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Objection!: *Ace Attorney* and the Japanese Criminal Courts

Introduction

When one thinks of Japanese video games and video game series brought to the U.S., the mind usually first goes to titles such as *Pokémon* and *Super Mario Bros.* In addition to best sellers like these, however, other titles have also made the journey across the Pacific. One of these is the *Ace Attorney* video game series, initially developed by Capcom in 2001, that can be described as an interactive visual novel that follows defense attorney Phoenix Wright as he traverses the criminal courts. Despite claims that the *Ace Attorney* video game series is inaccurate to actual court proceedings, these arguments are made in comparison to the American criminal justice system, and not the Japanese court the series was originally modeled after. The *Ace Attorney* series holds relatively true to the happenings of the Japanese criminal justice system, except some actions, dialogue, and scenarios are exaggerated for the sake of video game drama and suspense. Moreover, since its first release in 2001, procedures in Japanese courts have changed. This leads players to believe that the game is inaccurate. However, the accuracy is important because it can teach players about the operation of Japan's criminal courts.

***Ace Attorney* Introduction**

Ace Attorney, known as *Gyakuten saiban* in Japan, is comprised of six main games and four spinoff titles. The very first installment of the *Ace Attorney* series was *Phoenix Wright: Ace Attorney*, released for the Gameboy Advance in 2001. Subsequent games in the original trilogy,

Phoenix Wright: Ace Attorney: Trials and Tribulations (*Gyakuten saiban 2*) and *Phoenix Wright: Ace Attorney: Justice for All* (*Gyakuten saiban 3*), were released between 2001 and 2004, then all three were later converted to the Nintendo DS and released internationally between 2005 and 2007 (“Ace Attorney”). The remaining titles in the main game series are *Apollo Justice: Ace Attorney* (*Gyakuten saiban 4*) (2007), *Phoenix Wright: Ace Attorney: Dual Destinies* (*Gyakuten saiban 5*) (2013) and *Phoenix Wright: Ace Attorney: Spirit of Justice* (*Gyakuten saiban 6*) (2016). Takumi Shu conceived and created the original trilogy. Direction of the series was taken over by Yamazaki Takeshi after the creation of *Apollo Justice*, when Takumi moved to working on the spinoff titles *Ace Attorney Investigations: Miles Edgeworth* (*Gyakuten kenji*) and *Dai gyakuten saiban: Naruhodō Ryūnosuke no bōken* (*The Great Ace Attorney: The Adventures of Naruhodō Ryūnosuke*; a title not yet localized) (“Ace Attorney”). As of 2009, the *Ace Attorney* series had sold 306,091 units in the United States and 388,862 units in Japan (“Phoenix Wright: Ace Attorney”).

The story follows criminal defense attorney and protagonist, Phoenix Wright, known as Naruhodō Ryūichi in the Japanese releases. In the first game, he is a rookie attorney, working under senior attorney of his firm, Mia Fey (Ayasato Chihiro). The first case of the game is also his first trial. The second trial of the first game involves Mia’s murder, and from that point onward Mia’s younger sister, a spirit-medium-in-training, takes on the role of Phoenix’s assistant, becoming a major character of the series. Relatively speaking, each game has a primary prosecutor that Wright faces repeatedly, and a primary detective that handles each case and often helps with investigations. In the first installment, Prosecutor Miles Edgeworth (Mitsurugi Reiji), childhood friend and rival of Wright, is the primary prosecutor. Though he does not face Wright in court, he still makes appearances throughout the series. Rookie attorney Apollo Justice (Odoroki Hōsuke)

appears in the fourth installment and becomes one of Wright's subordinates for the fifth and sixth installments.

Gameplay is rather simple: a visual novel adventure game, most of the game requires reading the story. Throughout the game, there are moments when the player is asked to make decisions, mostly during court scenarios. It is played primarily from a first-person perspective, as Phoenix Wright. In court scenarios, while still playing as Phoenix Wright, the game changes from a first-person to a third-person visual perspective. Most of the events of the games involve either the trials themselves, or the investigations of the cases, almost all of which are murder cases. During investigation scenarios, more interaction from the player is required, such gathering clues, as well as questioning other characters and detectives. Interactivity in court scenes include cross-examination sequences, where the player/Wright presses witness statements or presents evidence to bring about objections and contradictions. Examining pieces of evidence to point out details that may contradict either the prosecution's arguments or a witness's statement during this cross-examination sequence is also necessary. Each game consists of four to five cases, and the goal is to prove the client innocent and have them acquitted of their murder charges.

