

**Contents**

[Abstract](#)  
[Introduction](#)  
[Law on TV](#)  
[Hypotheses and Methods](#)  
[Sources of Information](#)  
[Trial Stereotypes](#)  
[If You Were There: The Anticipation of a Trial](#)  
[Inclination to Mobilise Lawyers and Courts](#)  
[Conclusion](#)  
[Bibliography](#)

**ISSN 1748-944X**

**Deterred from going to court? A survey at German schools on media influences**

**Stefan Machura, Lecturer in Criminology and Criminal Justice, Bangor University**  
**Annette Kammertöns, Honorary Professor in Didactics of Social Sciences, Ruhr-Universität Bochum**

---

**ABSTRACT**

*German media send mixed messages to the audience about whether or not it is a good idea to turn to lawyers and courts for the resolution of a dispute. This study of students of the 12<sup>th</sup> class at technical colleges and high*

*schools examines the effects media may have on their attitudes as well as the effects of other sources of direct and indirect information. Although in no way sweeping in their magnitude, media effects do occur but this must be set against the background of a rather high level of trust in courts and in the legal profession in Germany.*

---

**KEYWORDS**

Media influences, TV judge shows, school students, procedural justice, trust in the legal system, mobilisation of law

---

**INTRODUCTION**

Law is the most powerful system of norms in modern societies; numerous provisions regulate social life and state actions are bound by law. With the help of law, private actors can mobilize state power for their own interests. Most symbolically, penal law draws the boundaries of tolerable behaviour and emphasizes the values of the society (Durkheim 1976: 181, orig. 1895). Nevertheless, the ambiguous character of the law must not be overlooked; only in very abstract analyses is law unequivocal and clear. It needs interpretation and often falls short when measured by the yardstick of 'justice'. Thus, law remains controversial, its authority is frail and it changes constantly. Members of society are therefore principally interested in law when it regulates the basic rules of living together, defining 'good' and 'bad' behaviour, and when it touches personal interests and deeply rooted individual convictions. This attention is not only directed towards the normative order of the law, but also toward legal institutions and the legal professions. These are important for the daily operation of law. It is often here where mistrust is sparked, leaving the question of whether law is accessible for all and power not abused (Tyler 1990). 1

In functional analyses, societies have an interest that their members have sufficient knowledge of law. They should be able to orientate themselves in legal matters, to pursue their interests with legal means. Law not only restricts actions, it also facilitates activities and creates opportunities. To be able to use law, citizens also need to learn basic facts about the work of the courts and the legal professions and need to develop a minimum of trust in them. Above all, citizens should not be deterred from going to court if a dispute cannot be solved in other ways. 2

There are a number of social institutions which can educate people about law, for example families, especially when family members have regular dealings with the law or even work in a legal profession; in these cases they are likely to transfer their experiences and ideas. Additionally family members may have suffered or indeed profited from the law. In one study, having lawyers in one's family and amongst friends contributed to a high opinion on the profession (Machura and Asimow 2004). Felstiner et al. (2003) also reported generally positive evaluations of lawyers by their clients. Increasingly, parents seem to rely more extensively on the school system for the education of their children. Schools are regulated by 3

the state and in Germany most schools are run by the state and local authorities. What and how much students learn about law is therefore a political question. The other major source for world views and information is the media, most notably television, supplemented by downloads from the internet. Many young people spend large parts of their non-school hours in front of a computer or television screen. Germans generally tend to have a high level of trust in their courts and in surveys consistently rank the courts highly.<sup>1</sup> The legal profession also enjoys a high level of prestige.<sup>2</sup> Only in recent years has the legal profession been more openly understood as entrepreneurial. The old legal tradition that defines the lawyer as 'Organ der Rechtspflege' is still part of the self-definition and public prestige of lawyers. The English translation 'an organ of the legal system' does not accurately convey the meaning of 'Pflege' which literally means 'care': lawyers *care* for the law. In a survey from June 2008, 79% of the respondents indicated that they held judges in high regard and whilst 60% had the same opinion of lawyers (Esslinger 2008). It is against the background of this comfortable position that lawyers' protests against unfavourable media portrayals have to be understood.

Socio-legal scholarship has seen a 'procedural turn' in recent years recognising that the way 4  
decisions are made contributes significantly to trust in the law, legal institutions and legal personnel. People apply criteria of procedural fairness in evaluating authorities and institutions (Leventhal 1980; Röhl 1997; Tyler and Lind 1992; Machura 2001). During their socialisation, people learn about the values of their society and they expect individuals to be treated accordingly. Amongst these values are ideas of fair treatment (Tyler 1990). Lawyers, judges and courts are amongst those who are constantly monitored for their adherence to common notions of fairness. In film and other media seeing how justice is or is not being carried out is part of the attraction (Machura 2005). Many media scholars and, indeed, many of those portrayed unfavourably in popular media, believe that people typically do not source-discount information by constantly sorting out what is derived from fiction (Asimow et al 2005). There may be a drip effect so that portrayals of unfair treatment in court, by lawyers and by judges, eventually detract from public confidence. This article endeavours to identify media influences on whether or not people trust in the legal system and their inclination to use courts provides a good measure.

## LAW ON TV

Television and other sources compete to provide knowledge to students. Petra Wolf (1997) 5  
has already explored the idea that American films and American TV-series influence the knowledge German adults, children and adolescents have about the legal system. For instance, they were more familiar with the US jury system than with the German-type court of lay assessors. The extent of broadcasts related to law is astonishing; if one wished to record and watch all broadcasts involving law, courts and lawyers over a period of 14 days it would take six days without any break to watch them one after the other (Machura und Ulbrich 2001). These include TV-advice broadcasts, courtroom dramas from Hollywood, TV-lawyer series like 'Ally McBeal', as well as documentaries and prominent TV judge shows.

