was appropriate to use the same tactic to deny representation in this court trial to Defendant Ron. Of course, high status individuals and their friends are not accustomed to being treated in such a manner, and Defendant Ron objected, which resulted in the following exchange.

Ron: But I didn't have any time to prepare a case, and I can't get a lawyer because all of the lawyers are subpoenaed as witnesses.

Dan: That's exactly what you did to my client in the last court trial.

[Ron requested a recess, consulted with his lawyer friends, and settled out of court with both sides dropping their charges.]

This trial illustrates the importance that court participants now attach to having a lawyer, and the outcome of this trial helps to provide a foundation for moving toward a court practice of providing legal representation.

The transformation in court trial 16 takes place when a Council member is deprived of the opportunity for a defense attorney, and other Council members are not allowed to defend their friend. Ron points out the injustice when he complains that he can't get a lawyer because they have all been subpoenaed as witnesses. Dan responds: "That's exactly what you did to my client." In court trials 15 and 16, the rule against dual roles is used unfairly to control the outcome. At this point, the contradiction is made clear to all participants. We

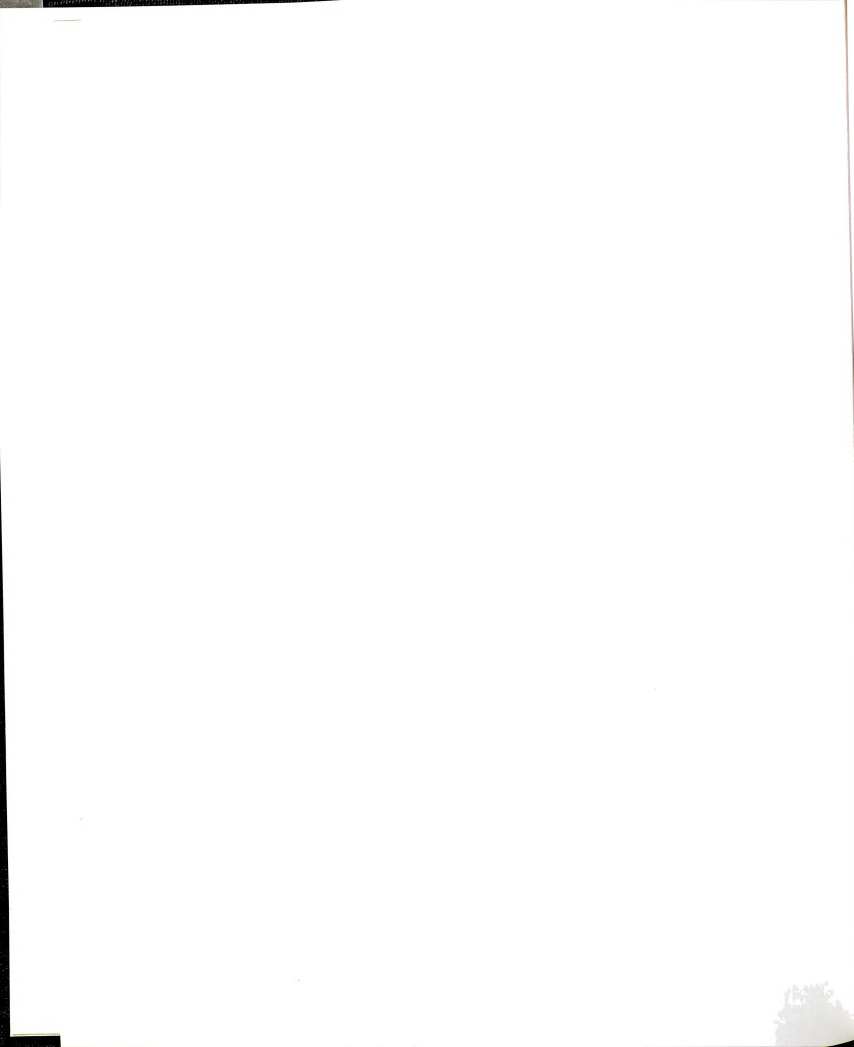
don't like to admit it, but we care about some folks more than others. In a court of law, people are supposed to get equal access to legal resources, even though this is not true in most other spheres of community life. Will believes that this issue is best experienced in a hands-on way, and the events of court trials 15 and 16 require the participants to deal with this contraction.

It can be clearly seen that Dan acts as a leader when he provides representation for an unpopular client, challenging the rule against dual roles within a court trial as unfair. Dan is a powerful influence because he is both the Kidsville Council President, and he controls the licensure of new legal professionals, including lawyers.

This example demonstrates Will's indirect method of intervention, which illustrates a different form of leadership than is observed in the child leaders of the Kidsville Court. Through Will's guidance, Dan's willingness to argue the point, and Ron's assertion of unfairness, all of the Kidsville Court leaders have an opportunity to experience the injustice of being tried without benefit of representation.

9.1.10 Court Trial 17, Tom Vs. Marie's DooDads, Disturbing The Peace.

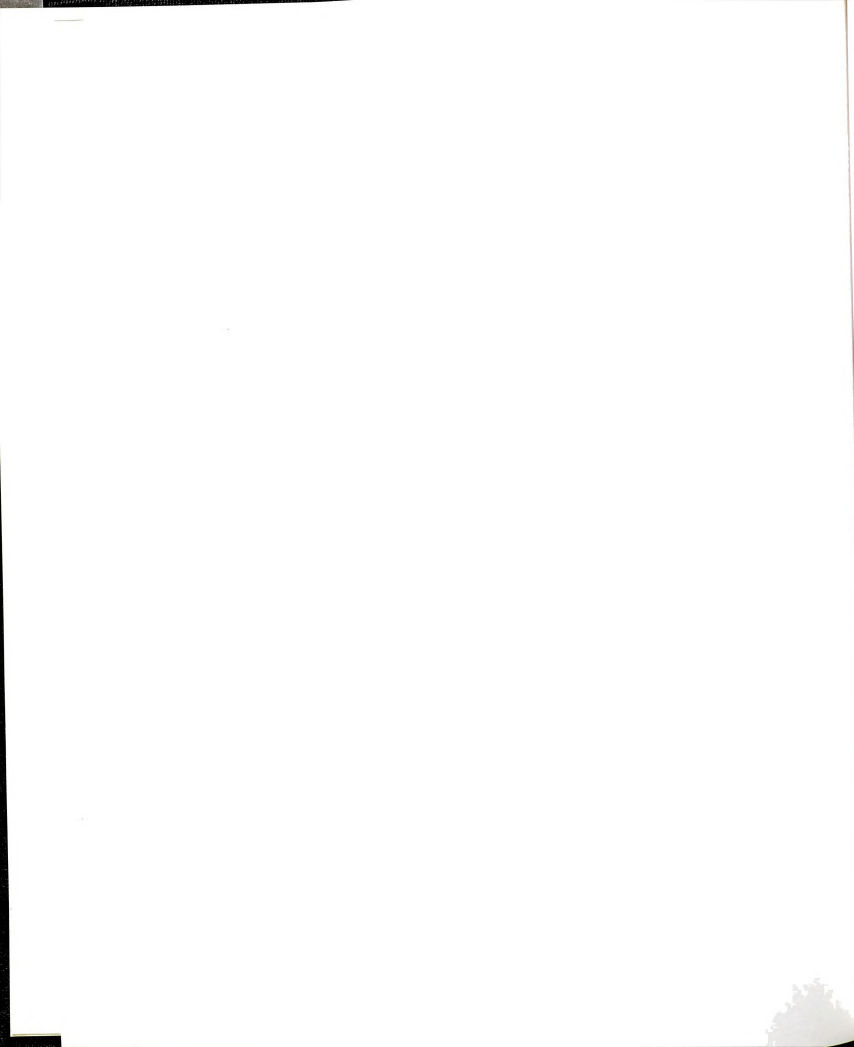
In court trial 17, there are no problems in obtaining representation. Plaintiff Tom hired Dan as his attorney. Ann is the judge. The defendant is Marie, a teacher, and her lawyer is Sally, who has by this time managed to talk Josh into signing her law license, which validates her license as legal.



Tom is a recent transfer student from public school where he had been in a self-contained classroom for emotionally impaired children. He has carried on a battle for control with Marie, who is a first year teacher. After school work is done in her room, Marie has been operating a business called Marie's Doodads in Kidsville. Children gather around her desk and trade stickers, play games, or cut, paste, and color. At times Marie teaches classes in origami or other arts in her store for small donations of Kidsville money from the participants. Somehow on this occasion, Tom, an arch-disturber, managed to become offended by the noise at Marie's Doodads.

Tom sued Marie's Doodads for "disturbing the peace." His claim was that the teacher's Kidsville business was making too much noise during free time. During the presentation of evidence, Plaintiff's Attorney Dan called Tom and one other witness who said that many of the teacher's customers were talking at the same time and that in their opinion the customers were talking loudly.

During the defense case, Defense Attorney Sally called several witnesses who testified that the customers were talking one or two at a time and that the noise was not too loud. Both sides of the issue are expressed in court with the testimony of multiple defendants concerning the definition of what is "too loud" during free time in a classroom. Judge Ann decides in favor of Tom, and Marie's Doodads is fined.



9.1.11 Court Trial 18, Marie's DooDads Vs. Tom, Disturbing The Peace.

Court trial 18 is a counter-suit against Tom, initiated by the teacher who was sued in court trial 17. Again, Sally is the Marie's lawyer, and Dan is Tom's attorney. Marie, doing business as Marie's Doodad's, sued Tom for "disturbing the peace." Her claim was that Tom was playing a loud video game during free time, and he refused to turn down the volume when her customers asked him to.

Both sides were given a chance to express their sides in court, and there was an extended argument about whether the game was too loud during free time, including a demonstration of the video game. The court trial became lengthy and Marie needed to leave the courtroom to take over her preschool teaching duties. Judge Ann dismissed Marie's case.

9.1.12 Court Trial 19, Josh Vs. Tom; Property Destruction.

Court Trial 19 was the last of the court trials in which a defendant was tried without opportunity for representation. In court trial 19, Tom an emotionally impaired fourth grader, was sued because he was in Council Member Josh's office, was told to leave, and knocked possessions off of a shelf as he angrily departed the office. Dan, Josh's office-mate, was the judge. Plaintiff Josh hired Ann as his attorney. Tom entered the courtroom with Jack as his defense attorney.

[As the court trial began, the defendant yelled that he wanted time to talk to his lawyer, and the plaintiff's attorney argued that Tom was given time already.]

Tom: Three minutes, three minutes!!

Ann: The defendant was yelling and not trying to get a lawyer.
Five to ten minutes ago the plaintiff told the defendant that he was going to sue him, right after the incident. The defendant could have hired a lawyer, but he chose to wait.

[This argument continued and became loud enough that the statements of individuals could hardly be discerned.]

Dan: [banging his gavel] Order, order in the court. [The defendant's attorney began to make a request to talk to his client, the plaintiff's attorney interrupted, and the defendant began yelling again.]

Dan: [bangs gavel]. Order, order!! [Defendant Tom continued to yell]

Dan: [to Tom]: Quiet!!

Jack: Please, your Honor, give me time to talk to my client.

Dan: No!

[At this point, defendant Tom accused Judge Dan of having a crush on the plaintiff's attorney, Ann, and that's why Judge Dan does whatever Ann wants. Dan denied this, saying that they can't take more time because they were pressed for time. In fact, the school day is almost over.]

Eventually, when plaintiff's attorney Ann began to present her case, defense attorney Jack objected that his client knocked Josh's possessions off the shelf accidentally. The objection was overruled. After several more escalations of the argument, Judge Dan threatened Jack and Tom with contempt of court, although the attorney, Jack, had been attempting to calm his client. Jack could not take the pressure and he quit as Tom's defense attorney.

After his attorney abandoned him, defendant Tom angrily demanded representation, but was denied. He yelled that he did not have time to prepare a

case, but his request for delay was also denied. During the trial, defendant Tom continued to insult everyone in the courtroom in a personal manner and Judge Dan repeatedly called for order and banged a make-shift gavel on the podium. With obvious effort plaintiff's attorney Ann presented her case. Meanwhile, Tom flipped papers, jiggled his legs, and sang "Liar, Liar, Pants on fire" as witnesses gave testimony. The defendant was found guilty and ordered to pay a large amount of Kidsville money to the plaintiff. The resemblance to court trial #8 was striking, although Tom might have been treated differently if he had made his requests politely.

In this court trial the defendant's behavior provides a serious challenge to the emerging Kidsville Court practices of legal representation. The defendant's behavior was rude and bizarre, which had never been seen in the Kidsville Court. Then, the defense attorney abandoned the client, creating another problem. Defense representation would have to be renegotiated with very limited time, and it may seem unreasonable to the irritable participants that they should have to provide anything at all to someone who is so insulting to everyone in the court. The result was a contradiction between the participant's personal outrage and the growing ideas that had recently led to new practices of legal representation. Tom is not represented, denied an opportunity to prepare a case, found guilty, and fined a large sum of Kidsville money.

After Judge Dan's decision, Tom left in a rage and Will followed him to de-escalate the situation. Later, Will talked privately with Sally concerning Tom's personal problems. Tom's mother physically abuses him, and he has notified the

authorities. Now in temporary foster care, he is scheduled to go into a new foster home soon. Will and Sally together prepared an argument that Tom was found guilty without benefit of representation, in spite of his requests for a lawyer and for time to prepare his case.

On the following Monday, Sally talked privately to Council President Dan, presenting her argument on behalf of Tom. Later that day a Council meeting was called and Dan lead the Council in overturning the guilty verdict of the court. This was the first time that the Kidsville Council became involved in overturning a court verdict. This transformation was made by the entire Council, with the advocacy of Will, Sally, and Dan.

9.1.13 Court Trial 20, Kidsville Council Vs. Rupert; Theft Of Kidsville Money From The Bank.

Court trial 20 is the first court trial of the late period. As noted in Chapter Eight, during the late period an expectation of representation is observed in the actions and statements of court participants, and is shown by multiple court participants who seamlessly coordinate their actions to provide and assure defense representation.

Court Trial 20 is an exemplar of the late period of representation. When a hapless kindergartner was accused of stealing Kidsville money from the bank, the court participants did not hesitate in assuring that he had representation. A fourth grade attorney spontaneously volunteered to be the defense attorney and began to talk to the defendant. Judge Sally requested to know the name of the defense attorney, indicating her expectation that the defendant would have

representation. The defense informed the court that his client said he did not steal the Kidsville money. After a brief investigation, Prosecutor Dan discovered that the child who actually stole the Kidsville money had confessed to Will. Prosecutor Dan requested of Judge Sally that the case be dropped, and this was the action taken by the judge.

9.2 Transformations Of Inequity: Examples Of The Interdependence Of Individual Action And Development Of Practice.

Chapter Eight demonstrates changes in the Kidsville Court practices of representation, culminating in practices that assure the provision of universal representation. Section 9.1 introduces the court trials of the transition period where the emphasis is on events in which an inequity in court practices is challenged and defended by Kidsville Court leaders. Section 9.2 reintroduces the court trials of the transition period, focusing on actions of individual leaders that effect the transformation of practices of the activity.

Court trial 9 is perhaps the best exemplar of a court trial in which local equity contradictions in practices of legal representation are discussed and addressed by the Kidsville Court participants and their teacher. In court trial 9 there is no expectation of defense representation (except that the defendant defies custom by demanding representation), there are not enough licensed lawyers to provide representation, and there is an expectation that a Kidsville lawyer must agree with his or her client in order to provide representation. These practices of the Kidsville Court have been shown in Chapter Eight to be impediments to the provision of representation in the local customs of Kidsville.

These practices are contradictory to equity in legal representation, and they contribute to uneven distribution of legal resources in the Kidsville Court during this period of time.

In court trial 9, the school director, acting as Kidsville citizen "Buh," confronts these local equity contradictions in his dialogue with the council members. A transformation of legal practice takes place when leader Dan decides that he does not have to agree with defendant Buh in order to present Buh's case. Dan physically moves to the defense side of the courtroom, works with Buh to prepare a case, and then argues that case. In working on their case together, Buh and Dan provide a new model for the professional relationship between the lawyer and client in Kidsville Court.

In his role as a citizen activist, Buh is able to induce a consideration of the contradiction between equity and unequal distribution of resources in Kidsville Court practices of legal representation. There are several factors that allow Will to successfully introduce his arguments for equity into this situation and to influence Kidsville Court leader Dan to hear his plea about the need to redistribute legal resources. Will is an important person in their school. In the role of Buh, he is also a wealthy business person of their town. When Buh argues for himself, he does so in a way that is appropriate for a Kidsville Court participant and defendant.

