



LAW SHiFTERS



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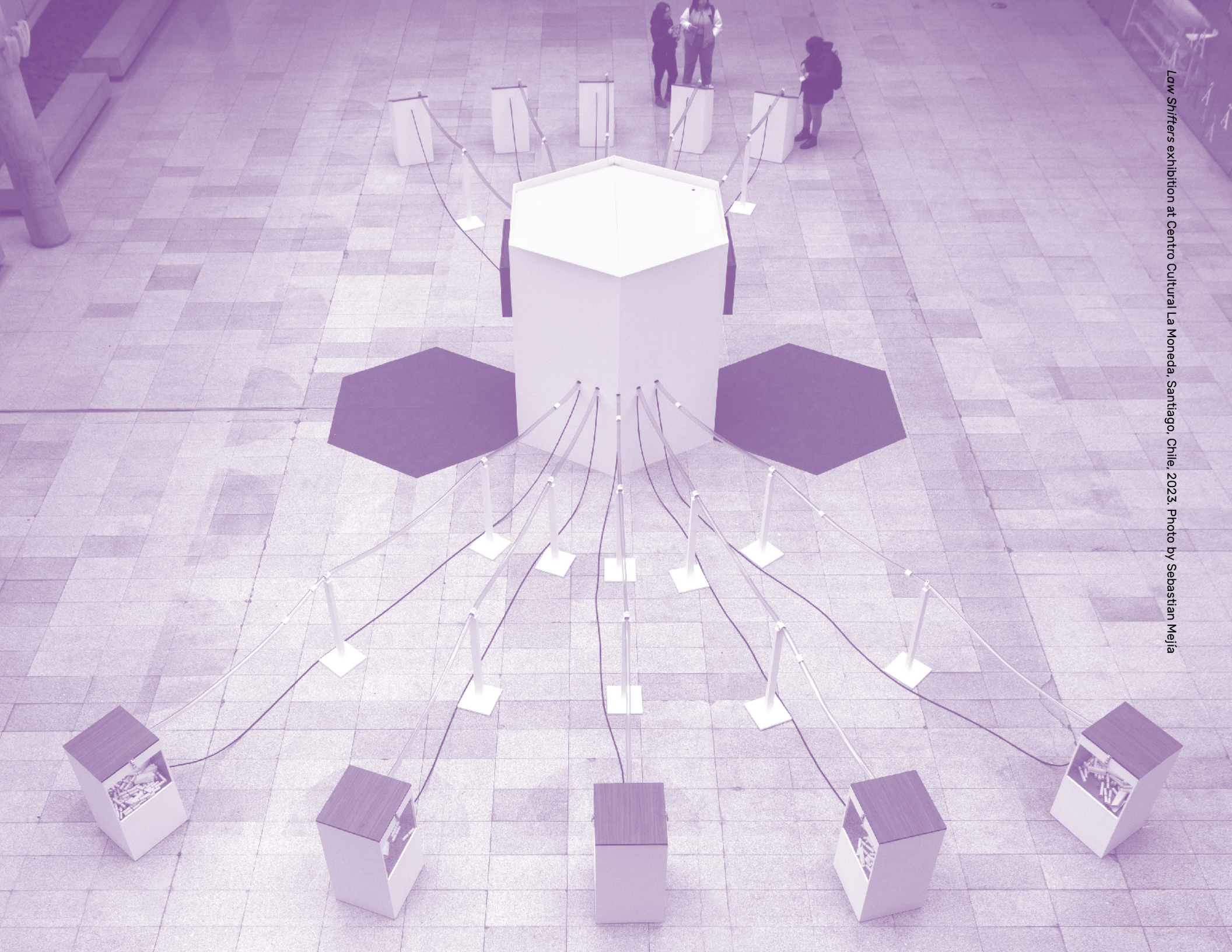
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Law Shifters exhibition at Centro Cultural La Moneda, Santiago, Chile, 2023. Photo by Sebastian Mejia



Law Shifters exhibition at Centro Cultural La Moneda, Santiago, Chile, 2023. Photo by Sebastian Mejía

Law Shifters exhibition at Centro Cultural La Moneda, Santiago, Chile, 2023. Photo by Sebastian Mejia



INTRODUCTION TO LAW SHIFTERS

Law Shifters engages people of all ages in law and democracy by giving them the chance to act as both judges and lawmakers. What would be your verdict to real court cases, and how would you rewrite the laws of your country so that they could become more just?

The *Law Shifters* project lets people discuss their political opinions, ethical views and sense of justice as they re-judge real court cases and draft new law proposals that reflect their reality today.

Given current discussions on direct democracy (the importance of public participation in political affairs, or whether legal participatory systems are merely built for the majority, to mention a few), legal (un)realisable proposals from citizens could play an important role on the political stage. *Law Shifters* challenges people's democratic education in a serious, yet humorous and creative way, by dealing with existing regulations and legislations.

ROLE-PLAY A REAL COURT CASE

Law Shifters invites people to act as defendant or prosecutors in a given court case, while strengthening argumentation skills and making it clear that a case can always be viewed from multiple perspectives. For this reason, we have selected court case examples that are more difficult to judge - in order to create a more nuanced conversation amongst the participants.

A case is considered ambivalent when there are multiple factors which may have influenced the incident or certain actions of the given case, or when different senses of justice collide. The role-play forms a warm-up exercise to writing new law

proposals via the arguments that arise during the role-play. From the participants own senses of justice new ideas may arise which will then guide the drafting of law proposals.

Many children may perceive legal arguments and the language of law as being inaccessible, but in *Law Shifters*, the role-play creates a playful and intuitive space based on the premise of the role-playing group. Addressing real, current court cases motivates a quest for justice, and it is made clear how much significance a country's legislation has on everyday individual and collective lives.

WRITE YOUR OWN LAW

Once the participants have role-played the court case and passed a verdict, their sense of justice is activated, allowing the people to step into the legislative chamber and create their own legislative proposals.

Here, the participants are encouraged to form an opinion on society and to consider how solutions towards a more just society are also found within themselves.

They are invited to articulate a personal idea, feeling or experience of society and to reflect on how the law not only governs people, but that people in a democracy can also take control of the law.

Each person writes their own law proposal, either within the topic of the court case or on a different topic that the person themselves considers relevant.

Part 1. and Part 2 of this PDF contain educational material for any educator or moderator who wants to work with *Law Shifters*. Through practical and useful tools and guidelines, legislation can be worked on: the art of argumentation is trained based on real court cases and new law proposals can be drafted. From the age of 10 upwards, children, young people and adults can work on court case role-plays, drafting law proposals and creating art based on their law ideas.

In Part 3., the appendix contains conversations from collaborating lawyers, a curatorial text and law proposals from young participants in Chile. This particular version of *Law Shifters* is also an artwork which has existed since 2016 in various iterations (including exhibitions, machine

sculptures, workshop methods, street posters, audio recordings, cartoons, animations, political hearings and filmed/private meetings between law writers and politicians) and functions as a conceptual and social art work lobbying for the direct involvement of people in the shaping of both art and politics.

In previously *Law Shifters* workshops, it has been possible to engage a voluntary local lawyer or law student to assist in the role-play and drafting of the law proposal. With *Law Shifters*, many lawyers have found it interesting to increase the public's experience of the law system. Maybe there is a lawyer among your friends, parents, or perhaps the local town lawyer who will take up the challenge of inviting students into the world of law.



PRINT ME

The book is designed to be printed in color or black and white (grayscale) and can be distributed for free.



PRINT ME

PARTE 1

FOR EDUCATORS

ROLE-PLAY OF COURT CASE

18 STEP GUIDELINE

Preparations: Select one of the court cases on page 18 - 25 and print it as a handout.

Duration: 60 - 90 mins

1.

Moderator explains to the participants that they will re-stage a court case from a real, current incident that has previously been before a court and where a verdict has been reached. The names have been changed, but the stories are real. Moderator asks the participants what they know about the law (from films or books, etc.) and after five minutes continues.

2.

The chosen court case from the book is read aloud by one of the participants and the moderator makes sure everyone understands the specific case.

4.

Each group is given a printed handout of the chosen court case text, which has guiding questions to engage them in the main facts of the court case. The groups are given 10-15 mins to prepare their arguments.

3.

Everyone is divided into three groups: a judge, prosecutor and defender group. The participants themselves chose which group they want to be part of, but each group must have at least two participants.

5.

The tables in the room are arranged as a courtroom. A table is set up for the judges. On the left are the prosecutors, on the right are the defenders. All the tables form a horseshoe, but with space between them. (See picture example on page X).

6.

The moderator explains that everyone must rise when the judge group enters and exits. In addition, both the prosecutor and defender groups must stand when they speak.

7.

The court case begins. First, the prosecutor and defender group sit down. Then the judge group enters.

8.

The judges ask prosecutors to explain what the accused is charged of, and why the prosecutors believe that the accused should be convicted. Meanwhile, the judges note the main points of the prosecution.

9.

Afterwards, the defenders are allowed to explain why they believe the accused should either be acquitted or only receive a mild punishment. Meanwhile, the judges note the defenders' main points.

10.

The prosecutors explain why they think what the defenders say is wrong.

11.

The defenders then explain why they think what the prosecutors say is wrong.

12.

The judges can give the prosecutors and defenders more time to speak, if they have more to add.

13.

The judges then sum up the charges and the defendants' views.

14.

The judges now withdraw for five minutes.

15.

The judges return to pass judgment. The prosecutors and defenders must stand while listening to the verdict. The judges explain which arguments they chose to attach most weight to, and then whether the accused is guilty or innocent. If the accused is found guilty, the judges outline what punishment they have found appropriate.

16.

Then the moderator reads aloud the verdict that the court case originally received. It is important that the original verdict is kept secret until now. It is not about whether the participants reach the same verdict or not. Instead, the point is that all incidents can be viewed from different points of view and thus can be assessed differently.

17.

If relevant, you can review the laws upon which the original verdict was based with the class. Since learning about current laws can shape how participants think when creating a new law proposal, laws are usually reviewed only if the participants specifically want to change an existing law. Otherwise, it is recommended to wait with incorporating existing legislation until after the next exercise, where law proposals are prepared.

18.

After the original verdict has been read aloud, the participants together identify which arguments were used in the court case on which the original verdict was based, and which arguments in the original verdict have not been given much weight. Also note what kind of values and life views are expressed in the verdict.



Participants play the roles of judges, defenders and prosecutors. *Law Shifters* workshop at Museo de la Memoria y los Derechos Humanos, Santiago, Chile, 2022. Photo by Stine Marie Jacobsen



PRINT ME

PaRT 1

7 COURT cases FOR ROLE-PLAY



AYMARA MOTHER



Alejandra is a 27-year-old Aymara woman and mother of three children. She is a llama herder. One day, in an isolated area of the Altiplano plateau in northern Chile, she realises that she has lost two llamas. Alejandra is afraid: each llama costs 100,000 pesos and her earnings are not enough to pay for them.

She decides to go back to look for them and leaves her four-year-old son on her Aguayo (an Andean blanket). When she returns she cannot find the little boy. The next day she goes to the police. The police arrest her and interrogate her for six days.

Alejandra gives contradictory answers and different versions of what happened, in Spanish and Aymara, sometimes in the presence of a lawyer. She is charged with obstruction of the investigation and abandonment of a minor, resulting in death.

At her trial, her status as a mother and as an Aymara is discussed, in order to assess whether her behaviour of leaving the child alone, and responding contradictorily to the police, can be justified by her language and culture. The child is found frozen to death one year later.

Court Case

→ See verdict on p. 35

Questions to guide the case

- Should the court punish Alejandra? How?
- How should Alejandra have acted when she realized she had lost the Llamas?
- Why do you think Alejandra is accused of not having cooperated with the police in clarifying what happened?
- How should the police have acted?
- Does the fact that Alejandra is Aymara influence whether she is guilty or not?
- Should the suffering of having lost one of her children be considered, when sanctioning a mother?



NON-BINARY IDENTITY

Simone is a non-binary person, of legal age, who requests that the Civil Registry modify their birth certificate, replacing the indication of “male” sex” with “non-binary”.



The Registry refuses this request, arguing that there is no “non-binary” option in the official certificates or in the law, which only use the expressions “male” and “female”.

Simone claims in court that this decision violates their human right to gender identity, creates difficulties for them to fully develop and affects the social recognition they have been receiving for more than 10 years as a non-binary person. Even the doctors who treat them recognize them as a non-binary person.

Court Case

→ See verdict on p. 36

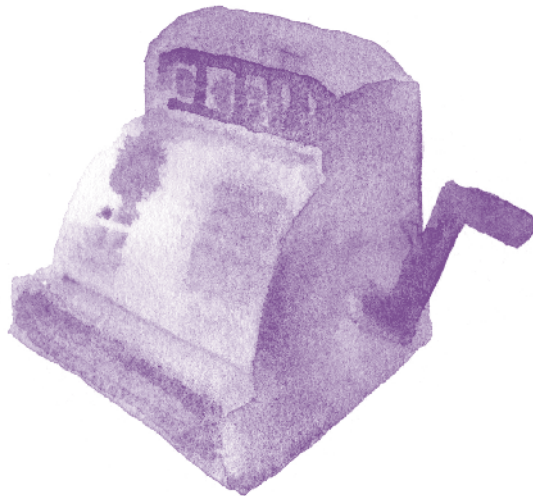
Questions to guide the case

- What should a civil registry official do in a case like this?
- Does Simone have the right to have their non-binary identity respected?
- What should justice officials do to recognize whether someone is non-binary?
- Why is it important for the State to recognize non-binary identity?
- Is the opinion of doctors important in this case?
- What problems can a person face if their documents State that they are non-binary, rather than male or female?