Numerous TV productions and televised movies deal with court proceedings and conflicts of 6  
legal professionals and the effect of courtroom dramas and lawyer films on the audience has been much debated (Asimow 2000; Greenfield et al. 2001). Before specifically addressing the topic of the influence of law-related films, it has to be noted that there is a controversy in media studies about the notion of 'media effects' (Asimow et al. 2005, Gies 2008). Gerbner's view (2000) is that we all grow up with television and absorb its worldviews passively, though this position is contested by others who emphasize the extent to which people make active choices concerning their media consumption. People might turn to law-related broadcasts to find information on things legal or to learn how to protect themselves against crime. Gerbner's cultivation theory and the uses-and-gratification approach can certainly be combined. Media carefully attract audiences and they typically convey certain contents while the audiences often employ their own criteria, picking and choosing before finally settling on an interpretation.

Following the pattern of classic dramas, courtroom dramas and lawyer films show a fight 7  
between 'Good' and 'Evil' represented by the films' protagonists (Machura und Ulbrich 1999) or a variation of this (Lenz 2003). A protagonist's character can be dubious whilst the legal system can be shown at times as corrupt and incompetent. There are thousands of these films which alone makes it difficult to assess their effect on the audience. However, a legitimating influence is likely as most films have a central hero, often an upright lawyer, and

ordinarily they end with a reassuring outcome. After all the most likely response to flawed proceedings on the screen will be the wish to reform the institutions and to see lawyers and judges exhibiting positive traits.

It is easier to guess the effects of TV series as these follow a kind of 'law of the series' and they have to constantly attract viewers. Thus the main protagonists are most usually portrayed in a positive light (Asimow 2000), whilst the bad guys are subdued and even punished at the end of every episode; they may die from accidents or are put behind bars. On German screens there are TV judge shows along the lines of the American 'Judge Judy' or its predecessor 'The People's Court' (Machura 2009). Here former judges, or judges on leave, decide cases with common sense and the exercise of superior legal knowledge. Lawyers appear as defence attorneys and public prosecutors who state their cases zealously and who's portrayal is generally quite favourable. However at times they cross the line of 'decent' behaviour. Lay people, and sometimes professional actors, play the parties and the witnesses whilst the TV courtroom audience consists of studio visitors. In contrast to the American series, which show small claims courts deciding real cases, the German TV courts deal with criminal issues. The cases are fictitious as cameras are not permitted access to ongoing trials in Germany and they are dramatised in order to attract a wider audience. The stereotypical plots and figures often border on the grotesque. Females may wear provocative clothes and the parties are often drawn from social outsiders and behave outrageously. Whereas the high-quality German TV production 'Tatort' may take 22 days of shooting (Seewald 2008), TV judge shows realise two, three or even four episodes in a day. A few minutes must be enough to introduce the personae and their conflicts, while quality films may take the whole length of a TV judge show merely for the exposition. Strong emotions and aggressive behaviour of witnesses, victims of crime and defendants are typical for many of these court shows. 8

The previous President of the Federation of German Judges characterized TV judge shows as 'damaging' (Mackenroth 2002). Judges and lawyers heavily criticise TV judge shows in Germany fearing for the prestige of courts and lawyers (Hellemann 2003, Schnitzler 2005a, 2005b, Schnorr 2005) leading lay people to enter the courtroom with false ideas and expectations. Lawyers working for these shows counter that their aim is 'to educate the public' about the law with some of their colleagues working in the 'real courts' supporting this claim. Some media experts predict that TV judge shows, following the law of the series, leave a positive impression particularly because the authority figure of the TV judge defines 'right' and 'wrong' (Porsdam 1999, Asimow 2000, Ulbrich 2003). While superior judges and zealous lawyers favour belief in the legal system the uncontrolled aggression amongst parties and witnesses may make viewers afraid of trials. Barbara Thym (2003) conducted a questionnaire survey with university students in Munich and found that TV judge shows result in stereotypes which trigger anxiety. In an empirical study Pfau *et al* (1995) described the ambiguous effects of US lawyer series on the audience. Frontstage behaviour of TV lawyers shows them as competent and attractive personalities, however backstage, in their private lives, they appear 'upper class and powerful' which tends to be associated with bad character. First year law students in Buenos Aires, Bochum (Germany), Glasgow, London, Los Angeles and Wollongong (Australia) have been asked about their view of lawyers with the aim of identifying influential sources of information (Machura and Asimow 2004; Asimow *et al.* 2005). All in all, TV judge shows and Hollywood movies do affect the prestige of lawyers. A similar result was achieved in a survey of students of law, geography and political science at the Ruhr-Universität Bochum, which asked for opinions on German courts (Machura 2006). TV judge shows were slightly positively related with perceived fairness and justice of the courts and trustworthiness of judges (Machura 2006). This was followed by a telephone survey with citizens in the area of Bochum (Machura 2007). Although TV judge shows tended to build up trust, mainly trust in lawyers, Barbara Thym's (2003) findings also applied and this time with a larger sample not only of students. The consumption of TV judge shows furthered beliefs about aggressive behaviour in trials and those who held such stereotypes tended to expect to suffer from aggression if they appeared at court and were less likely to trust in judges and courts. Correlations, however, were low (Machura 2007, Machura 2009). 9

To summarize, there are certainly conflicting messages from the media and, of course, viewers with a special philosophy, strong feelings or a number of their own personal experiences may react differently. The content of certain types of TV shows and films does suggest specific audience responses. So, if we assume that media influences do exist, how strong are their effect? The model suggested here includes the idea of a basis of trust in the law, legal institutions and legal professions. While this certainly evolves over time, it 10

nevertheless lays the foundation of trust which is then shaped further by direct or indirect (media) experiences. In Germany, a high level of trust is typical. Therefore, we expect media and other influences to add or subtract from this comfortable level. In the short term, media influences bring typically minor changes but these can add up. A long term decline of trust, as observed for many professions and institutions in Germany over decades (Machura and Asimow 2004), may be partially the result of media messages which on balance detract from the prestige and power of the legal system.