Despite Buh's power and resources and his ability to express his arguments eloquently, the extent to which the court leaders resist his demand is notable. Buh's demand that the court should provide representation is clearly

unreasonable to members of the Kidsville Council. Only part of Buh's argument is accepted, and only one member of the Council, Dan, takes action on the basis of this argument.

As a part of this study, the school director Will's actions are probably best explained in his own words. The school director was asked to review the transcript and talk to the researcher about impediments to representation and his interventions to transform court representation practices. Will related the following:

Transformation of the Kidsville Court practices of representation required significant changes for the participants to move from verisimilitude to functionality. For example, in the beginning the town of Kidsville was a verisimilitudinous play activity with Sally doling out Monopoly money to her friends, so they could buy her drawings. Participants took non-functional roles, such as Mayor and Governor. Dan took the role of the President of the Bar Association, and he issued law licenses to Ann and Sally. Dan was the guardian of the gate, and children had to go to him to get a license. Ann, Dan, and Sally were older children and all members of the Council, so they formed a sort of clique.

Because these three and their friends were all on the Council, there was usually a great deal of agreement between them, and because they were primarily the only lawyers and judges in the town, there was a great deal of agreement between the court and the Council. If you disagreed with a member of the Council, you were sunk. Providing legal representation was the farthest thing from their minds. To embrace the idea that a lawyer could represent someone with whom they personally disagreed meant embracing a less personal idea of interaction. Such a change requires a willing distribution of power, which I believe is the hallmark of identification with a group, not just a clique, and it is the purpose of what I call in my writings 'social-effective' play.

Once the court became more functional, I used opportunities that came up to make suggestions to the group. This trial shows one of the rare occasions when I felt the need to steer their actions more directly than usual. The Council's attempt to license Rich as my lawyer would have subjected him to undue stress, so I explained this to them.

I'm happy with the way it turned out. I chose to appear as Buh because as Buh I have more freedom to push the children's system without overpowering it. As a teacher, I could have said, "Real courts must provide representation if a person is unable to get it." But there are risks in that kind of teacher intervention, and one of these risks is that the activity could die. Big people often co-opt children's play and work with the best of intentions and the worst of results. As an example, one new teacher took over the children's newspaper with the result that the children never made another edition. By acting as Buh, I gave the group an opportunity to work on the effect of their lack of expectation of representation. Buh was a high status individual because of his wealth and the history we had as a group. Historically, when Buh made demands of them, there was usually some reasonable solution that was mutually agreeable to both the group and to Buh.

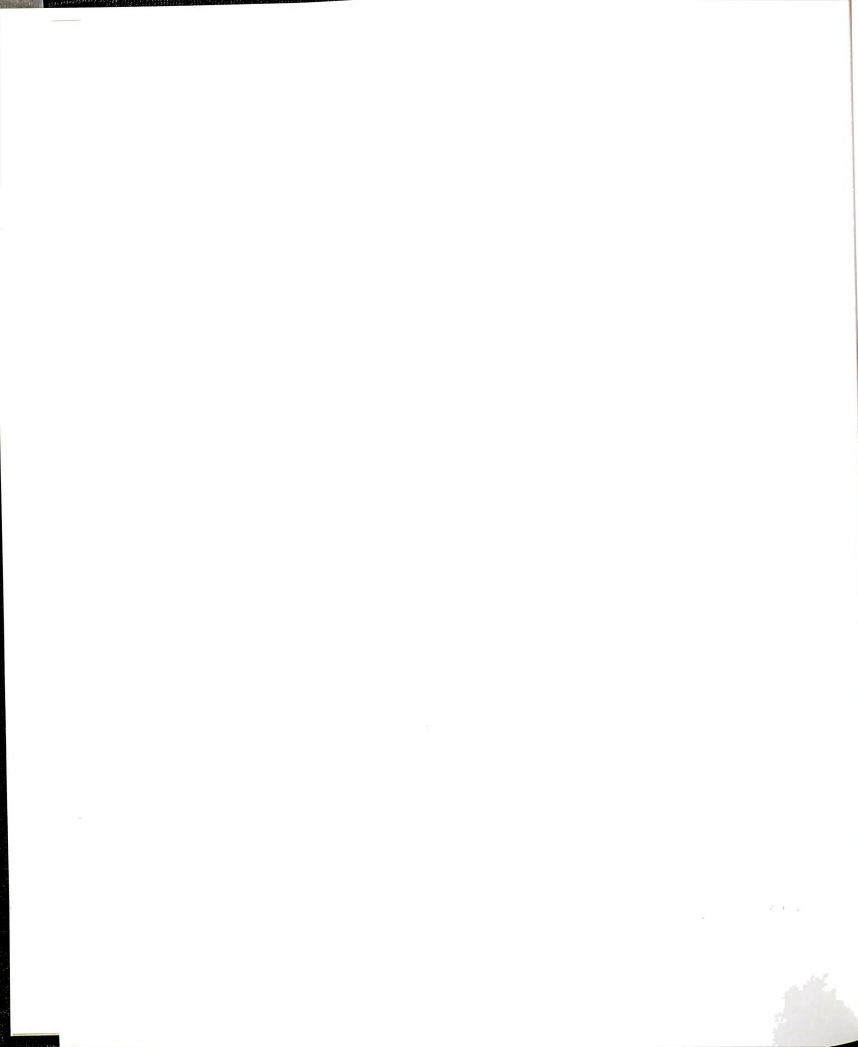
(Comments by Will, School Director)

Through the collaborative actions of the teacher and the Council members, court trial 9 is transformed from a trial without defense representation to a trial with defense representation. As Will explained above, this required some sophisticated work on the part of the teacher. He wanted to discuss equity contradictions, but he did not want to require that child leaders make specific changes, nor did he want to take over the activity. By making himself into an annoying citizen with a problem, he was able to be heard by the Council members.

It may be tempting to expect that a dramatic group learning experience, as is seen in court Trial 9, will bring about a total transformation of Kidsville Court equity practices. However, data from the transition period show that the route toward equity required several dramatic episodes in which equity contradictions were encountered and challenged. In other words, transformation in equity practices of the Kidsville Court did not take place quickly or easily.

Starting with court trial 8, when George, a first grader, was found guilty without opportunity of a defense, there are five court trials on the issue of Tom v. George before the court reaches an equitable outcome. This sequence of court trials, which takes most of an afternoon, exemplifies one of the fundamental ways that Kidsville Court leaders become aware of the needs of others who are less fortunate, and that is by observing unfair consequences of their own actions and taking action to correct those consequences. George was denied representation in court trial 8, and by the time his side of the issue was heard in court, the guilty verdict had already been given. In Kidsville, as in courts in the larger American culture, there is an inherent contradiction between a guilty verdict and new evidence of innocence. There is no simple way to resolve such a contradiction. Historical time is not reversible and courts of law produce outcomes that cannot easily be "undone."

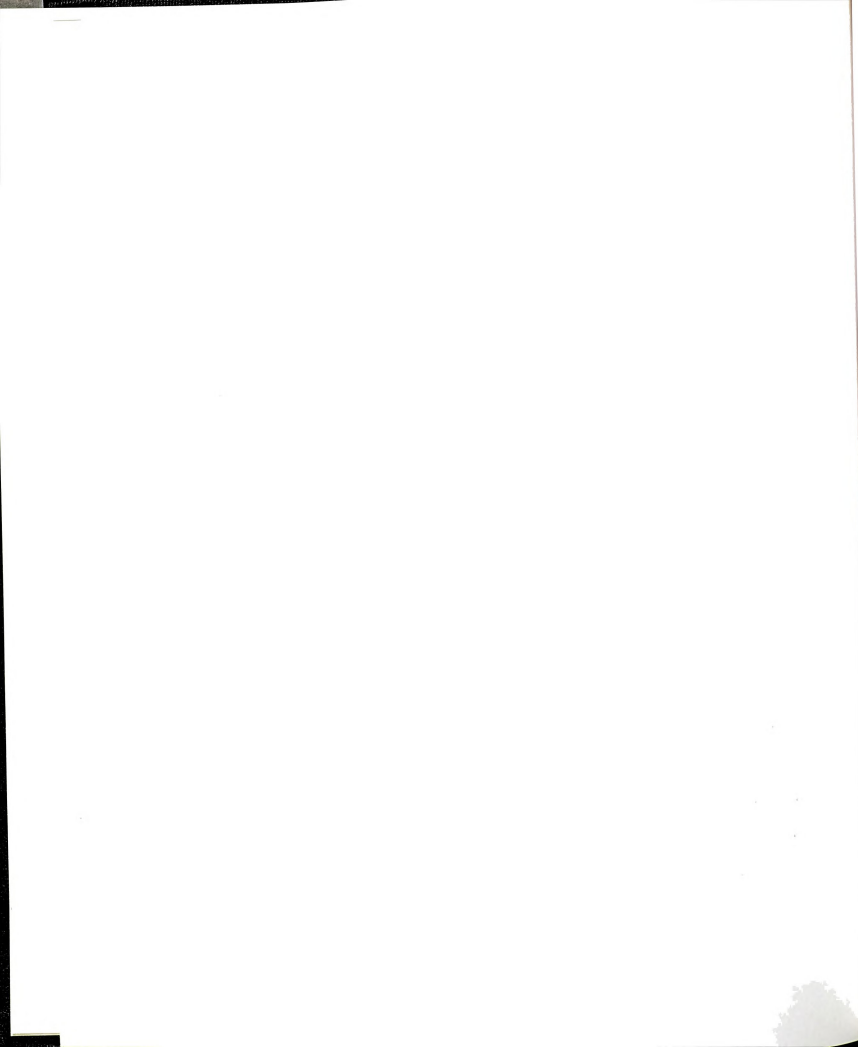
Throughout the Tom v. George court trials, Will is seen creating and maintaining contradictions to address the need to redistribute legal resources for others who are less fortunate, such as first grader George. Will provides a model for redistribution of resources by financially supporting George's defense. He then uncovers the evidence of George's innocence and guides George's attorney to assure that the court hears George's evidence. Evidence of George's innocence ultimately creates an equity crisis for Kidsville leaders, especially those who worked to deny representation to George. Ann, the eldest child, was responsible for the original denial of representation. With Will's help, Ann becomes the judge who reverses the guilty verdict and publicly announces that



George's actions were probably a simple mistake. Throughout this sequence of court trials, the court can be seen as a forum for discussion of equity issues on a level that involves leaders personally.

One might expect that the Kidsville Court leaders would embrace a universal expectation of legal representation after their experiences in court trials 8, 9, 10, 12, 13 and 14. However, in court trial 15 defendant Jack is denied legal representation on the basis of a practice that prohibits court participants from performing dual roles in the same trial. Jack is emotionally impaired, and he is not a popular member of the group. He is especially unpopular when he does things such as bragging about stealing money from the Kidsville Bank. Plaintiff's attorney Ann assures that defendant Jack does not have an opportunity for legal representation when she subpoenas all potential lawyers as witnesses. In court Jack is quickly found guilty. This is another local instantiation of the contradiction of equity versus unevenly distributed resources in Kidsville.

A transition toward equity is brought about when Will hires attorney Dan to pursue a countersuit on behalf of Jack. In this countersuit, court trial 16, Council member Ron is denied the opportunity for legal representation because Dan again uses the technique of subpoenaing all potential lawyers. Ron complains, "I couldn't get a lawyer because they were all subpoenaed." Dan points out the equity contradiction when he replies, "That's exactly what you did to my client in the last court trial." Once again, the court provides a forum in which the local equity contradiction can be addressed by participants. In this



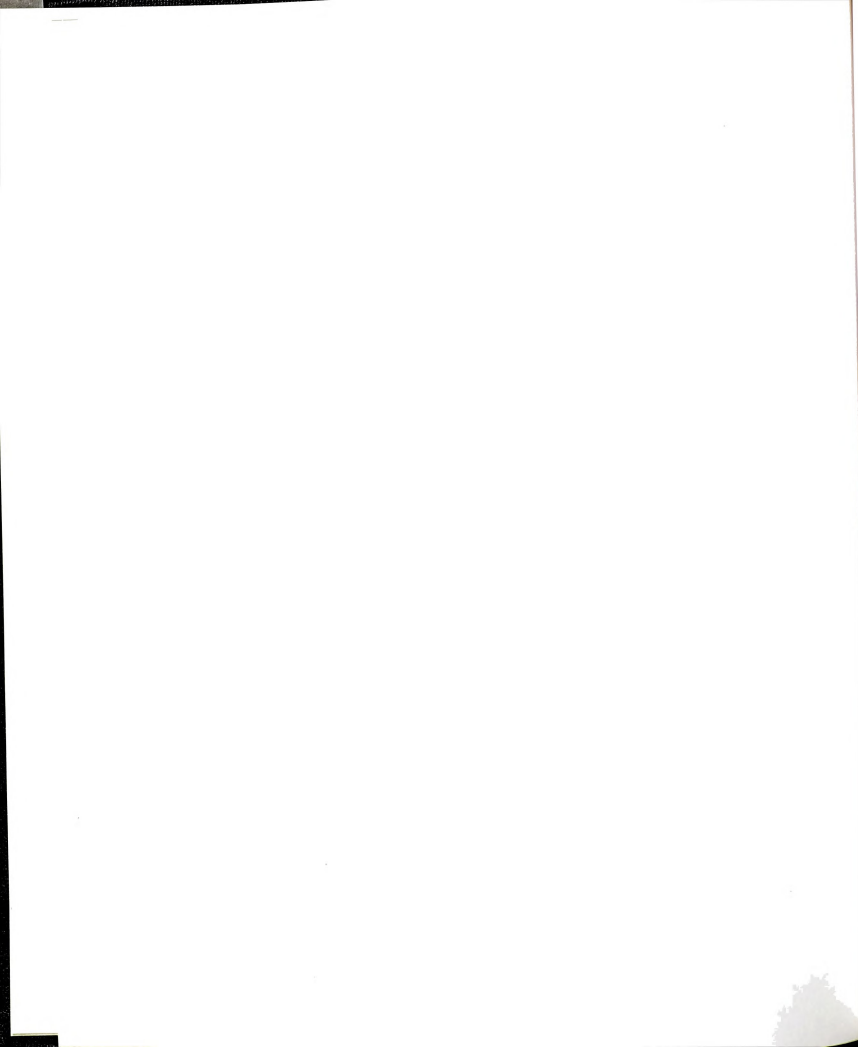
trial, the leaders of the Kidsville Court have the opportunity to observe, and in Ron's case to experience, the inequity of being tried without a defense attorney.

In court trial 19, the last court trial of the transition period, defendant Tom is offensive to court participants, is threatened with contempt of court, and is abandoned by his attorney. When he requests a new lawyer, he is denied. He is then found guilty by the judge. Essentially, Tom is denied representation because of his obnoxious behavior toward court participants, although Judge Dan gives the excuse that time is running short in the school day. In the resolution of this inequity to Tom, school director Will first advocates privately with Sally. Sally then advocates privately with Dan. On the next school day, the Kidsville Council overturns the guilty verdict from court trial 19 on the basis that Tom was denied an opportunity for defense representation. These actions by the Kidsville Council end the transition period.

In the late period of the Kidsville Court data, defense representation is consistently provided, and there is an expectation of such representation expressed in the actions of the participants.