Fantasy Theory

When considering any sort of game or piece of literature, there is always the element of fantasy that needs to be explored. Whether exaggerating, dramatizing reality, or thrusting the player into an entirely new world, fantasy always exists in some form. Fantasy has distinct characteristics that extend almost universally. Chi-Fen Emily Chen, lays out several descriptions of fantasy characteristics for her children's literature course at National Kaohsiung First University of Science and Technology in Taiwan. First, she describes the fantasy setting as "transcend[ing] the world of reality" that is "vividly and convincingly described" and may "take place entirely in

a fantasy world” or “travel back and forth between the real world and the world of make believe.” Second, “characters are well developed and behave in believable ways” and feature a protagonist that “possesses a clearly defined...personality and exhibits growth.” Third, the “plots are well structured and believable” with “logical actions” that end in a “resolution [that] makes sense within the realm of the fantasy world.” While magic is often involved in the plot, “all fantasies must have their limits.” Fourth, the story’s “themes reflect the same universal ideas present in other forms of children’s literature,” such as “friendship, loyalty, the overcoming of fear, respect for others, [and] coming of age.” Finally, Chen describes the fantasy tone as “often serious, though stories are often light, airy, and humorous” (Chen). While Chen addresses children’s literature specifically, the characteristics in this list can be applied to fantasy literature of all forms, including video games like *Ace Attorney*.

In her book, *Millennial Monsters: Japanese Toys and the Global Imagination*, Anne Allison illustrates the elements of fantasy using two popular pieces of Japanese media, *Doraemon* and *Pokémon*. First, she draws similarities between these two stories: in both cases, the main characters are young boys and have a creature that is “attached” to them throughout their stories. Even though they are “ordinary child[ren],” they are able to “tap into the extraordinary powers of an otherworldly creature wired as a high-tech machine” (Allison 195). Finally, their respective creatures feature “a mixture of service and friendship; Pikachu and Doraemon are constant buddies but also genies who realize the fantasies of their master” (Allison 195). With these similarities in mind, however, Allison draws a considerable contrast between these two stories involving their respective degrees of fantasy. In *Doraemon*, many features of typical Japanese lifestyle are depicted, but the world of *Pokémon* is entirely its own, non-localizable world—this means that the locations introduced in *Pokémon* don’t need to be altered to better match the different real-life

regions in which the *Pokémon* games are released. Fantasy is merely injected into the world of *Doraemon*, whereas it completely dominates the *Pokémon* universe (Allison 195).

The *Ace Attorney* series seems to fall comfortably between these two extremes of fantasy injection and pure fantasy. This is evident purely in the fact that it has been localized to better fit foreign cultures. In its original setting, the game takes place somewhere in Japan, though an exact city is never established. Aspects of Japanese culture are seen throughout, though they may not be blatantly evident, especially not in localized versions. For example, Maya Fey's (Ayasato Mayo) favorite food in the Japanese release is ramen, though it was changed to hamburgers in the localized American release. A major component that establishes the story's location involves the attorney's badge. In Japan, lawyers receive a sunflower-shaped gold badge, called a *kishō*, with the scales of justice in the center. These are lent to lawyers who have passed their bar exam by the Japan Federation of Bar Associations, and are often used to establish their status or identify themselves as a lawyer (Jones). When looking in the Court Record (perhaps better described as an inventory) while playing any *Ace Attorney* game, the attorney's badge is always the first item carried, and sometimes is even needed to present to other characters in order to get information or gain trust. Such badges do not exist for American lawyers, so this is a definitive detail that this game does, in fact, take place somewhere in Japan. This detail is carried over into the localized version, though several times, the game establishes that it takes place in America. Though the specific location isn't mentioned, the series' Wikia states that it's set in Los Angeles, California.

However, *Ace Attorney* also has its own fantasy locations in the Village of Kurain and the Kingdom of Khura'in. Though it physically resembles what a Japanese village may look like and bears many characteristics of Japanese culture, such as the Shinto religious symbols of magatamas, the Village of Kurain is nearly entirely fantastical, mainly in the aspect that it is the home to spirit

mediums. Kurain is where both Mia and Maya Fey grew up, and both women have the power to channel the spirits of the dead. Many of the women of Kurain share this ability. Kurain is described mostly as a remote village in the mountains somewhere within Japan or America, depending on the version of the game. The Kingdom of Khura'in, however, stands as its own nation. Instead of resembling Japanese culture, it seems to resemble that of Hindu or Middle Eastern culture more closely. A few pieces of Khura'in resemble Japanese culture, such as magatamas (though slightly altered to look different from the more Japanese-looking magatamas of Kurain) and the temples look similar to those of Buddhist temples. These two places were not localized between Japanese and Western versions, so they are their own, fantastical elements that did not need to be altered to better fit other versions.

