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**Multisensory law and therapeutic jurisprudence: How family mediators can
better communicate with their clients**

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MULTISENSORY LAW AND THERAPEUTIC JURISPRUDENCE: HOW
FAMILY MEDIATORS CAN BETTER COMMUNICATE WITH THEIR CLIENTS

Colette R. Brunshawig*

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I. BACKGROUND

A. *Family Mediation as a Practical Application of Expert-Lay Communication*

I would like to introduce family mediation as a practical application of expert-lay communication. What does this mean? According to Rainer Bromme and Riklef Rambow, experts are “persons . . . who need to cope with complex professional tasks [Personen . . . die komplexe berufliche Anforderungen bewältigen].”¹ They therefore need to gain “both theoretical (science-based and taught) knowledge and practical experience [sowohl theoretisches (wissenschaftsbasiertes und akademisch vermitteltes) Wissen als auch praktische Erfahrungen].”²

Since mediators are lawyers, psychologists, or members of other professional groups—for example, social workers—the aforementioned features apply to them. Laypersons, however, “may be persons affected by the kind of problems with which experts are concerned, but they lack both the training and the institutional framework conditions to solve such problems on their own, nor do they aspire to do so [Personen, die zwar von den Problemen betroffen sind, für die die Experten zuständig sind, denen aber die Ausbildung und die institutionellen Rahmenbedingungen für eine eigenständige Problemlösung fehlen, und die diese auch gar nicht anstreben].”³

As a rule, the parties to a family mediation are laypersons with respect to the legal and psychological aspects of their conflict issues. Normally, laypersons do not want to become experts. Instead, they would like to be understood by the expert as well as understand the expert.⁴ This also holds true for the parties to a family mediation.

According to Bromme and Rambow, the purpose of expert-lay communication is to enable laypersons to make informed decisions.⁵ I shall explore this fundamental point in further detail below.

¹ Rainer Bromme & Riklef Rambow, *Experten-Laien-Kommunikation als Gegenstand der Expertiseforschung*, in *PSYCHOLOGIE* 2000 541, 542 (Rainer K. Silbereisen & Matthias Reitzle eds., 2001) (citations omitted), http://www.psyl.uni-muenster.de/imperia/md/content/psychologie_institut_3/ae_bromme/pdf/veroeffentlichung/2001/93broram01exp-lai.pdf.

² *Id.*

³ *Id.* This article is also addressed to the German-speaking legal community. For this reason, I have included the original German version of the text. Since the German-speaking legal community especially might be unfamiliar with multisensory law and therapeutic jurisprudence, I have taken the liberty of extensively quoting the relevant literature.

⁴ *Id.*

⁵ *See id.* at 542, 544.

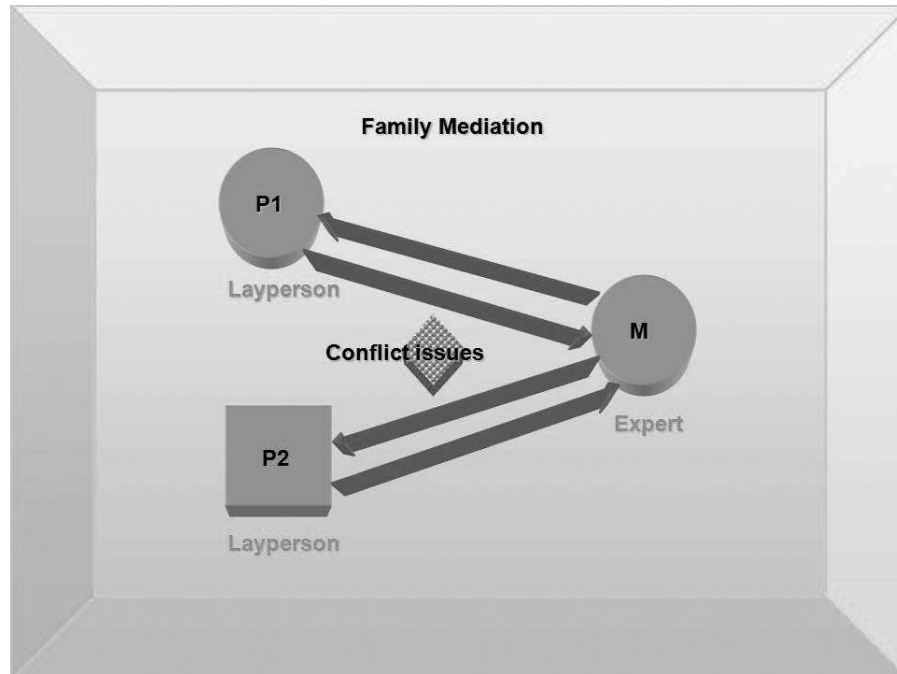


Fig. 1. Family Mediation as Expert-Lay Communication

B. Family Mediation: An Interdisciplinary Field

Family mediation is an interdisciplinary field that draws particularly on insights from law and psychology. Family mediation adopts knowledge from family law, the law of civil procedure, therapeutic jurisprudence, and multisensory law.⁶ Both therapeutic jurisprudence and multisensory law, or at least some branches of the latter, play an important role in Anglo-American jurisdictions. The insights from psychology stem, for instance, from the psychology of emotion, communication, motivation, and problem solving.⁷

⁶ See LEO MONTADA & ELISABETH KALS, *MEDIATION: EIN LEHRBUCH AUF PSYCHOLOGISCHER GRUNDLAGE* 4-5, 38-43 (2d ed. 2007) (discussing family mediation as an interdisciplinary field). I will explain ‘therapeutic jurisprudence’ and ‘multisensory law’ later. See *infra* Part IV.

⁷ See Stephen J. Anderer & David J. Glass, *A Therapeutic Jurisprudence and Preventive Law Approach to Family Law*, in *PRACTICING THERAPEUTIC JURISPRUDENCE: LAW AS A HELPING PROFESSION* 207, 207-14 (Dennis P. Stolle et al. eds., 2000).

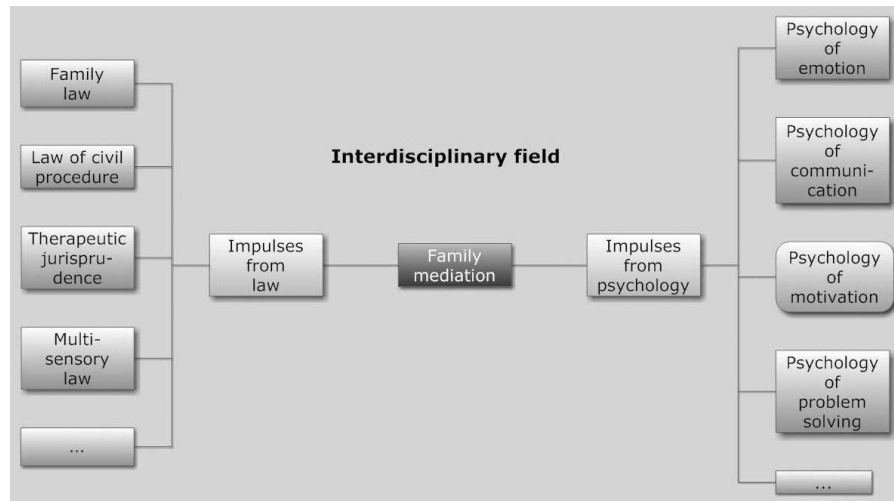


Fig. 2. Family Mediation: An Interdisciplinary Field

II. FAMILY MEDIATION: KNOWLEDGE GAPS, DIFFICULTIES, AND A CONTRADICTION

A. *Family Mediation as Expert-Lay Communication: Knowledge Gaps and Difficulties*

Regarding expert-lay communication, there are knowledge gaps in mediation and thus also in family mediation.

Particularly in legal linguistics and legal theory, there is a debate on whether the law is comprehensible to laypersons and, indeed, to legal experts.⁸

⁸ E.g., Gérard Cornu, *Compréhension ou incompréhension du droit? Sombre verdict*, in VOL. 1, DIE SPRACHE DES RECHTS 63, 63-68 (Kent D. Lerch ed., 2004), http://edoc.bbaw.de/volltexte/2011/1858/pdf/063_Cornu_Comprehension_ou_incomprehension_du_droit.pdf; see also Spiros Simitis, *Verständlichkeit des Rechts: Illusion oder konkrete Utopie? Notizen zu einer end-, aber nicht sinnlosen Kontroverse*, in VOL. 1, DIE SPRACHE DES RECHTS 393, 393-403 (Kent D. Lerch ed., 2004), http://edoc.bbaw.de/volltexte/2011/1879/pdf/393_Simitis_Verstaendlichkeit_des_Rechts.pdf (discussing the comprehensibility of economic regulations). See generally Ursula Christmann, *Verstehens- und Verständlichkeitsmessung: Methodische Ansätze in der Anwendungsforschung*, in VOL. 1, DIE SPRACHE DES RECHTS 33, 33-62 (Kent D. Lerch ed., 2004), http://edoc.bbaw.de/volltexte/2011/1857/pdf/033_Christmann_Verstehens_und_Verstaendlichkeitsmessung.pdf (discussing the research on the factors associated with the intelligibility of a text); Silvia Hansen-Schirra & Stella Neumann, *Linguistische Verständlichmachung in der Juristischen Realität*, in VOL. 1, DIE SPRACHE DES RECHTS 167, 167-84 (Kent D. Lerch ed., 2004), http://edoc.bbaw.de/volltexte/2011/1864/pdf/167_Hansen_Schirra_und_Neumann_Linguistische_Verst.pdf (reviewing the comprehensibility of laws from a linguistic perspective); Kent D. Lerch, *Recht verstehen: Eine Vorbemerkung*, in VOL. 1, DIE SPRACHE DES RECHTS XV (Kent D. Lerch ed., 2004), http://edoc.bbaw.de/volltexte/2011/1890/pdf/XV_Lerch_Recht_verstehen._Eine_

This discourse on the comprehensibility of law also concerns questions about expert-lay communication in the legal context. As I shall argue below, multisensory law and therapeutic jurisprudence are concerned with the comprehensibility of the law and endeavor to establish its comprehensibility by means other than the written word alone.

Expert-lay communication is also the subject of research in educational psychology and cognitive psychology. As mentioned, one case in point is Bromme and Rambow's paper *Expert-Lay Communication as a Subject Matter of Expertise Research [Experten-Laien-Kommunikation als Gegenstand der Expertenforschung]*.⁹

Put simply, the difficulty with expert-lay communication usually consists of the gaps in both knowledge and experience between experts and laypersons. The latter as a rule lack professional knowledge and experience or, if such knowledge and experience exist, usually it is either incomplete or the understanding thereof is incorrect.¹⁰ This can imply that laypersons have difficulties in understanding expert statements.¹¹

In family mediation the difficulty with expert-lay communication stems from the mediator's expert knowledge—mainly in law, psychology, and mediation. Normally, the lay parties to a mediation only possess limited knowledge, or, if they have more extensive knowledge, such knowledge is sometimes inaccurate. Such a constellation might entail that the parties either do not fully understand or else misunderstand their mediator's statements. For instance, parties might be unable to clearly distinguish between postnuptial alimony (German: *nachehelicher Unterhalt*), the old-age provision (German: *Altersvorsorge*), and the division or allocation of matrimonial property (German: *güterrechtliche Auseinandersetzung*).¹² In the course of the mediation process, they might constantly confuse these issues.

Potentially, these communication difficulties cause emotional stress or intensify the stress that the matrimonial conflict has already caused.¹³ Further,

Vorbemerkung.pdf (discussing the historical advances in reliability and comprehensibility of the law).

⁹ See generally Rainer Bromme & Riklef Rambow, *Experten-Laien-Kommunikation als Gegenstand der Expertiseforschung*, in *PSYCHOLOGIE 2000 supra* note 1, at 541-50 (discussing expert-lay communication).

¹⁰ See *id.* at 543-44.

¹¹ See, e.g., Stephan Breidenbach, *Vermittlung von Recht im Konflikt*, in *GRENZÜBERSCHREITUNGEN: BEITRÄGE ZUM INTERNATIONALEN VERFAHRENSRECHT UND ZUR SCHIEDSGERICHTSBARKEIT* 83, 83-84 (Brigit Bachmann et al. eds., 2005), <http://www.knowledgetools.de/download/Vermittlung-von-Recht-im-Konflikt.pdf>.

¹² As I am a Swiss lawyer, I provide German translations of these technical terms for the benefit of German-speaking family mediators and lawyers.

¹³ See, e.g., Pauline H. Tesler, *Collaborative Law: What It Is and Why Lawyers Need to Know About It*, in *PRACTICING THERAPEUTIC JURISPRUDENCE: LAW AS A HELPING PROFESSION*

such confusion might even trigger physical stress, such as severe headaches, raised blood pressure, chest pains, and so forth.¹⁴

B. Comprehension Difficulties and the Principle of Knowledgeability

The parties' potential or existing difficulties in understanding legal or legally relevant contents contradict one of the five principles of mediation:¹⁵ the knowledgeability of the parties, which states that they possess appropriate information, which thereby allows them to make informed decisions.¹⁶

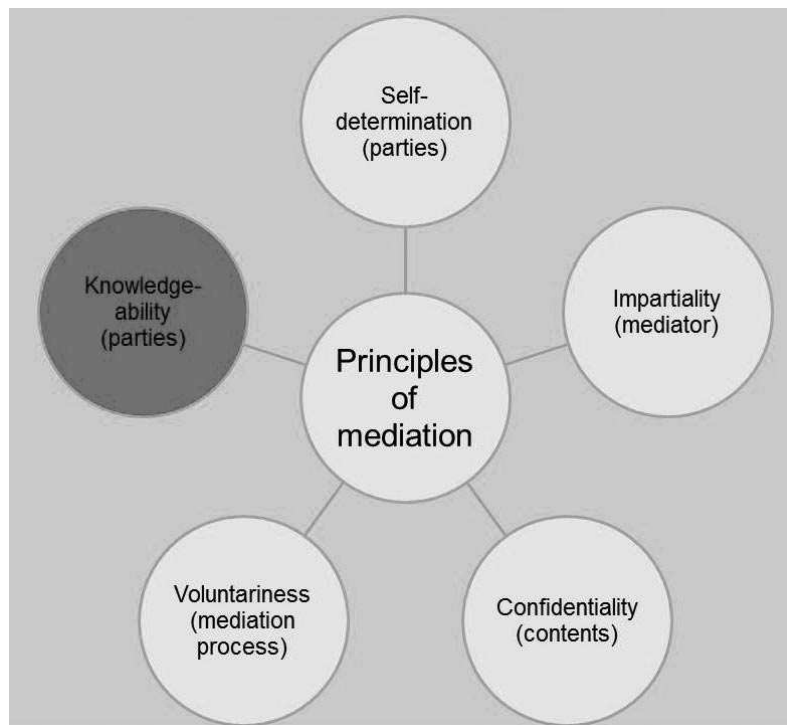


Fig. 3. The Five Principles of Mediation

187, 190 & nn.10-11 (Dennis P. Stolle et al. eds., 2000) (discussing the stress caused by a divorce).