THE BOOKKEEPER

Cristina lives in Puerto Montt, Chile. She is the bookkeeper* for the sixth grade at “Los Lagos” school. A person named Elena accuses her on Facebook of having stolen money intended for the course’s end-of-year trip.



The accusation affects Cristina and her family very much. Some people send them threats by e-mail, which makes them very sad and anxious. Cristina does not sleep well thinking about what is being said about her on the Internet. Cristina asks the court to order Elena to delete the post that is affecting her.

* In Spain and Spanish-speaking Latin America, it's common for parents and guardians to manage class finances as bookkeepers.

Court Case

→ See verdict on p. 37

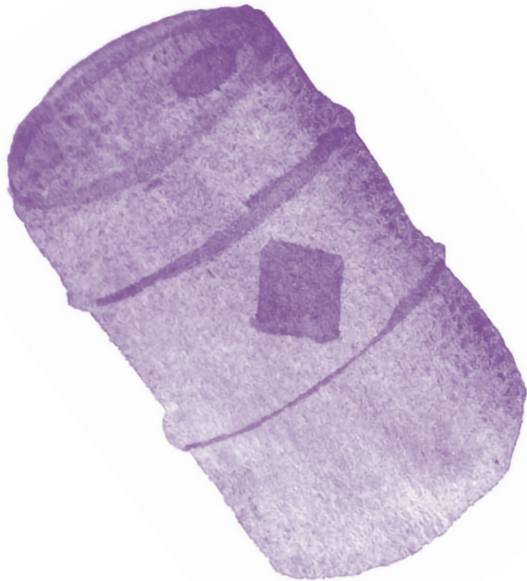
Questions to guide the case

- Can Cristina ask that the post that claims she stole the money from the course be deleted from Facebook?
- What happens when someone on the Internet posts something about someone, accusing them of stealing, for example?
- Is everything that appears on the Internet true?
- What do you think about Elena posting the accusation on Facebook?
- What should the court do to protect Cristina?
- Should the post be deleted?



TOXiC aiR

Mariana and Hector are siblings and go to the same school. Their eyes are irritated and they have difficulty breathing: it's as if they have asthma. No one knows if it's a cold or allergies.



Many children and adults in the school and the neighbourhood have experienced the same problem. They all live or attend a school near an oil company, and another company that refines copper.

One day, Mariana and Hector's doctor tells their mother, Marta, that people are getting sick from a toxic gas called sulphur dioxide. Marta asks the neighbourhood council for help. Together they sue the companies. The companies state that they do not believe they are to blame.



Court Case

→ See verdict on p. 38

Questions to guide the case

- Do you think the company is responsible?
- What should we do to protect the environment?
- Who is affected by air pollution?
- Should the company solve the health problem for all those affected? What can we do to ensure that companies do not pollute?





ELISA AND ESTHER



Esther is from Haiti and has been working for a year cleaning at a university in Santiago, Chile, from Monday to Saturday. She speaks Creole and French, the languages of Haiti. She also speaks Spanish

quite well. Esther's work is very hard. After a while, she gets pregnant. She becomes tired much quicker.

One day she argues with her boss, Elisa. Esther wants to work from Monday to Friday only, so she can rest more on weekends. Elisa doesn't agree to this and tells her not to come to work anymore, because later she will stop coming anyway. Esther sues Elisa because she says it was wrong for her to fire her like that.

Court Case

→ See verdict on p. 39

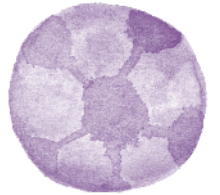
Questions to guide the case

- Was the way Elisa fired Esther right?
- Should she have been fired?
- Should we give special considerations if the working woman is a mother?
- Is firing someone who is pregnant the same as firing someone who is not pregnant?
- Do you think it is easier for Elisa to fire Esther because she is from another country?
- Do you know people in similar situations?
- How can we protect and help Esther?





THE SPORTS CLUB



In 2002, some parents at the Kingston School in Concepción, Chile, created a sports club of the same name. The school allows them to use the gymnasium and the playing courts in the afternoon, when there are no classes, to play soccer, basketball and for aerobics.

One day, the owners of the school write an email to the director of the Kingston Club, Jose. The e-mail says that they will no longer lend them the room to store their equipment: clothes, shoes, balls and other implements. They also won't let them use the courts and gymnasium because they say

they need them for sports classes and other student activities. The parents go to court.

José and the parents who are part of the Kingston Club think this is illegal and unreasonable. They say that they have the right to use the court, the gym and the equipment room as the agreement to do so goes back more than twenty years. In addition, the parents of the Kingston Club say that sports are important in promoting a healthy and active life.

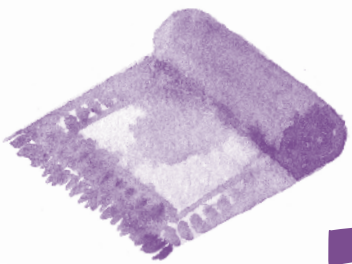
Court Case

→ See verdict on p. 40

Questions to guide the case

- Do you think it is fair for the school to evict the Kingston Club?
- Is it important for the parents of the Kingston Club to play sports at the school, considering that they have been doing so for over twenty years?
- Is it important for the students to play sports at the school?
- What can the court do to make the situation between the school management, the sports club and the students more just?
- Can rules or agreements be created so that older people can also play sports at the school?





THE weaver

(For adults only)

Marcela, 25 years old, a weaver, lived on an island with difficult access in the south of Chile. One morning she kills her husband with an axe while he is sleeping. Juan, 42 years old, dies of seven blows to the skull. After killing him, Marcela takes her three young children to her mother's house, where the police arrest her. The children did not witness their mother's attack.

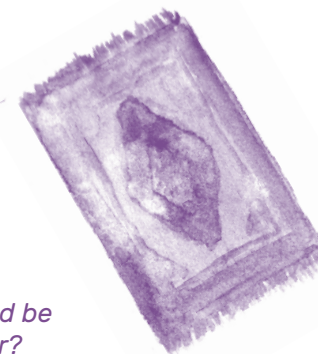
The night before, Juan had beaten and raped Marcela. He also threatened to kill her and the children with an axe. Marcela married at the age of 16 under pressure, when

she became pregnant by Juan. They had been dating for three months and from the beginning she suffered physical, psychological and sexual violence.

This violence continued during the eight years they lived together. Juan also mistreated his children. Marcela, on several occasions, told the police, her neighbours and workers at the local post office about these events, but on only one occasion was a judicial process initiated that ended with an agreement between Marcela and Juan.

Court Case

→ See verdict on p. 41



Questions to guide the case

- Do you think Marcela should be punished for Juan's murder?
- How should she be punished?
- Should someone who kills her husband be punished more severely than someone who kills a person with whom she has no family relationship? Does it influence your opinion about the case that Marcela has been a victim of violence? Does it influence your opinion about the case that Juan has mistreated his children?
- Does it influence your opinion of the case that Juan was sleeping when he was attacked?
- Could or should Marcela have sought another way out of the violent situation in which she was living? Does Marcela's fear of her husband justify killing him?
- How much fear do you think Marcela had?
- Do you think it is important to think about that fear in order to come to a decision in the case?
- How could this situation have been avoided?
- Do you think that a woman who suffers domestic violence can find protection from the State?



THE POLLUTING BREWERY

Court Case

→ See verdict on p. 42

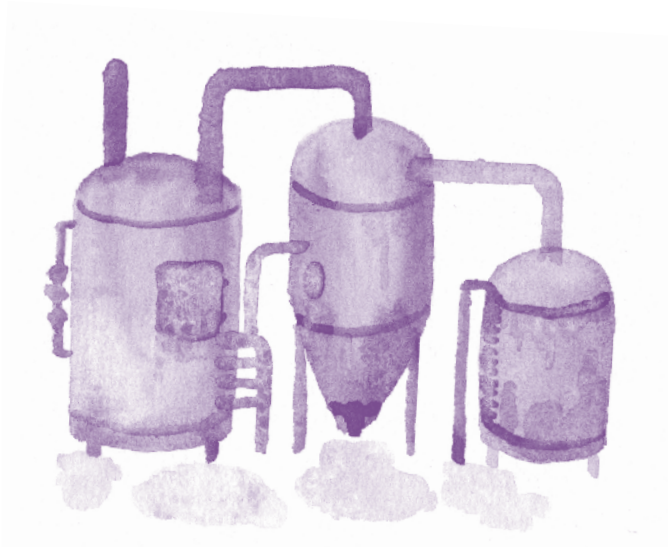
A company called “Ugarte SA” is located in San José, Chile. Ugarte SA produces beer, among other beverages. In doing so, it pollutes the soil, water, and the environment, affecting people in the surrounding area.

The Ministry of Health monitors the company and knows that it generates overpowering odours, and air and water pollution, because the brewery is not functioning properly. The residents of San José want the factory to close and have filed a protective action in court.

The company points out that its activity should be maintained since it provides jobs for most of San José’s residents.

Questions to guide the case

- Should a polluting company continue to be granted permits to operate?
- Should the opinion of the neighbours be taken into account?
- Should the company be sanctioned for generating overpowering odours, and air and water pollution?
- How should it be sanctioned?
- Is it important to avoid soil contamination? What about water contamination? What about the environment?
- How much fear do you think Marcela had?
- Do you think it is important to think about that fear in order to come to a decision in the case?
- How could this situation have been avoided?
- Do you think that a woman who suffers domestic violence can find protection from the State?





Universidad Austral de Chile
Facultad de Ciencias Jurídicas y Sociales

Participants play the roles of judges, defenders and prosecutors. *Law Shifters* workshop at CECREA, Valdivia, Chile 2024. Photo by Jonathan Zuñiga

- Negligencia materna
- Abandono
- Podría haber pedido ayuda
- Llamar a policía antes
- Muchas versiones diferentes
lo que dificulta la investigación
- Condenn en la cárcel x neg

JOSEFINA

MARIA y Héctor tienen problemas respiratorios
Quieren que ABIAN UN HOSPITAL, pero eso
cuesta mucho y los trabajadores se averdarian
sin presupuesto.

LA EMPRESA PODRIA APOYAR MAS CARILLAS
SI USTED ES SABIAN QUE SU PRODUCTO
CONTAMINABA Y HABIAN EN LOS COLEGIOS Y FAMILIAS
Y MAS EMPRESAS DE LA CIUDAD PERO FUERA DE ESTA?
DINERO CUANDO TE DESPIDEN
MASCARILLAS

Preguntas para guiar el caso

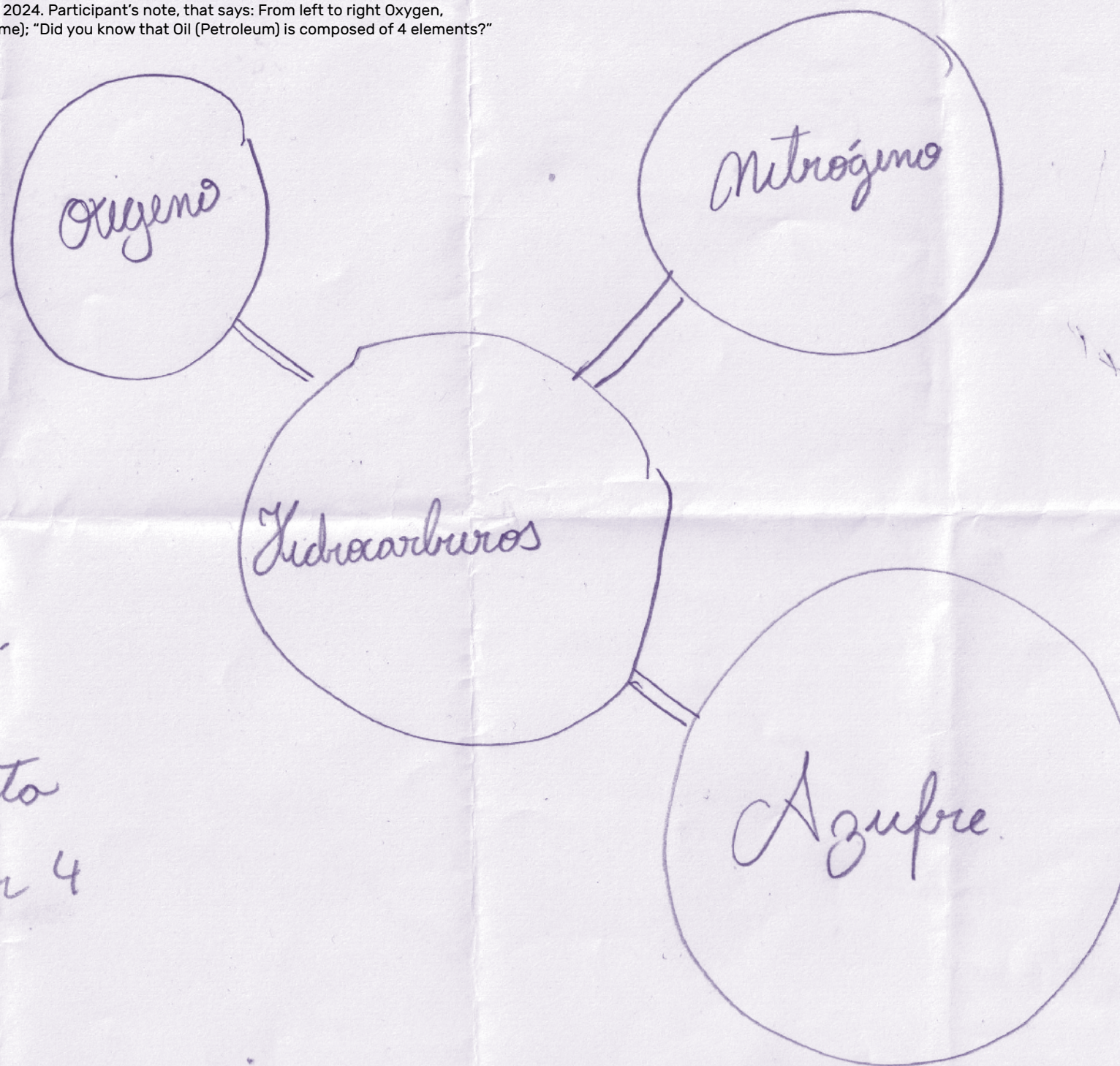
- ¿Crees que la empresa es responsable?
- ¿Qué debemos hacer para proteger el medio ambiente?
- ¿A quiénes afecta la contaminación atmosférica?
- ¿Debe la empresa solucionar el problema de salud de todos?
- ¿Qué podemos hacer para controlar que las empresas no...