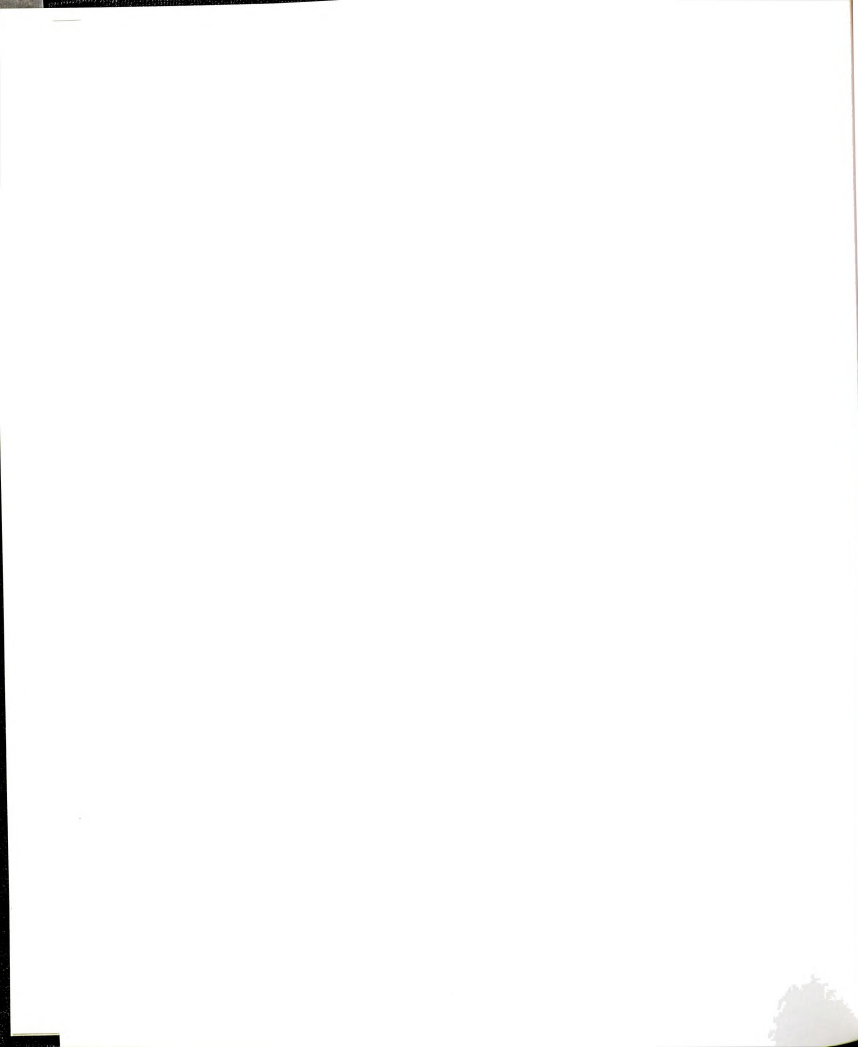
9.3 Summary Of Analyses: Co-Construction Of The Kidsville Court As A Zone Of Proximal Development For New Equity Practices By Participant-Leaders.

Vygotsky (1935) argues that learning and development form a unity in which "properly organized learning results in development and sets in motion a variety of developmental processes that would be impossible apart from



learning." Vygotsky argues for the importance of a "zone of proximal development," which is the difference between an individual learner's current behavior and the behavior that person is capable of with the help of a teacher or more experienced other. Because of the emphasis on the individual learner, the zone of proximal development is often typified in American psychology as a dyadic interaction between one learner and one teacher.

This section expands the notion of the zone of proximal development to include the interdependence between multiple leaders' co-construction of the Kidsville Court activity and individual leaders' actions within that activity. Working and arguing together, leaders create equity changes in the court that no individual would be capable of without the problems, solutions, and arguments of their co-creators. The court activity provides a zone of proximal development for new equity practices for all participants, including the leaders who are themselves instrumental in historical change. This interpretation of the zone of proximal development is not entirely new. Piaget (1932) and Vygotsky (1967) have both argued for the developmental importance of peer play because in play peers co-construct social rules, experiment with social roles, and develop methods of conflict resolution among themselves. Collectively, children accomplish in play what experienced adults do: co-creating an orderly society and negotiating the "meanings of self" among peers through mutual agreements and argumentation. Individually and collectively in play, children "accomplish a jump above the level of their ordinary behavior" (Vygotsky, 1967), which is the meaning of the zone of proximal development.



The task of "creating society" within peer groups throughout childhood is multi-faceted and changes over the course of childhood. During pretend play in early childhood, children actively negotiate symbolic transformations of self, of others, and of objects into "something else." This creates opportunities to experiment with "being someone else" (assuming the role of a parent or teacher in play) while still being "oneself" (and responsible for one's own actions in the playroom). Such opportunity for transformation of self is probably a key element in the development of children's ability to understand role-taking. Research in pretend play communications show that children engage in continuous negotiation and co-creation of reality while engaging in pretend play together. This process requires political finesse, and leaders in the child group are often leaders in the sophisticated processes of pretend play negotiations as well (Fein, 1981; Garvey, 1982; Howes, Unger & Matheson, 1992; Schwartzman, 1976).

Chapter Nine shows that developmental change in the Kidsville Court activity can be described in terms of transformation of equity vs. resource distribution contradictions over time. Inequity begets a challenge to the extant practice which created the inequity. In the attempt to resolve the inequity, new practices may be developed or created. Developmental change in the Kidsville Court results in more equitable practices of legal representation, which are then made available to all Kidsville Court participants. The historical development of the activity is dependant upon the actions of Kidsville Court participants for its existence. The leaders of the court provide an active function. Besides their

actions as solvers of cases, the leaders show by their behaviors and arguments that they are speakers for the activity, both for and against change.

Figure 4 is a timeline which summarizes court trials during the transition period of the Kidsville Court. The first row shows the topic of each court trial, its official dispute. The second row shows the political subtext of the court trial, the political dispute between the participants. Rows three and four demonstrate how individual participants engage in a dialogue in the court trials, some speaking for the extant practice of the court, and some participants criticizing extant practices and speaking for change in the equity of legal practices of the court.

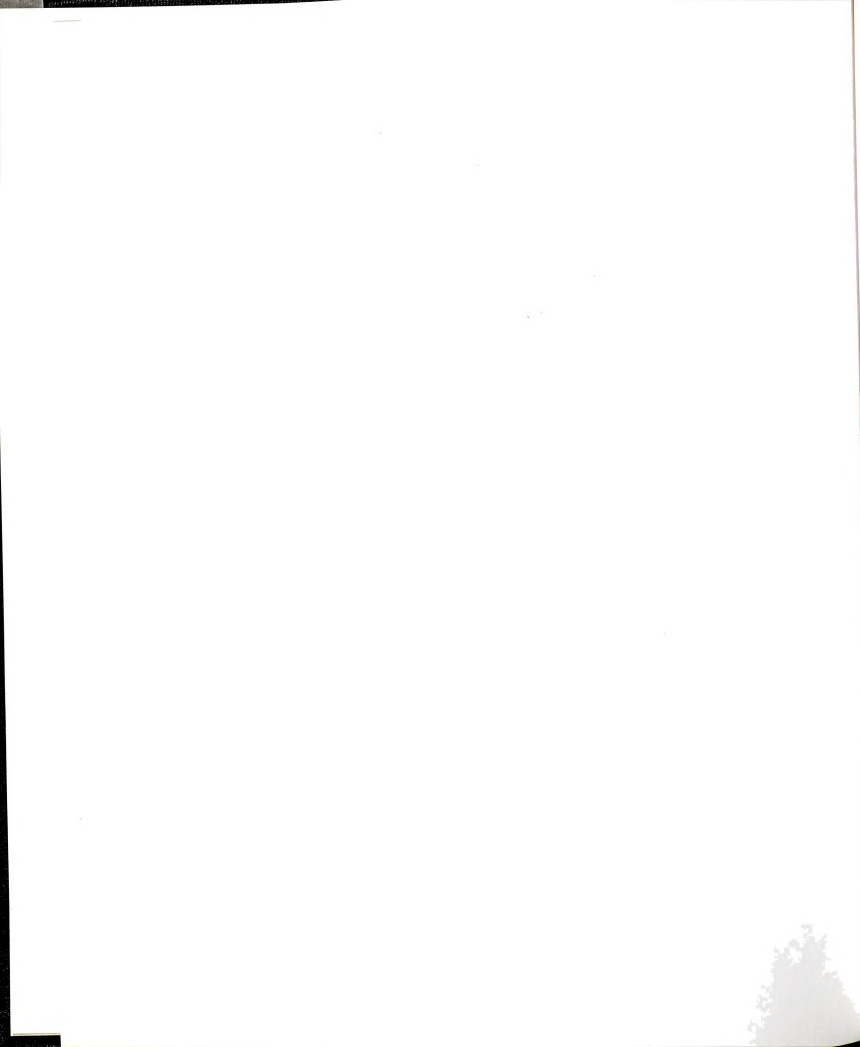


Figure 4a. Timeline Of Court Trials 8-10 In The Transition Period

	Court trial #8	Court Trial #9	Court Trial #10
<u>COURT TOPIC</u>	<u>Tom v. George for Breaking and Entering</u> First grade George is accused of entering Tom's office without permission and breaking a wall.	<u>Kidsville Council v. Citizen Buh for Not Paying Taxes.</u> School Director Will acting as citizen Buh, challenges the council by asking questions about his taxes. The Council is outraged and sues Buh.	<u>Tom v. George for Not Paying the Fine From Court Trial #8."</u> Tom wants the money that was awarded to him in court trial #8. Blind to the inequity in court trial #8 and the fact that George has no money, Tom want the court to make George "'pay up".
<u>COMMUNITY SUBTEXT</u>	Court forum is used for a political fight between three high-status children. This polarization of the leadership results in the inequity of a first grade child found guilty without representation.	Buh insists that the court must provide representation. This is contradictory to extant court practices. No provision of a lawyer is required of the court. Also, there is a practice that a lawyer must agree with the client. The court battle results in a weakening of both practices of the court.	The arguments in court revolve around the issue of when the fine was due. This time there is a defense attorney. Also, at this time, Judge Sally hears both sides of the issue. Judge Sally decided that George still owes the fine.
<u>ACTIONS SUPPORTING EXTANT PRACTICE</u>	<u>Plaintiff's Attorney Ann</u> insists that Judge Dan must rule on the legality of Attorney Sally's law license. <u>Ann</u> then argues the case against George, who is entirely unable to defend himself. Without a defense, George is found guilty by <u>Judge Dan</u> . (Extant practice is that the best argument in court wins the case).	<u>Plaintiff's Attorney Ann</u> prosecutes the case against Buh. She vehemently argues that the court does not have to provide representation to Buh. <u>Several Council members</u> argue that there are not enough lawyers to provide representation to everyone. Also a lawyer cannot represent someone if he or she does not agree with the client.	<u>Plaintiff's Attorney Dan</u> argues that the money is owed by George and that the payment is overdue. The plaintiff's side wants and extra fine included for not paying on time. <u>Judge Sally</u> decides that George still owes the fine.
<u>ACTIONS SUPPORTING CHANGE IN PRACTICE</u>	<u>Sally</u> is prepared to be the defense attorney, although it is not common practice to defend a younger child during this time in the Kidsville Court.	<u>Attorney Dan</u> decides he does not have to agree with a client in order to defend the case. He changes sides and defends Buh.	<u>Judge Sally</u> assures that the defense case is heard, which is an attempt to resolution of the inequity of court trial #8 in which George was tried without opportunity for a defense.

Figure 4b. Timeline Of Court Trials 11-13 In The Transition Period

	Court trial #11	Court Trial #12	Court Trial #13
<u>TRIAL TOPIC</u>	<u>Sally v. Buh for Debt on Credit Card</u> Sally sues Buh for money that he owes her on credit card purchases. The videotape record is incomplete and does not include the arguments in the court trial.	<u>George v. Tom for False Charges</u> Evidence exonerates first grader George. There is also reason to believe that Tom engaged in entrapment of George into the offence of entering the office and stumbling into the wall. Evidence points to a new inequity that took place in court trial #8.	<u>Tom v. George for Still Not Paying the Fine.</u> Because of the persistence of attorneys Jack and Dan, the issue of court trial #8 is argued again.
<u>COMMUNITY SUBTEXT</u>	Will wants Sally to assert herself in order to get the Kidsville money that is owed to her. Sally has avoided direct confrontation with Buh for about one month. She finally sues Buh with the encouragement of Judge Ann and teacher Marie.	School director Will testifies in court as an expert. Evidence shows that George's offenses were probably accidental. (Intentionality is a new issue in this case). Judge Sally is caught between the inequity to George and the pressure of her high status peers	The battle between lawyers heats up. Attorney Jack is angry and poorly organized. He makes a poor argument for his client. Judge Sally is still conflicted and does not make any changes to previous verdicts or fines, in spite of new evidence exonerating George.
<u>ACTIONS SUPPORTING EXTANT PRACTICE</u>	Buh and Sally both have lawyers who are not licensed in Kidsville. <u>Judge Ann</u> states that she is allowing these unlicensed lawyers to argue in the court because no one is complaining about it.	<u>Attorney Dan</u> argues that only the judge who made the guilty verdict can overrule it. <u>Judge Sally</u> makes her decision on the basis of the best argued case. She does not overrule the guilty verdict already in place. After the decision, <u>Dan</u> requests a new trial to affirm that George still owes the fine.	<u>Attorney Dan</u> again argues that George entered the office without permission, knocked over a wall, and was found guilty. He states again that the guilty verdict could only be overruled by the same judge who made it (who is Dan, himself).
<u>ACTIONS SUPPORTING CHANGE IN PRACTICE</u>	Both sides have representation, which supports new practices of universal provision of representation.	<u>Attorney Jack</u> argues to overturn the guilty verdict from court trial #8. <u>Judge Sally</u> rules a small amount of money for George on the counter-suit. This is an attempt to resolve the newly discovered inequity from court trial #8.	Both sides have representation and both are heard by <u>Judge Sally</u> .

Figure 4c. Timeline Of Court Trials 14-16 In The Transition Period

	Court trial #14	Court Trial #15	Court Trial #16
<u>TRIAL</u> <u>TOPIC</u>	<u>George v. Tom for Too Many Court Trials on the Same Topic.</u> Attorney Jack argues that George has been sued more than twice for the same offence, which is against Kidsville Court law. Judge Ann overturns guilty verdict of court trial #8 and sets aside all fines and court decision on this topic.	<u>Kidsville Bank (Ron) v. Jack for Stealing money from the bank</u> Jack asks for a lawyer and time to prepare a case. Denied. He if found guilty without benefit of representation.	<u>Jack v. Kidsville Bank (Ron) for False Charges</u> This time a Council Member complains of lack of a defense attorney. He settles his case out of court by dropping all charges in this and the previous court trial.
<u>COMMUN-ITY</u> <u>SUBTEXT</u>	Will hires Ann to be the judge, and he talks with her at length about the need to "get some justice done here." He stresses the issue of intentionality. (The four trials in this issue illuminate the importance of defense representation).	The entire Council had heard Jack brag that he stole money from the bank. They were all subpoenaed as witnesses for the plaintiff. Thus, no one could act as a defense attorney. <u>Plaintiff's attorney Ann</u> subpoenas all available lawyers, denies the defendant any opportunity for an attorney, and then roasts him. This inequity is unnoticed due to Jack's low status position.	Will hires <u>Attorney Dan</u> , Dan subpoenas all potential lawyers as witnesses, which demonstrates the inequity of this tactic. <u>Ron</u> complains: "I can't get a lawyer because they've all been subpoenaed as witnesses."
<u>ACTIONS</u> <u>SUPPORT-ING</u> <u>EXTANT</u> <u>PRACTICE</u>	<u>Co-Defendant Dan</u> argues that he did not cause the problem of too many court trials on the same topic, the plaintiff did. He again argues in favor of the original guilty verdict and the evidence supporting it.	<u>Plaintiff's attorney Ann</u> subpoenas all available lawyers as plaintiff's witnesses. (Extant practice is that people cannot perform dual roles within the same court trial).	<u>Ann and the rest of the Council Members</u> sit angrily behind the bar, unable to help their friend, Ron. This is clearly an outrage
<u>ACTIONS</u> <u>SUPPORT-ING</u> <u>CHANGE IN</u> <u>PRACTICE</u>	<u>Judge Ann</u> hears both sides and overturns the original guilty verdict of court trial #8. She explains that a first grader probably could not understand the difference between beckoning to the office and permission to enter. Damage appears to be due to accidental falling.	None. No defense representation.	<u>Ron</u> complains about Dan's tactic. <u>Attorney Dan</u> says: "That's what you did to my client in the last court trial." In court, Dan argues that the bank president does not keep records and cannot prove that money was missing.