¹⁴ See, e.g., GEORGE S. EVERLY, JR. & JEFFREY M. LATING, *A CLINICAL GUIDE TO THE TREATMENT OF THE HUMAN STRESS RESPONSE* 7-14, 63-77 (2d ed. 2002) (regarding the stress response, stressors, and physiological effects of stress).

¹⁵ See CAROLINE BONO-HÖRLER, *FAMILIENMEDIATION IM BEREICHE VON EHETRENNUNG UND EHESCHIEDUNG* 64-71 (1999) (discussing the five principles of mediation); see also ISAAK MEIER, *SCHWEIZERISCHES ZIVILPROZESSRECHT: EINE KRITISCHE DARSTELLUNG AUS DER SICHT VON PRAXIS UND LEHRE* 585-86 (2010) (discussing the five principles of mediation).

¹⁶ See BONO-HÖRLER, *supra* note 15, at 67.

With respect to this principle, Isaak Meier observes:

In mediation, the parties self-responsibly decide how to resolve their conflict—the mediator only supports them in this process. Only an informed person can make self-determined decisions. The principle of informed consent or knowledgeability ensures that the parties only waive legal positions in favor of a self-responsible agreement, provided that they know the legal and factual situation. [In der Mediation entscheiden die Parteien selbstverantwortlich über die Konfliktlösung—der Mediator unterstützt sie darin bloss. Selbstbestimmte Entscheidungen können aber nur von einer informierten Person getroffen werden. Das Prinzip der Informiertheit garantiert, dass die Parteien nur in Kenntnis der Rechts und Tatsachenlage auf Rechtspositionen zugunsten einer eigenverantwortlichen Vereinbarung verzichten].¹⁷

III. KEY QUESTIONS

Given the problems I have just raised, several key questions need to be addressed: (1) How could multisensory law and therapeutic jurisprudence contribute to filling the knowledge gaps between experts and laypersons in family mediation, as well as those gaps concerning communication in family mediation itself?; (2) Which solutions do multisensory law and therapeutic jurisprudence offer to reducing the parties' comprehension difficulties and emotional stress?; and (3) Do these approaches contribute to safeguarding the principle of informed consent or knowledgeability? This article focuses primarily on the second question.

The second question involves various subquestions: (1) Which multisensory law and therapeutic jurisprudence approaches to reducing client comprehension difficulties and emotional stress are already used in family mediation?; and (2) Which approaches could family mediation adopt from multisensory law and therapeutic jurisprudence to reduce such comprehension difficulties and emotional stress? To answer these questions, two related preliminary questions need to be considered: what are multisensory law and therapeutic jurisprudence?

¹⁷ MEIER, *supra* note 15, at 586.

IV. MULTISENSORY LAW AND THERAPEUTIC JURISPRUDENCE: A ROUGH OUTLINE

A. *Multisensory Law*

I have already clarified the term ‘multisensory law’ in my article *Multisensory Law and Legal Informatics*.¹⁸ However, this article might not be readily accessible to an international audience. The online version was published in a German-language, password-protected environment. In what follows, I shall therefore reiterate the main points of my original argument, as well as my comments on the subject matter and cognitive interest of multisensory law. For the sake of readability, I shall not indicate every quote but, instead, I refer the reader to my article.

1. Multisensory Law: A Preliminary Definition

Understanding the term *multisensory law* requires clarifying the adjective *multisensory*, the noun *law*, and how these terms are related.¹⁹

For the purpose of this article, *law* is understood in a broad sense. It encompasses the sources of law in a wide sense (including verbal sources of law in a strict sense, state legal practice in a strict sense, customary law, and jurisprudence—that is, legal research and education), legal practice (comprising state legal practice in a wide sense and private legal practice), the contents of justice, legal and legally relevant facts, the contents of popular legal culture, and further legally relevant contents.²⁰

As regards the adjective *multisensory*, the psychology of perception, learning psychology, and the neurosciences distinguish between *stimuli* and their perception. Thus, multisensory implies that human beings are affected by two or more different external or internal stimuli. These stimuli are different because they address various human sensory systems, such as the visual sensory system, the auditory sensory system, or indeed both, and so forth. Moreover, these stimuli coincide in space and time. Regarding the effect of these stimuli on human perception, two or more perceptive systems are constantly and simultaneously active.²¹

¹⁸ Colette R. Brunshawig, *Multisensory Law and Legal Informatics: A Comparison on How These Legal Disciplines Relate to Visual Law*, in STRUKTURIERUNG DER JURISTISCHEN SEMANTIK 573, 581 (Anton Geist et al. eds., 2011), <http://www.rwi.uzh.ch/oe/zrf/abtrv/brunshawig/BrunshawigCRMultisensoryLawandLegalInformatics.pdf>.

¹⁹ *Id.* at 581.

²⁰ *Id.* at 590-91.

²¹ See *id.* at 581-83; RAINER GUSKI, WAHRNEHMUNG: EINE EINFÜHRUNG IN DIE PSYCHOLOGIE DER MENSCHLICHEN INFORMATIONSAUFNAHME 173-76 (2d rev. ed. 2000); Tommy Raij & Veikko Jousmäki, *MEG Studies of Cross-Modal Integration and Plasticity*, in THE HANDBOOK OF MUL-

Multisensory stimuli also occur in the context of family mediation—for example, a discussion between a mediator and his or her clients. In this case, for all actors the stimuli are at least audiovisual, if not also tactile-kinesthetic—that is, stimuli involving touch and movement. Sender and addressees can hear, see, and perhaps also feel such stimuli; moreover, these coincide in space and time. If two or more sensorily different stimuli are at work, then the actors' or parties' various sensory perception systems are involved. This also applies to the actors—the parties and the mediator—in family mediation.

The adjective *multisensory* modifies the noun *law*. Multisensory tells us what kind of law is at stake—namely, a law that is *multi*-sensory with all its implications.

2. Multisensory Law: Subject Matter and Cognitive Interest

What is the subject matter of multisensory law? Put simply, this emerging legal discipline focuses on the sensory phenomena of the law, be they visual (unisensory), audiovisual, or tactile-kinesthetic (multisensory). More specifically, multisensory law mainly deals with the law as a uni- and multisensory phenomenon within and outside the legal context.²² I shall explain the relevance of this point to family mediation below.²³

It is helpful to formulate the cognitive interest of multisensory law in terms of various key questions. Lionel Bently, for instance, asks: “How does law sense? . . . How does law constitute our notions of the senses? How does law control or regulate our senses? How does law use our senses? Which senses does law use?”²⁴

Against this background, what about the relationship between multisensory law and family mediation? Considering this relationship involves focusing on the sensory phenomena in this special area and asking how family mediators and the parties concerned use their senses, or could use, them for effective communication, that is, to achieve mutual comprehension and reduce stress. Following Bently's cue, we thus need to ask how does family mediation *sense* or rather how could it *sense*?

TISENSORY PROCESSES 515, 515 (Gemma A. Calvert et al. eds., 2004); Bernd Weidenmann, *Multicodierung und Multimodalität im Lernprozess*, in INFORMATION UND LERNEN MIT MULTIMEDIA UND INTERNET 45, 47 (Ludwig J. Issing & Paul Klimsa eds., 3d rev. ed. 2002).

²² Brunshwig, *supra* note 18, at 592-99.

²³ See discussion *infra* Part VI.B.2.

²⁴ Lionel Bently, *Introduction to LAW AND THE SENSES: SENSATIONAL JURISPRUDENCE* 1, 2 (Lionel Bently & Leo Flynn eds., 1996) (citations omitted).

B. *Therapeutic Jurisprudence*

1. Therapeutic Jurisprudence: A Preliminary Definition

Understanding the term therapeutic jurisprudence requires clarifying the adjective *therapeutic*, the noun *jurisprudence*, and how these terms are related.

According to Merriam-Webster's Online Dictionary of American English, "jurisprudence" means "the science or philosophy of law," "a system or body of law," and "the course of court decisions."²⁵ As far as I know, neither Bruce Winick nor David Wexler, the two co-founders of therapeutic jurisprudence, explicitly circumscribe the term jurisprudence. Instead, their notion of its subject matter appears to be broad, involving all the different components of law.²⁶

Merriam-Webster's Online Dictionary gives the following definitions of the adjective *therapeutic*: "relating to the treatment of disease or disorders by remedial agents or methods" or "providing or assisting in a cure."²⁷ Further, the dictionary entry mentions the following synonyms: "curative," "healing," and "restorative."²⁸ Among other terms, Winick uses the noun "psychological health."²⁹ He also uses "psychological health" and "healing and wellness."³⁰ Wexler talks about "psychological well-being."³¹ From these terms I infer that the adjective *therapeutic* can, among other meanings, be understood as causing or promoting healing, psychological health, or psychological well-being. I would even go as far as to talk about *therapeutic* as promoting cognitive, emotional, and physical well-being.³²

²⁵ *Jurisprudence*, MERRIAM-WEBSTER, <http://www.merriam-webster.com/dictionary/jurisprudence> (last visited Apr. 19, 2012).

²⁶ See Dennis P. Stolle et al., *Integrating Preventive Law and Therapeutic Jurisprudence: A Law and Psychology Based Approach to Lawyering*, 34 CAL. W.L. REV. 15, 19 (1997); David B. Wexler, *Practicing Therapeutic Jurisprudence: Psycholegal Soft Spots and Strategies*, in PRACTICING THERAPEUTIC JURISPRUDENCE: LAW AS A HELPING PROFESSION 45, 45-47 (Dennis P. Stolle et al. eds., 2000); David B. Wexler, *TJ and Criminal Law Practice*, in REHABILITATING LAWYERS: PRINCIPLES OF THERAPEUTIC JURISPRUDENCE FOR CRIMINAL LAW PRACTICE 3, 3-10 (David B. Wexler ed., 2008) [hereinafter *TJ and Criminal Law Practice*]; Bruce J. Winick, *Overcoming Psychological Barriers to Settlement: Challenges for the TJ Lawyer*, in THE AFFECTIVE ASSISTANCE OF COUNSEL 341, 341-42 (Marjorie A. Silver ed., 2007); Bruce J. Winick, *Therapeutic Jurisprudence: Enhancing the Relationship Between Law and Psychology*, in LAW AND PSYCHOLOGY 30, 32-36 (Current Legal Issues Vol. 9, Belinda Brooks-Gordon & Michael Freeman eds., 2006) [hereinafter *Therapeutic Jurisprudence*]; *infra* notes 29-31 and accompanying text.

²⁷ *Therapeutic*, MERRIAM-WEBSTER, <http://www.merriam-webster.com/dictionary/therapeutic> (last visited Apr. 19, 2012).

²⁸ *Id.*

²⁹ *Therapeutic Jurisprudence*, *supra* note 26, at 33.

³⁰ *Id.*

³¹ *TJ and Criminal Law Practice*, *supra* note 26, at 3.

³² MICHAEL KING ET AL., NON-ADVERSARIAL JUSTICE 22, 31-32 (2009).

The adjective *therapeutic* modifies the noun *jurisprudence*. Thus, therapeutic tells us what kind of jurisprudence or law is at stake—namely, a jurisprudence or law that is therapeutic with all its implications.

2. Therapeutic Jurisprudence: Subject Matter and Cognitive Interest

What is the subject matter of therapeutic jurisprudence? In answering this question, Winick also comments on the aims of therapeutic jurisprudence:

Therapeutic jurisprudence is an interdisciplinary approach to legal scholarship and law reform that sees law itself as a therapeutic agent. The basic insight of therapeutic jurisprudence is that legal rules, legal practices, and the way legal actors (such as judges, lawyers, governmental officials, police officers, and expert witnesses testifying in court) play their roles impose consequences on the mental health and emotional wellbeing of those affected. Therapeutic jurisprudence calls for the study of these consequences with the tools of behavioural sciences. The aim is to better understand law and how it applies, and reshape it to minimize its anti-therapeutic effects and maximize its therapeutic potential. Therapeutic jurisprudence is interdisciplinary in that it brings insights from psychology and the social sciences to bear on legal questions, and it is empirical in that it calls for the testing of hypotheses concerning how the law functions and can be improved.³³

With respect to the cognitive interest of therapeutic jurisprudence, one of its key questions—which I am deducing from the subject matter of therapeutic jurisprudence—is how cognitive, emotional, and physical well-being can or could be promoted in the legal and legally relevant context.

What about therapeutic jurisprudence and family mediation? Relating these two fields would imply that family mediation approaches the law as a *therapeutic agent*. Such a view would consider the therapeutic or antitherapeutic effects of the law. This, I hasten to add, is by no means a majority view. Furthermore, family mediation would maximize the therapeutic potential of the law and minimize its antitherapeutic potential. Thus, one of the key questions of family mediation would be how to promote the cognitive, emotional, and physical well-being of both the parties and the mediator.