Another way that *Ace Attorney* falls into Allison's fantasy theory, especially with respect to *Doraemon* and *Pokémon*, is the presence of a fantastical companion. This exists in the form of Maya Fey, a young spirit medium. Maya is, at one point, replaced by her younger cousin and citizen of Kurain, Pearl Fey (Ayasato Harumi), who is also a skilled spirit medium. Spirit mediums, however, are not the only fantastical companions that exist in the *Ace Attorney* universe. Young attorneys and subordinates of Phoenix Wright, Apollo Justice (Odoroki Housuke) and Athena Cykes (Kokone Kizuki), hold their own special abilities. Apollo wears a bracelet on his left wrist that can sense tension in other people, and this ability is often used to assist Apollo in drawing lies out of witnesses during investigations or cross-examination. He also holds the "perceive" ability, which allows him to see the most miniscule tics a person may exhibit while lying or withholding information. Athena, who is first introduced in *Dual Destinies*, exhibits a form of superhuman hearing, in which she can hear the emotions a person is feeling by listening to how they talk. During court, she implements "analytical psychology" by using her Widget, a gadget she wears

around her neck that brings out a digital “mood matrix.” This “mood matrix” depicts the emotions that a witness is feeling as they give their testimony, and is often used to point out contradicting emotions that indicate a lie or suppression of information.

Of course, a major point of fantasy throughout *Ace Attorney* is its use of outrageously colorful characters, both figuratively and literally. The three main attorneys, Phoenix, Apollo, and Athena, all sport their primary colors of blue, red, and yellow, respectively, and each also comes with their own unique, sometimes cartoony personalities. From case to case, the player comes across various characters that sport wild hairstyles and funky outfits. Naturally, in a real-world scenario, one would rarely come across people such as these. Though, in the *Ace Attorney* universe, interacting with such characters is a normal, everyday experience. This is probably one of the more significant ways that fantasy has been injected into the realm of *Ace Attorney*.

Arguments of Accuracy

Despite its obvious elements of fantasy, the functionality of the courts and the jobs that lawyers carry out throughout the *Ace Attorney* series still pique the interest of the game’s players. Many fans of the series find themselves wondering, “How accurate is the *Ace Attorney* series? Is it actually how lawyers do their jobs? Do courts really work this way?” And, of course, a quick, easy search on *Google* will bring up any number of forums and blogs of *Ace Attorney* fans asking real life lawyers for their input, and you’ll even see articles written by real lawyers addressing the accuracy issue. Many lawyers that either reply to fans’ questions or write articles themselves are very quick to say “no.” Given a lot of *Ace Attorneys* wacky characters and outrageous scenarios, it’s easy to see why. But their arguments don’t stop there. User “sub judice” on *Kinja.com*, who is a lawyer, makes many points in the article, *A Lawyer Revisits Phoenix Wright: Ace Attorney*. “Sub judice” writes first of how the only resemblance this series bears to real trials is the presence of

the judge, two lawyers, witnesses, and evidence, as well as the time frame of trials, and other legal procedures such as bail or pretrial hearings. Many other arguments that you see about this subject, if not all others, will also address these points. I will not argue these points, as they are correct. Many of these arguments are based on the comparison to the American criminal justice system and courts. The *Ace Attorney* games are Japanese-made, and therefore based on Japanese criminal justice system and courts procedures. Later in their argument, even “sub judice” acknowledges this point, and admits that, looking from the Japanese system perspective, the game actually makes more sense.

This American vs. Japanese court system issue is likely a very common source of confusion when fans look for or ask for comparison of the series to how the actual system functions. There are many who probably don't know that *Ace Attorney* is a localized series— meaning that it was translated to English from its original Japanese and thus altered to better suit American culture— and hence didn't originate in America and wasn't written by Americans. This confusion may come from the general public's lack of knowledge of court procedure (besides courtroom dramas, etc.) and also because the localized versions of the games place the setting of the games as America. Thus, it's easy to see how people would assume that the games are based on American courts. But to truly see *Ace Attorney*'s degree of accuracy, one needs to look closer at the Japanese criminal justice system, its courts, and how criminal trial procedure works.