Figure 4d. Timeline Of Court Trials 17-19 In The Transition Period

	Court Trial 17	Court Trial 18	Court Trial 19
<u>TOPIC OF TRIAL</u>	<u>Tom v. Marie's DooDads for Disturbing the Peace</u> Tom's lawyer, Dan, presents evidence that customers at Marie's DooDads were talking loudly during free time. Judge Ann finds in favor of the plaintiff.	<u>Marie's DooDads v. Tom for Disturbing the Peace</u> Marie's lawyer, Sally, argues that Tom was playing a loud videogame during free time and would not turn it down when asked by customers of Marie's Doodads.	<u>Josh v. Tom for Destruction of Property</u> Defendant Tom is in an angry mood, and when his defense attorney quits mid-trial, he demands another lawyer. He is insulting and obnoxious and is found guilty without benefit of representation.
<u>COMMUNITY SUBTEXT</u>	Sally has regained her law license and is seen here defending teacher Marie. Tom, an oppositional-defiant child has been battling for control with Marie, a teacher, over control issues. This is an extension of the battle.	<u>Sally pursues countersuit on behalf of her client, Marie against Tom.</u> Sally and Marie do not schedule enough time for their trial. Marie needs to leave to take over pre-school duties as court is in session. Judge Ann takes offence at this, dismissing the case.	By the time Tom's lawyer has quit, Tom has personally insulted everyone in the courtroom. Must the court provide council for a social nuisance? Afterwards, Will discusses the problem with Sally. A broken foster home placement is Tom's basic problem. Sally advocates with Council President Dan for Tom.
<u>ACTIONS SUPPORT-ING EXTANT PRACTICE</u>	No conflict between extant practice and the provision of legal representation.	No conflict between extant practice and provision of legal representation.	<u>Plaintiff's Attorney Ann</u> pursues the case with more than her usual vigor, declaring that she has never seen such behavior in court. <u>Judge Dan</u> threatens defendant Tom with contempt of court, denies him an opportunity to get another lawyer, and finds him guilty without benefit of representation.
<u>ACTIONS SUPPORT-ING CHANGE IN PRACTICE</u>	With <u>Sally</u> as a lawyer again, both sides have representation in this court trial, which is consistent with later practices of universal legal representation.	Both sides have lawyers, which is consistent with practices of universal legal representation.	On the next school day, the verdict is overturned by the Kidsville Council with the advocacy of <u>Council member Sally and Council President Dan.</u> The original case is not pursued further by Josh

As Figure 4 illustrates, leaders take points of view and express their opinions in a continuing dialogue about representation practices of the court and about specific inequities that come about during court trials. In some situations a leader speaks as a voice for extant practice, teaching and modeling those practices for others, and enforcing extant practices of governance. At other times, the same leader may respond to inequity in the Kidsville Court by voicing dissent or disagreement concerning extant practice. Leaders sometimes take new courses of action in response to inequities caused by court practices.

When leaders teach, model, and enforce conformity, and also when they challenge the practices of the court, they influence and change the behaviors of others. Sometimes their challenge to practices of the court results in lasting changes to those court practices. The practices of the court, and the leaders' active response to those practices, contribute to the learning of individual court participants.

Specific features of the Kidsville Court activity frame this historical process of change and the individual processes of learning. The activity provides practices for the settlement of individual problems, and it provides for the participants to modify those practices as needed. The activity acts as a self-referential framework for its own maintenance and change. The activity has a conservative function, where it is a repository of past collaborative practice and meaning. Further, the activity serves as a forum for new shared experience and collaboration, for dissent, and eventually for change. Figure 4 shows that court trials of the transition period provide a forum in which historical events and

personal experience emerge. Extant practices of the activity guide and influence the developmental outcomes in equity practices for both individuals and for the activity itself.

In essence, the Kidsville Court activity provides a mutable framework for support of the learning by participants about social problems, lawful solutions, and legal equity. It does this in several ways. The practices of the court define the roles and responsibilities of the actors: bailiff, defendant, judge, lawyer, observer, plaintiff, and witness. Court practices also define effective behavior in this miniature society how to complain, advocate, adjudicate, handle success, and surmount defeat. Each role has sets of expectations, and some of these are very specific. These role definitions provide a focus and an accessible blueprint for appropriate behavior both in the court trials and in the court activity, and they provide this access not only to leaders but to all participants. Chapter Nine has shown that children in their roles as court officials have opportunities to discuss and make decisions about matters of equity in their local court system.

The practices of the Kidsville Court activity define and provide differential statuses and duties for leaders. This is true both for those who have acquired status as a result of acts of task organization and for those who act in the roles defined by the activity. These individual leaders are more often listened to by others because that is a part of the defined appropriate behavior for court participants. In this way, Kidsville Court activity empowers its leaders both in the court trials and in the local court system of jurisprudence.

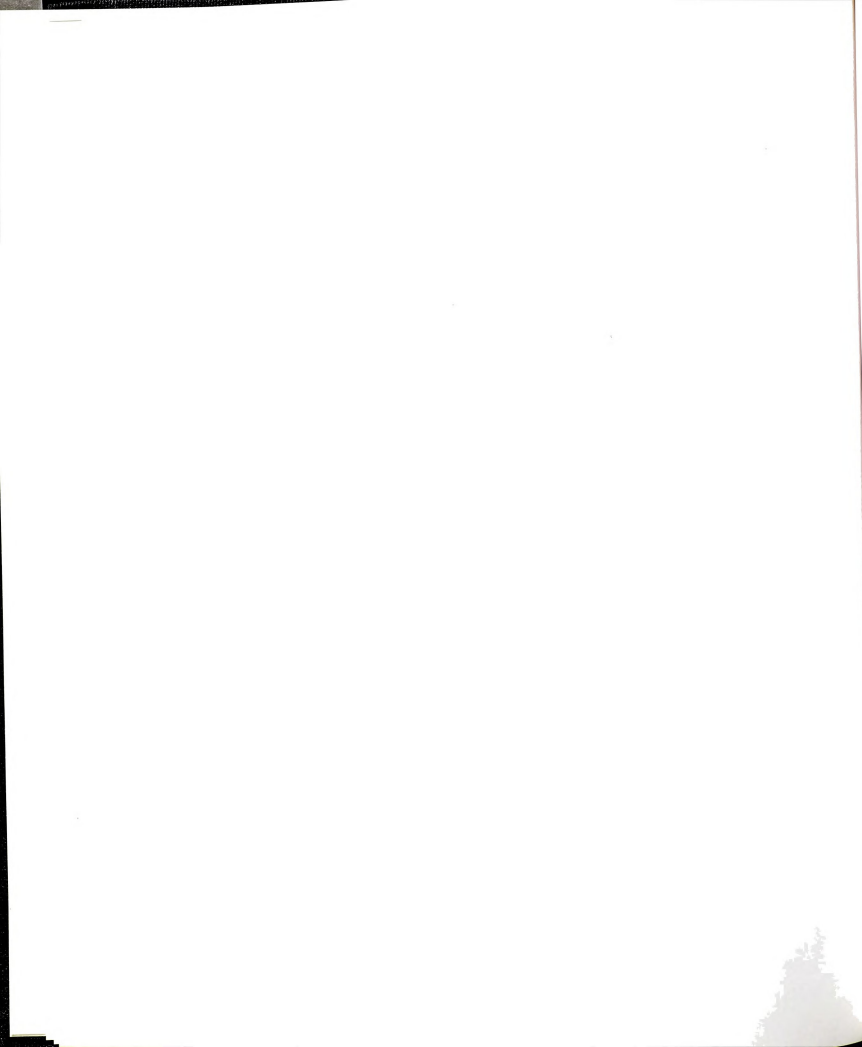
Essentially the Kidsville Court activity is a recursive system, which both constrains and focuses the actions of individual leaders and empowers those leaders to modify the activity. The leaders provide the acts and voices through which this is carried out.



Chapter Ten: Conclusions From The Study Of The Kidsville Court

This chapter examines the key findings from this study of the Kidsville Court and relates them to the literature of childhood leadership. It is shown that leadership is not purely an attribute of the individual nor of the situation; it can be best viewed as an essential part of, and as emerging from, cultural activities. This study of Kidsville Court leaders has shown that individual child leaders can be quite influential in how activities are conducted, and they are active in decision-making within the activity, but leaders are also recognized by their conformity and adherence to the practices of the activity.

This chapter proposes a definition of equity leadership as a particularly important kind of leadership within activities. Any activity has cultural expectations for how to distribute limited resources. In this study of the Kidsville Court, legal representation is a limited resource that can usually be obtained by a litigant through payment of Kidsville money, although it is helpful to have high status in the Kidsville Court and have friends who are lawyers. After changes in the legal practices of the court take place, leaders are responsible for assuring equitable distribution of resources and for making changes in practices of the Kidsville Court when these practices prove to be inequitable. The final two sections of this chapter discuss dissertation limitations and the practical and research implications.



10.1 Key Findings Of The Study

In this dissertation there are three analysis chapters. This section discusses the key findings of each of the analysis chapters in order. Chapter Seven provides an analysis of frequencies of leadership and non-leadership behaviors in the early and late periods of the Kidsville Court. For purposes of this analysis leadership behaviors were defined by the actions of the individuals in organizing court trial events (see Appendix A for coding scheme). The analysis identified several leaders of the activity who consistently perform task organization behaviors during court trials. The analysis also found that leadership and non-leadership behaviors are strongly role-dependant. Court officials, including judges, lawyers, litigants and bailiffs, produce almost all of the leadership behaviors observed in this set of data. Non-officials produce very few of the leadership behaviors. Persons acting in the role of judge produce a greater frequency of leadership behaviors than persons participating in any other role. It is clear from this analysis that persons demonstrate leadership behaviors and non-leadership behaviors appropriate to their role functions in the operation of the Kidsville Court. Persons change their roles from court trial to court trial, but their behavior conforms to expected role-appropriate practices.

The quantitative comparison of early and late court trials in this data set demonstrates some changes over time in the court activity. Frequencies of both leadership and non-leadership behaviors increase over time. This finding indicates change in the Kidsville Court activity over this six-month period of time, possibly because court trials become more complex over time. Change in

frequencies of leadership behaviors is also role-specific. For judges, the ratio of leadership to non-leadership behaviors quadruples from the early period to the late period, whereas ratios of leadership to non-leadership behaviors for participants in other roles remain relatively stable over time. This finding may indicate increased differentiation over time between roles, with the judge role becoming more important in later court trials.

The analysis in Chapter Seven shows that it is not possible to fully separate the influence of individual leaders versus the influence of the social setting, role expectations, and court practices on development of leadership. Individual leaders fill roles within a complex activity system, and they are constrained and afforded by those roles. Access to the roles of court officials is also constrained by the practices of the court, where not everyone can attain the roles of lawyer, bailiff or judge. To act as a lawyer or bailiff, one must have a license issued by the President of the Bar Association. Law licenses must be signed by all five members of the Kidsville Council in order to be valid. There is no licensure requirement for judges, but judges are usually chosen from Kidsville members who have experience in court. The production of leadership and non-leadership behaviors are a joint construction. Changes in the social organization influence the behaviors of individuals and vice versa.

Because leadership behaviors produced by individuals are based in the social organization of the Kidsville Court, it makes sense to study that social organization if one wants to understand the development of leadership. The tenets of activity theory indicate that change in social organization can be

understood through study of the development of activities over time (Leont'ev, 1981; Engeström, 1991; Cole, 1996). To provide a more detailed analysis of the joint construction of leadership between leaders and the social organization of the court, Chapter Eight analyzes the development of one set of practices in the Kidsville Court: practices of legal representation. Practices of legal representation were chosen as a topic for study for several reasons. First, a preliminary research project indicated that practices of legal representation changed over time in the Kidsville Court. Second, Kidsville Court lawyers and judges would be expected to change their behaviors if important changes in practices of legal representation were established. Third, practices of legal representation are an important element of procedural justice in modern American courts of law. According to modern principles of procedural justice, the provision of legal representation is essential in a court of law, especially for defendants who may be unable to act in their own defense.

Chapter Eight compares early court trials and late court trials on practices of legal representation. All indicators studied in Chapter Eight show improvements in the provision of legal representation for litigants. This is demonstrated by increased provision of defense attorneys and by provision of lawyers for younger Kidsville Court litigants. The data show that in the early period there is no expectation that court participants would be provided with legal representation, and in the later period participants consistently show an expectation of such representation. One possible reason for improvements in practices of legal representation is that impediments to the provision of

representation seen in the early period are overcome by the time of the late period. These impediments include limited availability of licensed lawyers, high cost of legal representation in Kidsville money, lack of consistent judging, and lack of an expectation that legal representation should be provided to litigants.

Chapter Eight again demonstrates that it is not possible to neatly delineate the effects of individual leaders from the effects of social practice on development of leadership. Changes in practices of legal representation are observed primarily through change in the behaviors of leaders in their provision and assurance of such representation for others. The practices of the court change, and individual leaders change in their behaviors of providing and assuring representation.

It has been argued throughout this dissertation that one cannot know the causes of developmental change without studying the period of transition during which change takes place. Chapters Seven and Eight show changes in individual task management behaviors of leaders and in representation practices of the activity. Chapter Nine provides an analysis of the transition period between the early and late periods in order to determine what specific events lead to changes in the court activity and in the behaviors of leaders.

Chapter Nine shows that Kidsville Court leaders confront a contradiction between equity and resource distribution. This contradiction is manifested locally in Kidsville Court practices when conflicts arise between an expectation of legal equity to all participants and a fact of unequal distribution of legal resources among participants. As larger American society, some Kidsville participants

have lawyer friends, money to pay for a lawyer, and the ability to act competently in their own defense. Other Kidsville participants who do not have these legal resources are unable to protect themselves legally. Inequities come about during court trials, resulting in discussions, arguments, and decisions made by leaders. Thus, during the transition period specific local manifestations of inequity in legal representation come under scrutiny by the individual leaders of the court. Eventually, through repeated challenges to practices that cause inequity, the Kidsville Court leaders adopt new practices of legal representation.

The findings in Chapter Nine provide evidence that individual leaders influence changes in legal representation practices of the court. Conversely, development in legal practices of representation results in changes in the behaviors of individual leaders. In this respect, the practices of the activity can be seen to provide a zone of proximal development for individuals and for the leaders as a group.

The analysis provides evidence of the interdependence of the activity and the individual leader, and shows that the production and gradual resolution of contradiction is what motivates the development of the activity over time. The following section ties the findings of the Kidsville Court study to previous studies of leadership in children, with an emphasis on the great man, situationist, and values-based models of leadership.



10.2 How The Findings Of This Study Relate To The Literature On Leadership In Childhood.

Rogoff (1998) sums up the status of research on collaborative processes in child groups:

1. There has been little study of the social and cultural aspects of how people determine the problems, goals, and means of their collaborative efforts;
2. We know little about collaboration when children and adults are in each other's presence without interaction as their agenda, when interaction is controlled by children seeking assistance, or when groups of children are not in the presence of adults.
3. The dynamics of groups larger than the dyad have received little attention. Even when larger groups have been studied, they are often treated simply as collectives of more individuals, interacting with each other as successive dyads rather than as integrated groups; there is insufficient information regarding populations other than middle-class European American groups, or in situations other than those devised by middle-class European American researchers. (p. 697).

This study of leadership in the Kidsville Court activity provides analysis of social and cultural aspects of group interaction and takes into account the interdependence of individuals and the activity. This study of the Kidsville

Court provides an analysis of group leadership as a fundamental element of group collaboration, culture-making, and group dynamics.

There are three basic approaches to defining leadership: *great man* definitions (Bales, 1953; Bales and Slater, 1955; Gardner, 1995), *situationist or contingency models* (Dachler and Hosking, 1995; Fisher and Ellis, 1990; Katz and Kahn, 1978; Misumi 1985; Smyth and Ross, 1999; Walker, et. al., 1996), and *values-based models* (Heifetz, 1994; Block, 1993; Colby and Damon, 1992; De Pree, 1997). In this section, the findings of the Kidsville Court study are used to critique and inform these three different ways of defining leadership. Great man models of leadership define leadership as a set of traits, particularly power-wielding traits of individual leaders. Situationist or contingency models of leadership define situations that bring about certain leadership behaviors (Dachler and Hosking, 1995; Heifetz, 1994). It should be noted that many current writers espouse some combination of great man and situationist leadership descriptions, because of repeated findings that both individual and situational characteristics contribute to the production of leadership behaviors. Proponents of value-based approaches are critical of both great man and situationist definitions of leadership. Heifetz (1994) argues that both great man and situationist models implicitly emphasize the importance of prominence, influence, and authority, but they do not clearly address the purpose(s) to which influence should be put. Heifetz (1994) argues that leadership should help organizations to choose between different values, and to make values-based decisions. Leadership should be defined as helping groups and organizations

weigh and decide between values for the purpose of adapting to their environments.