So far, I have roughly outlined multisensory law and therapeutic jurisprudence. In what follows, I shall focus on how multisensory law and therapeutic jurisprudence might help reduce the parties' comprehension difficulties and

³³ *Therapeutic Jurisprudence*, *supra* note 26, at 32 (emphasis removed).

their emotional stress in family mediation. In doing so, I need to distinguish between approaches already applied in family mediation and approaches that are or would be new to family mediation and that could be adopted there. In considering approaches already applied in family mediation, I would like to raise your awareness of such approaches. Should you already be a practicing mediator or intend to become one, I encourage you to use these approaches both consciously and critically.

V. COMMON MULTISENSORY LAW AND THERAPEUTIC JURISPRUDENCE
APPROACHES TO FAMILY MEDIATION

A. *Common Multisensory Law Approaches to Family Mediation*

Multisensory law has various branches: those most important to family mediation include visual law, audiovisual law, and tactile-kinesthetic law.³⁴ These branches matter because they help us explore and better conceptualize the visual, audiovisual, and tactile-kinesthetic phenomena occurring in family mediation.

1. Legal Visualizations in Family Mediation

Visual law primarily refers to the law as a visual phenomenon within and outside the legal context. Such phenomena also occur in family mediation. As a rule, family mediation takes place in the legal context. Since the visual phenomena in family mediation convey legal or legally relevant contents, I term them *legal visualizations*. Two principal kinds of legal visualizations occur in family mediation: material and immaterial (mental) legal visualizations.

a. *Examples of material legal visualizations*

Material legal visualizations cover legal, psychological, and mediation-specific issues. Psychological and mediation-specific issues are legally relevant because they often tend to have an impact on the legal solution envisaged by the parties. Legal visualizations with legal contents can be further subcategorized according to the respective branches of law: family law, the law of civil procedure, mediation law, and so forth.

For instance, information graphics visually representing the ordinary marital property regime (German: ordentlicher Güterstand) are legal visualizations with legal contents. In Switzerland, the sharing of the property acquired during marriage (German: Errungenschaftsbeteiligung) constitutes this marital prop-

³⁴ See Brunschwig, *supra* note 18, at 641.

erty regime.³⁵ A Swiss text book on family law provides an information graphic visually representing the sharing of the property acquired during marriage.³⁶ *Do You Know the Law? [Kennst du das Recht?]*, a visual law book for children and adolescents, contains a legal visualization that both illustrates and explains how a patchwork family came into being.³⁷ Should a conflict arise between the former wife and the remarried former husband, a family mediator could show this legal visualization to the children from the father's first and second marriages, since they might be affected by the conflict between their biological parents.

Legal visualizations can also include psychological contents; Guy Bodenmann has developed a verbo-visual model based on stress theory to explain the possible causes of divorce.³⁸

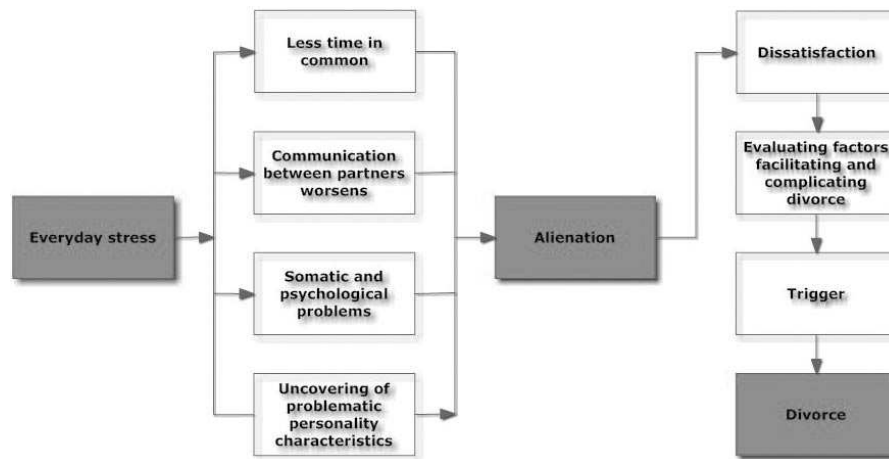


Fig. 4. Divorce Model from Stress Theory

Family mediators could use this legal visualization to explain which factors have potentially contributed to the existing conflict and therefore to the possibly imminent divorce. Recently, the Sidney Mediation Partnership published

³⁵ SCHWEIZERISCHES ZIVILGESETZBYCH [ZGB], CODE CIVIL [CC], CODICE CIVILE [CC] [CIVIL CODE] SR 210, art. 196 (Switz.), available at <http://www.admin.ch/ch/e/rs/2/210.en.pdf>; see THOMAS SUTTER-SOMM & FELIX KOBEL, FAMILIENRECHT 70, 70 nn.304-95, 70 n.431 (2009) (regarding the sharing of the property acquired during marriage).

³⁶ See SUTTER-SOMM & KOBEL, *supra* note 35, at, 70 n.304 (regarding legal visualization).

³⁷ See CAROLINE WALSER KESSEL, KENNST DU DAS RECHT? EIN SACHBUCH FÜR KINDER UND JUGENDLICHE MIT ILLUSTRATIONEN UND FALLBEISPIELEN 224 (2011).

³⁸ See GUY BODENMANN, VERHALTENSTHERAPIE MIT PAAREN 36 Fig. 9 (2002).

two self-help books for children on separation and divorce.³⁹ These narrative books also contain legal visualizations that deal with the psycho-legal issues involved.⁴⁰ Should the clients talk about the causes of their children's visiting difficulties, the family mediator could show them a picture representing the "emotional bridge."⁴¹ With respect to this "bridge," Joachim Schreiner observes:

The expression "**emotional bridge**" symbolizes the **parental relationship** (before and after the separation) from the mother's, the father's, and the child's perspective. The emotional bridge virtually constitutes a synthesis of these three different perspectives. To cross the emotional bridge means walking from the mother to the father and backwards on visiting days.

The following remarks are oriented toward the metaphor of a **suspension bridge that needs to be crossed** (spanning two mountains on which two cottages in which the parents live are represented).

. . . The requirements for successful contact with the other parent (symbolized by the child crossing the bridge) can be described as follows:

- The stronger and securer the bridge, the easier it becomes for the child to cross (moving from one parent to the other on visiting days).
- The more stable and quieter the bridge, the more easily the child can develop and take its own position and cross the bridge calmly (attenuation of loyalty conflicts; development of autonomy).

[Der Ausdruck „**emotionale Brücke**“ steht sinnbildlich für die **elterliche Beziehung** (vor und nach der Trennung) aus der Sicht von Mutter, Vater und Kind. Die emotionale Brücke ist quasi eine Synthese aus diesen drei verschiedenen Blickwinkeln. Die emotionale Brücke überqueren heisst, an den Besuchstagen von der Mutter zum Vater und umgekehrt zu gehen.

³⁹ *Sidney Mediation Publications*, SIDNEY MEDIATION PARTNERSHIP, <http://www.sydneymediation.com.au/books-sydney-mediation.php> (last visited Apr. 19, 2012).

⁴⁰ *See id.*

⁴¹ *See* Joachim Schreiner, *Anhang Ausgewählte psychologische Aspekte im Zusammenhang mit Trennung und Scheidung*, in VOL. 2, SCHEIDUNG 782, 855 n.215 (Ingeborg Schwenzer ed., 2d ed. 2010).

Die folgenden Ausführungen orientieren sich an der Metapher einer zu **überquerenden Hängebrücke** (zwischen zwei Bergen, auf denen zwei Hütten abgebildet sind, in denen die Eltern wohnen).

. . . Bedingungen für erfolgreiche Kontakte zum anderen Elternteil (in der Symbolik die Überquerung der Brücke) können wie folgt umschrieben werden:

- Je stärker und sicherer die Brücke, desto leichter fällt dem Kind deren Überquerung (Wechsel von einem Elternteil zum anderen an den Besuchstagen).
- Je stabiler und ruhiger die Brücke, desto eher kann das Kind eine eigene Position entwickeln und einnehmen und in Ruhe die Brücke überqueren (Milderung von Loyalitätskonflikten; Autonomieentwicklung).⁴²

In my research, I have found legal visualizations of mediation specific contents, such as visually designed forms.⁴³ Gary Friedman and Jack Himmelstein have designed legal visualizations to illustrate and explain how a family mediator could proceed to better understand the parties and to facilitate mutual understanding.⁴⁴ Moreover, I have also found a visualization comparing mediation with arbitration.⁴⁵

b. Examples of mental legal visualizations

Probably, the mental legal visualizations used by family mediation could also be divided into subcategories, but since I have not found many such visualizations, I dispense with categorization. Instead, I would like to consider three examples of such visualizations: ideas of justice, verbal images, and the miracle question.

On ideas of justice, Leo Montada and Elisabeth Kals note:

Our sense of justice is based on our persuasions about justice. They are not congruent with legal rights. This can be illustrated by divorce conflicts. In legally dealing with divorce conflicts, basically only claims to assets, maintenance, and benefits are relevant. Only these are justiciable. To a large

⁴² *Id.* at 854-56, 854 nn.215-16 (citations omitted).

⁴³ See JUTTA HOHMANN & DORIS MORAWE, PRAXIS DER FAMILIENMEDIATION: TYPISCHE PROBLEME MIT FALLBEISPIELEN UND FORMULAREN BEI TRENNUNG UND SCHEIDUNG 233-45 (2001).

⁴⁴ GARY J. FRIEDMAN & JACK HIMMELSTEIN, CHALLENGING CONFLICT: MEDIATION THROUGH UNDERSTANDING 108-13, 108 & figs. 6.3-7 (2009).

⁴⁵ See ESTHER HAAS & TONI WIRZ, MEDIATION: KONFLIKTE LÖSEN IM DIALOG 55 (3d rev. ed. 2011).

extent, 'verified jurisdiction' largely schematizes the claims that can be asserted. In many cases, such ruling schemata do not do justice to the sense of justice of the parties and their points of view. The psychological situation of many divorce conflicts is much more complicated. What has to be analyzed?

Previous relations of exchange. Psychologically, the parties make up the balance of their previous relations of exchange. They base their claims on these subjective balances. Whether such claims are made explicit, is another question. These claims are assessed by the counterparty. To be able to adequately accomplish this in mediation, one must consider the psychology of justice in close relationships, because presumably a close personal relationship existed prior to separation and divorce.

[Rechtsgefühle basieren auf Gerechtigkeitsüberzeugungen. Sie sind nicht mit Rechtsansprüchen deckungsgleich. Dies lässt sich an Scheidungskonflikten illustrieren. In der rechtlichen Behandlung von Scheidungskonflikten sind im Wesentlichen nur Vermögens-, Unterhalts- und Versorgungsansprüche relevant. Nur diese sind justiziabel. Was an Ansprüchen geltend gemacht werden kann, ist in ‚gesicherter Rechtssprechung‘ weitgehend schematisiert. Diese juristischen Urteilsschemata werden den Rechtsgefühlen der Parteien und ihren Sichtweisen in vielen Fällen nicht gerecht. Die psychologische Situation vieler Scheidungskonflikte ist viel komplizierter. Was muss analysiert werden?

Bisherige Austauschbeziehungen. Psychologisch werden von den Parteien die bisherigen Austauschbeziehungen zwischen den Parteien bilanziert. Auf der Basis dieser subjektiven Bilanzen werden Forderungen gestellt. Ob sie explizit erhoben werden, ist eine andere Frage. Erhobene Forderungen werden von der Gegenpartei bewertet. Um dies in der Mediation angemessen leisten zu können, muss man sich mit der Psychologie der Gerechtigkeit in nahen Beziehungen befassen, denn vor der Trennung und Scheidung hat wohl meist einmal eine nahe Beziehung bestanden.]⁴⁶

⁴⁶ MONTADA & KALS, *supra* note 6, at 131 (translation by Dr. Mark Kyburz).

Family mediators also use mental images or rather mental legal visualizations evoked by verbal images. For instance, Jutta Hohmann and Doris Morawe recommend such visualizations:

Metaphors constitute an instrument of indirect communication, and their purpose is to trigger search processes for solving the conflict within the conflict couples. They allow pictorial understanding and provide orientation through “going on the balcony” and affording a distanced view on their own story.

A metaphor is about transferring a situation to an image or a figurative locution. Metaphors are instruments of analog communication and serve to convey a message to the addressee. The mediator tells the parties a story, a fairy tale, a simile, or an anecdote depicting the essential elements of the couple’s conflict situation. In doing so, the mediator either makes up such an account or takes one from literature. However, he or she can also use images and metaphors contributed to the mediation process by the parties.

The persons and events occurring in the metaphor should correspond to the persons and situation of the conflict couple. . . . The conscious use of metaphors or figurative language helps relax the parties and releases their creativity and problem-solving energies.

[Metaphern sind ein Instrument indirekter Kommunikation und haben die Aufgabe, Suchprozesse zur Konfliktlösung in den Konfliktpaaren auszulösen. Sie ermöglichen bildhaftes Verstehen und verschaffen Orientierung durch den „Gang auf den Balkon“ und den distanzierten Blick auf die eigene Geschichte.

Bei einer Metapher handelt es sich um die Übertragung eines Sachverhaltes in ein Bild oder eine bildliche Redewendung. Metaphern sind Instrumente analoger Kommunikation und dienen dazu, dem Adressaten eine Botschaft zu übermitteln. Der Mediator erzählt den Medianten eine Geschichte, ein Märchen, ein Gleichnis oder eine Anekdote, die die wesentlichen Elemente der Konfliktsituation des Paares abbildet. Hierbei kann es sich um eine Geschichte handeln, die sich der Mediator ausdenkt oder der Literatur entnimmt. Er kann aber auch die Bilder und Metaphern

nutzen, die die Medianten selbst in den Mediationsprozess einbringen.

Personen und Ereignisse in der Metapher sollten den Personen und der Situation des Konfliktpaares entsprechen. . . . Bewusster Einsatz von Metaphern entkrampft und setzt bei den Medianten Kreativität und Lösungsenergie frei.]⁴⁷

Some family mediators also ask the parties the *miracle question*. On this kind of question, Peter Liatowitsch observes:

A classic element of systemic therapy comes about in the following way: “Imagine you go to bed tonight, . . . and sleep And while you are sleeping, a miracle happens, and the problem you described to me has disappeared. How would you (more systemically speaking, your wife, your supervisor, your friends, etc.) notice or realize this?” Now this cast one’s counterpart into a mental state into which he or she is thrown after the solution (in which he or she had almost stopped believing, which is why a miracle is necessary!) has been found. This “simulates” the sense of well-being and opens up new resources, which in turn facilitates the envisioning of solutions that make possible such a desirable change.