Law Shifters workshop at CECREA, Valdivia, Chile 2024. A scanned handout with notes that says: Affected persons: Mariana and Héctor; "Do all children and their families have enough money to go to the doctor?" "Maybe the other ones are waiting to go to the doctor". Photo by Stine Marie Jacobsen



Participants play the roles of judges, defenders and prosecutors. *Law Shifters* workshop at CECREA, Valdivia, Chile 2024. Photo by Stine Marie Jacobsen

Law Shifters workshop at CECREA, Valdivia, Chile 2024. Participant's note, that says: From left to right Oxygen, Nitrogen, Sulphur, Hydrocarbons (Chemical Scheme); "Did you know that Oil (Petroleum) is composed of 4 elements?"



¿Sabías que...

El petróleo está compuesto por 4 elementos?

1 cree un procedimiento
científico

2 Area Verde

3 reducir contaminación

1 Pri Encontramos la Empresa
culpable el traslado

se pagara a medias
el antiguo edificio

hospital se haran

los estudios

Law Shifters Workshop at CECREA, Valdivia, Chile 2024. Participant's note that says:

1) Create a scientific procedure, 2) Green Area,
3) To reduce pollution...

1 fir(...): We find the comp(any) guilty. The moving to an old building
will be paid half and half. Studi(es) will be done.

Aire tóxico



Mariana y Héctor son hermanos y van a la misma escuela. Tienen los ojos irritados y no pueden respirar bien, es como si tuvieran asma. Nadie sabe si es un resfrío o alergia.

Muchos niños y adultos en la escuela y el barrio han tenido el mismo problema. Todos viven o van a la escuela cerca de una empresa de petróleo y de otra que refina cobre.

Un día, el médico de Mariana y Héctor le dice a su madre, Marta, que las personas se enferman por un gas tóxico que es el dióxido de azufre. Marta pide ayuda a la junta de vecinos. Juntos demandan a las empresas. Las empresas dicen que no creen tener la culpa.

→ Personas afectadas → Mariana y Héctor

→ acaso todos los niños y familias tienen el dinero para ir al doctor.

→ quizás los otros están esperando uno turno para ir al doctor.

Preguntas para guiar el caso

- ¿Crees que la empresa es responsable?
- ¿Qué debemos hacer para proteger el medio ambiente?
- ¿A quiénes afecta la contaminación atmosférica?
- ¿Debe la empresa solucionar el problema de salud de todos los afectados?
- ¿Qué podemos hacer para controlar que las empresas no contaminen?



Law Shifters workshop at CECREA, Valdivia, Chile 2024. A scanned handout with notes that says: Affected persons: Mariana and Héctor; "Do all children and their families have enough money to go to the doctor?" "Maybe the other ones are waiting to go to the doctor".



Procedimiento
científico
verificar
contaminación
tras la
medida

Participants play the roles of judges, defenders and prosecutors. *Law Shifters* workshop at CECREA, Valdivia, Chile 2024. Photo by Stine Marie Jacobsen

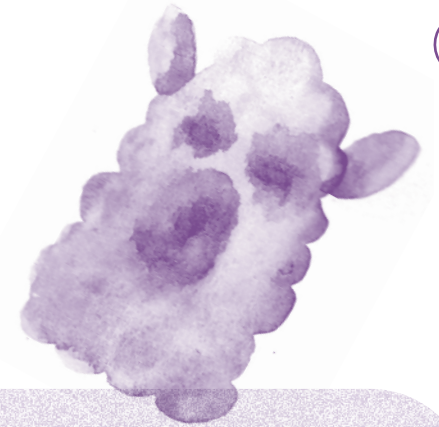


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7 COURT case VERDiCTS

AYMARA MOTHER



Court Decision

The court sentenced Alejandra to 12 years in prison, finding against an accident and that Alejandra intentionally abandoned her child. The court pointed out that Alejandra was not justified in abandoning the child because of her Aymara culture, because Aymara mothers take care of their children while shepherding and know the dangers of the desert.

The court did recognise that, according to one expert, Aymara women show submission and a lot



of respect to male authorities and was therefore easily influenced during interrogation. The court further thinks Alejandra is not a typical Aymara woman, because she uses* State services such as public health insurance, sanitary towels and worked in a restaurant before becoming a shepherdess.

Years after this ruling, the State was sued before the Inter-American Human Rights Commission for violating Alejandra's human rights. A reparation agreement was reached, where it was established that Alejandra had not wanted to abandon her child and that the responses she gave to the police during interrogation were the result of torture. Along with recognising her innocence, the State had to ask Alejandra for forgiveness and grant her financial compensation.

Relevant legislation

Article 351 of the Penal Code:

If abandonment in a solitary place results in serious injuries or the death of the child, the person who executes it will be imposed the penalty of major imprisonment in its medium degree, when it is one of the people referred to in the preceding article, and that of imprisonment greater in its minimum degree in the opposite case.

Article 10 Convention 169:

1. When criminal sanctions provided for by general legislation are imposed on members of said peoples, their economic, social and cultural characteristics must be taken into account. 2. Preference should be given to types of sanctions other than imprisonment.

* The court estimated these things are common to most Chilean women.



NON-BINARY IDENTITY

Court Decision

The court ruled that the State was not obliged to recognise in official documents and procedures the identity that each person defines for themselves. The law only recognises male and female identities and therefore the Civil Registry does not have the power to recognise other identities. The Court of Appeal overturned the court's decision and noted that administrative difficulties cannot be an obstacle to guaranteeing people's human rights.

Relevant legislation

Law 21,120, Article 1:

Gender identity will be understood as the personal and internal conviction of being a man or woman, as the person perceives themselves, which may or may not correspond to the sex and name verified in the birth registration certificate.

Law 21,120, Article 4 b):

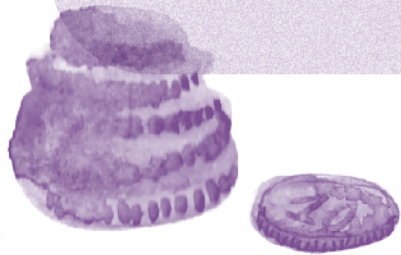
Every person has the right to be recognized and identified according to their gender identity and expression in public and private instruments that prove their identity with respect to name and sex, in accordance with the provisions of this law.



THE BOOKKEEPER

Court Decision

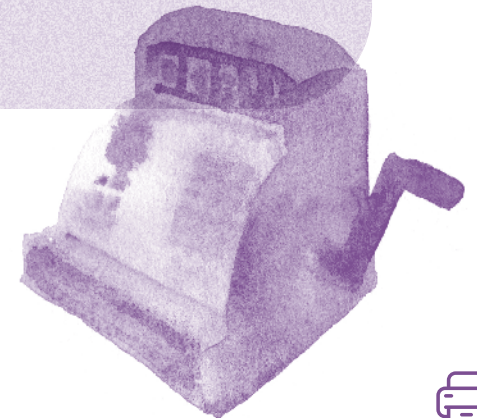
The judge said that the Facebook post accusing Cristina of stealing the course trip money was illegal, because it was based on a personal opinion and it affected her honour and reputation. The court ordered the post to be deleted and also ordered Elena not to accuse anyone else in this way again.



Relevant legislation

Article 19.- The Constitution assures all people:

4°.- Respect and protection of the private life and honour of the person and their family, and also, the protection of their personal data. The processing and protection of these data will be carried out in the manner and conditions determined by law.



TOXiC AiR

Court Decision

The court decided that the Ministry of the Environment must control the companies. The Ministry of the Environment instructs inspectors to go from time to time to see if companies are polluting.

If they do, they must pay a fine and cease polluting to continue operating. Inspectors often talk to neighbours and people in factories to see if contamination is occurring. They also visit factories to see if this is the case.

Relevant legislation

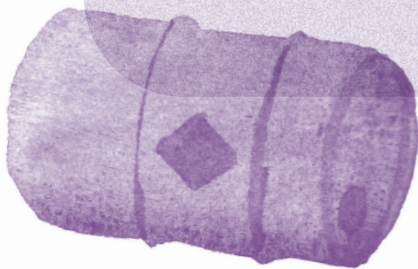
Article 19.- The Constitution assures all people:

1° The right to life and to the physical and mental integrity of the person.

8° The right to live in an environment free of pollution. It is the duty of the State to ensure that this right is not affected and to protect the preservation of nature.

9° The right to health protection.

Article 20, paragraph 2, establishes a protection resource to defend the right to a clean environment if it is violated by an illegal action.



ELISA AND ESTHER

Court Decision

The court accepts Esther's demand, because Elisa had no reason to fire her.

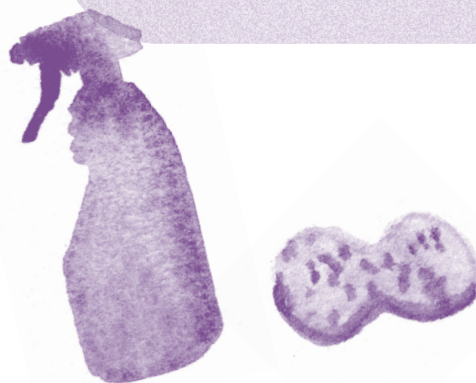
Esther is a woman, mother and migrant. It is more difficult for her to find a job than for other people.

For this reason, the job was particularly important to her. Elisa must pay compensation money to Esther.

This money will help her live, while her baby is being born, and for her to find another job.

Relevant legislation

Article 168 of the Chilean Labor Code allows that, if a worker is fired without a valid or fair reason, as in Esther's case, they can go to court within 60 days to have their case reviewed by a judge. If the judge decides that the dismissal was unfair, the worker has the right to receive compensation. This compensation may increase if the dismissal was especially unfair or if proper rules were not followed. This ensures that workers like Esther are protected if they are fired without good reason.



THE SPORTS CLUB

Court Decision

The Court accepts the protection appeal presented by the Kingston Sports Club against Kingston School. The court determines that the random reassignment of facilities without adequate communication or prior justification by the school violated the club's acquired right to use the school's sports facilities. The court orders the school to give space to the Kingston Sport club and allow it to continue using the sports facilities.



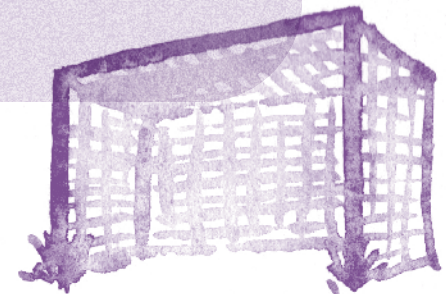
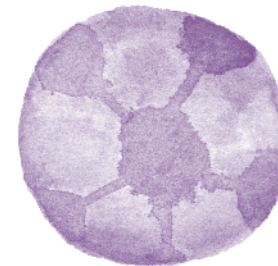
Relevant legislation

Article 19.- The Constitution assures all people:

1°.- The right to life and physical and mental integrity of the person.

10°.- The right to education. Education aims at the full development of the person in the different stages of his or her life.

24°.- The right of property in its various types over all types of tangible or intangible assets. Only the law can establish the way of acquiring property, using, enjoying and disposing of it and the limitations and obligations that derive from its social function.



THE weaver



Court Decision

he court recognizes that the marriage was forced but given its validity at the time of the trial, it condemns Marcela for “parricide” (the act of killing a close relative), which entails a greater penalty than homicide. The court also recognises the excessive violence that Marcela and her children suffered from Juan, but does not accept the excuse that Marcela would have killed her husband because she had an “insurmountable fear” as required by law.

The court notes that although Marcela felt afraid when Juan threatened to kill her children, she decided to act, not at that moment, but when he was sleeping in bed, unable to defend himself against her.

Marcela is found guilty but a lighter sentence is applied because there was significant fear on Marcela’s part.

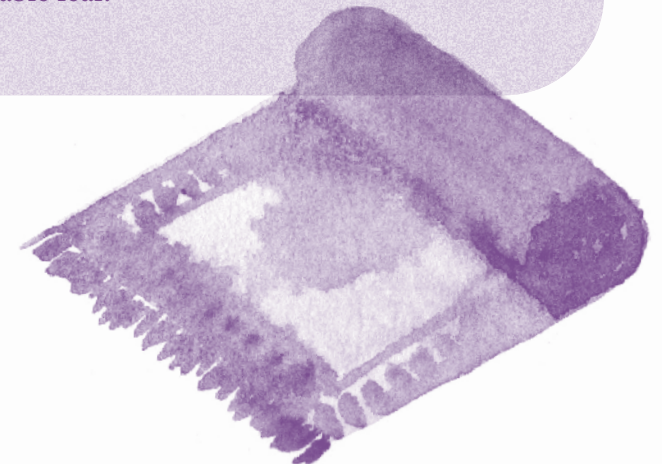
Relevant legislation

Article 390 of the Penal Code:

Whoever, knowing the relationships that bind them, kills their father, mother or child, any other of their ascendants or descendants or whoever is or has been their spouse or cohabitant, will be punished, as a parricide, with the penalty of imprisonment, higher in its maximum degree to qualified life imprisonment.