10.2.1 Great Man Models: Implications For The Study Of Leadership As A Trait Of The Individual

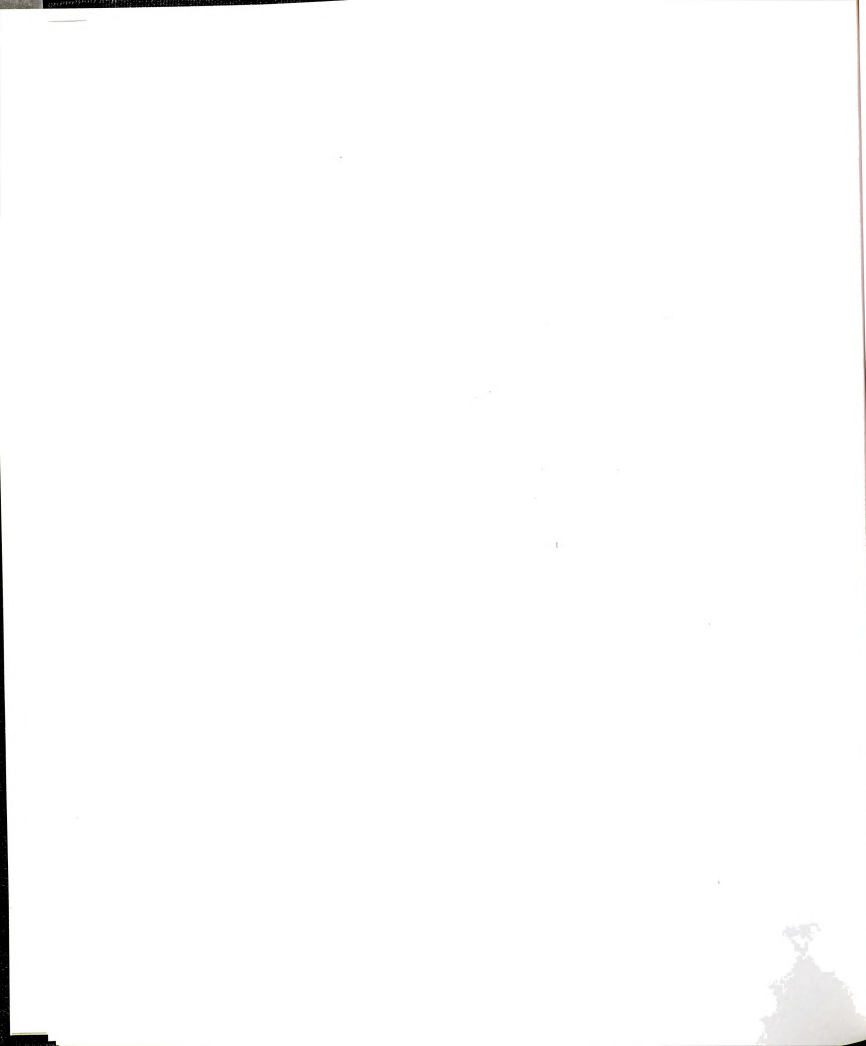
As children mature, managerial leadership in the peer group begins to become differentiated from simple domination. A number of studies have found that leadership behaviors are consistently displayed by the same individuals (Fukada, Fukada, and Hicks, 1997), and that leadership is related to other individual traits, such as social competence or personality traits (Petit, Bakshi, Dodge, and Coie, 1990; Edwards, 1994)

Leadership behaviors first become evident in preschool. Leadership behaviors include organizing or directing the activity of a peer, making suggestions, demonstrating an activity, leading by the hand, and appointing peers to roles in play. LaFrenier and Sroufe (1985) over a year of study found that certain individuals more often engaged in leadership behaviors and that leadership was positively related to peer social competence in four and five year olds in one of the groups studied. An unexpected outcome was that leadership behaviors were not correlated to individual social competence in the other group, which had a greater number of children with behavioral problems. Fukada, Fukada, and Hicks (1997) studied students in three Japanese preschool classes and found that central play group members regularly demonstrated

consideration/ evaluation behavior toward playmates than did the other subjects. This set of behaviors included giving directions for rules of play, giving approval, or criticism based on play rules, worrying about or helping others, and protecting others.

Petit, Bakshi, Dodge, and Coie (1990) found that leadership predicted dominance rank in play groups of third graders but not in the first grade groups they studied. Edwards (1994) studied naturally occurring leadership among fourth, fifth and sixth graders enrolled in Girl Scout troops. The researchers took several measures of leadership, including adult rating scales of different personality traits, peer descriptions of personal qualities, and adult and peer ratings of frequency of formal and informal leadership within the troop. Results showed that a managerial leadership style (as perceived by adults and peers) consistently distinguished leaders from non-leaders. Furthermore, leadership style was relatively stable over time and predictable from personality characteristics

This study of the Kidsville Court leaders confirms some of the above findings. The study found that during court trial events Kidsville leaders performed a number of managerial functions in organizing court trial events. There were four specific individuals who performed the majority of these managerial leadership behaviors over the course of the six month period of this study. Kidsville Court leaders can easily be identified by their performance of task-organization behavior in court trials. This is consistent with findings from



other studies of children's managerial competencies and the task-organizational function of child leaders.

Kidsville Court findings also provide some contrasts to the current literature on leadership as a trait of individuals. In the Kidsville Court, child leaders performed leadership behaviors while fulfilling role expectations of court officials. The analysis shows that task organization behaviors are role-dependant and the leaders did not perform these organizational behaviors if they were not in one of the official roles during a court trial.

Another finding was that leadership in Kidsville Court trials frequently required organizational work on the part of multiple participants coordinating their efforts. The judge has specific organizational responsibilities, and lawyers have others. Bailiffs have their own responsibilities in the organization and smooth operation of the court. Other studies of leadership in children do not show if leaders are coordinating their task-organization efforts, or if they are solo actors.

One activity-dependant feature of leadership in the Kidsville Court data is that court officials are allowed to gain official roles only through processes of licensure or appointment. In this study, the role of judge began to increase in importance over time since the ratio of leadership behavior to non-leadership behavior quadrupled for persons acting the in role of judge in the late court.

The basic study of leadership has shown that certain persons more often engage in the task organization of activities, and that there may be certain individual traits or competencies that such individual have. Although this may also be true for the Kidsville Court leaders, there are some other questions that

seem to be more interesting, which involve how the leaders coordinate their efforts together and also their abilities to drop the leadership behaviors when other persons are assigned those roles.

10.2.2 Situationist Models: Implications for Situational Influences On Childhood Leadership Behavior

Situationist and *contingency* approaches have advantages for the study of leadership in children because these models assume that leadership requirements vary broadly across history and across cultures. In fact, the qualities of successful governmental or business leaders (great men) may not be appropriate or relevant for child groups. Roach, et. al. (1999) argue that "actual and emerging youth leadership may differ in significant ways from established adult leadership" (p.13), and the study of youth leadership should focus the ways youth themselves define, value, and enact leadership. Even in adult organizations, successful leaders may not have identical qualities because in a complex task persons with different skills may be needed coordinate their efforts to meet organizational goals (Katz and Kahn, 1978). This section elaborates four specific situational factors in childhood leadership that have been studied: leadership in mixed-age groups; task complexity as a factor in leadership; cross-cultural differences in leadership; and the situational importance of argumentation and rhetorical speech in leadership. In the final part of this section, the insights gathered from the Kidsville Court data are discussed.

Childhood leadership behaviors may be more common in mixed-age groups (French, Wass, Stright, and Baker, 1986) than in same-age peer groups. Furthermore, peer interaction in communities, neighborhoods, and clubs often takes place in mixed-age groups (Ellis, Rogoff, and Cromer, 1981). Brody, Stoneman, and MacKinnon (1982) found that during a board game, older siblings assumed dominant roles, such as teacher and manager, with a younger sibling, but they assumed egalitarian roles, such as playmate, with a friend. French, Wass, Stright, and Baker (1986) compared the leadership behaviors of same-age and mixed-age triads in a cooperative picture-choosing task. Asymmetries in leadership behaviors were most pronounced in mixed-age triads composed of one 9-year-old and two 7-year-olds. In these groups, older group members showed increased frequencies of task organizing behaviors and solicitations of opinion than their counterparts in same-age groups.

Task complexity may be another situational feature of leadership. French, Wass, Stright, and Baker (1986) found that in older mixed-age groups, their study did not result in increased leadership behavior in older children, probably because the task was too easy for all of the subjects.

Another situational feature of leadership may be cross-cultural differences in how children work together to attain a cooperative goal. Ellis and Gauvain (1992) compared pairs of Navajo and Euro-American 9-year-olds who were asked to teach a game to 7-year-olds. Pairs of Navajo 9-year-olds were more likely to build on each other's comments and collaborate in trying to teach the task to the 7-year-old student. Together the Navajo child teachers provided

useful task information, remained engaged in the task, and observed their partners. In contrast, European American 9-year-olds tended to offer parallel and unrelated lines of instruction to 7-year-old students.

The place of argumentation and uses of rhetorical skill also appears to be a situational feature of leadership, which is sometimes displayed and sometimes not seen. French, Wass, Stright, and Baker (1986) found that in a simple picture-choosing task, group leaders solicited the opinions of others but did not contribute their own opinions. The authors indicated that the leaders may not have had much investment in the task. Some research in American and European child groups has shown that co-construction of a peer society requires complex forms of practical argumentation in which children can advocate for themselves and justify their positions (Corsaro, 1992; Corsaro and Rizzo, 1988; Schwartzman, 1976). Sometimes child leaders are influential participants in persuasive dialogue, negotiation, argument, and decision-making about how to best structure activities (Rogoff, 1998).

The Kidsville Court data contribute information to the growing literature on situational aspects of leadership. The Kidsville Court is certainly a mixed age group, with many opportunities for interactions among children aged 6 to 12 years old and their teachers. The Kidsville Court activity is also highly complex, providing ample opportunities for multiple leaders to co-construct court trial events. In the Kidsville Court multiple leaders had to coordinate their efforts. The judge, bailiffs, and lawyers had specific organizational responsibilities. This

indicates that the cross-cultural differences in leadership could be due to differences in how different groups learn to coordinate action.

Although the Kidsville Court participants are Anglo-American, one could also say that Kidsville and its court provide a local culture, which is partially borrowed (Corsaro, 1992) with its own meanings and expectations. Since Kidsville Court is a court of law, it is not surprising that a feature of leadership behavior in the court is argumentation about the cases that come to trial. Possibly a more surprising finding is that argument and discussion on the part of Kidsville Court leaders goes beyond arguing cases. The Kidsville Court leaders are involved in a set of arguments and decisions about inequities and about how to best structure their court system in order to provide fair court trials. In the end, the court leaders make changes in their court that result in a more equitable distribution of legal resources so that their court provides legal representation. Due to the decisions of court leaders, there are changes over time in the specific responsibilities that leaders have to provide legal representation to others.

The Kidsville Court data seem to provide some insight into the situationist position on leadership, in that the Kidsville Court task complexity, coordination of efforts of multiple leaders, use of a mixed-age group, use of legal argumentation, and development of court practices over time could provide a model for some of the features that situationist models could explore as group features that would encourage leadership of different kinds to develop.

10.2.3 Values-Based Models: Implications For The Study of Childhood Leadership As An Influence On Values

Heifetz (1994) views influence and authority as the primary means used by leaders, but leadership outcomes are judged by the adaptive work that leaders encourage in others and in groups. Rather than viewing leaders as unique great men or viewing leaders as defined by situations, Heifetz views leaders as those who are influential in changing culture in adaptive ways. Leaders not only organize tasks and help maintain group cohesion, they are involved in making and changing group cultures.

It has been argued in this dissertation that leadership is a necessary part of interventions that improve group functioning. Kohlberg and Higgins (1987) found that peer groups had to actively take responsibility for their members' welfare in the "Just Community" intervention programs, including formally enforcing rules in order to protect their communities against peer abuses of power. Although Kohlberg does not discuss leadership in his writings, this is a feature of valued-based leadership when members take responsibility for member's welfare and to uphold the values of their community. Trela and Conley (1997) found that peer conflict negotiators may have to act as leaders in their school communities in order to be effective and the authors conclude that many aspects of peer mediation are closely related to leadership traits (Wyach, 1992; Rost, 1991).

This study of the Kidsville Court leaders shows the work of child leaders toward adaptive changes in their activity. Adaptive work (Heifetz, 1994) sometimes requires that groups change their structures and even re-organize their uses of power. This dissertation shows that leadership behaviors are due to a complex combination of individual and activity. In this setting, one function of leadership is providing, assuring, and determining what equity means for the group. In other words, leaders become responsible for assuring a more fair distribution of legal resources.

This study shows that the enactment of leadership practice is an interdependent function between individuals who occupy leader roles and the specific purposes and functions of the activity. By viewing the activity as a developmental unit over time, this study is able to observe leaders working together to alter their legal representation practices and ultimately change one of the purposes of the court activity. The purpose becomes not only to settle disputes, but to do so in a manner that provides legal representation to all participants. With changes in legal representation practices, judges and lawyers of the court need to change their leadership responsibilities. They have a new responsibility to provide and assure legal representation to others.

Leadership is not a quality that can be attributed entirely to the individual nor entirely to the requirements of the activity. Although for purposes of analysis one can alternate one's focus of attention between the individual and the activity setting, the study of leadership should take both the practices of the activity and

also the abilities of the individual into account with the understanding that the two are interdependent in lived reality.

Individual leaders of Kidsville Court are persons who encounter contradictions in the legal representation practices of their court, and who make specific contributions to change in those practices. As a result, practices of legal representation are improved and a new leadership function is added to the Kidsville Court activity, that of providing and assuring legal representation. The director of the school, Will, also influences the forces of change by allowing contradictory practices to emerge, encouraging discussion of contradiction, and in some cases making contradictions explicit. He does not solve contradictions for the Kidsville Court participants, but provides guidance and support to the leaders as they work together toward change.

10.3 Redefining Leadership In An Activity Theory Model: The Development Of Equity Leadership In The Activity.

Leadership has not been a focus of activity theory research to date. This section briefly reviews basic elements of the study of activity that were introduced in Chapter Five. It then defines equity leadership as an element of the development of an activity consistent with this study.

Activities serve some purpose or purposes. (Leont'ev, 1981; Engeström, 1991) This study demonstrates that the purposes of activity are not reducible to any of the individual participants, although they are dependant upon the participants for their enactment or attainment. Activities can be analyzed at

various levels, but the units used for analysis are always defined in terms of the functions they fulfill. This study of the Kidsville Court employs two levels of analysis of activity.

One level of analysis used in this study is the goal-directed actions of individual leaders. The actions of individuals are not reducible to the activity, but they depend on the activity for their meaning and opportunity. Individuals do not carry out their social goals without social activity. The primary mechanism of individual development in this study can be summed up in Rubinshtein's (1986) definition of creative self-activity.

The subject is not only revealed and manifested in his actions and in the acts of his creative self-activity: he is created and determined in them The possibility of pedagogy rests on this alone In creating his work of art, the artist creates himself and his own aesthetic individuality in the process. The creator himself is created in the act of creativity. [emphasis added] (pp. 15-16).

A second and primary level of activity analysis in this study is that of practice of legal representation. Activity and its practices evolve through social interaction in historical time. The practices of the activity are organized, refined, and re-organized through the coordinated actions of individuals who participate in the activity. Persons and coalitions of individuals use influence and power (Raven, 1992; French and Raven, 1959; Heifetz, 1994) in order to influence change in the practices of activity. This study demonstrates that child leaders individually and collectively contribute to changes in the functions of the court activity when they begin to restructure their court practices of legal representation.

Leadership practices are those practices by which participants engage in the activity, carry out the purposes of the activity, and also by which they are recognized as leaders by other observers and participants. In this study, specific leadership practices include task organization, adjudication, and legal representation. Leadership also includes argumentation and decision-making about changes over time in the equity practices of the activity. Through the study of leadership practices one discovers the interdependence of leaders and of activity.

Equity is defined here as a culturally defined value of "distributive fairness" that is embodied in practices of activities. Clearly, different cultural activities have different expectations for the basis of equitable distribution of resources. In the Kidsville Court equity practices change over time. In the early court practices, it is considered equitable that persons who have power, Kidsville money, and legal friends are usually able to get someone to get a lawyer if they want one. Persons who have no power, Kidsville money, nor legal friends are expected to fend for themselves. This distribution of legal resources in the Kidsville Court is simply a reflection of the distribution of resources in the Kidsville Town. Not surprisingly, the leaders of the court and the town are the persons who have the most resources. Likewise, it is not a surprise that the Kidsville leaders do not have much awareness of the plight of those who cannot get a lawyer when they need one. Kidsville leaders' solution to the problem of lack of legal representation is basically one of "If they can't afford a lawyer, let them represent themselves." Unfortunately, younger children who have no

training in Kidsville law are not effective at representing themselves, which soon becomes obvious.