How are students influenced by the media in contrast to other sources? Do they have confidence in the courts, are they encouraged to use the law and inclined to turn to lawyers and courts? These questions were addressed by the study at German schools, which also enabled a closer examination of the contribution of school education to the law. Previous studies have found a widespread feeling among German university students (Asimow et al. 2005; Machura 2006) and among the broader public (Machura 2007) that they have not learned much about the courts and the legal profession from classes at school. The present article will report general aspects of how much law is taught at German schools.<sup>3</sup> 11

### **HYPOTHESES AND METHODS**

Because law is generally under-represented in the German school curriculum it is assumed that schools will have little influence on the formation of views about the legal system and the inclination to use courts in legal disputes. In the absence of school education, media might be one of the most powerful sources, especially the popular TV judge shows and courtroom dramas. The heroic nature of many portrayals of legal personnel should enhance trust in their real world counterparts. Dramatised TV judge shows and similar media portrayals might produce stereotypical assumptions that trials have an aggressive atmosphere. Direct sources of information and demographical factors also need to be taken into account. For example, respondents without a German family background are expected to be more sceptical about German courts and legal personnel; Machura and Asimow (2004) found more negative views of lawyers among law students with a non-German family background. The present article summarizes selected results of a much broader study which also aimed at identifying traits of law-related school education in greater detail. The responding students answered not only questions related to their opinion on law, lawyers and courts but also assessed sources which might have influenced them.<sup>4</sup> 12

In addition, the consumption of TV judge shows, TV series and movies was indicated. The questionnaire also addressed forms and contents of law-related classes in school, experience with school rules and the wish to have more law-related classes (Machura and Kammertöns 2009). From the end of October 2005 to early January 2006, students of year 12 at technical colleges ('Berufskollegs') and high schools ('Gymnasien') of the province North Rhine-Westphalia participated in the study. Following a randomized procedure, 100 Gymnasien and Berufskollegs were asked to participate. The heads of the schools were requested to select the first two teachers from the alphabetical list of class or course tutors who again randomly asked eight students of their class to fill in the questionnaire. The survey was conducted anonymously. The following results are based on 280 responses. Of the responding students, 46 percent attended a Gymnasium.<sup>5</sup> 51 percent were male, 25 percent of the students mentioned having lawyers among their family (including cousins, aunts, grandparents). As to 'national background' 92 percent indicated 'German' (Gymnasium 94 percent, Berufskolleg 88 percent). The remaining students were almost all of European origin. In terms of age, 27 percent were 17 years old, 42 percent 18 and 11 percent 19 years, while 16 percent were 20 years and older. 13

### **SOURCES OF INFORMATION**

Students are informed about law, courts and lawyers from a variety of sources. They may have first-hand experience, for instance from the divorce of their parents, or from appearing as witnesses and even as a defendant in court. Others may have heard from lawyers in their family or among their acquaintances. There may have been discussions with friends about topics of law. Additionally classes at school, TV and radio, or press reports are indirect sources of information whilst novels, telecasts and movies may tell viewers about law, lawyers and courts. 14

**Table 1: Sources of Information, Percentages**

	Lawyers among family and friends	Personal experience with lawyers	Personal experience with courts	Lessons at school	Discussions with friends on courts and lawyers	TV- und radio reports on courts and lawyers	Press reports on courts and lawyers	Novels, telecasts or movies on courts and lawyers
Very	11	12	12	3	8	12	13	11
Somewhat	18	21	16	33	36	43	41	31
Less	16	20	19	38	36	29	35	38
Not at all	52	44	50	23	18	13	9	16
No answer	3	3	3	3	3	3	3	4
N = 280								

Respondents were asked whether such sources informed them when answering the questionnaire items on their inclination to utilise the law, on evaluations of courts and lawyers and on their perception of trials. Table 1 indicates that most students had little direct experience. What is interesting is the comparison of the results on classes in school on the one hand and the answers on self-assessed media influences on the other. Only one third felt influenced by school education whilst TV and radio reports, press reports and novels, telecasts or movies appear significantly more influential.<sup>5</sup> According to the students, the media told them more about law, courts and lawyers than classes at school. 15

German television offers not only the daily judge shows, but also weekly TV series on courts and lawyers and it broadcasts old movies dealing with law. Self-assessed influences were presented and the following provides results of indicators on the consumption of law-related TV programmes. Two-thirds of the respondents indicated having seen at least one of the five TV judges shows broadcast in 2005,<sup>7</sup> however, the proportion of regular viewers remains small; only 11% of respondents reported watching these shows either daily or more than once per week. This can be explained in part by the afternoon times in which court shows are mainly presented aside from re-runs in the late hours. But even a sporadic consumption might exert an influence on viewers. The answers for the five shows were combined to an index for watching TV judge shows (Cronbach alpha = .869). Only a minority of the students had watched the lawyer series which were before broadcasted weekly: 'Edel & Starck' was never seen by 64%, 'Ally McBeal' by 76%, and the U.S. military justice series 'JAG' by 65%. Only the series 'CSI' attracted half of the respondents 'at least once a week' or 'less often'. A third could not remember having seen at least one of the TV series. The answers were combined to form a measure for the consumption of law-related television series (Cronbach alpha = .565). 16

**Table 2: Law-related Movies Watched, Percentages**

Inherit the Wind	4
The Verdict	8
Amistad	12

Judgement of Nuremberg	13
12 Angry Men	17
Philadelphia	43
A Few Good Men	46
Legally Blonde (Part 1)	62
N = 280	

American courtroom and lawyer movies are frequently broadcast on German TV. To have a 17  
measure for the consumption of these movies, a selection was included in the questionnaire.  
The number of such movies is astonishing and those selected were the ones mentioned as '  
masterpieces' in the literature, with all appearing again and again on TV (see Table 2 for titles  
and percentages)<sup>8</sup>. On average, the students had consumed two of the movies whereas only  
14% indicated not having watched any of them. Clearly, compared to TV judge shows and TV  
series, courtroom movies and lawyer movies were less frequently seen.