Japanese District Courts

Japan functions on a three-tier court system consisting of the court of first instance, court of second instance, and the final appellate court of appeal. Depending on the severity of the case, either a summary court or a district court occupies the position of the court of first instance. The

court of second instance is the initial appellate court, and the final appellate court is the Supreme Court (*Outline of Criminal Justice in Japan*). Since the cases throughout the *Ace Attorney* series are handled in district court, the procedures, etc. of the Japanese district court will be the primary focus of this paper.

There are 50 district courts in Japan, one for each prefecture; the exception to this is Hokkaido, which is divided into four districts, and thus has more than one district court (*Court System of Japan*). The jurisdiction of the district court extends “over criminal cases other than those liable to fines or lesser punishment” (*Outline of Criminal Justice in Japan*). Additional jurisdiction covers “appeals against summary court decisions and rulings in civil cases” (*Court System of Japan*). 91% of district court cases are handled by a single judge, though cases with heavy statutory penalties, such as the death penalty, life imprisonment, or imprisonment of more than a year, are handled by a three-judge panel (*Outline of Criminal Justice in Japan*) (Ukawa). The *saiban-in* system, Japan’s version of a jury first implemented in 2009, is also implemented in district court. *Saiban-in* are “lay judges” who are six randomly-selected citizens of the general public, and *saiban-in* trials are held in the same scenarios as that of a three-judge panel, and cannot be waived by a defendant (Ukawa). Before the introduction of this system, trials were bench trials, meaning they were only overseen and decided by judges (Ramseyer).

How *Ace Attorney* Gets It Right

As far as basic court structure and procedure is concerned, *Ace Attorney* does a good job of portraying the Japanese system accurately. Each trial within the game follows the same procedure of the prosecutor present his or her opening statement, followed by the presentation of evidence. After that comes the witness testimony and the cross-examination thereof by the defense, then the questioning of the defendant and finally closing arguments. Once all is said and done, the

judge hands down his verdict. In the most basic sense, *Ace Attorney* follows court procedure in the way that an actual trial would. In addition, the game mechanics maintain that Japanese trials are discontinuous, meaning that the court adjourns and reconvenes over the course of a trial while the building or strengthening of a case as well as additional investigation is conducted in between trial dates. The first meeting is between the prosecutor, defendant, and a judge, where the issues at stake are discussed. Upon recess, evidence is gathered on the first issue, and court reconvenes to litigate the aforementioned issue before adjourning to gather evidence for the next issue, and so on (Ramseyer). This is how trials throughout *Ace Attorney* are conducted as well.

In addition to basic court functions, another feature that the *Ace Attorney* series seems to get right is the portrayal of prosecutors. As one would expect from a court-related video game, Phoenix Wright faces off against various prosecutors in each game, and each have their own level of arrogance and confidence. Many, if not all, boast perfect records, achieving nothing but convictions throughout their entire careers. During trials, they always seem to be one step ahead of Phoenix, either having another piece of evidence hidden up their sleeve, or seeing through one of the defense's arguments and being able to immediately counter. No matter what Phoenix manages to come up with, each prosecutor he faces always seems to have it all already figured out, and they seem to know, without a doubt, that they will get their conviction. Surprisingly, though this portrayal is dramatized, it is not completely fantastical. Firstly, many Japanese prosecutors likely do hold perfect or near-perfect records, as the conviction rate in Japan is a staggering 99% (Ukawa). While this is frightening initially, the rate is really only so high because prosecutors tend to only take cases to trial if they are absolutely certain that the defendant is guilty and they have a solid case (Arnold). This reasoning and conviction rate explains why each of *Ace Attorney's* ace

prosecutors have their impressive records and why they have so much arrogance and confidence in their arguments.