Developmental change in the Kidsville Court activity takes place through the transformation over time of contradictions between equity and resource distribution. Inequity begets a challenge to the extant practice which created the inequity. This ongoing dialogue over issues of equity provides motivation that the activity needs to have the possibility for reorganization. In the attempt to resolve inequities, new practices are developed or created, resulting in more equitable practices of legal representation which are made available to all Kidsville Court participants. Over time the result is a change in the equity of distribution of legal resources in the Kidsville Court. Equity leadership is a feature of development of the Kidsville Court activity and the individual leaders of the court. Important developmental changes in activity come about when contradictions in social practices result in renegotiations among social factions.

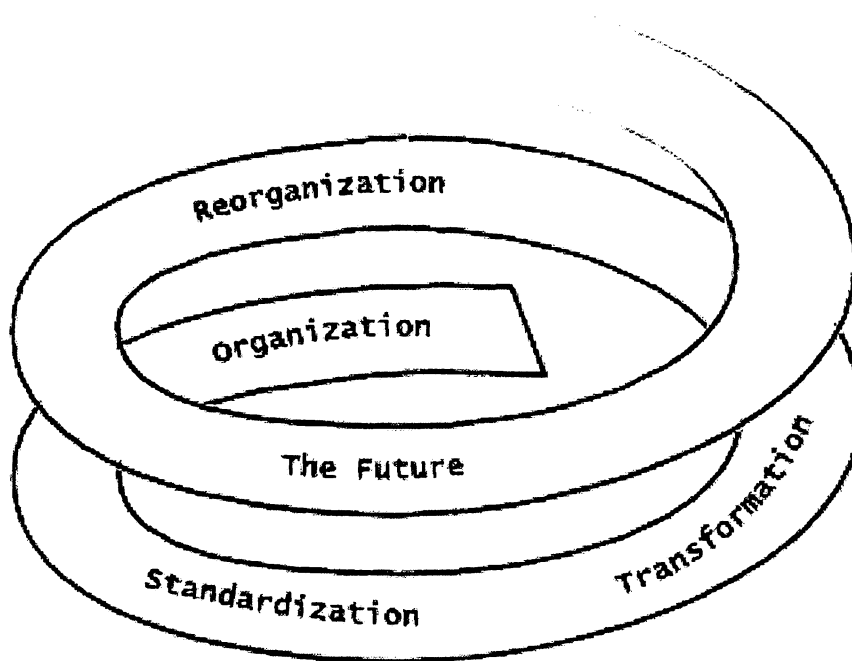
The development of equity leadership in the Kidsville Court activity and the related creative self-activity of child leaders is a cycle of dynamic transformation of both the equity practices of the activity and of the individual leaders who participant in equity discussions and decisions. Engeström (1991) describes an expansive cycle in the following quote:

It is quite natural to endeavor to represent reproduction as cycles resulting in the formation of a new social structure on the basis of some preceding one (Shchedrovitskii, 1988, p. 7, italics in the original). Such an irreversible time structure may be called an expansive cycle (Engeström, 1987) The trajectory of an activity system moving through such an expansive cycle seems to go through phases of "far from equilibrium" conditions (Prigogine and Stengers, 1985) [T]he expansive cycle of an activity

system begins with almost exclusive emphasis on internalization, on socializing and training the novices to become competent members of the activity as it is routinely carried out. Creative externalization occurs first in the form of discrete individual innovation Externalization reaches its peak when a new model for the activity is designed and implemented. As the new model stabilizes itself, internalization of its inherent ways and means becomes again the dominant form of learning and development From the viewpoint of historicity, the key feature of expansive cycles is that they are definitely not predetermined courses of one-dimensional development. (p. 14).

The development of equity leadership in the Kidsville Court activity is illustrated by Figure 5, based on Engeström's conceptualization of the expansive cycle.

Figure 5. The Development Cycle Of The Kidsville Court Activity.



Although this study of the Kidsville Court does not include data from the inception, or original organization phase of the Kidsville Court, it does study court

trials over time and the microcosm of change in the Kidsville Court. The activity forms out of the facilitative compromises that individuals and coalitions make with others. The start of the activity will be observable in the creative self-activity of its participants, which becomes over time a willing conformity to agreed upon practices, including equity practices, that make up the activity. In the production of their shared activity the participants generate roles as part of the differentiation of persons and tasks to be completed. Shared experience with the activity and its practices is a natural consequence of participation, and this helps the activity participants, including leaders, to codify or develop routine practices of the task, including leadership practices and expectations for equity.

The standardization phase of activity development can be seen in the early period of this data on the Kidsville Court, which shows that many aspects of the Kidsville Court practices have been agreed upon and codified by participants into extant practices that have come out of shared experiences. In this period of the activity's development, leaders in the Kidsville Court function to preserve the practices of the activity through their uses of task organization leadership practices. People can work on their skills and abilities in performance of their respective roles due to the codification of the role requirements. Task organization functions require that leaders keep up or preserve routine or codified practices of the activity, and also that younger, less experienced, or newcomers to the activity are trained and incorporated into the proper functioning in their roles.

Many things can upset this ecology of the roles, practices, and functions of the activity causing the activity to undergo transformation. One may see the entrance of new persons to the activity. Individuals who acquire status may want to negotiate new roles, practices, and functions from their new positions of power. Resources may dry up or new resources may be generated. In the Kidsville Court data, the extant practices of the court come under scrutiny when some citizens complain that these practices cause inequities in specific legal outcomes.

During the transition period, individual leaders confront inequities that arise from ordinary court practices by a complex series of transformations as follows. Specific court trials result in problematic outcomes because extant practices do not fit the specific needs of the situation. Someone objects that the court practice is personally unfair. The problem is a personal equity issue which is challenged in the public forum of the court. Such a public challenge to court practice creates an open contradiction, and the problem is transformed into a public issue. A need is created for public resolution. Leaders are speakers for and against change, taking stands for and against specific solutions to the contradiction. Thus, what starts out as an equitable practice is transformed into a personal injustice and then is transformed by into a public issue or contradiction. Finally, through public argument, the issue is transformed into shared experience. It becomes a part of the public life of the participants, and it is integrated into the historical events of the activity. Over time, as they encounter equity contradictions that will not easily go away, leaders have to work out

changes in the equity practices of their activity. The accumulation of public historical events results in new practices of the Kidsville Court.

Leaders act as agents of change in the activity, and over time they change the leadership functions that they serve for the activity and its participants. The practices of the activity can be observed as the embodiment of the social contract of the participants, complete with missing pieces of the contract that are worked out in conflicts and sometimes result in contradictions. Leadership practices serve to further this social contract by providing willing conformity to the practices of the activity and also providing opportunities for individuals and groups to engage in innovation and flexibility in the social contract that is constantly being re-negotiated.

In the late period of this data, the activity has gained a new organization, a reformulation that includes the transforming actions that allow for new equity practices in legal representation. These new practices are teleological. They are agreed upon and enacted by the participants as if they will be used in the future and will continue into the future. Although the future of the activity is ultimately unknowable, in the final phase of these data the participants are seen creating and organizing the activity in preparation for their future uses of it. In fact, the activity continues for the next three school years. The cycle of the activity development begins again with the creative and collaborative self-activity of the participants as they indoctrinate new members and gain new roles and statuses, and as the activity provides new functions for the community. This sort of change in the values of the activity would seem to be what Heifetz (1994) and

others mean by their use of the term "values based leadership." The value to equity is a particularly important one for children because it is something that they can understand and that they also experience in their daily lives. The leadership decisions about equity that Kidsville Court leaders make provide a new way to view values-based leadership in children.

10. 4 Study Caveats And Limitations

The analysis of the Kidsville Court activity and its leaders is limited to study of pre-existing videotaped events and shares disadvantages that are common to retrospective studies. The research work in this dissertation and in the pilot study has been based on laborious transcriptions of court trial events from repeated viewings of relatively poor-quality videotape. In some cases, it has been impossible to decipher entire dialogues. About half of the transcripts were insufficient to allow for coding of individual statements for the analysis in Chapter Seven, although the majority of the transcripts were adequate for the analysis in Chapters Eight and Nine. Because data were gathered many years ago and for purposes other than research, there is no way to talk to the participants to gather information that would fill in the blanks, except that the director of the school is able to give some insight into his actions.

As with most studies involving a single classroom, neighborhood play group, or other naturally occurring group, there is no opportunity to use

experimental controls such as random assignment to groups, control groups, or manipulation of potentially confounding variables.

Furthermore, the Kidsville Court is clearly an unusual child activity in an unusual school setting. Readers may, in fact, find that child participants of the Kidsville Court differ in a number of ways from their experiences of other groups of elementary school children. Due to its unique nature, the Kidsville Court does not lend itself to generalization to other settings in its details. The Kidsville Court participants have created among themselves a unique sub-cultural setting, and most readers will identify that there may be no way to replicate the same outcomes with another group of participants.

The purpose and scope of this study is quite ambitious. The study seeks to demonstrate various functions of leadership within the same activity as well as analyzing the complex interdependence between task organization behaviors of leaders, organization and reorganization of the activity, and developing leadership functions within the activity over time. The study includes three research questions with three distinct research methods used to address them, and any of these research questions could be an entire study in itself, allowing the analysis to be covered in greater detail. Because this study of the Kidsville Court and its leaders covers so much ground, it may not cover particular topics in full detail.

In spite of the above limitations, this study will be useful to those who are interested in the developmental study of leadership as co-constructive adaptive work of the group. The unusual nature of leadership in the Kidsville Court raises

the possibility that local child cultures can provide potentially profound learning opportunities for children. There are aspects of this study that can be generalized to other research, especially research on local child cultures and the co-constructive nature of local adaptation over relatively brief periods of time. These possibilities are discussed further in the next section.

Some researchers and methodologists are questioning traditional approaches to generalizability in the study of development, primarily because strict requirements of statistical generalizability and experimental control often do not result in studies that capture the variable, changing, and unpredictable nature of co-constructed development among individuals, groups and activities. Valsiner (1987) has been a major influence in the methodology of this study, and he writes the following about generality of findings.

Generality is evidenced in variability, rather than in uniformity in behavior and thinking. Variability is not a source of "error" in the case of complex phenomena in psychology, but an indicator of psychological processes that can generate a variety of psychological outcomes, the function of which is to both adapt the organism to the environment and to accommodate the environment to the organism. (p.23)

Chapter Five of this paper has argued that developmental psychology should involve analyze variable developmental processes, rather than reaching satisfaction with the study of invariant outcomes of development only.

This dissertation of the Kidsville Court has shown that given time, motivation and support, a group of children can develop a complex and unique

local culture. In the process of that development, the Kidsville Court participants confront and overcome contradictions in equity, and they change the ways in which they practice leadership. This study is able to shed light on some of the adaptive processes by which this happens, including examples of teacher intervention and support, specific illustrations of decisions by individual leaders, and detailed descriptions of collaborative efforts of multiple group members.

10.5 Future Directions For Research And Practice

Some developmental psychologists (Cole, 1996; Valsiner, 1987; Bugental and Goodnow, 1998; Rogoff, 1998) are questioning current methodologies in psychology, and this study may further the search for new methodologies. Detailed longitudinal studies such as this can provide ways to understand peer group development and illuminate potential problems with traditional developmental methodologies. The methodology and theoretical model used in the current study are taken from a coherent theory of activity and can be used for other research on the development of child leaders within changing activities.

The principle success of this research has been to view the interrelationship between individual development and activity development without attempting to reduce one level of analysis to the other. The dissertation shows that one can productively study the interaction between two levels of development: that is the developmental analysis of activity and its practices, and the developmental analysis of individual leaders. Leadership positions within

group activities are especially important in such a study because persons in positions of power within activities have authority or influence to alter the practices of activities.

This dissertation demonstrates Harris' claim (1998, 2000) that outside-of-the-home child enculturation and culture-making take place in specific peer group settings with local ways of doing things and unique ways of belonging. These local ways are developed over time, and they are passed on or changed over the course of time through peer group processes, including processes of leadership development. Cole (1995) calls this level of study a "mesogenetic" approach to the study of cultural mediation. He says that the basic strategy for his research on the Fifth Dimension activity has been to create a "system of activities with its own standing rules, artifacts, social roles, and ecological setting, that is its own culture . . ." (p. 194) .

In the Kidsville Court, the children created their own system of activities with support from their teacher. Although the Kidsville Court activity has unique qualities, children often gather into groups and make activities of their own, such as playing certain games, making a fort or a club, or creating and elaborating an imaginative world. Such activities and their leaders could be studied as developmental entities over time, as this study of the Kidsville Court demonstrates. School activities likewise can be studied as developmental entities, especially if child participants have choices in how the activity is structured and if they are able to make changes in their uses of the activity.

The focus of this study on childhood leadership in a natural setting has specific implications for the study of leadership. The study demonstrates ways to study leadership as a group function rather than as purely an attribute of the specific leader. This provides an opportunity for researchers to examine leadership as interaction between the individual and the affordances and constraints of the activities in which individual leaders are studied. Different styles and uses of child leadership can be examined in other settings with quite different characteristics, that would result in a much deeper understanding of leadership as a unique function of local activity settings. Specifically there are four basic problems that this study poses for current studies of leadership in child groups.

One, as has been noted in the research literature review, leadership is traditionally studied and defined as an individual trait or set of abilities. Research on leadership in children has mostly analyzed the quantity of certain task organization behaviors demonstrated by individuals. This study shows that the quantity of leadership behaviors in childhood may be due to the situations that researchers generally study. (French & Stright, 1991; French, Wass, Stright, and Baker, 1986) These situations are usually controlled by the researcher or by the teacher. In some cases, there may be little necessity or opportunity in research settings or in education settings for children to engage in leadership, since these settings are managed and controlled by adults. Leadership as a response to teacher or curriculum expectation may be very different from leadership as a response to a community. In the Kidsville Court, one sees a situation in which there is not only the opportunity for childhood leadership, but

also a necessity for the judges, lawyers and bailiffs to maintain organization in their court. It is clear that if the children want to have a court, they will have to organize and maintain it, although the adults will support their efforts.

Two, studies of childhood leadership are not generally designed to examine change over time. Some longitudinal studies have shown that leadership behaviors or statuses are relatively stable in groups, with the same individuals serving leadership functions over time. This conclusion is justified in the current study. However, this study also provides an opportunity to study change over time in leadership functions provided by the court and its leaders. Specifically, there is a change in the activity itself, which results in changing needs to provide and assure legal representation to others.

Three, studies of childhood leadership do not systematically study child leaders as agents of change in their activity. This analysis shows Kidsville leaders as they affect dramatic change in their activity, which then results in changed leadership functions of the court and changed leadership behaviors of individuals. This study has used several measures to address the leadership functions in the Kidsville Court, including quantitative analysis of frequencies of specific task organization behaviors and also qualitative analysis of changes in the activity over time. Both types of longitudinal analysis have demonstrated changes in the activity; however, the study of qualitative change over time has yielded the majority of information about processes of change of leadership in the Kidsville Court.

Four, the development of leadership is not generally considered to be part of a developmental process that takes place in the interaction between activities and persons. The developmental process illuminated in this study is that of qualitative transformation of practices of the efforts of leaders to overcome contradictions in the activity. The activity undergoes development as the leaders cause, encounter, and confront contradictions in their participation in the court activity. Their actions in response to contradictions result in transformations of individual events. Over time, repeated confrontation of these contradictions results in changes in contradictory practices themselves. Through this process, individuals act as leaders serving several functions simultaneously: task organization, advocacy for others, and advocacy for and against change in practices of their activity.

10.5.1 Practical Implications: The Importance And Difficulty Of Experiential Learning In Civic Participation

The setting of the Kidsville Court is one in which there are many opportunities for experiential learning in leadership and in social group organization. Experiential learning in civic responsibilities has been advocated by many educational theorists and practitioners, including Dewey. Dewey (1916) argues that participation in a democratic form of government requires that individuals experience democratic governance in their educational setting, which then prepares them for their duties as citizens. Proponents of practical

democratic theory (Boyte and Kari, 1996) represent a modern model for civic learning in democratic communities.

