

Why *Play Law*?

Usually, we only write term papers in our seminars. There is nothing special about it anymore. Creating a game, in turn, is completely different. It is a challenge, but where is the connection to the seminar? To be more precise, where is the connection to “Medializing Law?”

Within the context of our seminar, we have read and talked a lot about how law is medialized. There are, for instance, biased news reports about real cases like *People of the State of California vs. Orenthal James Simpson* (1994) and judge shows like *Judge Judy* (1996-present) and *Richterin Barbara Salesch* (1999-2012) which partly convey a false image of how the law works. We also discussed different TV series like *CSI: Criminal Investigation Scene* (2000-present), *The Wire* (2002-2008) and *The Sopranos* (1999-2007). It quickly became obvious that these series are mainly about crime and investigation, but hardly about what happens in the courtroom. Moreover, compared to the vast number of crime series and their spin-offs, there are few courtroom series. In fact, we can name only three or four of them while it takes only seconds to name more than a dozen crime series.

In the beginning of June, we finally asked ourselves whether there are any other medial representations of law. Is law almost entirely medialized via a news report here, a few judge shows there and crime series everywhere? What about other ways, other mediums? What about games? We know, of course, *Cluedo* and *Black Stories*, but these again are only concerned with crime and investigation. Thus, new questions arose: Are there any games about the courtroom at all? If not, why? Would it be too boring? Would players simply need too much background knowledge which laymen do not possess? Would there be a problem with the degree of realism that could be achieved? We wanted to find out.

First of all, a game set in the courtroom is possible to create. Though this is a serious situation in real life, it can be made fun in a game. Nevertheless, we decided to include also the crime, i.e. a murder, as well as the investigation preceding the trial in our game. One reason was that, even if you only play out a trial in a game, you need to find a case that can be brought to court and you need evidence to prove either the suspect’s innocence or guilt. Apart from this, the game is simply more fun. It may sound as if the game really mirrors what is going on in real life. However, there is no need for the players to have special background knowledge about law. They do not need to know any laws or precedents of the American

legal system to play the game. This has the added advantage that it allows for more complexity because the players are completely free to use their imaginations for their closing statements. We do not deny that background knowledge would add a special zest, though.

Concerning the representation of reality, this really was a bit tricky. There are different aspects of a trial that cannot realistically be included in a game. As we wanted to focus on criminal law, we decided to deal only with murder cases. Otherwise, we would have had problems creating cards that would match. Moreover, our decision made having a jury necessary. Yet how is it possible to include a jury in a game? Unfortunately, we cannot lock people into the box and have them as jury when needed, although this might be quite tempting in some cases.... One of the players/teams could also be the jury while the other is giving the closing statement. But this would mean risking the case's coming to an objective decision. Another possibility that an extra player whose only task would be to represent the jury is also not ideal, because most of the game would be quite boring for him/her. Finally, the use of a kind of wheel of fortune is not reasonable either, since law is not a game of chance. Besides, the first part of the game, the investigation, would be superfluous as well. In the end, we decided to not use a real jury, but to let the first player/team giving the closing statement win with the possibility of the other player/team to raise objections. With this decision, we could also prevent the second player/team from giving a closing statement as well which contradicts the situation in a real murder trial. Without a jury, there is also no one to decide on the sentence.

All in all, creating a game that would mirror law in every aspect is not possible. Especially the end of a trial is difficult to depict realistically. Some amendments and compromises are necessary, but, then, it is only a game. It is a model of reality which portrays a part of life in a simplified way and is not supposed to be realistic in every aspect.

There is also another connection between game and seminar. In creating the game, it became obvious how strongly we have been affected by the media in our perceptions of law. For one thing, the case players draw at the beginning of the game can be as ridiculous as those seen in *Judge Judy* or *Richterin Barbara Salesch*. It is rather absurd, for example, that the murder victim may serve as a witness during the trial. For another thing, the investigation and the event cards like an attractive witness seduces the investigator or the invalid attorney's certificate were inspired by books and television, not reality. Besides, talking about murder and thinking about causes of death, murder weapons, pieces of evidence and all the other cards was a lot of fun. Witnessing a murder or seeing a corpse is something terrible that leaves its marks on someone. However, there is so much murder in the media, with crime

series leading the way in their presentations, that murder lost its horror long ago. Ironically, this gave us the possibility to create a great and funny game.