Article 10 No. 9 of the Penal Code:

The following are exempt from criminal responsibility:
Those who act violated by an irresistible force or driven by an insurmountable fear.



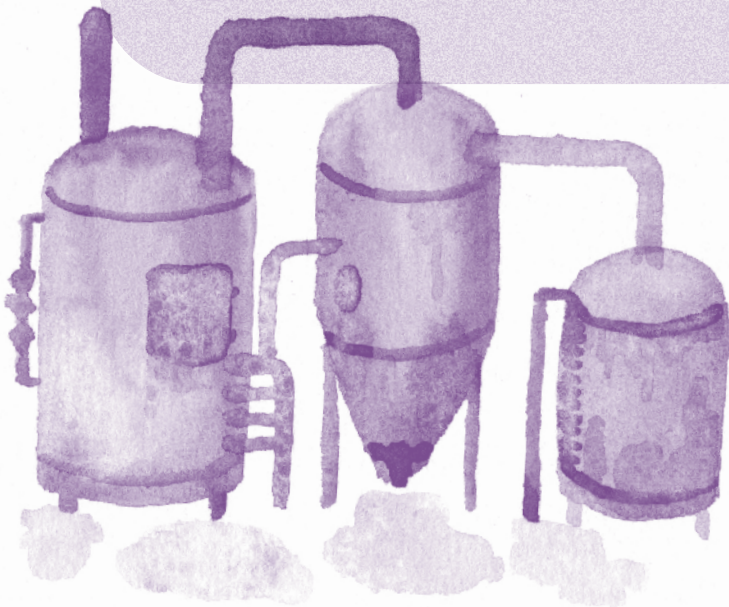
THE POLLUTING BREWERY

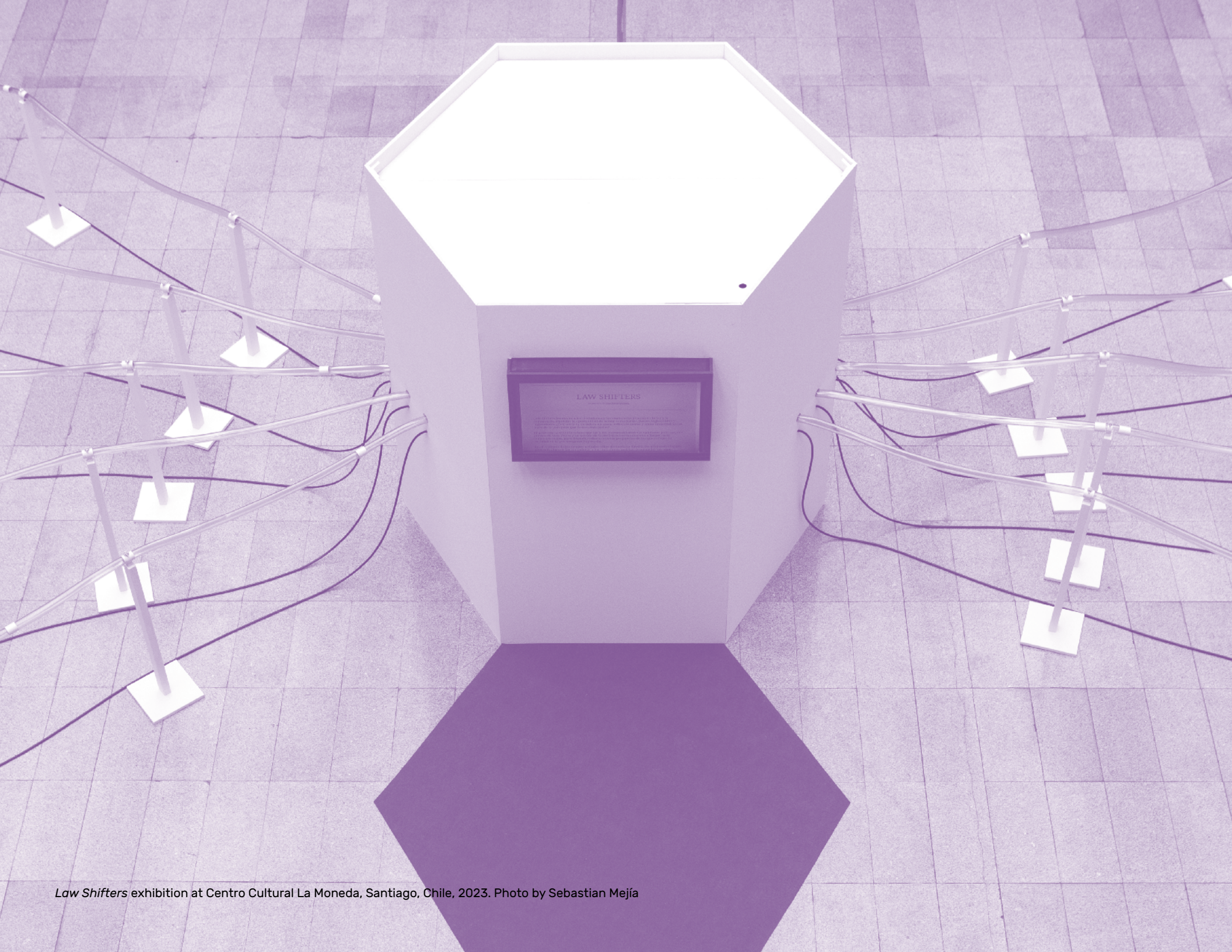
Court Decision

The Supreme Court accepted the protection appeal that the Court of Appeal had rejected and ordered the cessation of the offending company's operations. The court also ordered the initiation of a sanctioning and inspection procedure by the relevant authorities, in this case the Environmental Service (SMA).

Relevant legislation

The Constitution of Chile, in its Article 19, ensures the right to live in an environment free of pollution, which means that the State must protect people against activities that damage the environment. In addition, environmental laws force companies to comply with strict regulations to avoid pollution, and establish that if a company does not have permission to operate or is polluting, it must be sanctioned. The Environmental Superintendency can order the suspension of activities and ensure that the company takes measures to correct its violations.





Law Shifters exhibition at Centro Cultural La Moneda, Santiago, Chile, 2023. Photo by Sebastian Mejía



Law Shifters exhibition at Centro Cultural La Moneda, Santiago, Chile, 2023. Photo on the left by Sebastian Mejía, photo on the right by Stine Marie Jacobsen.

PaRT 2

FOR educators

**WRITE YOUR
OWN LAW
PROPOSAL**

SLOW-WRITING LAW 30-45 MINS

While the participants' sense of justice is still warm after the role-play, it's now time for the participants to write their own law proposals. An active sense of justice is the best fuel for drafting laws towards a more just, humane and safe society.

It is important to emphasise that laws do not ensure justice in themselves. Justice can only be achieved collectively with other people, where a dialogue is in place. Instead, the law is a tool for achieving justice, and it must be carefully formulated to make it work as efficiently as possible.

Writing a law should be a slow job. In today's political reality, laws are sometimes written in haste without preliminary groundwork, so that they are formulated inaccurately, and thus

difficult to apply in practice. Even politicians in Parliament can be so eager that they have little time for an extended conversation before a law must be voted on.

Once the participants finish drafting their law proposal, they can compare the proposals with existing legislation.

It is a good idea to wait with reading existing laws until this point, where the law proposals have been drafted, so that they do not unduly influence the participants' creative conceptions of a better world.

On the following pages, contain some guidance to what you as a moderator can tell the participants.

GUIDE TO PREPARING ONE'S OWN LAW PROPOSAL

The moderator asks the participants to think about the discussions and considerations they have had during the role-play.

The participants write their own proposals for a law on something that matters to them. It may be a law addressing the same topic in the court case role-play from the previous exercise. If they have a completely different idea for a law that they think could make a difference in our society, they may also want to write about this instead.

First, ask the participants to reflect for a few minutes on how our society could be a better place to live in, and then on how a law could be written so that society could move in that direction.

As a moderator, guide the participants to:

Write as concisely and clearly as they can about what they want to change in the community, and also explain why. Their ideas become more accurate if they use more than one sentence. Avoid decorating the text with fancy words, but instead use their skills to ensure their law is easily understood by others. Remind them to argue for their beliefs and why they think something is right.

Read their proposal to the other participants and ask them to explain their understanding of what has been written. If they don't quite understand what someone meant, they should try to formulate it differently.

TRANSLATION OF LAW PROPOSALS

TRANSLATING THE LAW PROPOSALS INTO LEGAL LANGUAGE



As a moderator you can help further develop their proposals in several ways, depending on the participants' wishes.

The participants can either continue to work on their own proposal individually, or they can be divided into groups that select a single proposal to continue working with. OR they/you can simply just skip this part and jump straight to the art exercises on page 50.

A third option is to lay out all the proposals on the tables, have everyone read them, and

then place a star on the three proposals they think are the most important to continue with. Similar proposals can be merged.

The participants are then divided into five groups and continue to work on the five proposals that have received the most stars. Each group fine-tunes its proposal, so it is as effective and easy to understand as possible.

Thereafter, the law proposal can be translated into "legal language".

If a lawyer or law student from your local community is associated with the project, they have the best prerequisites for rewriting the proposal in legal language and adding paragraphs and §. Short clear phrases are put together into longer neat sentences so that they closely resemble existing laws in thick law books. The lawyer must of course not change the content of the proposal.

In *Law Shifters*, all proposals are translated, so that they sound like existing laws -

including those that express a feeling and are therefore difficult to apply in practice. Here it is first and foremost about writing the law based on aspirations and a sense of justice rather than an examination of practical technicalities.

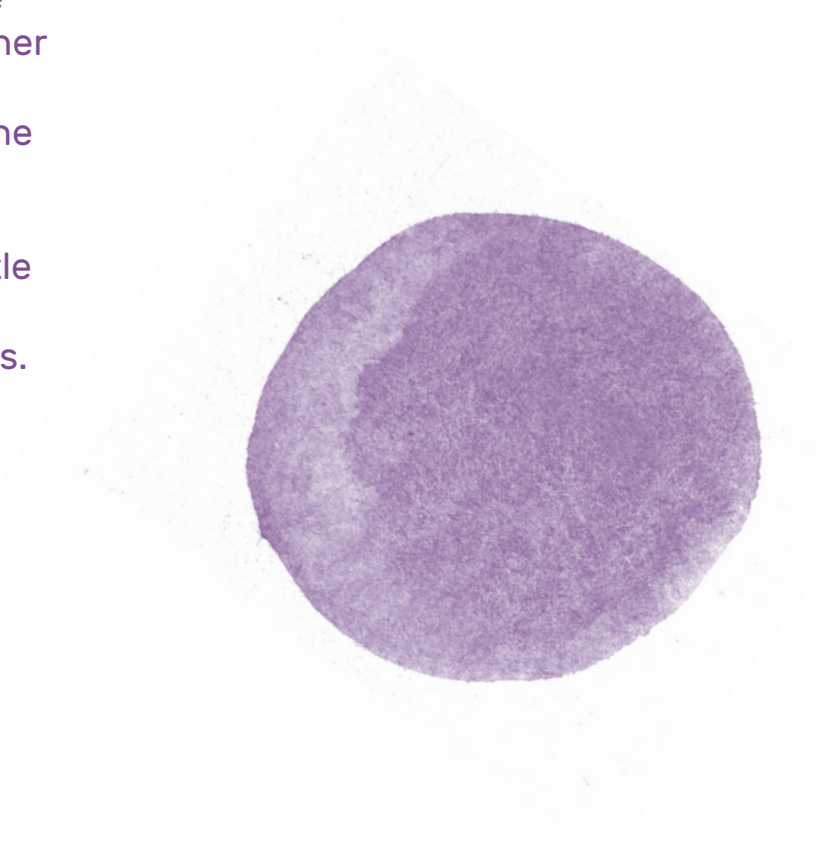
The *Law Shifters* project requires adapting to the legal framework of each country where it operates, ensuring compliance with local laws and regulations. Collaborating with local lawyers is crucial to navigating these legal systems and ensuring that the project adheres to each country's constitution and legal rights. This approach helps avoid legal pitfalls and ensures that the project is tailored to the specific context of each location.

When the lawyer has to “translate” the proposal into legal language, the lawyer first judges whether the content of the proposal already exists in other existing legislation. If so, the law proposal is translated to give it the same form as the specific law.

If the proposal does not resemble any other existing laws, the lawyer must be creative and they rewrite the text with inspiration from other laws, so that the proposal appears as a passage from the current law catalogue.

The lawyer gives the law a title and a legal number so that it will be in line with similar laws. Otherwise, the law must be given a random number.

If there is no lawyer associated with the project, the moderator can search for local websites or publications containing the existing legislation in your country and help compare it with your proposed law. You can also ask for assistance at your nearest library to find the legislation in written form.



ART exercises

SHiFTiNG YOUR LAW PROPOSAL iNTO aRT

You could turn your law proposal into cartoon drawings, political comic strips, films, street posters, street banners, poems, songs, a sculpture, create a # for your proposals and share on social media, and organise political meetings with politicians.

You could build law machines (see examples on pages 57-63) and through its design and form show how you imagine the public could be able to propose and submit laws to their respective governments.