Teaching law in school can come in different forms: 'Criminal law' had been taught to 37 18  
percent 'very much' or 'somewhat'; 'civil law' (laws governing tenancy and purchase, and  
similar) to 59%; 'public law' (basic rights, laws governing state organization, and similar) to  
69% and finally 'international law' to 25%. As expected, international law was rarely taught  
and students had heard little about the criminal law. Civil law and Public law scored higher  
but even public law was often not taught in detail as only 23% indicated 'very'. An index  
variable for the extent of school lessons on law was formed from the answers (Cronbach  
alpha = .674).

### TRIAL STEREOTYPES

TV judge shows portray criminal trials in a stereotypical way and the TV courts often have 19  
surprise developments and the 'truth' is only revealed in the courtroom. Witnesses confess to  
the crime during cross-examination or turn out to be liars. Often, individuals burst into tears,  
insult each other or wash their dirty linen in public; some can only just be stopped from  
violence. These scenes have attracted criticism from German lawyers who feel they are being  
portrayed in a negative light and fear for the public's trust in the legal system. The  
atmosphere at German trials is calm and functional and only occasionally are emotions shown  
in court. Judges will stop bad behaviour immediately and almost all lay people behave  
decently in the courtroom. At the same time the court rulings are generally predictable at  
least for a well-informed observer. Suffice to say that surprise developments are rare. In  
succession, the police, the prosecution and the judges have filtered cases for their merits  
before they are dealt with in open court. Finally, in meting out punishments, local courts  
follow their 'tariff' for the most common offences, which is of course known to repeat-players.  
Increasingly, judges are prepared to strike a deal ('Verständigung') with the parties to speed  
up proceedings.<sup>9</sup> Consequently there is a large difference between real and fictional trials.

Thym (2003) developed a scale for 'court show stereotypes' which measures the viewer's 20  
assumption that trials at German courts proceed like those of the judge shows: conflictual,  
emotional, abusive, unpredictable. According to Thym's study, TV judge shows let Munich  
University students believe exactly that. In a broader analysis, the TV judge shows are not  
different from typical courtroom dramas like 'A Few Good Men' or 'Witness for The  
Prosecution'. These also show conflicts and emotions of the said type (Machura and Ulbrich  
1999; Machura and Ulbrich 2001). Therefore, Thym's scale is rather a measure of 'trial  
stereotypes as conveyed by dramatic media portrayals' and is treated as that here.

**Table 3: Trial Stereotypes**

	Heavy dispute at trials	Insults at trials	Truth comes out only at trial	Unexpected turns at trial	Witness turns out guilty	Tears at trial
Very frequently	19	11	10	6	1	18
Somewhat frequently	44	39	43	31	14	44
Less frequently	29	39	37	54	70	30
Not at all	1	5	4	2	8	1
No answer	6	6	6	6	6	7
N = 280						

Table 3 indicates the extent to which respondents in the present study held such stereotypes. 21 A majority believed that in serious disputes, there are tears in the courtroom and that the 'truth' often comes out only at trial. One in two respondents thought insults are frequent. Four in ten students assumed that surprise changes are frequent whilst one in eight thought witnesses frequently turn out as the real culprits. As mentioned, all these opinions are extremely inaccurate for real trials. The six trial stereotypes were combined to an index variable (Cronbachs alpha = .692) which will be used to analyse media effects.

**Table 4: Linear Regression for Trial Stereotypes**

Factors	Betas
Student at technical college	-.201***
Family background 'not German'	-.028
Female student	-.235***
Number lawyers in family	.048
Consumption of TV judge shows	.067
Extent of school lessons on law	.198**
Self-assessed sources of information:	
- Lawyers among family and friends	.049
- Personal experience with lawyers	.036
- Personal experience with courts	-.013
- Classes at school	-.176**

- Discussions with friends about courts and lawyers	.109
- TV and radio reports about courts and lawyers	.158*
- Press reports about courts and lawyers	.029
- Novels, telecasts and movies on courts and lawyers	.129*
N = 235, R <sup>2</sup> = .21, p = .001, * p = < .05, ** p < .01, *** p < .001	

Trial stereotypes can be acquired from various sources not only TV judge shows and courtroom dramas. Table 4 shows a multivariate analysis for the extent of 'trial stereotypes' as dependent variable. Students at technical colleges stated stereotypical assumptions significantly more often than those who attended Gymnasien. Female students demonstrated stereotypes more often than male students.<sup>10</sup> Strangely, schools did not contribute to minimizing false assumptions on trials: 22

The more law-related contents students learned at school, the more they shared the stereotypes

The lower students evaluated classes at school as a source of information, the more they shared stereotypes.

Importantly, respondents were more likely to share trial stereotypes: 23

The more TV and radio reports were given credit as a source of information and

The more novels, telecasts and movies were mentioned as sources.