Kohlberg and Higgins (1987) and others who have attempted child participation in democratic forms of government have found that providing experience in democratic responsibilities is not an easy matter to accomplish in practical settings. This is seen in the Kidsville Court, as well. In this study, the director of the school can be observed walking a careful line between providing guidance in the making of a court but avoiding the temptation to co-opt the children's activity in favor of an academic lesson. The creation of a democratic experiential community such as the Kidsville Court clearly is not something that can be accomplished in a brief period of time. It requires a great deal of effort and motivation on the part of the participants, which may not be easy to maintain if the teacher takes responsibility for the activity and applies scholastic goals to it. In this study of the Kidsville Court, it is clear that children need time, support, and multiple opportunities to create their court, experiment with it, and to discover and change the problems in their court practices.

Another major implication for practice in leadership education is that for children to experience leadership, activities need to provide opportunities for task organization and task re-organization. There is a longitudinal function of leadership in groups which possibly cannot be hurried into existence. In this study court leaders are seen practicing leadership in the relatively less challenging work of organizing a specific court trial, but they are also allowed to

make mistakes as a group and to take the time and effort needed to make changes in the practices that they have created.

Bruner (1978) argues that the opportunity for many important cultural learning experiences come about because there is a more experienced adult or trusted older person who provides the safety that is needed to experiment and to try new behaviors. This study shows that the school director provides a safe place, allowing for exportation and experimentation for the participants in these court trials. When Will steps in and intervenes in the court activity by backing one or another of the participants, this is done in a way that helps to protect participants from potential harm. Through his indirect form of teaching, the director is able to guide the Kidsville Court child leaders into a solution to their issue of legal representation. The result is a solution which provides safety for younger participants and reduces potential of bullying uses of the court, while at the same time this solution comes from the child leaders themselves because they are allowed to experience the possible consequences of lack of legal representation.

The argument was made earlier in this chapter that the Kidsville Court activity provided a zone for proximal development for the group. As the court practices became more sophisticated they were already part of a system that the children knew, and so the individual children were able to use their existing knowledge to make the next steps into further difficulty. The group created a system that eventually challenged the child group, as a whole, to become more sophisticated in their views of fairness and equity and to co-create new practices

to assure a new form of equity which had not existed for them before they experienced problems in the Kidsville Court. The opportunity to build their activity from simple to more complex over time gives them the experience of making a local culture.

10.5.2 Directions For Future Research

This dissertation of the Kidsville Court and its leaders provides a basis for further research on the development of leadership in the Kidsville Court. The following paragraphs suggest some directions that such research could take

Some writers argues that there is a task organization and also a group maintenance function of leadership (Fukada, Fukada & Hicks, 1997; Misumi,1985). In this dissertation, these two sets of leadership behaviors were condensed into one code because of the relative paucity of examples of group maintenance leadership behavior during the formal court trials. However, as was briefly noted in Chapter Seven, child leaders were seen engaging in tutoring, helping, and guiding others. These behaviors usually occurred before or after formal court trial events, and thus were not included in the data for this study. By focusing this study on the formal court trials only, and not the events leading up to the trials and after the trials, this has the unfortunate effect of emphasizing task organization leadership at the expense of group maintenance leadership in this data. An analysis of the leadership behaviors of group maintenance, which are outside of the formal court trials would provide for a more balanced view of the court leaders, and further our understanding of this function of leadership in group maintenance.

There is an aspect of this study that requires further research because of its importance in practice, and this is the function of the teacher in this setting in his encouragement of leadership in others. The examples that are given within this study suggest that the teacher performs as a leader of leaders by providing opportunities for the child leaders to perform leadership functions, by providing a model for leadership behaviors, and by giving feedback for improvement of the activity. It would be valuable to study in specific the style of teaching that is used to allow such child leadership to develop.

One feature of the Kidsville Court setting is its playlike aspect. Play theory (Pellegrini, 1995) could provide a very valuable view of the study of Kidsville Court. Kidsville Court is serious, but there is an aspect of the Kidsville Court that is playlike. More importantly, many of the Kidsville institutions seem to have originated in play, and then developed their more serious functions. The literature review indicates that play is a setting in which much experimentation with the social world is made possible because in play children are able to engage in social conflicts without serious consequences. The current study does not emphasize the playlike features of the Kidsville Court and its allowance for error and for experimentation, but this would be an exciting possibility for study.

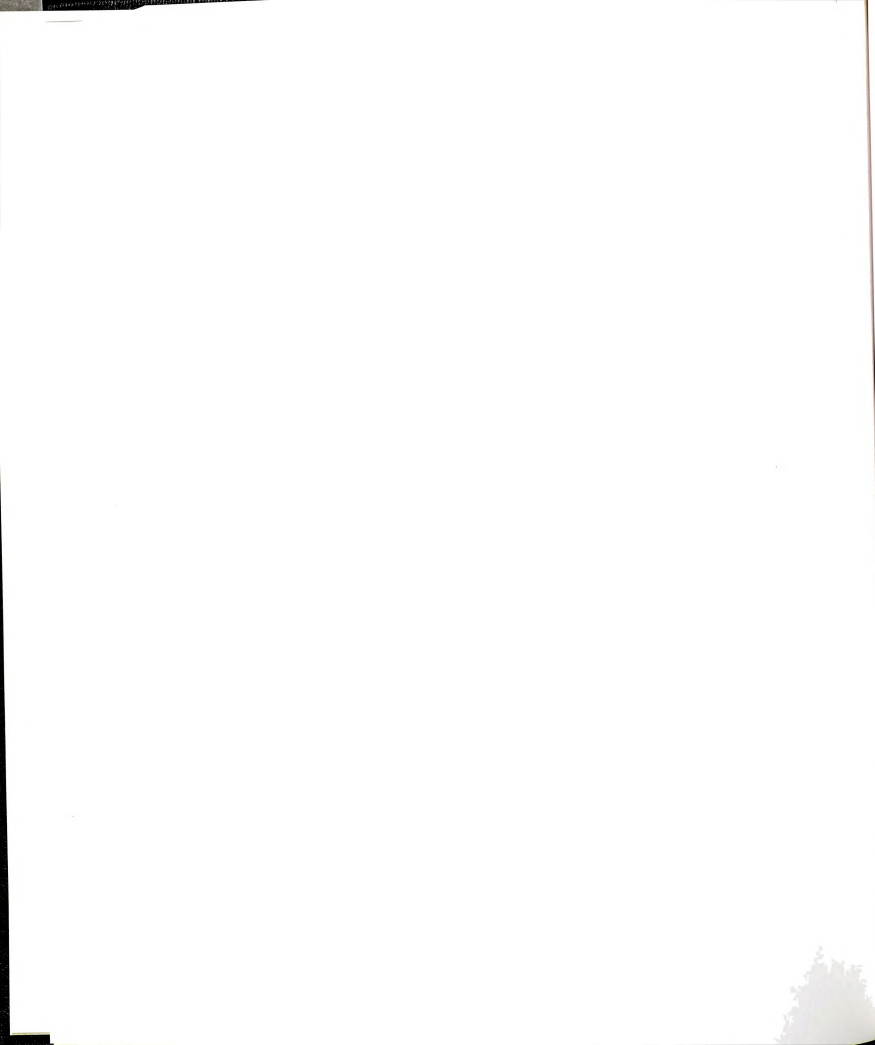
There is an entire literature on children's argumentation and argumentative discourse that could be enriched by a study of the arguments and reasons of the Kidsville Court lawyers. This study has not focused on the children's development of styles of practical argumentation, and on their uses of

evidence in their reasoning, but some of the arguments that are seen in the transcripts are worthy of further analysis from a linguistic point of view.

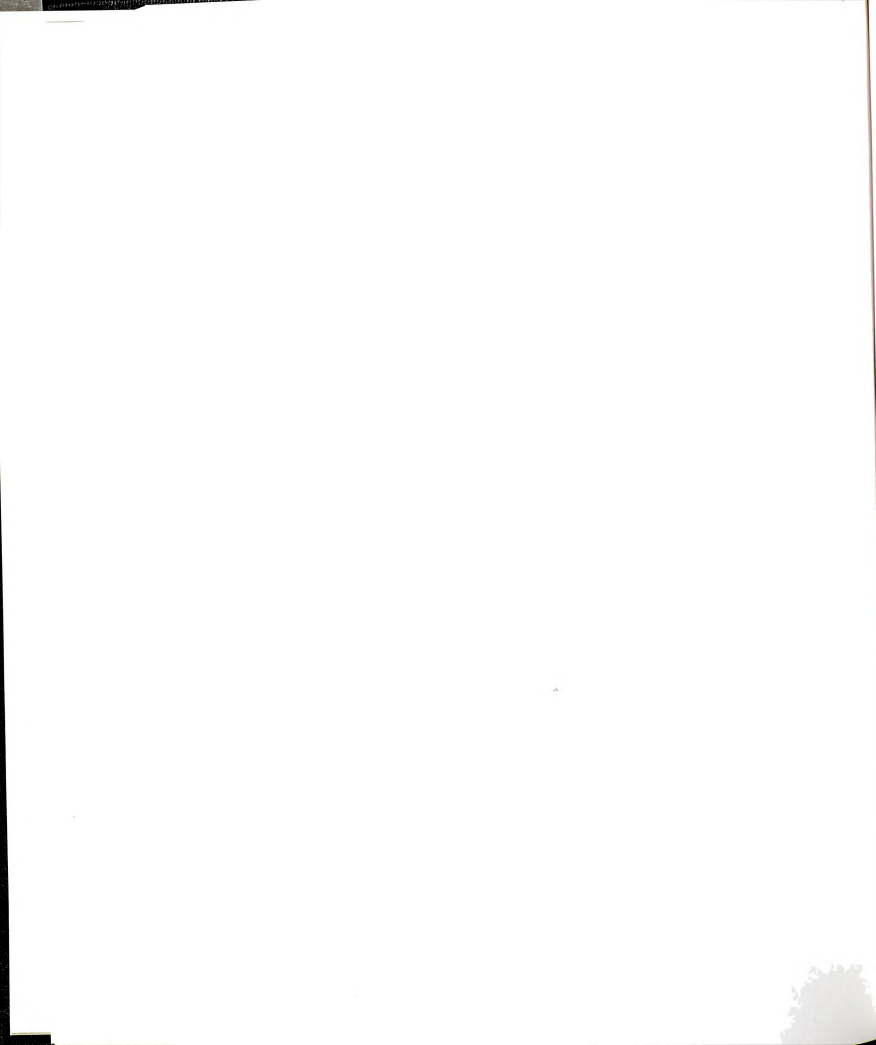
It is well understood that leadership and followership are complementary functions within groups, but since this study focuses on leadership and on specific leaders in the Kidsville Court, other participants do not receive as much attention in this analysis. There are a number of children, including some emotionally impaired children and younger children, who participate actively in the Kidsville Court. These children are also influential in their own ways, and study of their experiences can shed light on the Kidsville Court as a collaboration of leaders and of followers.

Finally, although the Kidsville Court cannot be replicated, Cole (1996) recommends a form of research that he calls "creating model activity systems." Cole's (Cole, 1995; Nicolopoulou and Cole, 1993) research on an activity system called the "Fifth Dimension" demonstrates the usefulness of such research. Cole and his colleagues created a system of games, activities and computer tasks called the "Fifth Dimension" and set up the materials and instructors in several settings for after-school clubs. The activity system is meant to operate as a microworld, with its own meanings and sets of accomplishments. Cole argues that such microsystems provide a perfect opportunity to observe the cultural development of groups that regularly attend the activity. The same would be true if one could set up a type of Kidsville experience for children and then research the way in which the activity develops.

APPENDICES



APPENDIX A



Appendix A: Coding Scheme For Coding Of Leadership And Non-Leadership Behaviors

Task-Organization Leadership Behaviors:

The focus of the leader (and others) is on organizing the court trial task itself.

The focus is on getting everything in order to “do the court trial.”

Organize The Physical Environment.

-arrange the chairs, tables, stools to get the court set up physically, and help people to get into proper places (“You’re a witness, so you sit here.” “Observers have to sit behind the bar”).

Organize Court Procedures.

-assign/ distribute roles to others or exclude others from participation (“Jerry, you’re the bailiff.” “Susan, you can’t be a lawyer.” “You need to go away, we’re busy here.” “Come here, because we need you as a witness.”)

-give approval, reminders, correction, and/or criticism to participants to maintain turn-taking, focus on task, and/ or ensure rule-following (“The plaintiff will please state the case,” “Would you like to call a witness?” “It’s not time for presentations yet.”)

-initiate a new procedure or rule or initiate changes to an existing procedure or rule (“We’re not going to allow objections during presentations anymore.” “I think we should swear in all the witnesses from now on.”)

Organize Ideas.

-solicitation of opinions, ideas of others ("Do you have any other statements to make?" "I still don't understand what are you suing for?")

-Summarize ideas, clarify points of view, relate ideas to each other to enhance meaning ("You mean that you want him to pay you for the cost of the contract?" "There is no law against it, so I think that this case should be dismissed.")

-relate, state or enforce the decisions of the court ("That objection is overruled." "You will have to pay the Kidsville money to him by Monday." "My decision is 'not guilty.'")

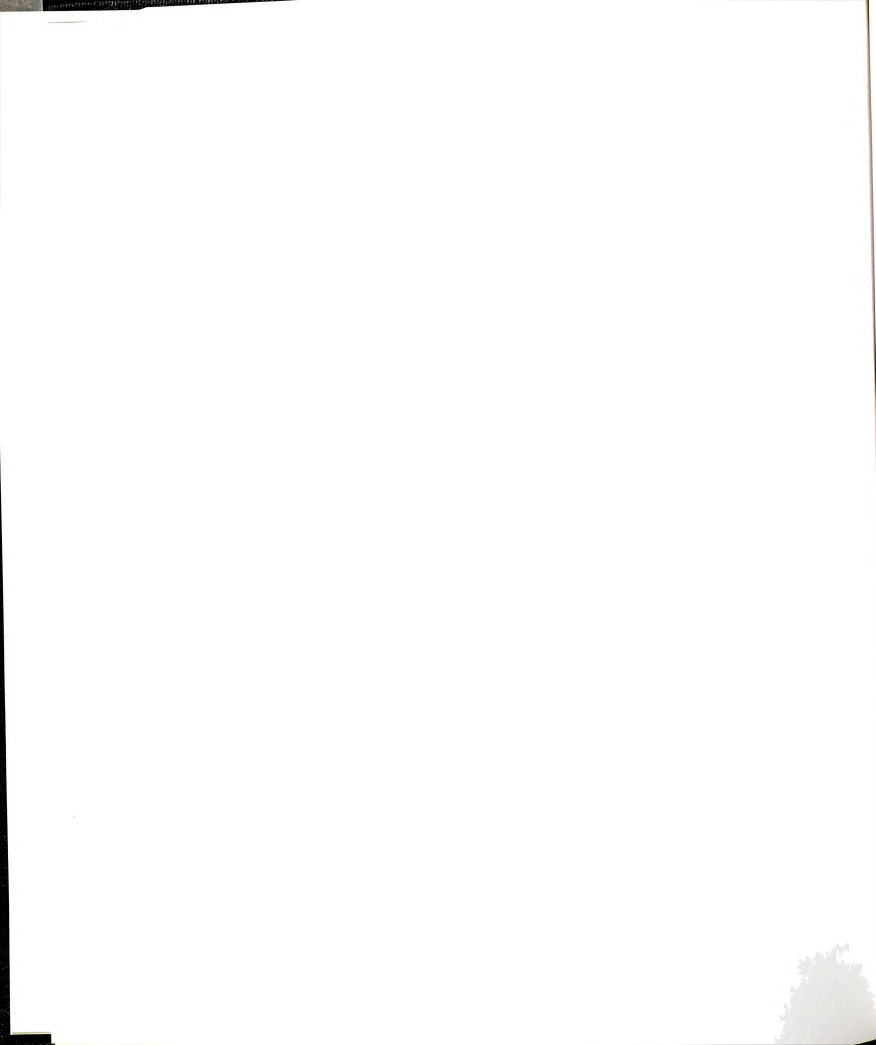
Helping Or Sanctioning Leadership Behaviors

Helping and sanctioning behaviors are specific to helping or guiding a specific other person, so that they can use the court, be supported in the court, or so that they are helped to avoid inappropriate behavior:

-help, guide, teach, give instruction to a specific other person that will help them ("If I were you, I'd get a lawyer and sue him." "You need some help with your witness? Bring him over here.")

-give helpful advice, information, praise, constructive criticism to a specific other ("You did really well with that case." "I thought you made a good decision, but the fine was too high.")

-offer emotional or interpersonal support or protection, or instrumental support to a specific other ("I'll be your lawyer," "Don't worry, he can't get away



with it. We'll sue him." "You need to pull yourself together so you can answer the questions.")