Many governments are currently, or have, designed digital platforms, where citizens are engaged in politics, so co-designing how you imagine this participatory system should work is important for designing future forms of direct democracy.

BUILD YOUR OWN LAW MACHINES

Materials needed: Markers, post-its, tape, glue gun, alu-foil, 2 x glue guns, thin foam, cardboard boxes. **Museum supplies:** 5 scissors and 2 cutters. **Preparation:** Find crazy, real, fictional law machines or machines from cartoons, films or other historic material.

1.

Icebreaker: Show and make a “Chindōgu” (珍道具) which is the practice of inventing ingenious everyday gadgets that seem to be ideal solutions to particular problems, but may actually cause more problems than they solve. The term is of Japanese origin. Having to imagine something silly or humorous can be relaxing to our often-high performance expectations to ourselves and expand our imagination.

2.

Moderator presents examples of law machines to participants.

3.

Collective brainstorm: How to send law proposals to the government. Draw the ideas quickly on little notes (Post-its) on a wall and try to group them into similar categories. Keep this process judgement-free. In the case of many participants, you can choose to merge ideas into one model.

4.

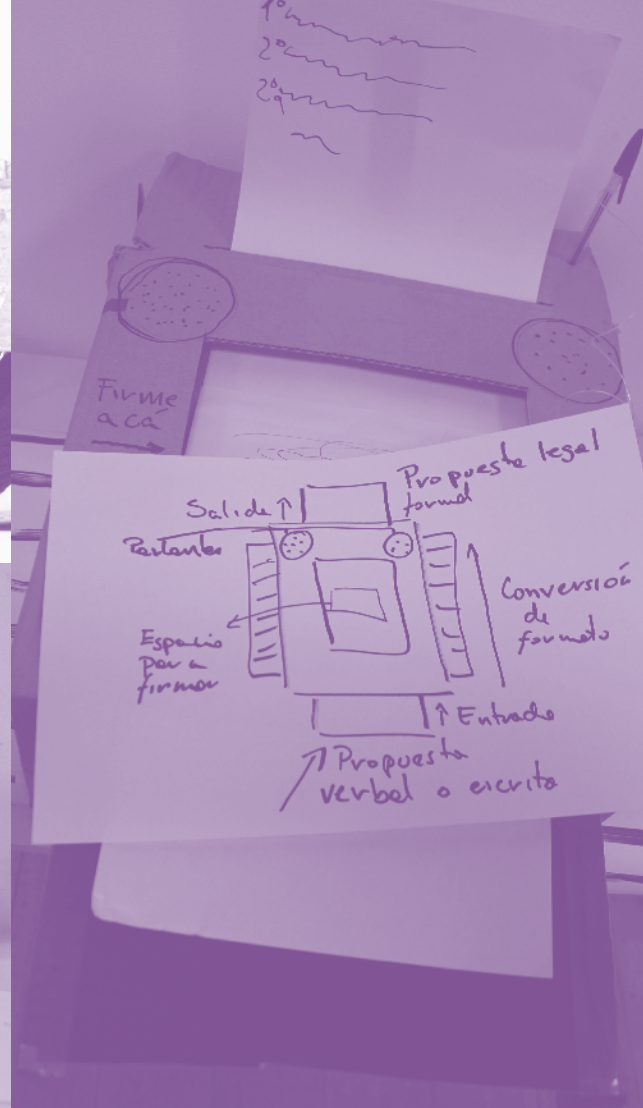
Machine ideas - sketch and build models individually: What would your machine for sending law proposals to the government look like?

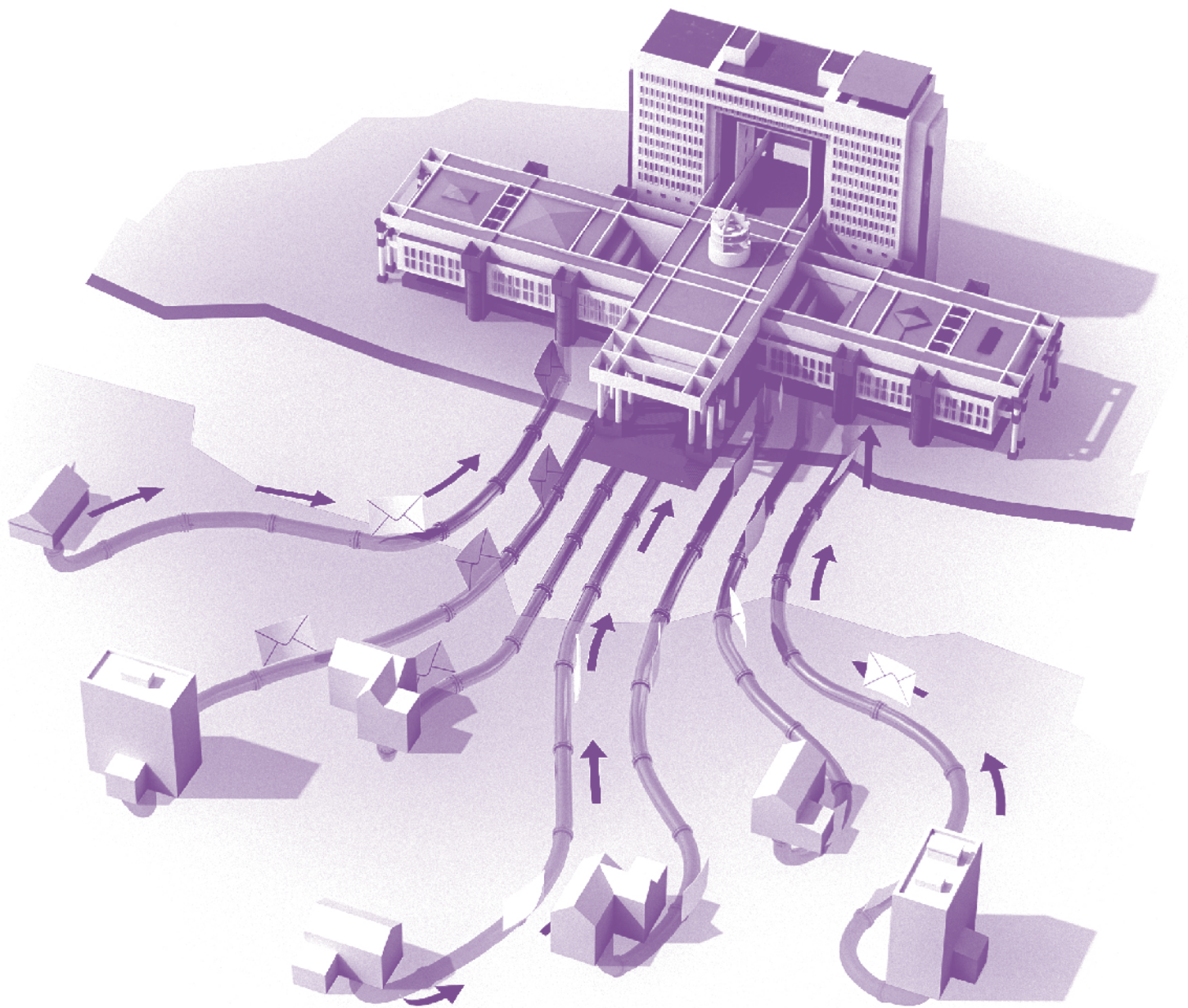
5.

Presentation round: Describe the details of your machine - how does it work?

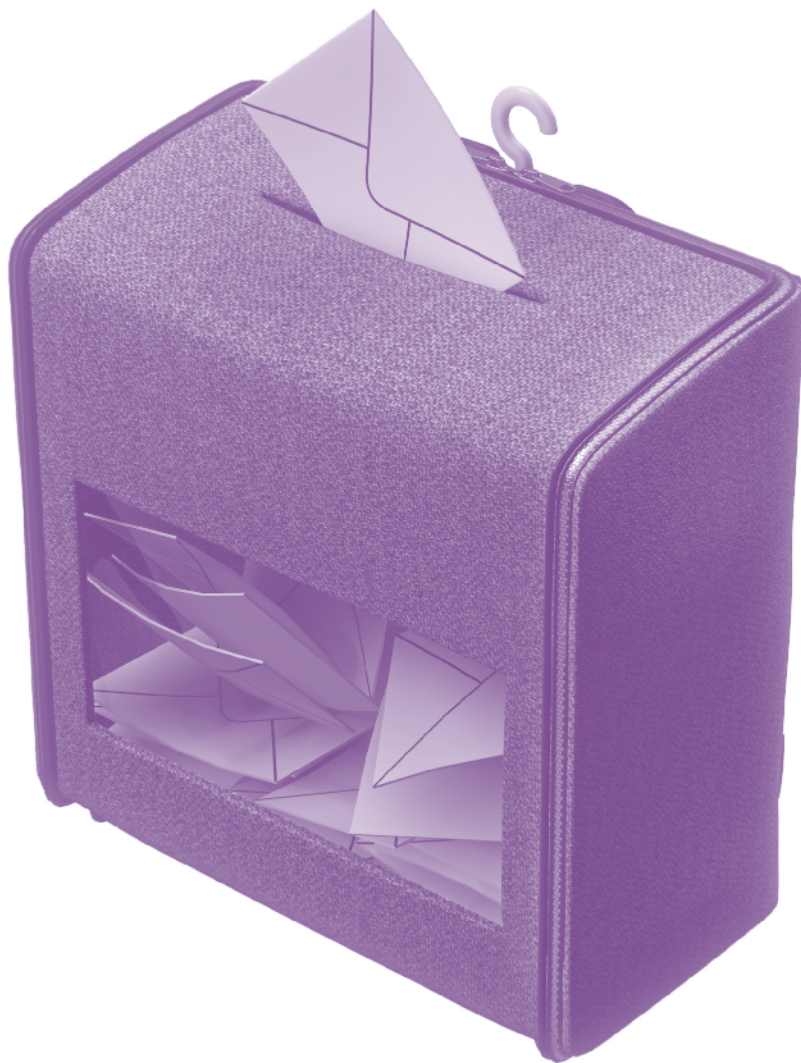


Participants Francisca Riquelme Véjar, Lissette Varas Castillo, Daniel Sáez, Francisca Minassian, Daniela Román and others designing law machines at a *Law Shifters* workshop at Museo de la Memoria y los Derechos Humanos, Santiago, Chile, 2022. Photos by Stine Marie Jacobsen. Digital renderings by Marion Harbinger.





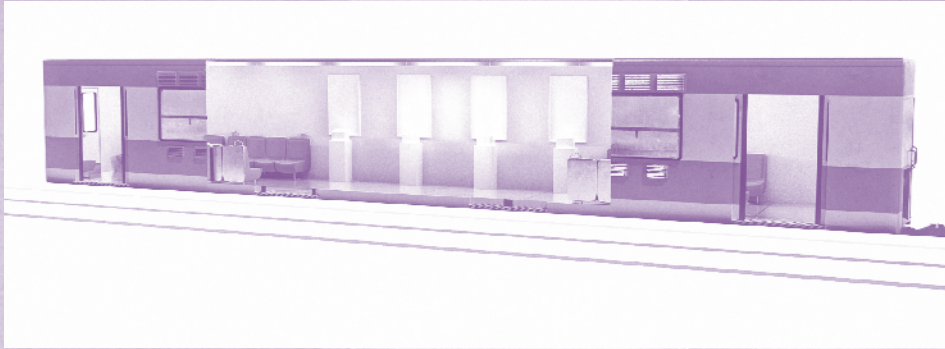
Law Shifters digital rendering of a participant's model: Governmental building is connected to private homes with direct pneumatic tubes. Museo de la Memoria y los Derechos Humanos, Santiago, Chile, 2022.



Law Shifters digital rendering of a participant's model: A bag with a transparent part and a person who collects law proposals from people in public. Museo de la Memoria y los Derechos Humanos, Santiago, Chile, 2022.