Whilst the model is significant, the explained variance, however, turns out to be low and perhaps many answers have been speculative. Many might not have had any direct experience of the courts, have learned little at school and the media had no special influence on them. While there is some evidence found for media influences on trial stereotypes, based on self-perceived measures of media effects, their magnitude is certainly not overwhelming. 24

**Table 5: Anticipation of a Trial, Percentages**

	Will the judge treat you fairly?	Judge will take arguments into account	Awkward attack by opposing party	Ridiculed by opposing party
Very	35	50	49	30
Somewhat	50	38	31	40
Less	7	5	13	18
Not at all	1	1	1	6
No answer	7	7	6	6
N = 280				

### IF YOU WERE THERE: THE ANTICIPATION OF A TRIAL

If trials are considered by many to be insecure and dangerous what do the students expect 25 would happen, if they themselves appeared as a party at court (Table 5)? A majority feared being attacked by the opposing party or its lawyer in an awkward way. This assumption comes close to stereotypical portrays of trials in TV judge shows and courtroom dramas. Possibly, these shows and movies are also a cause for the fear of being ridiculed by the opposing party or its lawyer at trial; 70% tended to believe this might happen. More regular viewers of TV judge shows were significantly more likely to fear ridicule if at court (Spearman-Rho = .123,  $p < .05$ ). Unsurprisingly, having trial stereotypes correlated significantly with fearing awkward attacks and ridicule (Spearman-Rho = .143 and .148, respectively,  $p < .05$ ).

These fears persisted even though students generally had a high opinion of lawyers. Clearly, 26 students were more critical of lawyer income than of lawyer prestige and ethics; 79% indicated 'lawyers have a high prestige' ticking 'very' and 'somewhat' on a four-point-scale. Further, 67% selected 'very' and 'somewhat' when rating the statement 'Lawyers are trustworthy and ethical' but only 48% did so when rating the item 'Lawyers deserve the amount of money they earn'. A variable 'evaluation of lawyers' is constructed aggregating answers on lawyer prestige, lawyer ethics and lawyer income (Cronbach's alpha = .407). It will be used later when analysing the inclination to go to lawyers or turn to courts with a dispute.

The students held a very favourable opinion of the German courts generally. Of the 27 respondents, 82% 'very' or 'somewhat' agreed that 'citizens are treated fairly at court' and 84% believed that judges are 'very' or 'somewhat' trustworthy and ethical. A third item, 'The judgments of courts are just' was agreed with 'very' and 'somewhat' by 66% of the students. These variables were combined to measure the respondents' general trust in the courts (Cronbach's alpha = .637).

**Table 6: Ordinal Regression for Anticipated Fairness of Judges**

	Estimate
<b>Anticipated fair treatment by the judge</b>	
'very'	-166.776
'somewhat'	-162.947
'less'	-160.163
Gender	-.064
Year of birth	-.086
Technical college	.743*
Family background 'not German'	-1.421**
Number lawyers in family	.311
Number law movies watched	.071
Consumption of TV judge shows	-.102
Consumption of law-related TV series	.027

Extent of law-related lessons at school	-.045
Judges are trustworthy and ethical	1.404***
Citizens are treated fairly at court	.841***
Opinion formed by lessons at school on courts and lawyers	.195
Opinion formed by press reports on courts and lawyers	.063
Opinion formed by discussions with friends on courts and lawyers	-.159
Opinion formed by novels, telecasts, movies on courts and lawyers	.175
N = 237, Nagelkerkes R <sup>2</sup> = .38, p < .001, * p < .05, ** p < .01, *** < .001.	

Reassuringly, half of the respondents thought the judge would take their arguments into account if they appeared in court (Table 5). Majorities also believed they would be treated fairly by the judge. The multivariate analysis in Table 6 revealed that Gymnasiasten were more optimistic of being treated fairly by the judge whilst students with a foreign family background believed in a fairer treatment. No media effects were detected nor effects of school education (Table 6). The general trust in German courts, typical for German society, should have its effects. In this study, the belief in fair treatment of citizens at courts generally and the belief in trustworthiness and ethicality of judges nurtured the expectation of receiving fair treatment by the judge in one's own trial (Table 6). Also, respondents who saw judges as trustworthy and ethical were less likely to fear being ridiculed by the opposing party should they appear in court (Spearman-Rho = -.128, p < .05). It is seen as part of the judge's role to protect parties against humiliation. So while the general climate of trust in German courts is reflected by the belief in being treated fairly by a judge, some media influence might have caused worries about being attacked by the opposing party in court. The article now turns to how these mixed feelings play out when it comes to the decision to go to lawyers and to courts. 28

### INCLINATION TO MOBILISE LAWYERS AND COURTS

The readiness of citizens to use the law in cases of conflict forms one of the major topics within the sociology of law (Blankenburg 1995). The inclination to mobilise the law expresses among other things society's trust in the law and its organs. Those who believe in the fairness of judges should be more likely to utilize courts while sharing trial stereotypes should diminish the likelihood of turning to the courts. Citizens will only rarely go to court directly; more often than not, they will seek the advice of a lawyer first. To take this into account, the following scenarios were rated by the respondents: 29

'Please imagine that a stranger causes you damage worth 500 Euro and refuses to pay. How likely is it for you to ask a lawyer for advice?'

'In this case, how likely is it that you sue the stranger at court?'

'Please imagine that an old acquaintance causes you damage worth 500 Euro and refuses to pay. How likely is it that you will sue him at court?'