[Ein Klassiker aus der systemischen Therapie kommt etwa in der folgenden Art daher: „Stellen Sie sich vor, Sie gehen heute abend [sic], . . . zu Bett und schlafen Und während Sie schlafen geschieht ein Wunder und das Problem, das Sie mir schilderten, ist verschwunden. Woran würden Sie (systemischer noch: Ihre Frau, Ihr Chef, Ihre Freunde etc.) das merken?“ Hier wird das Gegenüber in denjenigen Zustand versetzt, in welchem es sich nach Eintritt der Lösung (an die es selbst fast nicht mehr glaubt, deshalb ist das Wunder nötig!) versetzt. Das Gefühl des Wohlbefindens, das Öffnen neuer Ressourcen, all das wird „simuliert“ und dadurch der Blick auf Lösungen, die eine solche erstrebenswerte Veränderung möglich machen, erleichtert] ⁴⁸

⁴⁷ HOHMANN & MORAWE, *supra* note 43, at 200 (citations omitted); *see also* GUNTER SCHLICKUM & EVA WEILER, PRAXISBUCH MEDIATION: FALLDOKUMENTATIONEN UND METHODIK ZUR KONFLIKTLÖSUNG 37-38 (1st ed. 2008).

⁴⁸ Peter Liatowitsch, *Anhang Mediation*, in VOL. 2, SCHEIDUNG 719, 761 n.91 (Ingeborg Schwenzer ed., 2d ed. 2010) (citations omitted).

I would add that the sense of well-being is not only simulated but also *stimulated*. Thus, mediators could suitably employ legal visualizations when asking parties about their visions and utopian dreams.⁴⁹

c. Comment

While preparing this article, I limited myself to consulting merely a few relevant publications. I would, however, like to comment on the visualizations that caught my attention.

Apparently, there are not many legal visualizations with legal contents—and ones with psychological and mediation-specific contents are even more scarce. As far as I can see, these visualizations ordinarily address experts, but rarely the parties themselves—despite Stephan Breidenbach's appeal for using visualizations in expert-lay communication, particularly in mediation.⁵⁰ As a non-mediator, I would ask whether and, if applicable, which legal visualizations family mediators actually use or rather would use with lay parties so that they better understand the legal, psychological, and mediation-specific contents involved, and as a result experience less emotional and/or physical stress.

It would be important for mediators to account for the legal visualizations they use. This would help them keep distinct the subject-specific areas of a case at hand. The legal visualizations discussed here might provide initial orientation.

That aside, there might exist legal visualizations in family mediation to which all three or at least two content-specific criteria apply. Such a legal visualization could be one with legal and mediation-specific contents or a legal visualization depicting legal, psychological, and mediation-specific contents. Such mixed legal visualizations bear the risk of being overloaded with information, which might overwhelm the parties and therefore adversely affect their well-being.

Other criteria for categorizing legal visualizations in family mediation might include their target audience and functions.

2. Legal Audiovisualizations in Family Mediation

a. Examples of legal audiovisualizations in family mediation

We can tentatively subdivide the legal audiovisualizations occurring in family mediation similarly to legal visualizations, according to their legal, psychological, and mediation-specific contents—except that to my knowledge there are no immaterial or mental legal audiovisualizations. For example, *Fam-*

⁴⁹ *See id.*

⁵⁰ *See* Breidenbach, *supra* note 11.

ily Law Disk 2: *Preparing Your Client for a Court-Ordered Custody Mediation* seems to be a DVD whose contents are predominantly legal.⁵¹

One example of a legal audiovisualization with psychological contents is *Don't Divorce the Children*, a film about the emotional effects of separation and divorce on children.⁵² In this film, children tell their stories about the effects of their parents' divorce on them.⁵³ According to Florentine Films Sherman Pictures, the film's producers, "this film has become mandatory viewing in court-ordered divorce workshops in a dozen states."⁵⁴ However, legal and mediation-specific topics are covered only marginally.

Family Mediation [Familienmediation] is a two-part training video devoted mainly to mediation-specific contents.⁵⁵ On the basis of a concrete divorce case, the first part demonstrates how a typical family mediation proceeds.⁵⁶ With the aid of this case, Lis Ripke, a family lawyer and family mediation expert, explains and comments on the five phases of mediation.⁵⁷ The second part of the video provides relevant background information: the earlier impulses for developing the family mediation procedure, statements of the founding fathers of divorce mediation in the United States, post-mediation experiences of divorced couples, and so forth.⁵⁸

Electronic family mediation, or e-family mediation, also produces legal audiovisualizations. Such mediation is undertaken in the form of online-video conferences.⁵⁹ Given the context from which these kind of audiovisualizations emerge, they might cover legal, psychological, and mediation-specific contents.

b. Comment

I would like to comment on the aforementioned legal audiovisualizations and on other legal audiovisualizations in family mediation. Given the growing significance of the new media in the legal context, it is difficult to assess how

⁵¹ See DVD: *Family Law Disk 2: Preparing Your Client for a Court-Ordered Custody Mediation or Evaluation* (Diana Mercer 2009) (on file with author).

⁵² *Don't Divorce the Children*, FLORENTINE FILMS, <http://www.florentinefilms.com/sherman/films/dont-divorce-the-children> (last visited Apr. 19, 2012); *DON'T DIVORCE THE CHILDREN* (Filmworks 1990). See generally JENNIFER M. LEWIS & WILLIAM A. H. SAMMONS, *DON'T DIVORCE YOUR CHILDREN: CHILDREN AND THEIR PARENTS TALK ABOUT DIVORCE* (1999) (discussing both legal and psychological topics).

⁵³ *Don't Divorce the Children*, *supra* note 52; *DON'T DIVORCE THE CHILDREN*, *supra* note 52.

⁵⁴ *Don't Divorce the Children*, *supra* note 52; *DON'T DIVORCE THE CHILDREN*, *supra* note 52.

⁵⁵ Videotape: *Trainingsvideo Familienmediation* (Verlag C.H. Beck 1999) (on file with author).

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ See, e.g., ETHAN M. KATSH & JANET RIFKIN, *ONLINE DISPUTE RESOLUTION: RESOLVING CONFLICTS IN CYBERSPACE* 135-62 (2001).

many such visualizations exist. In the Karlsruhe Virtual Catalogue,⁶⁰ I ran searches using the keywords ‘family mediation’ and ‘DVD’ or ‘video.’ It is not useful at this juncture to discuss the hits in any detail. Instead, I encourage readers to conduct the searches themselves. Using the same keywords to search Amazon⁶¹ and YouTube,⁶² I found many more results.

Given the vast amount of legal audiovisualizations available online, it is not possible to watch them all. Hence, I cannot conclusively determine whether these audiovisual legal phenomena lend themselves well to content-based categorization (legal, psychological, mediation-specific, or mixed). Other subdivision criteria include the *target audiences* of such legal audiovisualizations: laypersons—conflict parties or potential conflict parties of a family mediation—and experts—practicing or future mediators. A second type of subdivision would be the *media* used for disseminating legal audiovisualizations: video, DVD, the Internet. A third type divides them by their *functions*: information, persuasion, instruction, and so forth.

To date, scholars have neither critically analyzed nor evaluated such legal audiovisualizations. Such analysis or evaluation could be undertaken, for example, to assess whether such films render legal, psychological, and mediation-specific topics more intelligible, and thereby contribute to reducing the emotional stress of the parties. More specifically, we might ask what role the visual, audio, or sound elements of such films play in reaching those goals.

As e-mediation is still a rather new phenomenon, I do not know whether e-family mediation using video conferences is much practiced. If it is, then we need to consider whether such a virtual form of family mediation meets the standards of therapeutic jurisprudence. In other words, does it or would it help promote both the parties’ and the mediator’s well-being or is it at risk of producing antitherapeutic effects?⁶³ Peter Adler claims that further research needs to be conducted on the emotional, cognitive, and physical impact of the different sensory modalities in e-mediation, such as seeing, hearing, smelling, and so forth.⁶⁴

⁶⁰ See *Karlsruhe Virtual Catalog*, KARLSRUHER INSTITUT FÜR TECHNOLOGIE, <http://www.ubka.uni-karlsruhe.de/kvk.html> (last updated Feb. 4, 2012).

⁶¹ AMAZON, <http://www.amazon.com> (last visited Apr. 19, 2012).

⁶² YOUTUBE, <http://youtube.com> (last visited Apr. 19, 2012).

⁶³ See, e.g., Peter Adler, *eMediation—Können wir die MediatorIn einsparen?*, in WIRTSCHAFTSMEDIATION ZWISCHEN THEORIE UND PRAXIS 21, 22 (Schriften zur Rechtspolitik Vol. 24, Michael Gruber et al. eds., 2005), <http://www.peteradler.at/ueberpa/docs/AdlerSalzburg2005.pdf>.

⁶⁴ See *id.* at 25, 28.

3. Legal Tactile-Kinesthetics in Family Mediation

a. Examples of legal tactile-kinesthetics in family mediation

Tactile-kinesthetics are an aspect of family mediation literature that adopts a psychological perspective. Commentators here consider the non- and paraverbal aspects of communication in the family mediation context. Thus, Montada and Kals observe: “Profound analysis is called for in almost all cases. Besides, verbal communication, it is necessary to give particularly close attention to nonverbal communication (facial expression, gesture, physical appearance, but also proxemics such as behaviour in space, and so forth) and paraverbal communication (for instance, pitch, volume, speaking rate, pauses). [In fast allen Fällen ist eine Tiefenanalyse des Geschehens notwendig. Dazu ist es notwendig, neben der verbalen Kommunikation vor allem die nonverbale Kommunikation (Mimik, Gestik, körperliches Erscheinungsbild, aber auch Proxemik als Verhalten im Raum etc.) und paraverbale Kommunikation (z.B. Tonhöhe, Lautstärke, Sprechgeschwindigkeit, Pausensetzung) zu beachten].”⁶⁵

The authors become even more specific:

Establishing rapport means that the communication partners (for example, the party to the conflict and the mediator) establish “good contact.” This can occur verbally, non-, and paraverbally. . . . Establishing rapport non- and paraverbally is also called “pacing.” This involves mirroring one’s counterpart’s posture. One tunes into the breathing rhythm, speaking rate, pitch, and so forth of one’s opposite number

[Die Aufnahme von Rapport bedeutet, dass die Kommunikationspartner (z.B. Konfliktpartei und Mediator) miteinander einen „guten Kontakt“ herstellen. Dies kann auf verbaler, non- und paraverbaler Ebene geschehen. . . . Eine Rapportaufnahme) [sic] auf non- und paraverbaler Ebene wird auch „Pacing“ [sic] genannt (Gleichschritt herstellen). Dabei wird beispielsweise die körperliche Haltung des anderen gespiegelt. Man stellt sich auf den Atemrhythmus, die Sprechgeschwindigkeit, die Tonhöhe etc. des anderen ein]⁶⁶

Accordingly, the mediator can invite the parties to role play a scenario. Here, Montada and Kals note: “Role play can afford insight into one’s own communication, and escalation patterns respectively. During role playing, the

⁶⁵ MONTADA & KALS, *supra* note 6, at 197-98.

⁶⁶ *Id.* at 210 (citations omitted).

conflict parties first take their own position and then their conflict partner's [Einsicht in die eigenen Kommunikations- bzw. Eskalationsmuster kann durch ein Rollenspiel vermittelt werden, bei dem die Konfliktparteien zunächst ihre eigene Position und anschliessend die Position des jeweiligen Konfliktpartners vertreten]."⁶⁷

Furthermore: "[M]ediation work corresponds to the image of a Russian doll (babushka). Here, smaller babushkas are placed inside another or others: basically, the entire mediation process corresponds . . . to this scheme of analysis and solution. All important problems are analyzed following the same basic structure. [[E]ntspricht die Mediationsarbeit dem Bild einer russischen Puppe (Babuschka), bei der in einer grossen Puppenhülle kleinere, aber formidentische Puppen geschachtelt sind: Der Gesamtprozess der Mediationsarbeit entspricht—mit kleineren Abweichungen und Ergänzungen—im Wesentlichen auch diesem Analyse- und Lösungsschema. Nach dem gleichen Grundschema werden zudem alle wichtigen Probleme analysiert.]"⁶⁸ To explain their work, mediators can place the babushka in the hands of the parties so that they experience his or her content in a tactile-kinesthetic way.

b. Comment

To my knowledge, only a few legal tactile-kinesthetics exist in family mediation, which does not, however, rule out the existence of other such phenomena. Given the small amount of data, I dispense with categorization. Crucially, we should note that such non- and paraverbal phenomena also occur in family mediation.

B. Common Therapeutic Jurisprudence Approaches to Family Mediation

I would like to give two examples of common therapeutic jurisprudence approaches to family mediation. Since both have been widely discussed in the relevant therapeutic jurisprudence literature, there is no need for further comment here.

1. Considering Emotions

In mediation and particularly in family mediation, great importance is attached to emotions, especially to those of the parties. Thus, Meier asserts: "Emotional expressions are not only allowed, but, as a matter of fact, particularly desirable, because they often initially open up a way to the true back-

⁶⁷ *Id.* at 208.

⁶⁸ *Id.* at 217 (citations omitted).

grounds of the legal dispute. [Emotionale Äusserungen sind nicht nur erlaubt, sondern sogar besonders erwünscht, weil sie oft erst den Weg zu den wahren Hintergründen des Rechtsstreits öffnen.]”⁶⁹

Here we might also refer to the work of Mills on therapeutic jurisprudence:

In general, the legal profession has resisted even the suggestion that emotion should play a role in the practice of law, especially in the interaction between lawyers and clients. While no one would probably deny that lawyers are actors in the legal dramas they produce, we are trained to believe that the advocate’s job is to gather facts and to develop a reasoned strategy that will win a client’s case. Distance and detachment remain the guiding principles of an effective practice.