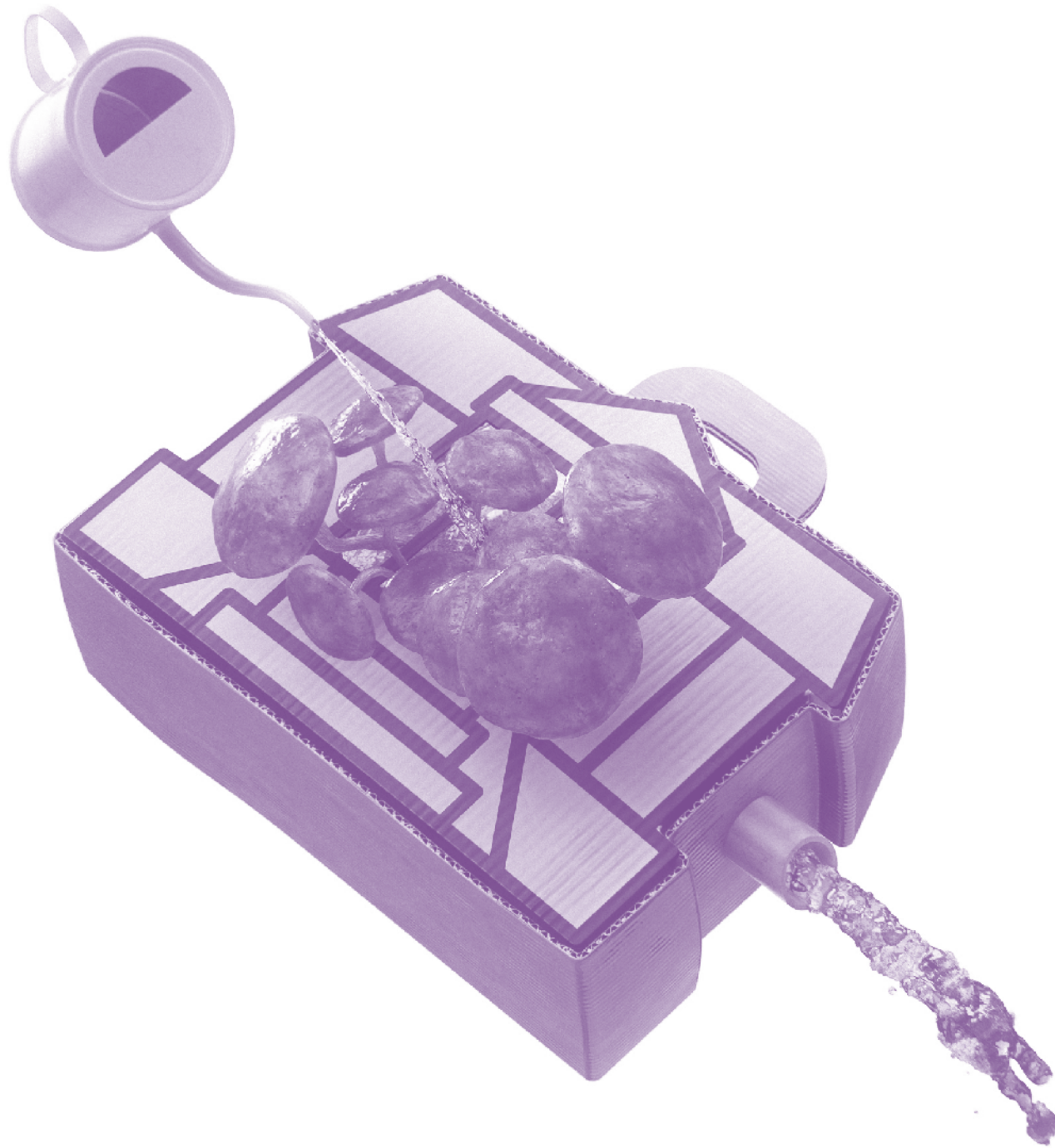
Law Shifters digital rendering of a participant's model: A robot tank roller with a fax, where people in public can write and fax their law proposals directly to their governments. Museo de la Memoria y los Derechos Humanos, Santiago, Chile, 2022.



Law Shifters digital rendering of a participant's model: A moving law proposal office in a subway wagon, where people in public can write and debate their law proposals. Museo de la Memoria y los Derechos Humanos, Santiago, Chile, 2022.



Law Shifters digital rendering of a participant's model: A red phone where people can call the government and speak to politicians about their law proposals. Museo de la Memoria y los Derechos Humanos, Santiago, Chile, 2022.



Law Shifters digital rendering of a participant's model: A law mushroom kit, evergrowing law which is cultivated with water and light. Museo de la Memoria y los Derechos Humanos, Santiago, Chile, 2022.

Law Shifters digital rendering of a participant's model: A law machine where people can write their proposals with digital pens to a screen which politicians can read via their glasses and respond to via smoke text in the air. Museo de la Memoria y los Derechos Humanos, Santiago, Chile, 2022.



LAW PROPOSALS FROM CHILE

Law Proposal



Legal Language

Principles of the Right to Life

Article 2. – The Constitution and the Chilean laws recognize nature as a direct source, in terms of its functioning and dynamism. For this reason, every human being is recognized, protected, and encouraged the right to transform themselves until they reach full freedom, taking into account the natural development of each being, such as the metamorphosis that takes places in the butterflies of the animal kingdom.

Que proiba cualquier tipo de
degeneramiento acoso cibernetico
y que sea gravemente sancionado

English: "That any kind of degenerate cyberbullying be banned and severely punished."



Legal Language

Cybersecurity Framework Law

Article 8. – The internet is a useful tool for humanity, and therefore, its space must be safe for every person who enters it. Therefore, it is strictly forbidden, in the least, any kind of attitude tending to harass another in the mentioned space.

¿Qué pensamos que podemos hacer para que todas y todos tengamos una vida sana?

Podríamos dedicar a cultivar nuestros propios alimentos, liberando a la tierra del cemento para utilizarla en crear más huertos y plantar frutales públicos.

English: "We could devote ourselves to growing our own food, freeing the land from cement to use it in creating more orchards and planting public fruit trees."



Legal Language

Measures of the Ministry of the Environment and the Ministry of Public Works

Article 17. – A national plan shall be initiated for each household, in which people shall be educated and trained, with special emphasis on the younger generations, to learn how to grow food, not only in the places where they live, but anywhere in Chile. For the latter, the Ministry of Public Works will gradually enable places in public spaces so that public fruit trees can coexist with the structural buildings of each city.

R¹: No deberíamos compartir cosas privadas de nuestra vida ya que eso nos expone como personas, y no tratar de comprar a la gente con ese tipo de cosas.

English: "We shouldn't share private things about our lives as it exposes us as people, and not to try to buy people with that kind of stuff."



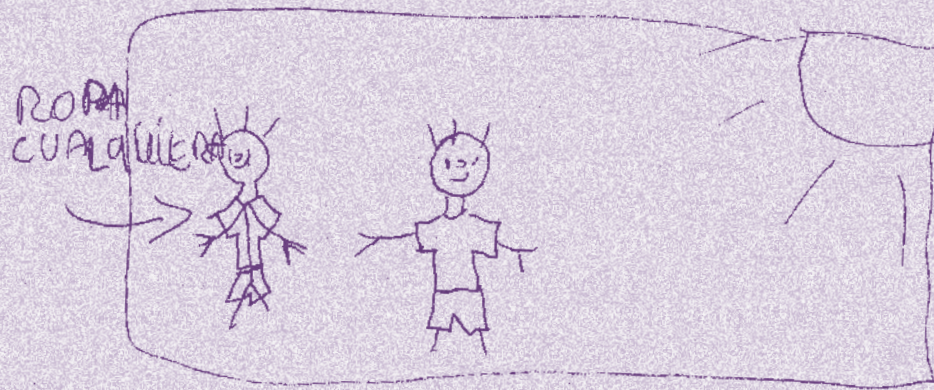
Legal Language

Privacy Protection Act

Title XX "Of the exposure in social networks"

Article 5. – The law encourages and protects people's internal space as a kind of home inaccessible to the incessant noise of the outside world. People should take special care when sharing situations of their internal and/or private world, especially considering the danger to safety generated by the exhibition of such aspects, to themselves and their family. In addition, it shall be strictly forbidden, and frowned upon by members of society, to do so in order to obtain a utilitarian end over another person.

YO OPINO QUE LOS NIÑOS PARA IR AL
COLEGIO NO DEBERÍAN IR CON UNIFORME
SINO CON LA ROPA QUE QUIERAN



English: "I am of the opinion that children who go to school should not go in uniform but in the clothes they want."



Legal Language

General Education Law

Article 24. – Girls and boys who attend the school system may freely choose the clothes they want to wear on the premises.

La igualdad consiste en que todos
tenemos los mismos derechos y no
exista la Xenofobia
eso eliminara las fronteras y los
distintivos de raza.

English: "Equality is that we all have the same rights and there is no xenophobia.
That would eliminate the borders and the distinction of race."

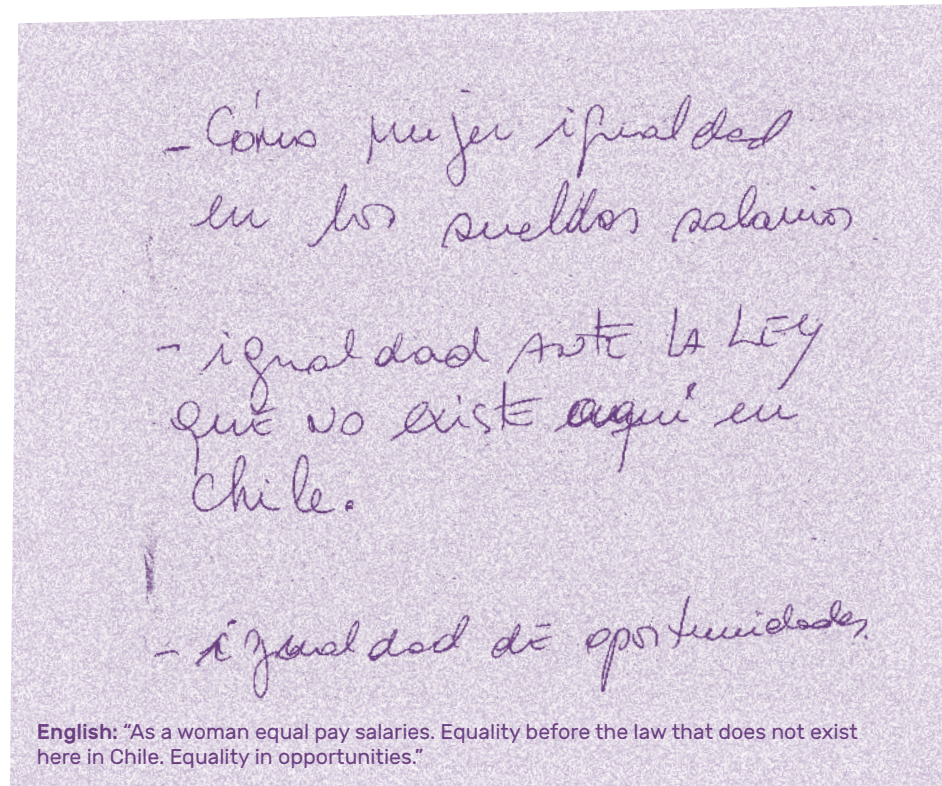
Jan R.



Legal Language

Political Constitution of the Republic

Article 19 n°2. – The Constitution assures all persons equality before the law. (...) The State of Chile has the duty to ensure equal treatment for every person inhabiting the territory of Chile, whether Chilean or foreigner.



Political Constitution of the Republic

Article 19 n°28. – The State ensures gender equity in all aspects, especially promoting wage equality. The State must promote gender equity in the labour sphere, guaranteeing the same employment opportunities for men and women. It is the duty of the State to eradicate stereotypes in traditionally biased jobs.

Que todas las mujeres y lesbianas, gay
tengamos el derecho y oportunidad
de ser madres/padres. Sin
discriminación.

English: "That all women, lesbians and gays have rights and opportunities to be mothers or fathers without discrimination."



Legal Language

Law 19620.

Title III: Adoption

Article 20. – Adoption may be granted to Chilean or foreign spouses, with permanent residence in the country, who have been married for two or more years, who have been evaluated as physically, mentally, psychologically and morally suitable by one of the institutions referred to in Article 6, who are over twenty-five years of age and under sixty, and with twenty years or more of age difference with the adopted minor. (...)

In no case shall the institutions that evaluate the spouses take into consideration gender stereotypes or discrimination related to gender identity or expression.

la igualdad de género debe incluir
el amor.

English: "Gender equality must include love."




Legal Language

Political Constitution of the Republic

Article 2. – Gender equality must include love in its design.

Querido Presi, le queremos pedir porfavor y con todo
respeto que porfavor traigan a Taylor Swift a Chile porque
nosotras Las swifties estamos en depnesion, los juegos
Panamericanos no son ~~de~~ prioridad Ante la incomparable
Diosa taytay

Atte

Amanda y Sofia 
xoxo

English: "Dear President, we would like to ask you to please and with all due respect, please bring Taylor Swift to Chile because we Swifties are depressed, the Pan American games are not a priority before the incomparable Goddess taytay. Best, Amanda y Sofia xoxo"



Political Constitution of the Republic

Article 24. – The President of the Republic will promote the presence of international artists to strengthen the mental health of the population.

PaRT 3

**APPENDiX:
FOR PeOPLe
iNTEReSTeD iN aRT**

A Conversation on *Law Shifters*

HOW DID YOU GET INVOLVED WITH *LAW SHIFTERS*?

Teobaldo Lagos Preller: Hi, Laura, Bilal, and Paz. Nice meeting you, Bilal and Laura. How did you get involved with *Law Shifters*?

Laura Thit Danielsen Hansen: In 2018, I was studying law in Copenhagen and worked on several workshops. In 2020, I contributed to the Greenland *Law Shifters* book in Danish, English and Kalaallisut (the Greenlandic Language).

Paz Irarrázabal González: Hi! I'm a professor at Universidad de Chile Law School. In 2022 Stine invited me to be the lawyer for the Chilean project.

Bilal Alkatout: Hello! I'm a criminal and migration lawyer based in Berlin. I met Stine in 2015 and have collaborated with her and the young participants in her projects. I've learned a lot from *Law Shifters*.

Teobaldo Lagos Preller: Stine has been developing a Chilean version of *Law Shifters* since 2021. We are working, as curator and editor, on a book in Spanish about *Law Shifters*.

IGNITION

Teobaldo: I'd like to hear a bit about what you consider constitutes the igniter or spark for this performative process, where participants recreate a case from real life and deliver a verdict on it.

Paz: It's a chance to play. Normally, as lawyers we don't get to experience that. I think participants were drawn to the *Law Shifters* project because of the project's novelty and the cases we chose: one relating to domestic violence and another concerning an Indigenous woman "abandoning" her child. Participants took it very seriously, even changing their voices and acting - it felt like theatre, where they could experience something new. I think that's important.

Bilal: I experienced the project as being relatively self-explanatory. No igniter or activation was needed. The children and young people simply engaged in the adult world presented to them. Although they assumed roles that were not necessarily intended for their age group, and addressed content which they are not normally exposed to, they nevertheless took it extremely seriously. They undertook this throughout the entire process without the need for external motivation. I think children and young people are very keen to be taken seriously, by engaging directly

with the adult world. I observed that when the participants were playing judges, defenders and prosecutors as a collective, they got in character in their assigned roles. Together they made it work. They just did it themselves.