**Table 7: Readiness to Mobilise the Law, Percentages**

	Lawyer if 500 € damage by a stranger	Court if 500 € damage by a stranger	Court if 500 € damage by an acquaintance	Advice to report a sexual harassment
Very	57	32	8	40
Somewhat	32	46	29	29
Less	10	18	48	25
Not at all	1	4	15	7
No answer	-	1	-	-
N = 280				

The three questions used deal with financial damages and vary the degree of social closeness and the organ of law to turn to. Confronted with an old acquaintance, a legal conflict will often be avoided (Table 7). Just to ask a lawyer for advice does not equate to the end of friendly relations which is very likely if the conflict goes to court. It will most certainly be different in a dispute with a stranger where there is less to lose in terms of future relations. In a multivariate analyses, the inclination to go to court in case for 500 Euros in damages caused by a stranger correlated significantly only with two factors: the inclination to ask a lawyer for advice (Beta = .720,  $p < .001$ ) and the belief that truth comes out only at trial (Beta = .171,  $p < .001$ ). The explained variance is reasonable, especially for a hypothetical scenario ( $R^2 = .45$ ,  $p < .001$ ,  $N = 260$ ). 30

**Table 8: Inclination to Sue an Acquaintance, Ordinal Regression**

Probability to sue an acquaintance	Estimates
'very'	366.264*
'somewhat'	368.169*
'less'	370.662*
Type of school	.351
Female students	-.367
Year of birth	.184*
Extent of law-related school lessons	-.091
Number of lawyers in family	.091
Consumption of TV judge shows	.043
Consumption of law-related TV series	-.079

Number law movies watched	-.158
Evaluation of lawyers	.080
Trust in courts	.170*
Opinion formed by lawyers in family	.035
Opinion formed by personal experience with lawyers	.257
Opinion formed by personal experience with courts	-.129
Opinion formed by lessons at school	.390*
Opinion formed by TV and radio reports on courts and lawyers	-.243
Opinion formed by press reports on courts and lawyers	.382*
Opinion formed by novels, TV and films on courts and lawyers	.144
N = 241, Nagelkerke's R <sup>2</sup> = .15, p = .007, * < .05	

There were more reservations about suing an old acquaintance than a stranger (Wilcoxon-test:  $z = -11,281$ ,  $p < .001$ ). Social closeness and individual ties may be an explanation. A multivariate analyses thus revealed little (Table 8). Significant correlations appeared for the feeling of having been influenced by press media. Additionally, older students were more inclined to sue. Students feeling influenced by classes in school were more likely to go to court. Other media influences such as those mentioned did not contribute to an explanation of suing acquaintances. In addition, those who trusted more in courts significantly more often said they would turn to the courts. Thus, when it comes to minor property damage, students seem to calculate the costs and benefits of mobilising lawyers or courts. The end of good personal relations and the individual confidence in the courts are taken into account. Influences of the entertainment media are not obvious, here. This may change if the matter is much more emotional. 31

A fourth item touches an area of frequent critique of the legal system: 32

'Please imagine that a good female friend asks you for advice. After a party she alleges that she was intimidated sexually by an acquaintance. Both were heavily drunk. How likely is it that you give her the advice to report the potential crime so that the case can be discussed at court?'

An element of ambiguity was incorporated into the formulation – 'alleges', 'both heavily drunk', 'potential crime' – how the prosecution authorities would react. If reported, the incident has to be scrutinised, this idea should be invoked within the respondents. On the one hand, the public today understands that violations of sexual self-determination constitute severe offences and crimes. This would favour a high inclination to report a potential crime. On the other hand, there has been a discussion on 'secondary victimization' by the circumstances of the investigation procedure and the trial. It may cause many to hesitate. 33

**Table 9: Advising to Report a Sexual Harassment, Ordinal Regression**

Probability of advising to report	Estimate
'very'	287.873**
'somewhat'	288.720**
'less'	289.689**
Female students	-.179
Year of birth	.145**
Technical college	.232
Extent of law-related lessons at school	-.016
Number law movies watched	-.165**
Evaluation of lawyers	.120*
Opinion formed by press reports on courts and lawyers	-.134
Opinion formed by novels, TV and films on courts and lawyers	-.111
Opinion formed by classes in school	.161
Opinion formed by personal experience with lawyers	.096
Opinion formed by lawyers in family	
'very'	-.170
'somewhat'	.322
'less'	.104
Judge will take arguments into account	-.177
Judge will be fair	.213
N = 247, Nagelkerke's R <sup>2</sup> = .34, p < .001, * p < .05, ** p < .01, *** < .001	

Table 9 shows multivariate analyses to explain the 'advising to report sexual harassment' 34 item. Most factors are not significantly related. But older respondents tended more to support a report. Those who have watched the law movies listed more frequently favoured a report as well as those who saw lawyers positively. Arguably, the more frightening they perceive the situation at court, the less students tended to give advice to go to court. The law movies on our list usually featured heroic lawyers or judges as the main figures zealously protecting a good cause.

To summarize, the individual inclination to mobilize the law appears influenced by the level of 35 trust in courts and lawyers. Additionally, media effects were found: by press reports and

movies. Also, classes at school contributed to an explanation of when people mobilise the law.

## CONCLUSION

Our findings support scholars who insist that there are indeed media effects from press, TV and radio reports of trials and from novels, lawyer and courtroom dramas in film, as well as from TV court shows. Such factors contributed to how students of 12<sup>th</sup> class think about law and the courts. Classes at school added little information. Students had a positive image of courts and the legal professions, which reinforces previous studies with adults and university students. In Germany, courts and lawyers enjoy a comparably high prestige and widespread confidence. Thus, the answers of the students in this study mirror the general mood of the public, which largely formed their opinion. The results support our understanding of trust in the law, legal institutions and legal professions. Societies have an historic level of trust, which is still comparably high in Germany. Personal experiences and indirect influences such as media portrayals built up or eroded from this level of trust. Media effects can at first be small but may add up over time. 36

Possibly, the respondents underestimated the influence of the media on their opinion. Being informed by fictional media is not the 'socially expected' answer because it has a bit of a degrading touch. A self-assessment of media influences may therefore produce lower results and in fact, media influence could have even been considerably higher. General self-assessment aside, the present study also had measures of media consumption based on watching specific programmes and movies. The students' consumption is less directed to lawyer movies and courtroom dramas made for cinema. There are also few heavy consumers of law-related TV series and judge shows. However, the majority knows these media products and even a short exposure to them may influence their opinion. 37