Because of my sympathies to a more therapeutic approach, and my own experience as a therapist, I learned in my legal practice to rely on psychological skills to improve my effectiveness as a lawyer. What I found was that when I ignored the emotional dimensions of a case, I was not only less effective, but in some cases, incompetent.⁷⁰

In order to render communication with clients more effective, Mills suggests that the lawyer, and therefore also the family mediator, account for this aspect of lawyering:

What makes you melt into tears? What makes you angry? If a client disapproves, or asks many questions, or is needy—how do these responses affect you? How do your responses reflect your childhood experiences? Who in your family tends to be impatient? Who in your family takes a long time to tell a story? How do you generally react when someone reminds you of that person?

Ultimately, you should learn how to enter an interaction and to temper your emotional responses to your clients. If your client needs you to be strong, be strength. If your client needs to see you as vulnerable, reveal your vulnerabilities.⁷¹

⁶⁹ MEIER, *supra* note 15, at 587 n.1080; *see also* MONTADA & KALS, *supra* note 6, at 144-68 (regarding the role of emotions in mediation).

⁷⁰ Linda G. Mills, *Affective Lawyering: The Emotional Dimensions of the Lawyer-Client Relation*, in *PRACTICING THERAPEUTIC JURISPRUDENCE: LAW AS A HELPING PROFESSION* 419, 421 (Dennis P. Stolle et al. eds., 2000).

⁷¹ *Id.* at 444.

In sum, therapeutic jurisprudence focuses on both the emotions of the parties and on those of the lawyer—specifically as the family mediator.

2. Verbal Communication Techniques

Mediation manuals and the legal discourse—particularly that of the law of civil procedure—advise (family) mediators to apply particular verbal communication techniques, such as active listening. The same applies to the discourse of therapeutic jurisprudence. The point of such techniques is to better understand the client or the parties not only cognitively but also emotionally.

Winick observes:

Attorneys need to be able to develop techniques for putting the client at ease so that he or she can feel comfortable in expressing emotion. When the client holds on to strong feelings and does not express them, as will be the case when those feelings are repressed or denied, decision-making is inevitably distorted. Being able to express one's emotions has the salutary effect of freeing the individual to think more clearly

A number of approaches by the attorney may be helpful in facilitating the client's willingness to express emotions to the attorney. Lawyers need to learn how to be good listeners. To do so, attorneys need to understand that a lawyer-client counseling session is a dialogue, not a speech. To have a true dialogue, attorneys need to stop speaking at some point and allow the room to become silent, thereby encouraging the client to speak. . . . Attorneys need to convey to their clients that they genuinely wish to listen to them and that they are eager to hear and understand their problems. In listening to their clients, attorneys need to be attentive, nonjudgmental, and sympathetic. The attorney should validate the feelings expressed by the client, making appropriate verbal and nonverbal responses that express interest, caring, warmth, and sympathy.⁷²

⁷² Bruce J. Winick, *Client Denial and Resistance in the Advance Directive Context: Reflections on How Attorneys Can Identify and Deal With a Psycholegal Soft Spot*, in PRACTICING THERAPEUTIC JURISPRUDENCE: LAW AS A HELPING PROFESSION 327, 340 (Dennis P. Stolle et al. eds., 2000) (citations omitted); see also DAVID A. BINDER ET AL., LAWYERS AS COUNSELORS: A CLIENT-CENTERED APPROACH 41-63 (3d rev. ed. 2011) (regarding active listening).

VI. NEW MULTISENSORY LAW AND THERAPEUTIC JURISPRUDENCE
APPROACHES TO FAMILY MEDIATION

Now that we have looked at various approaches common to family mediation, multisensory law, and therapeutic jurisprudence, I would like to continue with a few reflections on approaches within multisensory law and therapeutic jurisprudence that are new to family mediation, and which it could fruitfully adopt.

A. *Common Aim as a Basis*

Multisensory law and therapeutic jurisprudence have one aim in common: they both aspire to reduce the stress of the legal actors and of those persons affected by the law, such as the parties to a family mediation.

Multisensory law attempts to reach this aim by developing non-verbocentric (non-verbal) approaches that complement verbal legal or legally relevant communication. These approaches help legal actors and laypersons better cope with the flood of legal information and the complexity of law.⁷³ In doing so, multisensory law observes two key principles of good design: “less is more”⁷⁴ and “keep it not too simple”; the design should be appropriate to the needs of the target audience.⁷⁵ I will return to these points later.

Therapeutic jurisprudence aims to reduce stress by considering people’s well-being and by seeking to avoid antitherapeutic effects. Related to the context of family law, Stephen Anderer and David Glass raise questions that might serve multisensory law and therapeutic jurisprudence as a compass: “‘How does that make you feel?’ A lawyer . . . would probably say that the question should be, ‘Do you think that’s fair?’ A therapeutic jurisprudence approach would entail asking both of these questions in determining whether the legal system is constructed in the best fashion.”⁷⁶ The how-does-that-make-you-feel question could also be varied as “How *would* that make you feel?,” or “How *did* that make you feel?”

In outlining the integrated approaches of multisensory law and therapeutic jurisprudence below, I shall observe these principles and questions with respect to family mediation.

⁷³ See Brunschwig, *supra* note 18, at 573-81.

⁷⁴ E.g., RALPH E. WILEMAN, VISUAL COMMUNICATING 83-86 (1993); see, e.g., Corina Ciripitca, *Principles of Clean Web Design*, DESIGNMODO (Sept. 30, 2011), <http://designmodo.com/principles-clean-web-design>; Dieter Rams: *Ten Principles for Good Design*, VITSOE, <http://www.vitsoe.com/en/gb/about/dieterams/gooddesign> (last visited Apr. 19, 2012).

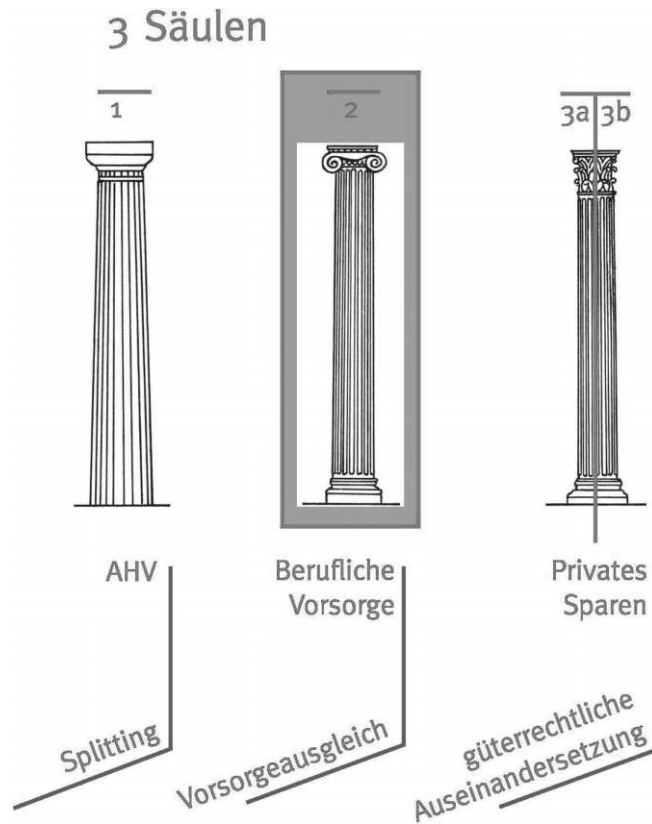
⁷⁵ E.g., WILEMAN, *supra* note 74, at 82. Wileman’s suggestion refers only to visual communication. *Id.* As far as I can see, his suggestion could also be applied to audiovisual and tactile-kinesthetic legal communication.

⁷⁶ Anderer & Glass, *supra* note 7, at 208.

B. New Integrated Multisensory Law and Therapeutic Jurisprudence Approaches to Family Mediation

1. Therapeutic Legal Visualizations

In Switzerland, “social insurance is based on the so-called three pillar system, a threefold system of public, occupational and private insurance.”⁷⁷ Put simply, this system refers to old-age provision. The Canton of St. Gallen in Switzerland provides the following legal visualization of old-age provision (the corresponding English terms are given in *Fig. 6*):



*Fig. 5. First Legal Visualization of Old-Age Provision*⁷⁸

⁷⁷ *Purpose of Old-Age and Survivors' Insurance*, FED. SOC. INS. OFF., <http://www.bsv.admin.ch/themen/ahv/00011/01259/index.html?lang=en> (last modified Feb. 11, 2010).

⁷⁸ *3 Säulen*, GERICHTE DES KANTONS ST.GALLEN, http://www.gerichte.sg.ch/home/dienstleistungen/nuetzliche_infromationen/mitteilungen_zum_familienrecht/tafeln_zum_familienrecht/

This legal visualization might be considered too simple to illustrate and explain legal issues concerning old-age provision in family mediation dealing with divorce. Below, I have tried to create a legal visualization that is slightly more complex but nevertheless not too overloaded:

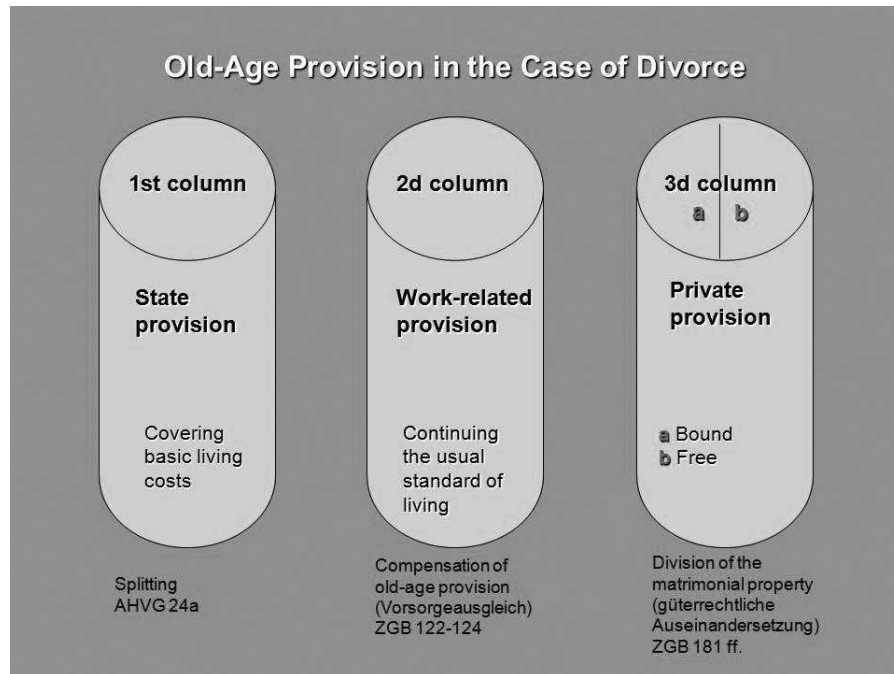


Fig. 6. Second Legal Visualization of Old-Age Provision

According to Meier, “the parties have to be informed about their rights and duties even if this complicates or impedes the efforts undertaken to reach agreement. How and when the parties should be informed about the legal situation in the mediator’s practice or whether it is enough to refer them to external legal counseling (by a lawyer) is the subject of controversy. [[hat] die Information über Recht und Pflichten der Parteien selbst dann zu erfolgen, wenn dies die Einigung in einer Mediation erschwert oder gar verhindert. Wie und wann die Aufklärung über die Rechtslage in der Praxis erfolgen soll und ob ein Verweis an eine externe (anwaltliche) Rechtsberatung genügt, ist umstritten.]”⁷⁹

[_jcr_content/Par/downloadlist/DownloadListPar/download_3.ocFile/Vorsorgeausgleich.pdf](#) (last visited Apr. 19, 2012) (depicting the concept of the “old-age provision” in Switzerland).

⁷⁹ MEIER, *supra* note 15, at 586 n.1078.

Combining Meier's observation with a classic therapeutic jurisprudence question, "How would that make you feel?," would enable a family mediator to ask his or her clients the following questions: "Would it feel okay (for you) if I visualize the old-age provision in case you divorced? Now this visual information might intensify your conflict, but I am nevertheless obliged to inform you. Or would you feel better if I gave you the same information only verbally (orally)?"

2. Therapeutic Legal Audiovisualizations

In a talk given in Zurich, Switzerland on May 12, 2009, Winick suggested that parties leaning toward fighting their divorce (German: *Kampfscheidung*) could—or should—be encouraged to watch the feature film *The War of the Roses*.⁸⁰ The family mediator could lend the parties the DVD to watch this movie at home. I agree with Winick that *The War of the Roses* has great potential for deterring the parties from fighting their divorce. Thus, a legal audiovisualization from *outside* the legal context—*The War of the Roses* is a product of contemporary audiovisual mass culture—would become relevant *within* the legal context. According to Richard Sherwin, there is "two-way traffic between law and popular culture," which "may be managed in either direction for a broad range of strategic purposes."⁸¹ Apart from audiovisual and visual legal evidence and argumentation—purposes that are especially common in Anglo-Saxon jurisdiction—a further strategic purpose would thus be *therapeutic*.

Another DVD, *Kids & Divorce*, "examines the emotional and legal aftermath of divorce, seeking to find out: What's best for the kids?"⁸² The family mediator could also lend this DVD to parties with children, so as to promote the latter's well-being despite the divorce.

3. Therapeutic Legal Tactile-Kinesthetics

a. Exercises for family mediators

As regards to physical exercises for lawyers and therefore also for family mediators, Leonard Riskin observes:

⁸⁰ THE WAR OF THE ROSES (Twentieth Century Fox Film Corp. 1989).

⁸¹ RICHARD K. SHERWIN, VISUALIZING LAW IN THE AGE OF THE DIGITAL BAROQUE: ARABESQUES AND ENTANGLEMENTS 57 (2011); see also Richard K. Sherwin, *Imagining Law as Film (Representation without Reference)*, in LAW AND THE HUMANITIES: AN INTRODUCTION 241, 246 (Austin Sarat, Matthew Anderson & Catherine O. Frank eds., 2010) [hereinafter *Imagining Law as Film*] (regarding the two-way traffic between law and popular culture).