Laura: Yes, I agree. Apart from the opportunity to play out the case, being taken seriously and taking the cases seriously are both important motivating factors. I felt for the most part that I didn't need to offer further encouragement. They simply heard the specific case and were ready to tackle them in earnest. Obviously, the children cannot be too young, but then again some of the older children also proved more difficult to engage. Although they did take the cases seriously they were more focussed on winning. In those instances I had to intervene and remind them of the actual case facts.

Teobaldo: Were the role-plays similar to a real trial?

Laura: I'm not a trial lawyer, but I have attended several trials. These

are, of course, more serious, and are a part of an everyday job routine for the people involved (judges, lawyers etc.). Obviously, for the children this is not an ordinary everyday situation so they were really excited about it.

Paz: It's difficult to answer the question, because in Chile we don't have a tradition of oral argument in trials. So the participants were probably more influenced by movies from the US. It's difficult to compare your experiences with what happened here in Chile. I myself was quite surprised that the arguments and verdicts of both defenders and prosecutors were relatively close to similar statements from reality. It was also interesting to see how the participants developed - intuitively, of course, as they are not trained in law - legal arguments that the prosecutor or the defender had also used in the real trials. Nevertheless, this performative aspect is difficult in a Chilean context, because as I mentioned, we don't have a long tradition of public trials. So, they were definitely influenced by what they've seen on media from the US or other countries.

Teobaldo: Trials in Chile have only evolved from written submission to oral arguments over the last 20 years.

LAW & ORDER

Paz: There are few local TV productions about trials. You simply don't see it on TV or the news. They are something far removed from people's experience.

Teobaldo: Like "Law and Order"¹, for example.

Paz: Yes, for example.

Bilal: In Germany, trials are very formal and therefore it's difficult to really compare them. I sometimes use TV trials as a comparison. These can be more intense and more serious, although in a particular way. However the reality in Germany is a completely different story, because sometimes trials are completely out of reach for the general public.

Laura: It's interesting to hear about the different forms of traditional,

“normal” trials. It’s also very formal in Denmark, but maybe less so than in Germany. According to the rules of public access, in principle anyone can attend any trial in Denmark and follow the proceedings. It is obviously very legally formalistic, but for me as a lawyer I believe it is approachable because everything is explained in an understandable way. I did try to incorporate some of the more formalistic aspects into our role-play, and maybe that did ignite their imagination. We would tell them to stand up when the judge entered, in the same way you would at an English trial. Similarly, there are rules about speaking order, addressing the court and the judge can decide when someone has to finish. In other words, they are really given the authority and the right to speak. It’s fascinating to see how the same workshop functions in different countries.

Teobaldo: What about this gap between the real verdicts and the ones that are produced in the frame of the workshops? How do you experience the exercise of comparing the verdicts after the debate?

Paz: The verdicts were surprising, while the debates grew in complexity across more and more arguments, the judges’ decisions often mirrored real-life rulings. What really stood out was when participants then wrote new laws – they became more critical of the current legislation – especially how it failed to address real-life complexities, such as power dynamics in domestic violence cases. The participants felt the law was too abstract and didn’t capture key details such as the role of the community or family relationships. Unexpectedly, despite their awareness of these issues, prison remained the most common solution in their proposals.

Bilal: What struck me was the strict “law and order” mindset of the young participants, in contrast with left-wing liberalism. They were progressive on issues like freedom of speech, xenophobia, and sexism, often delivering stricter verdicts than real courts. Interestingly, they leaned toward restorative justice, aimed at more than mere punishment. They advocated for meaningful change, reflecting a more progressive outlook

than the adult world. Despite their strict approach, they embraced the idea that criminal justice could create real change, and their verdicts included elements of restorative justice, a concept not yet widely practiced.

Paz: I’d like to add that there were elements of restorative justice in the solutions, even after prison was chosen as punishment in the role-plays. However, I should note that this particular group was quite special, as most participants were women and leaned towards a progressive, left-wing perspective.

SENSE OF JUSTICE

Teobaldo: That ties-in with the description Bilal provided regarding a certain element of “natural wokeism” or approach to justice. Laura, what’s your experience of this proximity gap between a real verdict and what happens inside the role-play?

Laura: I had some similar experiences of this “law and order”, perhaps even conservative, approach from the

judges when handing down their verdicts. Even though we made it clear that they were not necessarily supposed to arrive at a “right” answer, the awareness that there was one answer made them stay closer to the path of what they thought might be realistic. I did get a sense that they were trying to stay within that boundary. But in some cases we did also see the use of restorative justice, which I was surprised they had even considered. It wasn’t until the end of proceedings that the judges said: “Well, maybe he/she should just apologize”. And then that was their solution. I was quite surprised: yes, you can do that, but it’s not enough in reality. That’s not how these things work, you can just apologize and no one has to talk to one another again. This came up in the case of the wrongful dismissal of a gay person by someone homophobic. When I told them how large the fine in the real case was, they were quite shocked. They thought that an apology was sufficient.

Teobaldo: It’s interesting to observe how a natural sense of justice works. In that regard, how does such a

project contribute to expanding the possibilities for transforming democracy?

Laura: I think the awareness it builds in children and the discussion and issues it raises are especially important. Particularly the surprise when they arrived at a verdict close to the original. Then the judges felt satisfied. The best moments, however, were when it turned out they disagreed with the original verdict. This gave rise to discussions about what it means to disagree over something. How did they feel about that? And what could they do about it? It’s really interesting to raise awareness of the power that the law holds over you. That the verdict is the final word and there’s nothing you can do about it.

Teobaldo: When we give people the tools to write a law proposal, what kind of risks or benefits might occur?

Bilal: I like Laura’s description of how at the conclusion of the role-play, just before the verdict, the participants asked: why doesn’t he just apologize? This clearly

demonstrates the aims of the project. The idea is not to create an alibi, but suggest a real solution. I want to return to the concept of restorative justice, because what the children are actually trying to achieve is that the damage and the harm done by the offender is in some way rectified. And thus avoiding situations like this reoccurring in the future. This is the opposite of what happens in the real world: a verdict is reached and you know that this person will end up in prison. And that they may well repeat the offence, or similar, on release. It’s this “automatism” that young people are trying to avoid. They want a real solution. They believe in change, also to the criminal court legal system. However, this outlook is not necessarily guaranteed, for example if you put these tools in the hands of an adult person. Young people are more utopian and optimistic. I’m not sure the outcome would be the same if you conducted *Law Shifters* with random people plucked from the street. On the other hand, there are many positive, pedagogical elements: by practicing this kind of role-play in “mock trials” young

people gain rhetorical skills in much the same way as adults studying to be lawyers also do. They practice certain forms of body language. They practice acting. They have to consider time management. Most importantly, this acting element means they must strengthen their ability to give and receive feedback. Because this is something they will also have to do in public. When they provide arguments, they must also be receptive to feedback. This is an essential part of living in a communicative world. This pedagogical element is definitely a positive quality of the *Law Shifters* project in relation to young people.

Paz: I agree with Bilal. The pedagogical aspects of the role-playing in *Law Shifters* is extremely useful. The task of assuming a role, as a prosecutor or defender, is exciting. More generally, everyone assumes the role of a judge in terms of their everyday life. But it's much more uncommon to take part in a court case-based conflict and imagine yourself as a prosecutor or a defence lawyer. The debate aspect is interesting, because

one's thinking about the process changes as the debate unfolds. I think this is a positive contribution to civic education. I was always uncomfortable with criminal law cases. I find it risky, because criminal law has some characteristics and technicalities that influence the reach and power of the State. It's complex, because certain words are important and if you use them, some limits to State power are drawn. And sometimes in *Law Shifters*, although participants were no more punitive than in reality, they tended to expand the possible scope of criminal law. Mainly because they couldn't manage all the technicalities involved. And a final point: in allowing, for example, women to be involved in law writing, it became clear that often those who draft laws related to areas such as domestic violence haven't taken a female point of view into account.

LAWS SHOULD NOT DICTATE FEELINGS

Teobaldo: Laura, what are the risks and/or benefits involved in giving

the public tools to formulate and propose laws?

Laura: In my experience of drafting laws, there are sometimes cases where there were both risks and benefits involved. I work for the Ministry of the Interior in Denmark, and sometimes I've had to read draft laws suggested by the public and remember feeling very frustrated about them. I often felt that some proposals were far too simplistic: for example, encouraging people to "recognise" or "feel responsible" for something, based on a law. Forcing someone to "recognise" something felt almost dictatorial. Laws shouldn't dictate feelings. It was frustrating because, as a draft legislator, I couldn't challenge these ideas, I could only make them sound legal. While empowering people to draft laws has certain benefits, the complexity of law-making often leaves room for misuse, and once enacted, things easily go wrong. And many things do actually go wrong. There's always someone interested in exploiting the law in some way. You quickly become aware of this. Nonetheless, I think

INTEGRATING PEOPLE'S VIEWS

the interesting part is still the benefits of giving power to the people. Through reading some of the publicly submitted proposals, you come to appreciate that people have reflected deeply and on that basis have formulated very specific proposals.

Teobaldo: It's interesting that when you afford the public access, to work in total freedom, in a playful way, there's nonetheless an immediate tendency to punish certain acts.

Paz: Maybe it's not that the participants are calling for greater punishment, but rather the manner in which the law is written may unintentionally extend the criminal law. As a lawyer, you listen to some of these ideas and want to rebuff them. For example, in the cases Laura mentioned, where elements of totalitarianism can be present. What you write and the kind of legal resources you use can have unintentional consequences, even if that's not what you had in mind.

Teobaldo: Is there any way we can integrate more people's views and languages, for example, their own dialects, so to speak? Can we open this system of law writing, so that more people can begin to contribute to it? How can we integrate knowledge of what is just and what is legal, and what is not?

Laura: That's a really tricky question. Personally, I'm trying to move away from how we normally see the law. I believe there is a shift occurring in the approach to law drafting. I think the danger of writing more laws in people's dialect is that you begin to move away from what's been done for hundreds of years. And if you do that, you must also accept the consequences. I think this is one of the reasons law writing can seem quite conservative, and I don't know how to avoid this. I suppose we just have to take baby-steps. Try to remove some of the more outdated phrases. Sometimes an opportunity presents itself and you have to pounce. But it is difficult. It's

not something that can be achieved quickly. It's simply a very long road. It begins with small incremental steps and then you realize that that wasn't so dangerous and then perhaps at some later point you can alter it further up the food chain, so to speak. It's something I'm personally trying to carry out in my own work: I think it's part of my journey as a lawyer and I'm really hopeful that we can make things more accessible. There is a shortage of lawyers in Denmark at the moment, especially in the public sector and for drafting laws in the ministries. We also need to make the laws more understandable for non-professionals, because they also work in the ministries. But I don't know how we achieve that.

Paz: I think there is something lacking in the second stage of the role play, a need to engage and encourage the participants to debate more. But then they move directly on to writing a law. That's a different stage, like the State or the parliamentary phase. Here you also need to consider the many different interests and the long term

consequences. I don't know how that might be incorporated, but perhaps in the form of an extra role-play that recreates a parliamentary experience. Parliaments represent a more complex setup, because you have so many interest groups: right- or left-wing political parties, NGOs, lobby groups, companies, minority representation groups, etc. Maybe a parliament's law-writing would function differently if they had to start from a trial at the outset?

LAWS ON PUBLIC PLATFORMS

Bilal: It can quickly become ambivalent, as Paz points out. The law is in many ways an elitist object. It's a closed circle, that we all would like to change and see operating differently. In *Law Shifters* in Berlin, we mostly dealt with criminal law. And criminal law is an extremely specific topic. As Paz said, you have to focus on who the parties involved are. In criminal law, it's mainly the State versus the offender. It's not so much about society, nor even the victim. It's actually a very rigid, top-

down approach and that's why as a lawyer I would prefer fewer laws and less State intervention. But this was not reflected in the *Law Shifters'* project: the participants' emphasis was on increased activism – they wanted to resolve the problems. And that's difficult to achieve through criminal law. As Paz says, there are some laws, or some stricter laws, that contain inherently systemic problems, which are not always reflected in the actual law text. In that sense, I'm a bit hesitant about working with criminal law. Nevertheless, *Law Shifters* has a positive impact on every form of law writing, even criminal law.

Teobaldo: Could you imagine applying some of these methods to real justice systems?

Bilal: When you look at *Law Shifters*, there's a whole element I'd like to call "the value chain": You start with a plot, taken from reality, and young people or the participants brainstorm around it. Then you have the acting part. And then the law writing element, which is particularly interesting. It's very open. And then

you have Stine's interaction, which involves the artistic implementation. What I feel is lacking is that the laws should somehow become more accessible, through a public platform for example, so that the ideas can continue to be refined and draw ever closer to the domains of power, to the parliament. In Germany, we could hold a referendum, but only at local or regional levels. It's quite strict in Germany – holding referendums is a limited option. I don't know what the situation is in Denmark or Chile. But the most interesting topics are always addressed at national level. All of these ideas for criminal law or migration law cannot be resolved at the local or regional level. If we have a suggestion at the end of *Law Shifters*, this could be developed and processed with a referendum in mind.