All in all, the media influence is in no way devastating. The main hypothesis is confirmed: the media does contribute to confidence in legal institutions and legal professions. Direct experiences with the legal system did not typically erode trust. Also, students with a foreign family background were more likely to believe that they would be treated fairly by a judge. For a society which has to rely on courts and lawyers to solve numerous disputes in which other modes of resolution are exhausted, these are favourable circumstances. 38

Viewers often hold a skewed opinion how trials at court are run (Thym 2003; Machura 2007). In this study, again, many students feared an aggressive and intimidating way of trials being conducted. More frequent viewers of TV judge shows were afraid of being ridiculed at court. Trial stereotypes were related to self-assessed media influences. The press, TV programmes and many films follow news and entertainment values (Machura and Ulbrich 2001). So they prefer sensational, mostly negative, news and emotionalising portrayals to attract readers and viewers; the daily functioning of courts and the ordinary trials do not make compelling drama. 39

Media on the one hand contribute to a positive, legitimizing overall picture, and on the other hand they nurture fears about aggressive behaviour in the courtroom. The decisive factor then is the quality of the judges and lawyers. Most films and all of the judge shows depict them as able and ethical persons with a superior judgement. Consequently, and because of the general climate of trust in Germany, the present study found favourable evaluations. To watch the victory of the 'Good' over the 'Bad' constantly attracts the audience. Viewers project their hopes on the people of the law and this further explains positive feelings towards lawyers and judges. 40

*The research for this article has been supported by the German Science Foundation DFG.*

## BIBLIOGRAPHY

Asimow M (2000) 'Bad Lawyers in the Movies' 24 Nova Law Review: 533.

Asimow M, Greenfield S, Jorge G, Machura S, Osborn G, Robson P, Sharp C and Sockloskie R (2005) 'Perceptions of Lawyers – A Transnational Study of Student Views on the Image of Law and Lawyers' 12 International Journal on the Legal Profession 407.

Asimow M and Mader S (2004) Law and Popular Culture. A Course Book (New York: Lang).

Bergman P and Asimow M (1996) *Reel Justice. The Courtroom Goes to the Movies* (Kansas City, KS: Andrews and McMeel).

Blankenburg E (1995) *Mobilisierung des Rechts* (Berlin: Springer).

Derlien H-U and Löwenhaupt S (1997) 'Verwaltungskontakte und Institutionenvertrauen' in Wollmann H et al. (eds) *Transformation der politisch-administrativen Strukturen in Ostdeutschland* (Opladen: Leske und Budrich).

Durkheim E (1976) *Regeln der soziologischen Methode*. 4th edition, ed. by König R (Neuwied: Luchterhand) (orig. 1895).

Esslinger D (2008) 'Der Feuerwehrmann steht ganz oben' *Süddeutsche Zeitung*, 8 October 2008.

Felstiner W L F, Pettit B, Lind E A and Olson N (2003) 'The Effect of Lawyer Gender on Client Perception of Lawyer Behaviour' in Schultz U and Shaw G (eds) *Women in the World's Legal Profession* (Oxford: Hart).

Gerbner G (2000) *Die Kultivierungsperspektive: Medienwirkungen im Zeitalter von Monopolisierung und Globalisierung* in Angela Schorr (ed.), *Publikums- und Wirkungsforschungen* (Wiesbaden: Westdeutscher Verlag).

Gies L (2008) *Law and the Media. The Future of an Uneasy Relationship* (Oxon: Routledge-Cavendish).

Greenfield S, Osborn G and Robson P (2001) *Film and the Law* (London: Cavendish).

Hellemann A (2003) 'Nur Sex und Verbrechen'. *Die Welt*, 5 February 2003.

Kuzina M (2000) *Der amerikanische Gerichtsfilm. Justiz, Ideologie, Dramatik* (Göttingen: Vandenhoeck & Ruprecht).

Lenz T O (2003) *Changing Images of Law in Film and Television Crime Stories* (New York: Lang).

Leventhal G S (1980) 'What Should Be Done With Equity Theory?' in Gergen K J, Greenberg M S and Willis R H (eds) *Social Exchange: Advances in Theory and Research*, Vol. 9 (New York: Plenum).

Machura S (2001) *Fairneß und Legitimität* (Baden-Baden: Nomos).

Machura S (2005) 'Procedural Unfairness in Real and Film Trials: Why Do Audiences Understand Stories Placed in Foreign Legal Systems?' in Freeman M (ed) *Law and Popular Culture* (Oxford: Oxford University Press).

Machura S (2006) 'Fernsehgerichtshows: Spektakel des Rechts' 15(1) *Paragrana* 174.

Machura S (2007) 'Ansehensverlust der Justiz? Licht und Schatten des Gerichtsshowkonsums' in Döveling K, Mikos L, and Nieland J-U (eds) *Im Namen des Fernsehvolkes. Neue Formate für Orientierung und Bewertung* (Konstanz: UVK).

Machura S (2009) 'German Judge Shows: Migrating from the Courtroom to the TV Studio' in Asimow M (ed) *Lawyers in Your Living Room! Law on Television* (Chicago: American Bar Association).

Machura S and Asimow M (2004) 'Das Ansehen von Anwälten bei Jurastudenten: Einflüsse von familiärem Hintergrund, persönlichen Erfahrungen, Anwaltsfilmen und TV-Anwaltsserien' 25 *Zeitschrift für Rechtssoziologie* 3.

Machura S and Kammertöns A (2009) *Recht im Schulunterricht, Medieneinflüsse und die Attraktivität von Rechtsberufen*, 30 *Zeitschrift für Rechtssoziologie* 235.