⁸² DVD: *Kids & Divorce: For Better or Worse* (Twin City Public Television 2006) (text taken from the back cover of the DVD).

Many lawyers who wish “to practice law as a healthy, healing profession, one that the lawyer finds fulfilling and rewarding and that is beneficial and therapeutic for the client” could face at least two problems. The first is the dominance of a narrow mindset . . . that governs much of legal education and many aspects of law practice. The second is the natural tendency of the human mind . . . to get distracted and to focus excessively on the self. These problems combine to make it difficult for many lawyers to be sufficiently “present”—mentally and emotionally—with their clients, their counterparts, and themselves, to practice law in the ways envisioned in this book.⁸³

Given this problem, Riskin suggests what he calls mindfulness among other strategies. I would like to quote him on this term: “Mindfulness, as I use the term, means being aware, moment-to-moment, without judgement and without commentary, of whatever passes through the sense organs and the mind—sounds, sights, bodily sensations, odors, thoughts, judgments, images, emotions. One develops the ability to be mindful through ‘formal’ practices, such as meditation and mindful yoga”⁸⁴

Pursuant to his view, Riskin develops exercises aimed at lawyers, such as breathing exercises and body-awareness exercises. He provides detailed guidance through these exercises⁸⁵ to promote well-being among lawyers and family mediators.⁸⁶ “Mindfulness,” he further observes, “can enable the lawyer to deal better with stress and to develop a calm state of mind that will foster the ability to think clearly.”⁸⁷

Besides breathing exercises, Amiram Elwork suggests muscle relaxation to help lawyers cope successfully with stressful situations.⁸⁸ In *How Brain Science*

⁸³ Leonard L. Riskin, *Awareness in Lawyering: A Primer on Paying Attention*, in THE AFFECTIVE ASSISTANCE OF COUNSEL 447, 447 (Marjorie A. Silver ed., 2007) (citations omitted).

⁸⁴ *Id.* at 448–49. See generally Tom Fisher, *Who’s Minding the Mediator? Mindfulness in Mediation*, 5 ADVANCED DISP. RESOL. BULLETIN 165 (2003), available at <http://epublications.bond.edu.au/cgi/viewcontent.cgi?article=1223&context=adr> (regarding mindfulness in mediation); SCOTT L. ROGERS, MINDFULNESS FOR LAW STUDENTS: USING THE POWER OF MINDFUL AWARENESS TO ACHIEVE BALANCE AND SUCCESS IN LAW SCHOOL (2009) (regarding mindfulness for law students); SCOTT L. ROGERS, THE SIX-MINUTE SOLUTION: A MINDFULNESS PRIMER FOR LAWYERS (2009) (regarding mindfulness for lawyers).

⁸⁵ See Riskin, *supra* note 83, at 455–58; see also Rhonda V. Magee, *Educating Lawyers to Meditate*, 79 UMKC L. REV. 535, 536 n.2 (2011) (regarding breathing exercises).

⁸⁶ See Riskin, *supra* note 83, at 449.

⁸⁷ *Id.*

⁸⁸ AMIRAM ELWORK, STRESS MANAGEMENT FOR LAWYERS: HOW TO INCREASE PERSONAL & PROFESSIONAL SATISFACTION IN THE LAW 91 (3d ed. 2007).

Can Make You a Better Lawyer, David Sousa suggests that lawyers and family mediators should walk around the room to make better decisions.⁸⁹

b. Exercises for mediation parties

From literature and possibly from personal experience, we know that clients suffer from emotional turmoil during separation and divorce.⁹⁰ Strong feelings of “fear, anger, guilt, grief, shame, and remorse”⁹¹ can block and paralyze clients, negatively affecting their dialog ability and absorbing capacity. In such difficult circumstances, clients need first aid from their mediator.

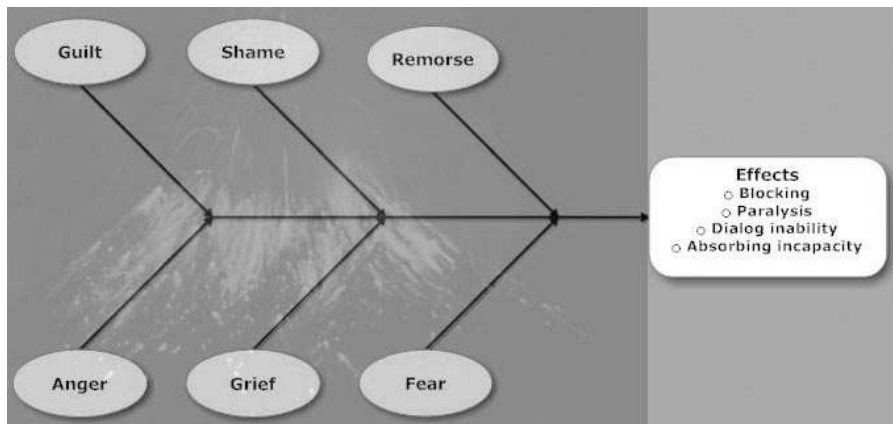


Fig. 7. Clients' Emotional Turmoil and Its Effects During Separation and Divorce⁹²

Considering the clients' emotional turmoil, I would first like to describe two exercises that Yvonne Maurer developed, and then refer to Sousa's book *How Brain Science Can Make You a Better Lawyer*. Maurer's exercises are used within the framework of body-centered psychotherapy (couple therapy). They would be suitable for parties undergoing family mediation who are experiencing great difficulty reaching an agreement.

⁸⁹ DAVID A. SOUSA, *HOW BRAIN SCIENCE CAN MAKE YOU A BETTER LAWYER* 42-43 (2009).

⁹⁰ See ANDREA BÜCHLER & ROLF VETTERLI, *EHE, PARTNERSCHAFT, KINDER: EINE EINFÜHRUNG IN DAS FAMILIENRECHT DER SCHWEIZ* 98-99 (2001); Tesler, *supra* note 13, at 197.

⁹¹ Tesler, *supra* note 13, at 190.

⁹² Fig. 7 consists of two images. I acknowledge the Volcano Hazards Team, U.S. Geological Survey as the source of the volcano picture; see *Photo Information*, USGS, http://volcanoes.usgs.gov/Images/Jpg/Tungurahua/19991102_Tung_caption.html (last modified Feb. 2, 2012). According to the USGS (Michael J. Randall), this picture is in public domain. With the help of the program SmartDraw®, I have created a cause-and-effect visualization. I have embedded the volcano picture in this visualization.

Standing vis-à-vis, spouses place the palms of their hands against those of their partner. Simultaneously, they push their hands against one another while providing the resistance required to meet their counterpart's pressure, becoming pusher and pushee. They do this exercise with all the difficult feelings that they have regarding their partner—anger, frustration, and so forth. Each tries to push the other against the wall. The purpose of this exercise is to show that they are unable to make progress in reaching a possible agreement if they behave this way.⁹³

A family mediator could invite the parties to do this exercise to suggest that mediation epitomizes quite the contrary, namely, linking arms metaphorically and literally. According to Maurer, this is another couple therapy exercise with partners linking arms and walking toward a common aim.⁹⁴

Tom Fisher proposes “short meditative exercises” for “mindless clients.”⁹⁵ In *How Brain Science Can Make You a Better Lawyer*, Sousa suggests that lawyers seek to meet the needs of jurors or judges with strong kinesthetic preferences.⁹⁶ This suggestion could also apply to family mediation. If clients feel the need to walk around a room to make better decisions, the mediator should encourage them to do so.

c. Comment

Maurer's exercises would require the parties' consent. Not all parties respond well to such exercises, perhaps on account of their psychophysical condition, or because they do not feel like touching the spouse with whom he or she has a conflict-laden relationship. Moreover, these exercises need to be time limited.⁹⁷ If the mediator is not a psychologist, he or she must inform the parties that he or she does not claim to be a therapist.⁹⁸ Despite the still prevailing taboo against using psychological methods in legal practice,⁹⁹ therapeutic jurisprudence adopts many *verbal* methods from psychology. Even

⁹³ See YVONNE MAURER, *Von der Psychotherapie zur Körperzentrierten Psychotherapie*, in *KÖRPERZENTRIERTE PSYCHOTHERAPIE IM DIALOG: GRUNDLAGEN, ANWENDUNGEN, INTEGRATION, DER IKP-ANSATZ VON YVONNE MAURER*, at 3, 4-5 (Alfred Künzler et al. eds., 2010); ROSMARIE ZIMMERLI, *Körperzentrierte Erfahrungsübungen im Überblick*, in *KÖRPERZENTRIERTE PSYCHOTHERAPIE IM DIALOG: GRUNDLAGEN, ANWENDUNGEN, INTEGRATION, DER IKP-ANSATZ VON YVONNE MAURER* at 77, 83 (Alfred Künzler et al. eds., 2010).

⁹⁴ I wish to thank Dr. Yvonne Maurer for making this point.

⁹⁵ Fisher, *supra* note 84, at 165, 169.

⁹⁶ See SOUSA, *supra* note 89, at 42-43, 47.

⁹⁷ I wish to thank Dr. Yvonne Maurer for making this point.

⁹⁸ See Evan R. Seamone, *The Veterans' Lawyer as Counselor: Using Therapeutic Jurisprudence to Enhance Client Counseling for Combat Veterans with Posttraumatic Stress Disorder*, 202 MIL. L. REV. 185, 192-95 (2009) (discussing how lawyers can delimit themselves against the role of therapists).

⁹⁹ See *id.*

mindfulness exercises for lawyers or mediators indirectly “help ‘heal’ the client.”¹⁰⁰ Why should therapeutic jurisprudence thus not also borrow *nonverbal* methods suited to directly fostering client well-being? In therapeutic jurisprudence lawyering, Evan Seamone suggests enhanced legal counseling techniques for combat veterans suffering from posttraumatic stress disorder (“PTSD”): “Although many psychology licensing statutes permit an attorney to use advanced clinical interventions, this article recommends a more conservative approach. Attorney interventions to address the byproducts of PTSD in the course of legal representation should be limited to relaxation techniques and specialized CBT [cognitive behavior therapy] worksheets to counteract distorted thoughts.”¹⁰¹

According to Seamone,

At the most general level, relaxation techniques include a variety of physical exercises ranging from meditation to yoga. Relaxation and meditation exercises are valued for clearing a client’s mind and bringing the client into the moment, so he has the enhanced ability to focus on the matters at hand. In the context of PTSD, some exercises significantly improve cognitive functioning. Exercises that increase breathing can undo the body’s natural response to anxiety, which is to seize-up and prevent the flow of oxygen to the brain.¹⁰²

Seamone provides detailed guidance on how a lawyer could apply progressive muscle relaxation and breathing exercises.¹⁰³ A lawyer might feel reluctant to guide his or her client through such exercises. Instead, he or she could “use audio recordings to supplement legal counseling. Attorneys who have these recordings loaded on an iPod or MP3 player can simply ask the client to take a short break with an exercise when needed.”¹⁰⁴

In agreement with Seamone, I posit that family and criminal lawyers can use what I call *therapeutic multisensory legal counseling skills*.¹⁰⁵ Clients suffering from PTSD or forensic stress,¹⁰⁶ or even other forms of stress and

¹⁰⁰ Riskin, *supra* note 83, at 449; *see also* Magee, *supra* note 85, at 557-58.

¹⁰¹ Seamone, *supra* note 98, at 228.

¹⁰² *Id.* at 228-29; *see, e.g.*, Magee, *supra* note 85, at 541 (regarding the value of mindfulness meditation for reducing anxiety).

¹⁰³ *See* Seamone, *supra* note 98, at 228-32, 253-57.

¹⁰⁴ *See id.* at 230.

¹⁰⁵ *See* Evan R. Seamone, *Attorneys as First-Responders: Recognizing the Destructive Nature of Posttraumatic Stress Disorder on the Combat Veteran’s Legal Decision-Making Process*, 202 MIL. L. REV. 144, 161-62 (2009).

¹⁰⁶ *See* Frank Th. Petermann, *Zivilprozess und psychische Belastung: Über die Berücksichtigung des Faktors der psychischen Belastung eines Zivilprozesses für Klient und Anwalt*, 4

related disorders, might benefit from such techniques. Even judges could use therapeutic multisensory judging skills when they realize that a party is overwhelmed by proceedings, provided that there is a legal basis for doing so.

VII. RESULTS, CONCLUSIONS, AND OUTLOOK

A. Results

This article has answered the following key question: how can family mediators better communicate with their clients? More specifically, which common and new approaches do multisensory law and therapeutic jurisprudence offer family mediation to reduce comprehension difficulties and emotional stress on the client side?

Hopefully, I have shown that multisensory law and therapeutic jurisprudence have great potential for achieving both objectives, and thus are capable of promoting clients' emotional, mental, and physical well-being. By promoting client well-being, the two fields also contribute to fostering family mediator and lawyer well-being.

B. Conclusions

I would warmly recommend that legal research, legal education, legal practice, and family mediation in particular adopt these insights. For this to happen, institutions teaching law and family mediation need to intensify and expand their established *curricula*. It is necessary to teach therapeutic jurisprudence, multisensory law, and their integrated potential. Not only family mediation, but also other areas of the law might benefit from this kind of *integrated* curriculum. Further, I encourage legal scholars to research the benefits of such an approach for lawyering and judging.

Therapeutic jurisprudence is already being taught at many law schools.¹⁰⁷ Since it is an emerging field, some academic institutions only offer courses on certain areas of multisensory law. Regarding visual law, one important area was recently taught at the Department of Law, University of Basel, Switzerland. Basel law students were taught how to analyze and evaluate certain kinds of legal visualizations (schemata/charts) and how to produce such legal visual-

SCHWEIZERISCHE ZEITSCHRIFT FÜR ZIVILPROZESS- UND ZWANGSVOLLSTRECKUNGSRECHT [Swiss Journal of Civil Procedure and Law Enforcement] 443, 444-46 (2004) (regarding forensic stress); Seamone, *supra* note 105, at 162-65 (regarding forensic stress disorder).

