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Rezension zu: Kennst du das Recht? Ein Sachbuch für Kinder und Jugendliche [Do you know the law? A specialised book for children and adolescents]. By Caroline Walser Kessel. Bern: Editions Weblaw, 2011

Brunschwig, Colette R

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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. Brunshawig*

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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.

* Senior Research Associate, University of Zurich, Legal Visualization Unit, colette.brunshawig@rwi.uzh.ch. All translations in this Article, from German to English, were translated by the author.

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.