- Machura S and Ulbrich S (1999) 'Recht im Film: Abbild juristischer Wirklichkeit oder filmische Selbstreferenz?' 20 Zeitschrift für Rechtssoziologie 168.
- Machura S and Ulbrich S (2001) 'Law in Film: Globalizing the Hollywood Courtroom Drama' in Machura S and Robson P (eds, 2001) Law and Film (Oxford: Blackwell).
- Machura S and Ulbrich S (eds, 2002) Recht im Film (Baden-Baden: Nomos).
- Mackenroth G (2002) 'Das ist emotionelles Theater', Interview. Der Spiegel, no. 42, 188.
- Müller R (2009) 'Ein tiefer Einschnitt. Der „Deal“ im Strafverfahren wird Gesetz', Frankfurter Allgemeine Zeitung, 29 May 2009, 10.
- Niedermayer O (2001) Bürger und Politik (Wiesbaden: Westdeutscher Verlag).
- Noelle-Neumann E and Köcher R (eds, 2002) Balkon des Jahrhunderts. Allensbacher Jahrbuch der Demoskopie 1998-2002, Vol. 11 (München/Allensbach: Saur/Verlag für Demoskopie).
- Pfau M, Mullen L J, Diedrich T, and Garrow K (1995) 'Television Viewing and Public Perceptions of Attorneys' 21 Human Communications Research 307.
- Porsdam H (1999) Legally Speaking: Contemporary American Culture and the Law (Amherst: University of Massachusetts Press).
- Röhl K F (1997) 'Procedural Justice: Introduction and Overview' in Röhl K F and Machura S (eds) Procedural Justice (Aldershot: Ashgate).
- Schnitzler K (2005a) 'Interview mit Bernhard Töpfer' Forum Familien - und Erbrecht, no. 1+2, 3.
- Schnitzler K (2005b) 'Interview mit Hartmut Kilger' Forum Familien- und Erbrecht, no. 3, 77.
- Schnorr S (2005) 'Justiz, Medien, Medienrecht', Conference of the German Judge Academy, Wustrau November 2003 <<http://rsw.beck.de/shop/default.asp?docid=110270&highlight=Gerichtsshows>>, visited 4 May 2005.
- Seewald M (2008) 'Sie machen den „Tatort“, sagte ihr Chef' Frankfurter Allgemeine Zeitung, 23 May 2008, 38.
- Thym B (2003) Kultivierung durch Gerichtsshows. Eine Studie unter Berücksichtigung von wahrgenommener Realitätsnähe, Nutzungsmotiven und persönlichen Erfahrungen. M.A. Dissertation, Ludwig-Maximilians-Universität München.
- Tyler T R (1990) Why People Obey the Law (New Haven: Yale University Press).
- Tyler T R and Lind E A (1992) 'A Relational Model of Authority in Groups' in Zanna M (ed) Advances in Experimental Social Psychology, Vol. 25 (New York: Academic).
- Ulbrich S (2003) 'Gerichtsshows als mediales Format und ihre Bedeutung für das Recht' in Machura S and Ulbrich S (eds) Recht – Gesellschaft – Kommunikation. Festschrift für Klaus F. Röhl (Baden-Baden: Nomos).
- Vorländer H and Brodocz A (2006) 'Das Vertrauen in das Bundesverfassungsgericht. Ergebnisse einer empirischen Bevölkerungsumfrage' in Vorländer H (ed) Die Deutungsmacht der Verwaltungsgerichtsbarkeit (Wiesbaden: VS-Verlag).
- Wolf P (1997) Was wissen Kinder und Jugendliche über Gerichtsverhandlungen? (Regensburg: Roderer).
- 1 Derlien and Löwenhaupt 1997: 458-460, 470; Niedermayer 2001: 66; Vorländer and Brodocz 2006: 26; Machura 2006; Machura 2007.

[2](#) Noelle-Neumann and Köcher 2002; Machura and Asimow 2004; Asimow et al. 2005; Machura 2007.

[3](#) Drawing from the same data set, a separate article (Machura and Kammertöns 2009) provides more in-depth analysis of how law is taught. It focuses on didactical aspects and also asks for the contribution of the media and other sources on how attractive careers in the legal system appear to the students.

[4](#) The questionnaire was partially developed from a previous telephone survey in the area of Bochum (Machura 2007) mentioned above. Other studies provided scales related to lawyer prestige and to sources of information (Asimow et al. 2005) and stereotypical assumptions on trials (Thym 2003). These scales were further adapted if necessary.

[5](#) Percentages do not always sum up to 100 due to rounding. Also, some questionnaires returned incomplete.

[6](#) Wilcoxon-test  $z = -5,093$ ,  $p = .001$ , two-tailed, for comparison with TV and radio reports,  $z = -6.026$ ,  $p = .001$ , two-tailed, for comparison with press reports and  $z = -2,724$ ,  $p = .006$ , two-tailed, for comparison with "novels, telecasts and movies on courts and lawyers".

[7](#) In the meantime, three of the judge shows, namely, 'Das Jugendgericht', 'Das Strafgericht' and 'Das Familiengericht' disappeared from the TV screen, leaving over 'Richter Alexander Hold' and 'Richterin Barbara Salesch'. Respondents could answer 'daily', 'at least once a week', 'less often' and 'never'.

[8](#) The movies are mentioned e.g. in Bergman and Asimow 1996; Kuzina 2000; Greenfield et al. 2001; Machura and Ulbrich (eds.) 2002; Asimow and Mader 2004. – This list of films has also been used in prior studies (Machura and Asimow 2004; Machura 2006 and 2007). To facilitate remembering while reading the questionnaire, a scene with main actors was printed with every title. For a colour movie a colour picture was shown.

[9](#) According to the President of the German Federal Court, Klaus Tolsdorf, two thirds of all cases end up this way (cited by Müller 2009).

[10](#) The precursor of correlations depends on coding. Heavy stereotypes were coded with lower numbers, hence the correlations of 'female' and 'technical college' show a negative precursor.