¹⁰⁷ E.g., *Courses and Law School Groups on Therapeutic Jurisprudence*, U. ARIZ., <http://www.law.arizona.edu/depts/upr-intj/intj-c.html> (last visited Apr. 19, 2012).

izations.¹⁰⁸ Regina Austin runs a course on visual legal advocacy.¹⁰⁹ Neal Feigenson and Christina Spiesel teach visual persuasion in the law.¹¹⁰ Richard Sherwin offers a course with the same title.¹¹¹ So far, courses which could be subsumed under tactile-kinesthetic law run under other designations like meditation for lawyers, mindfulness for lawyers, and contemplative practices for lawyers.¹¹² Rhonda Magee also uses the term “contemplative law.”¹¹³

Nevertheless, it seems that all these largely nonverbal approaches and movements lack an all-embracing disciplinary roof. I suggest that multisensory law could constitute such a roof. Many as yet *isolated* approaches and movements should come together and form a *critical mass*. This mass has a better chance of being acknowledged and recognized by the members of the core legal disciplines. These are, of course, highly debatable suggestions. Would scholars of visual law and audiovisual law be inclined to join, for instance, the mindfulness-for-lawyers movement? Would members of the contemplative law movement join the scientific community on visual law and audiovisual law? Although I have a vision of such developments, I doubt that they will come to pass in the near future. Suffice to say that scholars tend to adhere to familiar concepts and terms. Furthermore, the scientific community must have already accepted these terms to a certain degree for them to spread. Looking into the Anglo-American scientific community from an external vantage point, I wonder whether the term *comprehensive law* might be precise enough to designate the legal and legally relevant phenomena and problems at stake.¹¹⁴ Even the term *multisensory law* has its drawbacks.¹¹⁵ But as I have shown, multisensory law implies much more than *just* the senses. Due to the shortcom-

¹⁰⁸ See Colette R. Brunshwig, *Producing, Analyzing, and Evaluating Legal Visualizations: A Pioneering Course at the Department of Law, University of Basel, Switzerland, Multisensory Law*, BECK-COMMUNITY (Jan. 29, 2012), <http://community.beck.de/gruppen/forum/producing-analyzing-and-evaluating-legal-visualizations-a-pioneering-course-at-the-department-of-law-unive>.

¹⁰⁹ See Regina Austin, U. PA. L. SCH., <http://www.law.upenn.edu/cf/faculty/raustin/> (last visited Apr. 19, 2012).

¹¹⁰ See Christina O. Spiesel, YALE L. SCH., <http://www.law.yale.edu/faculty/CSpiesel.htm> (last visited Apr. 19, 2012); *Faculty Experts*, QUINNIAC U. SCH. L., <http://law.quinnipiac.edu/x353.xml> (last visited Apr. 19, 2012).

¹¹¹ See Richard K. Sherwin, N.Y.L. SCH., http://www.nyls.edu/faculty/faculty_profiles/richard_k_sherwin (last visited Apr. 19, 2012).

¹¹² See, e.g., Magee, *supra* note 85, at 536, 547, 588-90; *Past Events*, CENTER FOR CONTEMPLATIVE MIND SOC'Y <http://www.contemplativemind.org/programs/law/pastevents.html> (last visited Apr. 19, 2012); *Resources*, MINDFUL LAWYER CONF., <http://www.mindfullawyerconference.org/resources.htm> (last visited Apr. 19, 2012).

¹¹³ Magee, *supra* note 85, at 536 & n.6.

¹¹⁴ See, e.g., SUSAN SWAIM DAICOFF, LAWYER, KNOW THYSELF: A PSYCHOLOGICAL ANALYSIS OF PERSONALITY, STRENGTHS AND WEAKNESSES 169-201 (2004) (regarding comprehensive law).

¹¹⁵ See KING ET AL., *supra* note 32, at 31-34 (discussing criticism of therapeutic jurisprudence).

ings of language, we are called upon to look for the best possible (terminological) answers.

C. Outlook

1. Open Questions

One open question concerns which other approaches within multisensory law and therapeutic jurisprudence might reduce comprehension difficulties and emotional stress, not only in the field of family mediation but also in lawyering and judging. Another question is whether these various approaches should be absorbed by legal psychology and therapeutic jurisprudence. To my mind, however, these fields would not have the required epistemological resources to deal with *all* the unisensory (visual) and multisensory (audiovisual, tactile-kinesthetic, and even gustatory-olfactory) phenomena at hand. Therefore, I suggest a cooperation between these two fields so that they can cross-fertilize each other.

The answers given in this article entail further questions, which go beyond the scope of family mediation. How can we enhance client expressivity and lawyerly communication skills by integrating therapeutic visual, audiovisual, tactile-kinesthetic, and, therefore, multisensory communication skills? How could lawyers learn such integrated therapeutic multisensory skills? How could clients be professionally guided to express themselves in a therapeutically multisensory way? Which ethical standards and legislation are required to protect both the interest of lawyers and the needs of clients?

What research should be done as regards this integrated approach? What would an integrated multisensory-therapeutic syllabus look like? What would motivate professional organizations and academic institutions to offer special training for lawyers? Would this be a task for the International Academy of Law and Mental Health,¹¹⁶ the Center for Contemplative Mind in Society,¹¹⁷ or even the International Bar Association?¹¹⁸

¹¹⁶ *About the Academy*, INT'L ACAD. L. & MENTAL HEALTH, <http://www.ialmh.org/template.cgi> (last visited Apr. 19, 2012).

¹¹⁷ *The Law Program*, CENTER FOR CONTEMPLATIVE MIND SOC'Y, <http://www.contemplativemind.org/programs/law> (last visited Apr. 19, 2012).

¹¹⁸ INT'L B. ASS'N, <http://www.ibanet.org> (last visited Apr. 19, 2012).

2. Expert-Lay Communication: A Perennial Phenomenon and a Problem to Be Solved

The legal visualizations I work with include the Illustrated Manuscripts of the Saxon Mirror dating from the fourteenth century.¹¹⁹

The following miniature (*Fig. 8*) shows a party holding his hand before his mouth. So far, the man has been obliged to remain silent because he is represented by another speaking on his behalf. The latter is an early form of a lawyer. The judge invites the silent party to open his mouth to assert whether or not he agrees with the lawyer's account on his behalf.¹²⁰



Fig. 8. Illustrated Manuscript of the Saxon Mirror (Wolfenbüttel), Folio 24 Verso¹²¹

¹¹⁹ See *Bilddatenbank*, UNIVERSITÄT ZÜRICH, <http://www.rwi.uzh.ch/oe/zrf/abtrv/bilddatenbank.html> (last visited Apr. 19, 2012). I am responsible for the content management of this legal image database (German: "Rechtsbilddatenbank."). *Id.*

¹²⁰ See EIKE VON REPGOW, *SACHSENSPIEGEL: DIE WOLFENBÜTTELER BILDERHANDSCHRIFT COD. GUELF. 3.1 AUG. 2, TEXTBAND 153* (Ruth Schmidt-Wiegand ed., 1993).

¹²¹ *SACHSENSPIEGEL ONLINE*, <http://www.sachsenpiegel-online.de/cms/meteor/jbrowser/index.jsp?id=78> (last visited Apr. 19, 2012).

This communicative situation in court constitutes an early form of expert-lay communication. Legal history, and particularly legal iconography, suggest that jurisprudence and legal practice are subject to continuous change and development.¹²² Hence, jurisprudence and legal practice might advance the law by striving to find solutions to the perennial problem of expert-lay communication in family mediation, lawyering, and judging. Consequently, it seems appropriate to endorse Hans Theodor Froehlich's classic observation "that the knowledge of legal history is needed for the understanding of modern law and, therefore, for reform."¹²³

3. New Multisensory Paradigm

Multisensory law, therapeutic jurisprudence, and other legal disciplines need to tackle such reform in the knowledge of a new *sensory* or rather *multisensory paradigm*. David Howes explains this paradigm and the historical background of paradigms it rests on as follows:

In the 1960s and 1970s linguistics was the name of the game as widespread in the theories of de Saussure and Wittgenstein led to culture itself being conceptualized as a language or text. In the 1980s "the society of the image" became a catchphrase and the focus of many academics shifted to the study of visual imagery and its role in the communication of cultural values. In reaction to the seemingly disembodied nature of much contemporary scholarship, the notions of embodiment and materiality were put forward as paradigms for cultural analysis in the 1990s. Here cultural dimensions of corporeal experiences and physical infrastructures (objects, architectures, environments) were explored in order to provide a more full-bodied understanding of social life.

The rise of sensory studies at the turn of the twenty-first century draws on each of these prior developments or "turns" but also critiques them by questioning the verbocentrism of the linguistic model, the ocularcentrism of the visual culture model, and the holism of both the corporeal and material culture models—in which bodies and objects are often treated simply as physical wholes and not as bundles of interconnected experiences and properties. Sensory studies

¹²² See, e.g., MARCEL SENN, RECHTSGESCHICHTE: EIN KULTURHISTORISCHER GRUNDRIS 2-3 (4th rev. ed. 2007).

¹²³ Hans Theodor Froehlich, *Legal History and the American Law School*, 7 AM. L. SCH. REV. 739, 744 (1933).

approaches themselves emphasize the dynamic, relational (intersensory—or multimodal, multimedia) and often conflicted nature of our everyday engagement with the sensuous world.¹²⁴

In the legal context, the verbocentric paradigm still prevails. It implies that legal actors, whether they are legal scholars or practitioners, equate the law with written or spoken verbal language. Thus, the German-speaking legal theorists Bernd Rütters, Christian Fischer and Axel Birk claim, “[n]o law exists outside language [[e]s gibt kein Recht ausserhalb der Sprache].”¹²⁵ These authors are representative of the majority of legal actors. Röhl, a German-speaking legal theorist and sociologist, even goes as far as to suggest that “[t]he law does not need any images [[d]as Recht braucht keine Bilder].”¹²⁶ Apart from a few exceptions (e.g., evidence and elements of a legal norm), he assumes that there is no need for visualization in the legal context.¹²⁷

Despite the prevailing verbocentrism, or what I would call iconoclasm, within legal discourse, a minority of legal scholars have begun to explore the law as a visual and audiovisual phenomenon and to criticize the verbocentric legal paradigm.¹²⁸ In the eyes of these scholars, a paradigm shift toward legal visualization and audiovisualization is taking place.¹²⁹ For instance, Richard Sherwin talks about “the visual life of law,”¹³⁰ that law “is lived cinematically,”¹³¹ and that “law lives like an image.”¹³² Some scholars even suggest

¹²⁴ David Howes, *Charting the Sensorial Revolution*, 1 SENSES & SOC’Y 113, 114-15 (2006) (book reviews).

¹²⁵ BERND RÜTTERS, CHRISTIAN FISCHER & AXEL BIRK, RECHTSTHEORIE MIT JURISTISCHER METHODENLEHRE 99 n.150 (2011); *see also* VOLKER BOEHME-NESSLER, UNSCHARFES RECHT: ÜBERLEGUNGEN ZUR RELATIVIERUNG DES RECHTS IN DER DIGITALISIERTEN WELT 271-72 (2008) [hereinafter UNSCHARFES RECHT]; VOLKER BOEHME-NESSLER, PICTORIAL LAW: MODERN LAW AND THE POWER OF PICTURES 90 (2011) [hereinafter PICTORIAL LAW]; NEAL FEIGENSON & CHRISTINA SPIESEL, LAW ON DISPLAY: THE DIGITAL TRANSFORMATION OF LEGAL PERSUASION AND JUDGMENT xi, 30 (2009). These scholars discuss that law is language.

¹²⁶ Klaus F. Röhl, *Visuelle Rechtskommunikation – gestern, heute, morgen, in WORT—BILD—ZEICHEN, BEITRÄGE ZUR SEMIOTIK IM RECHT* 127, 141 (Heino Speer ed., 2012).

¹²⁷ *See id.* at 142.

¹²⁸ *See* Bernhard Grossfeld, *Zeichen und Bilder im Recht*, 30 NEUE JURISTISCHE WOCHENSCHRIFT 1911, 1915 (1994); UNSCHARFES RECHT, *supra* note 125, at 277-28; PICTORIAL LAW, *supra* note 125, at 106-07. These scholars criticize the verbocentric legal paradigm.

¹²⁹ *See, e.g.*, UNSCHARFES RECHT, *supra* note 125, at 287-97; PICTORIAL LAW, *supra* note 125, at 101, 115-17.

¹³⁰ SHERWIN, *supra* note 81, at 5.

¹³¹ *Imagining Law as Film*, *supra* note 81, at 245.

¹³² SHERWIN, *supra* note 81, at 49.

that an “iconic turn,”¹³³ a “pictorial turn,”¹³⁴ or a “visual turn”¹³⁵ is occurring or will soon occur in the legal context. For instance, the website—now hosted by the New York Law School Law Review—for the Visualizing Law in the Digital Age Conference held in October 2001, states:

Law has entered the visual digital age. How truth and justice are represented and assessed in court (and out) increasingly depend on what electronic screens display.

Decision makers these days watch documentaries of tort victims living damaged lives in the wake of accidents that may be digitally re-enacted at trial. Police surveillance and private security cameras show drug deals, robberies, and all manner of wrongdoing. Amateur videos, perhaps fortuitously shot from a handy cell phone, capture police misconduct that may contradict an officer’s written report. Trial summations incorporate visual evidence and multi-media montages that spur unconscious visual associations charged with powerful, judgment-shaping emotions.

Clearly, law’s shift to the visual is not simply a matter of surface rhetoric or style. At stake is a paradigm change in the way legal meanings are constructed, disseminated, and construed.¹³⁶

As has become clear, Howes’s above reflections on a new sensory or rather multisensory paradigm strongly contradict both the current verbocentrism and the ocularocentrism of the legal discourse. Therefore, I would ask whether his ideas could or rather should be adopted in the legal context. I would say, “Yes, indeed.”

