



Portrait

Prof. Dr. Dr. Volker Boehme-Neßler leafs through the facsimile of the medieval German law book the "Sachsenspiegel" at Oldenburg State Library. He sees the visualisation of medieval law in the book as nothing short of avant-garde.

How pictures change the law

What impact do the internet, the world of images and visualisation have on legal thought? Legal scholar Volker Boehme-Neßler is seeking answers in those areas where legal theory intersects with other disciplines

It's just a copy – the original is locked away in a safe. Nonetheless Volker Boehme-Neßler turns the pages very carefully, almost reverently. In his hands is the facsimile of the Oldenburg "Sachsenspiegel", a medieval German law book of which only four illustrated copies still exist. It contains something which Boehme-Neßler believes is lacking today in his discipline – law – something he would like to reintroduce into legal culture: namely images, visualisation – and with them the connection to people's everyday reality.

"With the exception of road traffic regulations, construction and trademark law, the legal world is almost entirely devoid of images – even verbal images are frowned upon," he explains. Boehme-Neßler, 53, joined Oldenburg University in autumn 2014 and teaches public law and media and communications law. Legal theory – in particular where it intersects with psychology, neuroscience, media science, politics or philosophy – is his favourite area of research.

Boehme-Neßler is examining legal

culture from the perspective of legal theory, and describes that culture, which has also shaped his thinking since his days as a law student in Berlin and Heidelberg, as "text-fixated and even image-phobic". He is examining why the world of law refrains almost entirely from using images – and also the discovery that the growing power of images is nonetheless having an impact, or rather cannot but have an impact, on legal thinking.

His hypothesis: "If, in the digital age we live in, everyone communica-

tes through images but the law does not, the gap between law and society becomes too great, with the result that the law loses relevance." He points out that after all most laws are enforced automatically, simply by the fact that people observe them. If, however, law becomes too far removed from people's everyday lives, there is the danger that this self-enforcing effect will be lost: "That would mean, for instance, that people would have to call the police about every little trivial thing," Boehme-Neßler explains.

A former lawyer, Boehme-Neßler says that it is also his contact with his students that has shown him how deep the discrepancy between the legal profession's perception of reality and that of wider society has become. "Legal professionals aim to be completely rational. The students, on the other hand, are heavily influenced by the internet and the world of images," Boehme-Neßler observes. "They are loath to use classic law commentaries that don't contain even a single picture."

Neuroscience has taught us, Boehme-Neßler explains, that the brain processes images and concepts in completely different ways. "Images have an emotional impact," he summarises. The fact that the legal system, in striving for professional distance, objectivity, and ultimately justice, tries to block out emotions along with images may be a triumph of civilisation, but it has a downside, he points out: "Many pieces of legislation block out parts of reality."

In addition, more visualisation could improve people's understanding of the law. "After all, psychologists specialised in learning also recommend combining pictures and text," Boehme-Neßler argues. "It's the right balance that counts." This is why classical Roman law and also medieval law placed a much stronger emphasis on visualisation. "The 'Sachsenspiegel' was created with the intention of making the law more accessible to the average citizen," Boehme-Neßler points out. But then, he explains, came the Re-

formation, in which Martin Luther wanted to distance himself from the "image-loving" Catholics, and Enlightenment culture, which postulated reason over emotion. The visualisation of the law came to an end.

"Many pieces of legislation block out parts of reality"

"In line with the Enlightenment's view of man, we legal experts revere reason. But progress has been made in this respect," Boehme-Neßler observes. Thanks to Sigmund Freud, he explains, we know about the importance of the unconscious and the power of emotions. He points out that neuroscience has also proven that "supposedly rational decision-making occurs at least in part in those areas of the brain that process images and emotions."

To strengthen the link between his areas of interest within jurisprudence and approaches from psychology and neuroscience, Boehme-Neßler is contemplating a collaboration with Wechloy Campus researchers. "I like to look beyond my own field – and to learn from other disciplines," says the jurist. This, he says, would open up a number of questions for discussion, such as the opportunities and risks of illustrating

court proceedings – something that so far has been permitted only in Germany's Federal Constitutional Court.

Certainly in legal communication, Boehme-Neßler believes that it would be hugely beneficial to incorporate images and visualisation. And in the same way more frequent use of pictures would also help to reconstruct crimes in criminal trial law, to draft contracts in civil law, and in capital markets law too: "In fact there isn't really any area of law where it wouldn't work." After all, the law aims to fulfil its social function and help shape society, he points out. "Improving people's understanding of the law would also increase its legitimacy."

Will he himself set this process in motion and use his findings to author his own illustrated law commentary? Wouldn't that be something, "the Boehme-Neßler" on the bookshelf? The 53-year-old laughs. "There is indeed a gap there," he agrees. Fifteen years ago he intuitively included illustrations in a textbook he published, he recounts, so a further step in that direction would be perfectly consistent. "It would have to be an interdisciplinary project – with experts in graphics and design, and perhaps also art history, and certainly psychology." Then perhaps he could, in his own way, continue where the "Sachsenspiegel" tradition left off. (ds)