MORE ART – LESS LAW

Paz: I think that more art and visual elements should be incorporated earlier in the process, not just at the end. Lawyers are used to formalizing the trial setting, but it would be

valuable to explore law through a more artistic and less formal law-lens. Engaging people with art from the beginning might help them reflect on law differently, rather than replicating institutional trial settings. I also find translating or explaining legal concepts tricky, as it forces an intuitive sense of justice into rigid legal language, which isn't always the most interesting or effective approach.

Some translations even expanded the State's power to punish, which I also disliked. Even without intending to, law does have this problem: that sometimes, when you translate an idea into law, it can easily become more punitive or authoritarian as a consequence. I was hesitant about printing these law proposals and I'm unsure if I would share some of these ideas in the public realm. It would be interesting to see how the participants might think, and write their law proposals, if there was little or no legal or political-strategical thinking involved.

Laura: I have similar reservations about the translation aspect. I was

thinking about the Danish system's move towards formalized mediation, especially in civil suits, to encourage the involved parties to reach a settlement out of court. I'm unsure how effective this approach is, and I haven't seen any relevant data. But it does align with the concept of restorative justice. While I like the idea of a mediator attempting to help people find solutions, I'm not sure if mediation is always the best approach, or if it is just another step before reaching court. I admire the effort, but I'm uncertain about the outcomes.

Teobaldo: That's an interesting aspect. It may sound a bit obvious but nonetheless: works of art normally have a frame, right? We're aware of what's reality and what's fiction. When we're looking at a painting from the Dutch renaissance, we know we're not actually in the Dutch renaissance. We're there, but we're also not there. So, it's interesting to compare with an artwork constructed from open code, where people start "changing or altering the picture". And this brings me back again to

the sense of justice. It's this kind of reasoning that leads us to think about judging someone or assessing responsibilities in an intuitive manner. Could art make trials more or less unjust in real life? How does art contribute to the sense of justice and its application? Or even more specifically: How did this experience help you in your field of work as lawyers?

Laura: When I was participating the workshop, I sometimes felt - as I was bringing the legal aspect to the table - a bit stumped when I had to oversee the role-play. If you were taking into account how the trials were more just or unjust than in real life, then obviously the better you perform, the more likely the judge would award the case in your favour. Sometimes the role-plays would get out of control. They could get a bit silly and then I would stop them and bring them back on track. But that's just human nature I suppose. Then it became too embarrassing for the judges to admit that they earlier agreed with something. They sometimes agreed because someone had made a funny point. I would sit in and try not to

interfere, but sometimes I would feel like “well, please discuss this a little bit more before you reach your decision”, Sometimes decisions are quite influenced by *Law Shifters’* performative aspect. But that also actually happens in real trials, although possibly to a less extreme degree.

Bilal: I want to describe an experience Stine and I had in Berlin. For one of our workshops we were lucky enough to receive additional funding, which allowed us to print real street posters of the laws written by the young people. We translated and posted them in public. I don’t know how long they managed to hang in the real world, but we also have photographs of people reading the posters. The laws we printed were stricter than what I would have thought was reasonable. And they were often stricter than juridical reality. In one sense, they became a tangible reality. People read the posters and they would really reflect on the presented proposals. It made people stop and think. The laws were not merely strict, but also contained in some way an ethical point of view. They directly

addressed issues such as racism or sexism, something that doesn’t necessarily occur in normal regular law. They were trying to express the need to avoid a certain way of talking about discrimination. The laws were on the one hand relatively strict, but also more politically or ethically astute. Stine added a disclaimer to all the posters: “This is not a real law, but it should be read as if it could become one.” I think it took some onlookers a moment to realize that it wasn’t actually a real law. It wasn’t really apparent at first glance that this was an art project. I really liked that element of the project. Even though the law itself might have been a bit rigidly formulated, it still had an ethical contribution to make. It took people a moment to consider: is this real or is this not real? I think both levels of reality are extremely interesting. By presenting the texts in a very formal, weighty language it forced people to read the content carefully and think about the law proposal.

TRUST THE PUBLIC

Laura: The project requires trust in the general public. When translating the proposals, I also often wanted to add disclaimers regarding the potentially overwhelming consequences, but I had to trust that people would understand it wasn’t a real law and would think critically about it. It’s not my job to tell everyone what to think, but to trust that they themselves can recognize something that might be problematic.

Teobaldo: That’s an interesting point, because in contrast to your position as a lawyer, contemporary art deals with nowness in the world. And this is closely related to risk and undermining systems. To undermine a system is something we wouldn’t want a lawyer to do in their everyday life, as it could result in many societal uncertainties. Sometimes art questions the parameters of truth and reality in order to subtly transform them, almost in this cyclic, biological way culture has. So I find it really interesting when you talk about the aspect of risk.

Paz: Yes, the risk aspect is a key point. We also need to trust that people will recognize it for what it is.

Teobaldo: Do you think we can imagine an “innocent sense of justice”?

Laura: Yes, we already touched on how many people are less interested in punishment and more in how they can repair the created damage. Can they apologize, for example? That’s certainly something I’ve noticed. Many participants placed less emphasis on the punitive aspect of the justice system and were more focussed on how we can move forward.

Bilal: As I mentioned before, I appreciated the ethical approach of children. I followed the rules they formulated, even if I didn’t always agree with them. I like the idea of translating their ethical reflections into formal language, and I see it as an art project. In Germany, when a law is being processed, many political groups, institutions, lobbyists and NGOs provide feedback. It works very much

like an experts’ panel. Why not use this formal process by which laws are made to introduce children’s opinions into the parliament? This challenges what Paz suggests about using artistic language—we act seriously, we use this formal structure and that itself becomes the act of art. You asked earlier, how *Law Shifters* changed our practice and life. *Law Shifters* made me more empathetic when discussing law, and making legal conversations with others, including family and friends, clearer and more accessible. I always recall how I worked with children on *Law Shifters*, when I’m in situations where I have to explain or discuss law with people not related to the legal field.

Paz: There’s a problem with the law when it doesn’t account for the complexity of reality. Participants recognized that life isn’t simple, and the law struggles to manage this. Their sense of justice is shaped by seeing the failures of the system: how it deals with victims, perpetrators, and the role of social workers, hospitals, and families. They focus less on individual

responsibility and more on systemic issues. Law tends to focus on personal responsibility, but some participants had a broader, structural view. *Law Shifters* helped reveal that sometimes people committing crimes were making the best choices in their circumstances, which changed my perspective on law.

1. Translator’s note: *Law & Order* is a U.S. dramatic television series created by Dick Wolf, which has been airing from the 1990s to the present. The title has been translated into Spanish as *La ley y el orden* or *Ley y orden*. The series follows police officers and attorneys as they work together to solve legal cases. Broadcast in multiple languages worldwide, it serves both as entertainment and as a dramatization of legal and ethical debates.

Law Shifters: A Law-Making Machine

“ (...) when we find ourselves on contested territory; nothing has always been like it is now, and nothing must remain this way “¹

In a conversation with Stine Marie Jacobsen, a civic science specialist once compared the experience of standing in front of the *Law Shifters* law machine to the scene in *The Wizard of Oz*, where Dorothy discovers that the Wizard is just an old man hiding behind a large piece of machinery. The machinery amplifies his voice and presence, creating an illusion of omnipotence, even though he has no supernatural power. The association did not merely come from a nostalgic childhood association: a Wizard of Oz is a term in tech theory for that illusion of automatism in processes conducted by human beings: partial, fallible, sentient.

Stine Marie Jacobsen's *Law Shifters* is a pneumatic device that amplifies voice and presence through a device that slows down, invites reflection, and offers a glimpse of those aspects less

addressed in citizen participation: the possibilities of expansion through radical imagination. Visitors to a *Law Shifters* exhibition find themselves in front of a machine oscillating between science fiction and comedy. A group of thematic podiums are connected by tubes to the “central brain”: a hexagonal box. The spectators approach it and press a red button to make the machine suck in their ideas, written or drawn on paper. The machine sucks them up in a matter of seconds and deposits them in a chamber inside the hexagon. The pink papyrus is then translated into legal language by a team of lawyers and law students from the University of Chile, thus becoming fictitious law proposals in a process that simulates real time. Two screens on the sides of the hexagon show an online portal for Chile, presenting different ideas from citizens and the form they would take as proposed laws.

Law Shifters has been present in more than 16 countries around the world. Stine Marie Jacobsen's machine was created in 2018 largely inspired by the pneumatic mail system used in factories, hospitals, banks, and other institutions for internal communication.

Due to their physical and concrete character, these mail systems are even used for highly confidential documents and to avoid traffic by email or mailing. Inserting a rolled sheet of paper into a tube implies an act: personal and trusting towards the human machinery of the laws, similar to the civic act of depositing a vote in a ballot box. Just as in that system of suffrage protection, no one on Earth can control what goes into Stine Marie Jacobsen's law machine.

The machine created for Chile was exhibited between August and September 2023 as part of the commemoration of the 50th anniversary of the coup d'état that overthrew President Salvador

Allende Gossens and ushered in the civil-military dictatorship of Augusto Pinochet (1973-1990). Exhibited at the La Moneda Cultural Center - in the basement of “ground zero”, the “La Moneda” Government Palace in Santiago - it was later moved to the Mirador Interactive Museum in the same city in 2024, where it is located while this text is being written. Stine Marie Jacobsen’s machine is inspired by the Cybersyn/Synco room created by British computer scientist Stafford Beer at the request of President Salvador Allende during the Popular Unity period (1970–1973).

The aim was to develop a cybernetic synergy system (Cybersyn) or information and control system (Synco) that would help centralize the coordination of the public apparatus and the different industrial and representation sectors for the economic, social and political management of the country beyond the static Soviet socialist tradition of centralized planning. The executive power would thus be able to make decisions, based on minute-by-minute, networked information regarding the economic, political, social, and cultural reality of the country, as well as being in direct contact with the civil administration, leadership, and the organization of the civilian population in general and the working population specifically.

The machine attempted to reconcile the telex and computer technology of the time with the idea of a self-organized “central nervous system”, “always alive, never finalized, since completion is a synonym of death” (Beer in Carrión, 2014)². The goal of Cybersyn/Synco, as its names evoked, was to synchronize the different branches of the governmental apparatus and the public sphere in almost real-time, so that the executive power could count on minute-by-minute and networked information regarding the economic, social, and cultural reality of the

country, as well as with the administrative, leadership and organizational entities of the working population. Independently, but analogical to the historical fact of Cybersyn/Synco, Stine Marie Jacobsen’s machine produces the illusion of fluidity and speed, opening a playful and imaginary horizon for thinking new forms of direct democracy and creating the future by participatory means.

The machine, however, is only the tip of the iceberg that encompasses process of research and participation through workshops in which participants reenact legal cases from a national and local reality. Participants are advised by a lawyer in the analysis of a legal case, assuming the roles of judges, defenders, or prosecutors. Subsequently, and based on their verdicts, legal proposals are drafted. The participation or “forum-theatre” scheme³ in *Law Shifters* is the heart of this installation in the exhibition space. The spirit of this machine is, as in an ideal of identification between body (here the machine as an organism or nervous system), subject, and government, a sort of avatar for the direct participatory ideal that inspired Cybersyn and other forms of participation in the historical itineraries of Chilean and global reality.

Law Shifters is a project that believes in collective intelligence and the agency of the individual to transform society and the world. This dimension is one of the central objectives of this book and at the same time a dimension of Jacobsen’s machinery that allows us to think of another side to the mirror, in the practice that coexists with the pneumatic and concrete machinery that breathes ideas, images, and dreams into a scheme of participation, law, and art. The *pneuma*, the breath that revives or brings back to life, has a home in the material and practical machinery of the artist. At once playful and austere

in tone and appropriating the authority of the language of law, the pneuma of *Law Shifters* reanimates that which already exists and casts it in a new light: be it respect for difference and dignity, be it care for the environment. Its pneuma, in the very act of inhaling and exhaling, recalls and affirms what could or should exist, thus expanding the horizons of legal, political, and imaginary reality.

Curatorial text: Dr. Teobaldo Lagos Preller

1. Asche, Farina & Sternfeld, Nora & Döring, Daniela (2020). “The Radical Democratic Museum” - A Conversation about the Potentials of a New Museum Definition.

2. Carrión, Jorge: El Internet socialista de Salvador Allende in El País Semanal, December 29, 2014 at https://elpais.com/elpais/2014/12/29/eps/1419857592_247138.html, accessed July 31, 2023.

3. Forum-theatre is a concept developed by Augusto Boal: it is a form of participatory theatre through which spectators and actors act in the same plot to achieve emancipation and awareness of the forms of oppression that affect them.

BiOGraPHies

Stine Marie Jacobsen is a conceptual artist who employs strategies including collaboration, research, teaching, fieldwork, workshops, writing, drawing, installation and film. She investigates and interrogates institutional structures that deal with participation in law, violence and education, while advocating for civic participation in art and politics. Jacobsen's negotiations have led her to create artistic methods for anti-violence training, law writing and protest sport through her projects *Direct Approach* (2012-), *Law Shifters* (2016-) and *Group-Think* (2020-).

Teobaldo Lagos Preller is a curator and author. He holds a PhD in History and Theory of Contemporary Art from the University of Barcelona. Lagos Preller has researched the production of spaces and intercultural dialogue in the arts. In 2021 he was co-curator at the New Society for Visual Art nGbK in Berlin of the group show "museum of democracy". He collaborates as curator for Stine Marie Jacobsen's *Law Shifters* in Chile since 2021.

CREDITS

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You can read the law proposals from Chile here:
www.law-shifters.eu/chile



This PDF contains educational material for any educator or moderator who want to work with *Law Shifters*. With practical and useful tools and guidelines, legislation can be worked on, where the art of argumentation is trained based on real court cases and new law proposals are drafted.