This paper, I hope, has paved a way for how this could and should be done. Overcoming the prevailing verbocentrism and ocularocentrism will by no means be a simple task. I also hope that the present “evocations of [legal]

¹³³ Bettina Mielke & Christian Wolf, *Visualisierungsformate im Recht*, in *EFFIZIENZ VON E-LÖSUNGEN IN STAAT UND GESELLSCHAFT, AKTUELLE FRAGEN DER RECHTSINFORMATIK 618* (Erich Schweighofer et al. eds., 2005).

¹³⁴ Bernard J. Hibbitts, *The Re-Vision of Law: The Pictorial Turn in American Legal Culture*, *Papers*, U. PITT. SCH. L. (Feb. 1996), <http://faculty.law.pitt.edu/hibbitts/pictor.htm> (last visited Apr. 22, 2012); see also *PICTORIAL LAW*, *supra* note 125, at 51; *SHERWIN*, *supra* note 81, at 30, 53, 120.

¹³⁵ FEIGENSON & SPIESEL, *supra* note 125, at 13, 15; *SHERWIN*, *supra* note 81, at 11, 187.

¹³⁶ *Visualizing Law in the Digital Age*, N.Y.L. SCH. L. REV., <http://www.nylslawreview.com/visualizing-law-in-the-digital-age/> (last visited Apr. 22, 2012).

multisensoriality”¹³⁷ will not be “completely marginalized by the dominant [verbocentric] and visualist [legal] discourse.”¹³⁸

Bernard Hibbitts, an American legal historian and specialist in law and technology, observes:

In the twelfth and thirteenth centuries, the immediate European progenitors of our culture turned increasingly to writing to help preserve information and customary lore that had been primarily perpetuated and celebrated in sound, gesture, touch, smell, and taste. Once this corpus was inscribed, and thus removed from its original multisensory context, it slowly but indubitably became the creature of the medium [that is, written text] that claimed to sustain it.¹³⁹

Referring to the history of civil or continental law, Louis Carlen observes, “law is meant to address the senses, and to be manifest to them [Das Recht sollte in die Sinne gehen, sinnenfällig sein].”¹⁴⁰ I would agree and add that modern law could or rather should be manifest to *all* our senses. It might even be both interesting and fruitful to compare old and new law, since both are *multisensory*. But this will be *cura posterior* (English: a later concern).

¹³⁷ CONSTANCE CLASSEN, *THE COLOUR OF ANGELS: COSMOLOGY, GENDER AND THE AESTHETIC IMAGINATION* 132 (1998). Classen’s observations refer to surrealism. *Id.* Given their poignance, I take the liberty of transferring them to the legal context.

¹³⁸ *Id.* at 130. Classen’s observations refer to futurism. *Id.* Here, too, I transfer them to the legal context.

¹³⁹ Bernard J. Hibbitts, “*Coming to Our Senses*”: *Communication and Legal Expression in Performance Cultures*, 41 *EMORY L.J.* 873, 875 (1992).

¹⁴⁰ LOUIS CARLEN (ED.), *SINNENFÄLLIGES RECHT, AUFSÄTZE ZUR RECHTSARCHÄOLOGIE UND RECHTLICHEN VOLKSKUNDE XVI* (1995).

BOOK REVIEW

KENNST DU DAS RECHT? EIN SACHBUCH FÜR KINDER UND JUGENDLICHE [DO YOU KNOW THE LAW? A SPECIALIZED BOOK FOR CHILDREN AND ADOLESCENTS]. BY CAROLINE WALSER KESSEL. BERN: EDITIONS WEBLAW, 2011. 350 PAGES. CHF 54.00 [\$59.64].

Reviewed by Colette R. Brunschwig*

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I. *DO YOU KNOW THE LAW?*

Legal problems and questions may spontaneously arise in everyday life. Therefore, would you have not wished that you were enlightened about important legal and legally relevant contents¹ at a young age? Or would you now like to give your own children, or children you know, a book that gently introduces them to the law? Following is a review of a reading and picture book that introduces children to the law, both in an informative and entertaining way, and thereby better prepares children and adolescents for their present and future lives.

Dr. Caroline Walser Kessel, a practicing lawyer in Zurich, Switzerland, and a lecturer at the University of St. Gallen in Switzerland, has written and published such a book. It familiarizes children and adolescents with the law. *Kennst du das Recht? [Do You Know the Law?]*² offers an age-appropriate introduction to everyday legal matters, such as how children and adolescents should deal with their parents' divorce, and how they should conduct themselves in a police interview when suspected of possessing or using drugs.

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¹ In the following, the adjective 'legal' also encompasses the words 'legally relevant.'

² CAROLINE WALSER KESSEL, *KENNST DU DAS RECHT? [DO YOU KNOW THE LAW?]* (2011).

II. WHAT IS *DO YOU KNOW THE LAW?* ABOUT?

The book is organized into nine chapters: (1) What Is Justice, Fairness? How Is It Enforced?; (2) Law, Rule, Contract; (3) My Personality and Its Legal Protection; (4) Possession and Property—Mine and Yours; (5) Tort Law—If Damages Arise; (6) Penal Law: What Is Forbidden and Why? On the Purpose and Types of Punishment for Children, Adolescents, and Adults; (7) Family and the Law; (8) Contract Law: I Do Business; and (9) Mercy before Justice? This outline may not reflect the entire Swiss legal system; rather, it strives to meet the learning and information needs of children and adolescents.

Some children and adolescents dream about entering the legal profession as a judge, lawyer, or juvenile public prosecutor. Dr. Kessel's interviews with a judge,³ a lawyer,⁴ a client,⁵ and a juvenile public prosecutor⁶ provide these young dreamers with their first concrete insights into these fascinating legal professions. Furthermore, readers learn that it is not legally permissible to use a mobile phone to film school lessons and then post the video online because doing so breaches the filmed teacher's personality rights.⁷ The same applies to photographing two fellow pupils who are secretly cuddling, and then posting these intimate pictures on Facebook without prior consent from those depicted.⁸ What are the legal consequences of one pupil hurting a peer while playing soccer in the schoolyard?⁹ Or take the case of a fourteen-year-old deliberately smashing a window with a stone: is the boy liable for the resulting damages?¹⁰ This book covers many such vital legal questions occurring in the lives of children and adolescents.

This book primarily intersects with legal psychology¹¹ and visual law, an emerging field and branch of multisensory law. The book provides many legal visualizations in color that explain and illustrate legal issues. Additionally, the author encourages children and adolescents to draw their own legal visualizations, like the physical and mental elements of a particular offense such as fraud.¹² Moreover, the book's pedagogical design for use in the classroom relates the book to legal pedagogy. Written predominantly from the perspective of children and adolescents, the book's language almost converges with

³ *Id.* at 53-56.

⁴ *Id.* at 56-58.

⁵ *Id.* at 58-60.

⁶ *Id.* at 188-94.

⁷ *Id.* at 109.

⁸ *Id.* at 111.

⁹ *Id.* at 131-33.

¹⁰ *Id.* at 133.

¹¹ *Id.* at 23-30 (explaining what justice and fairness mean within the law).

¹² *Id.* at 216.

theirs. The references and index of illustrations reflect these three subject-specific directions.¹³

How does *Do You Know the Law?* distinguish itself from other Swiss legal training books? One distinctive feature is that it also addresses children who are approximately the age of seven. No other currently available book targets this age group. One can therefore ask whether certain parts of the book might or should be used on the elementary level (for instance, within the scope of interdisciplinary subjects in the Canton of Zurich?). Or would it be necessary to update the curricula accordingly? This is the first legal training book, at least in Switzerland, that in one book makes forays into legal history, discusses fairness, and provides legal visualizations drawn by children. The book reaches far beyond the Swiss legal system, making it interesting for children and adolescents growing up in other legal systems.

III. CHERRIES TO PICK AND CHOOSE

The author covers legal topics relevant to children and adolescents. In doing so, she repeatedly asks them questions and gives them assignments. For example, the author asks: “If you were allowed to decree ten articles of a statute that seem absolutely important to you, then how would they read?”¹⁴ It is helpful that Dr. Kessel invites her readers to raise questions or offer comments at her website.¹⁵ By directly addressing her target audience, she strikes the right chord and this carries weight: “You are holding a book in your hands with the title *Do You Know the Law?* Thus, it deals with legal, that is, juridical content. How come?”¹⁶ The book’s layout, which includes A4-format, neatly arranged text and pictures, and reader-friendly typeface, font, color, and size, might also appeal to its addressees. The pages do not appear congested. The law images painted or drawn by children are particularly original; for instance, the drawing of a sports accident by a sixth-grader¹⁷ and other drawings of legal facts¹⁸ exhibit originality.

Do You Know the Law? will probably be translated into French, Italian, and English. The English version should be adapted to the Anglo-American law. It might make sense to modify the French and Italian versions accordingly, particularly modifying the choice of images, because the legal historical

¹³ *Id.* at 299-318.

¹⁴ *Id.* at 73.

¹⁵ Caroline Walser Kessel, *Willkommen [Welcome], KENNST DU DAS RECHT? [DO YOU KNOW THE LAW?]* (July 6, 2011 9:22 PM), www.kennst-du-das-recht.ch.

¹⁶ KESSEL, *supra* note 2, at 19.

¹⁷ *Id.* at 27.

¹⁸ *Id.* at 147-48.

images chiefly stem from the German-speaking world. For now, we look forward to picking and choosing the French, Italian, and English legal cherries.

IV. DESIDERATA FOR THE FUTURE

From the perspective of developmental and cognitive psychology, one may ask to what extent children are capable of understanding legal content. In her earlier essay, *Visualisierungen von Rechtsnormen durch Kinder* [*Visualization of Legal Norms through Children*], and in cooperation with historian Maria Crespo, the author offered an intense discussion of this controversial issue.¹⁹ Dr. Kessel's new publication invites us to further pursue this question and to seek more far-reaching answers. Is there a danger that the nature and depth of her inquiry in *Do You Know the Law?* might overwhelm an elementary school child? For instance, "[s]o-called 'intellectual' property is perhaps better known under the English term 'Copy Right.' We also speak of 'copyrights.' The point is that the author of a work—a writer, composer, or painter—has a special relationship with his or her work. It is his or her intellectual property, his or her creation."²⁰

Such passages call for adapting stretches of this otherwise intriguing publication to the cognitive abilities of children. Revision of this kind would result in an image-based law book solely and especially designed for children. The age-appropriate "law stories"²¹ could be supplemented with further stories.

Based on the book's many virtues, the author might even consider developing, in cooperation with her publisher, a playful approach to the law. In doing so, she would be following an established tradition in the field of legal history: in the early sixteenth century, the humanist Thomas Murner devised a juridical card game for law students on the *Instutiones* (legal textbook for beginners) of Justinianus (Roman Emperor and Legislator).²² More recently, C. H. Beck Publishers has taken up this ludic tradition and created "Play-Beck," a legal card game for law students that contains legal questions.²³ Sonja Reichel's "Jura-Quartett 'strafbar'" follows a similar playful direction.²⁴ One might con-

¹⁹ See Caroline Walser Kessel & Maria Crespo, *Visualisierung von Rechtsnormen durch Kinder—Darstellung ihres Fairness—und Gerechtigkeitssinns* [*Visualization of Norms by Children Representation of Your Fairness and Commonly Held Sense*], JUSLETTER, Aug. 2009, http://www.fairplay-study.ch/images/stories/doc/fairplay/Artikel_Jusletter_24_Aug_2009.pdf.

²⁰ KESSEL, *supra* note 2, at 123.

²¹ *Id.* at 159-62.

²² See Andreas von Arnould, *Präludium: Recht und Spiel* [*Prelude: Law and Game*], in RECHT UND SPIELREGELN 1, 6 (2003). The author albeit created the game for law students. *Id.*

²³ *Play—Beck*, BECK—SHOP.DE, <http://www.beck-shop.de/Theimer-Play-Beck/productview.aspx?product=6425> (last visited Apr. 19, 2012).

²⁴ See Jochen Leffers, *Mord und Totschlag à la carte* [*Murder and Manslaughter*], SPIEGEL ONLINE (May 25, 2005), <http://www.spiegel.de/unispiegel/wunderbar/0,1518,355755,00.html>

sider whether *Do You Know the Law?* could serve as a basis for such a card game, albeit an instructive law game for children and adolescents.

We do not only learn the law visually, in the form of written texts and images, or audiovisually, as written or spoken language, moving or static images, sounds, and so forth.²⁵ In the university context, especially in the Anglo-Saxon world, legal scholars and teachers are experimenting with introducing role-play in order to give students a tactile-kinesthetic or multisensory understanding of legal content.²⁶ It would be worth considering whether certain examples in *Do You Know the Law?* could be turned into legal role-play for children and adolescents. Particularly, the drawings that visualize different scenes of a legal situation would lend themselves to such use (nota bene, we can look forward to the textual and visual instructions for such role-play).

Some legal scholars will perhaps criticize this book's occasional lack of accuracy. I encourage Dr. Kessel to debate with her critics how to better design legal information for children and adolescents. Such a discussion seems called for because legal experts might doubt the shortfall of appropriate scholarly documentation with footnotes. In response, I would argue that given its target audience, the book does not take the stage with academic aspirations. Those who wish to verify the information provided may do so with the help of the copious references and index of illustrations.²⁷

V. YOU WILL KNOW THE LAW BETTER

I warmly recommend purchasing this extraordinary and unique book of legal images for children and adolescents, be it for private or educational purposes. Even non-lawyer adults will benefit from it, and thus they will become better acquainted with certain aspects of the law. Should lawyers pick up this book, they may enjoy it simply on account of its remarkable content.

(article about the 32-card game, which includes a sample of the cards (viewed by clicking on the picture)).

²⁵ See Colette R. Brunshwig, *Multisensory Law and Legal Informatics—A Comparison of How These Legal Disciplines Relate to Visual Law*, JUSLETTER—IT, Feb. 2011.

²⁶ See Anne Scully-Hill et al., *Beyond Role Playing: Using Drama in Legal Education*, 60 J. LEGAL EDUC. 147, 147-56 (2010).

²⁷ KESSEL, *supra* note 2, at 299-318.