- answer questions, respond to requests for information in a helpful manner to a specific other. ("Here, follow me and I'll show you how to do it.")

- sanction inappropriate behavior, take action to stop inappropriate behavior ("Order in the court, Jim" "Stop yelling." "You have to settle down, or you'll have to leave.")

Non-Leadership Behaviors

-Compliance Or Followership

- agree with another, comply with commands or directions of other

- ask for help, advice or information ("what do I do in this court?" "Would you be my lawyer?" "What happens if he doesn't pay it?")

- physically follow, observe other(s), wait for others (observers sit quietly waiting for the judge to call court to order).

- simple procedural comments that are related to task, but not needed by the group in the organization of the task at that moment. (After the judge has made a prompt, another participant echo's it.)

- simple statement of opinion, evidence, or position ("I don't like it." "Did you see him do it?" "It's against the law.")

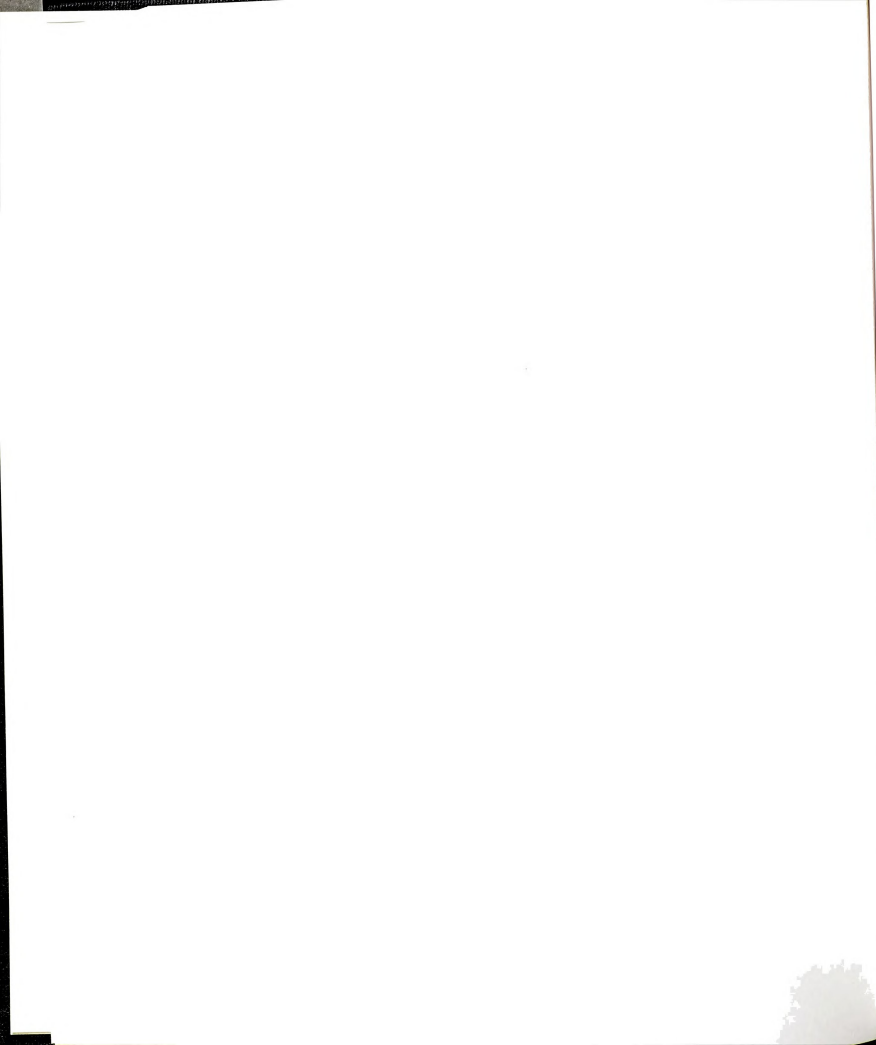
-Off-Task Or Inappropriate Behaviors:

-irrelevant or off-task comments or behaviors ("Hey judge, look at this book I found. It's been lost about a year.")

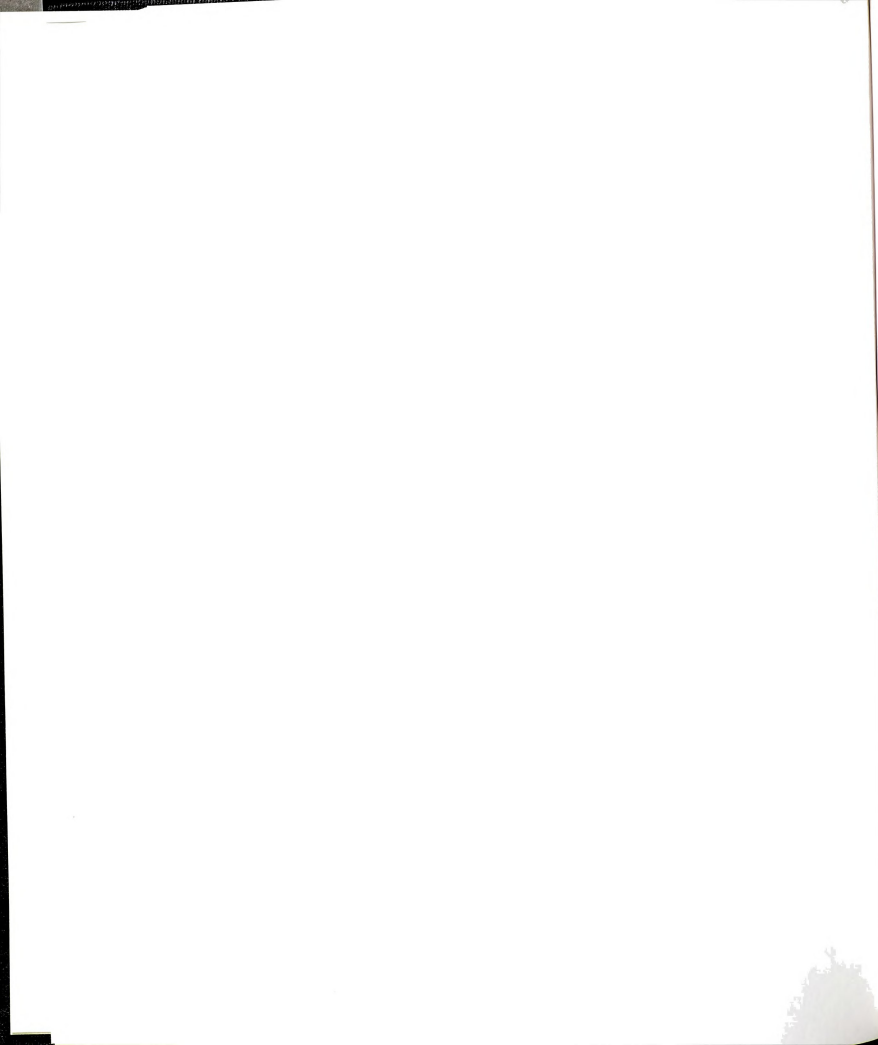
-angry outbursts, teasing, taunting, insulting, gloating, threatening ("I'm going to get you back for this, Andy." "You're going to lose this court trial, and I think it's funny." "Nobody is going to help you.")

-disobey, ignore, argue with a legitimate command/ direction/ direct order ("I don't care what the judge says, I'm not going to pay it." "I don't care about 'order in the court,' you can't tell me what to do.")

-whining, complaining about, or mocking task-related behavior of others ("Why don't you just say something, huh?" "Can you hurry it up so we can go to lunch?" "Well, that's a dumb decision.")

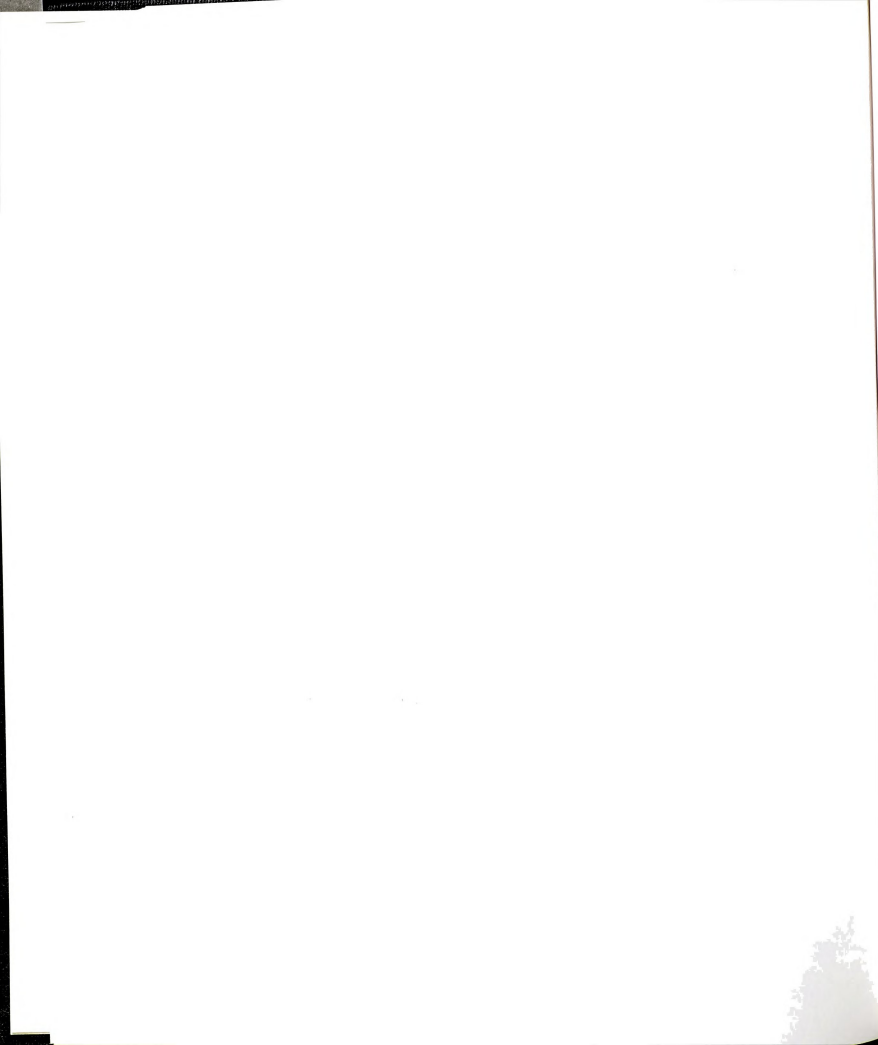


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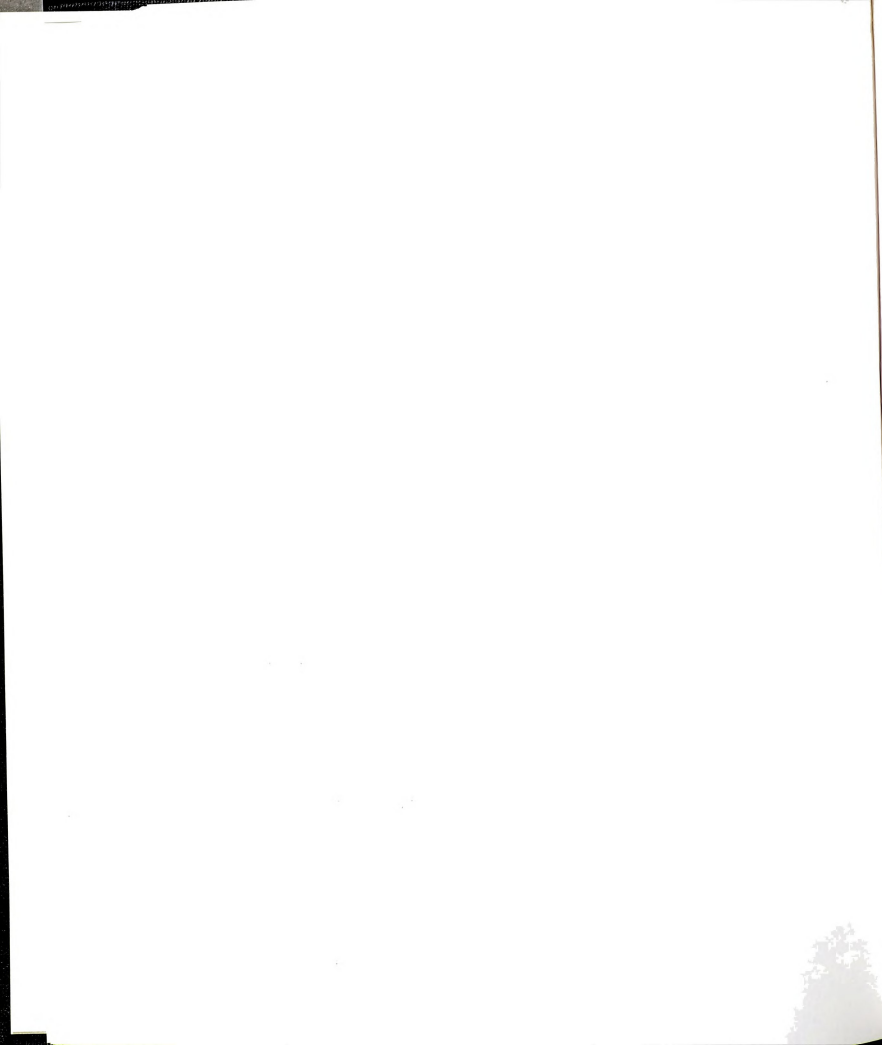
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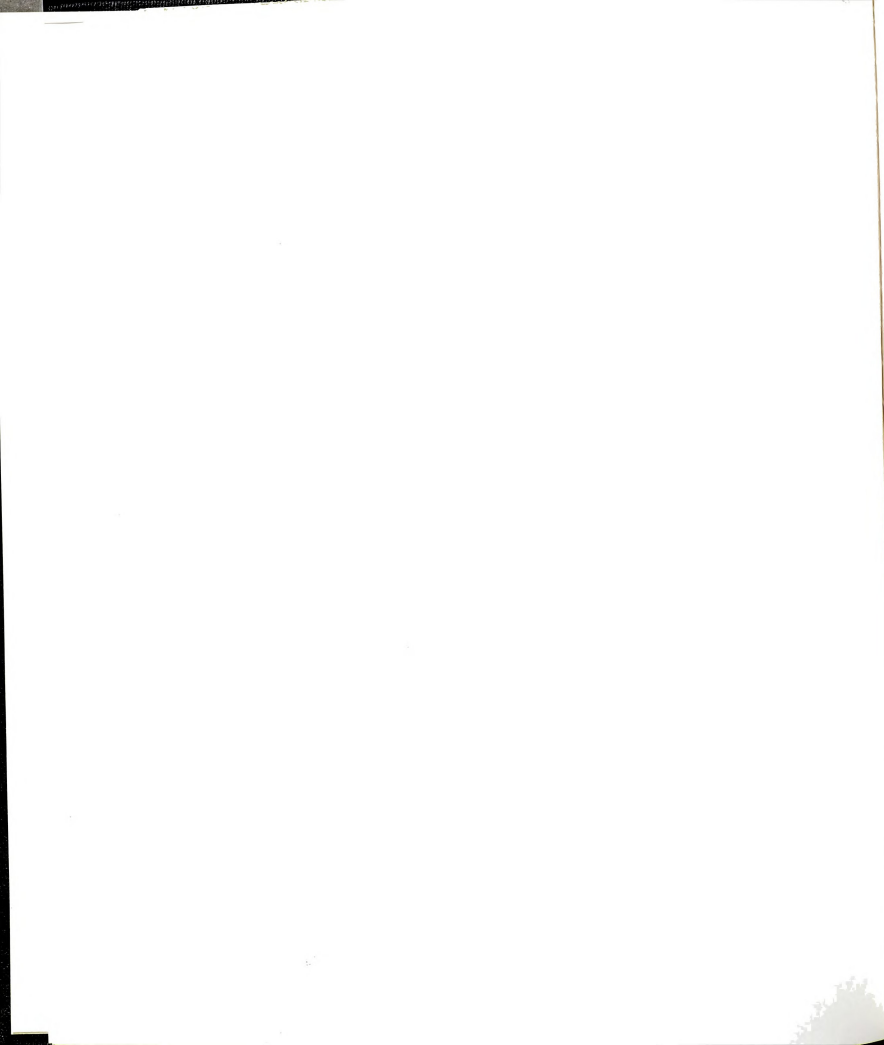
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