These are not the only qualities that prosecutors seem to have throughout the series. Prosecutors carry an air of authority and respect about them, and in many scenarios are even looked up to. Examples of this include Detective Dick Gumshoe's (Itonokogiri Keisuke) near constant praise of Prosecutor Miles Edgeworth (Mitsurugi Reiji) during the game's original trilogy, as well as the Khura'inese people hailing prosecutors Gaspen Payne (Auchi Fumitake) and Nahyuta Sahdmadhi (Nayuta Sādomadi) in *Spirit of Justice*. In addition to the revering of prosecutors, there is the more negative light that tends to be shed upon defense attorneys. Cory Arnold notes that "prosecutors are held in high regard for cleaning up the streets and their large amount of work overseeing investigations" and "lawyers...are typically seen in a more negative light for, in the public's eye, defending criminals." Both of these views are especially reflected in *Spirit of Justice*, where defense attorneys have been outlawed in the land of Khura'in. There has even been an act declared by its monarchy that declares that, should a defendant be declared guilty, his or her defense attorney will meet the same fate. Thus, because of this law, the prosecutors are very highly praised and loved by the Khura'inese public; Prosecutor Payne is even depicted as wearing jeweled rings, a crown and a golden suit. In regards to the Khura'inese view of defense lawyers, they are seen as conniving liars who will twist anything to get a criminal off the hook. While obviously dramatized for *Spirit of Justice*, the views of prosecutors and defense attorneys in their most basic sense actually exist in Japan.

How *Ace Attorney* Alters Reality

Because of the basic nature of both video games and the world of the law, *Ace Attorney* could not have perfectly reflected Japan's criminal justice system. Various changes had to be made

for the sake of making the game more interesting, or even to just make it less tedious and more immersive. The following differences are not so much the result of a lack of research or getting it wrong, but more so the result of altering reality for the sake of creating an interesting story that's easy to play through.

First of all, let's look at one of the most basic and important components of the courtroom: the judge. As mentioned in the section introducing Japanese district courts, district court trials are handled by either one judge or a panel of three, depending on the severity of the crime being tried. In *Ace Attorney*, all but one of the cases are those where the defendant is being tried for murder. Since this is a case that would be punished with the death penalty or more than one year in prison, and in reality, the trial would be overseen by a panel of three judges. However, in *Ace Attorney*, there is never more than one judge overseeing a trial. This could probably be seen as one of the major differences between how the game and reality function. There are reasons, however, to explain why *Ace Attorney*'s developers decided to alter this detail. In an interview with Game Informer, *Ace Attorney* creator Takumi Shu "didn't originally include anything overtly Japanese in the first game on purpose" to allow for the possibility of Western localization (Wallace). He then says, "But, then I found out that Capcom was not planning to make an overseas version of the game, so from the second game onwards, I used some language-based tricks and some clearly Japanese settings such as Maya's hometown, Kurain Village" (Wallace). This intent to localize in itself could explain why there is only one judge being used throughout the series. In other countries of the world, trials of any sort are handled by a single judge; had the creators of *Ace Attorney* held true to the Japanese standard of three judges for murder trials, it would have been very difficult, if not impossible, to localize for other countries. It likely features one judge for the remainder of the

series for the sake of continuity, to keep the formula of the game from changing too much, and to keep the game simple.

Another considerable difference is *Ace Attorney*'s lack of saiban-in. In both *Ace Attorney*'s main series and in its spinoff titles, mention of any sort of jury only surfaces once. This is during the *Apollo Justice* installment, where a disbarred Phoenix Wright is attempting to reform the criminal justice system by introducing a jurist system. Beyond this, anything remotely similar to a saiban-in occurs just once; this is in *Dai gyakuten saiban*, and a jury is only depicted when the game's setting changes to London, England. However, this discrepancy is easily explained. The saiban-in system, or any other system related to a jury, didn't exist in Japan from 1943 until 2009 (Arnold). Therefore, the creators couldn't implement a system that wasn't even in reality yet. Since the first four games were made and released before 2009, the saiban-in system, like the number of judges, was likely left out for the sake of continuity and simplicity. The reason that a jury system was mentioned in the *Apollo Justice* installment was probably because it was released in 2007, in between the time a 2004 ruling regarding the saiban-in system and its actual implementation in 2009 ("Ace Attorney").

The investigation process is another mechanism of the game that strays from reality. Due to the discontinuous trial format, Phoenix and his partner end up investigating crime scenes and other related locations between trial dates. During these investigations, often times, they will run into the opposing prosecutor, who is also investigating the scenes for more clues or evidence. This mechanic is really only half-true. Prosecutors can investigate crime scenes, but usually only if they want to or feel it is absolutely necessary. Oftentimes, however, this task is left to the police. Additionally, defense lawyers don't investigate crime scenes at all (Arnold). Instead, prosecutors disclose all discovered evidence to the defense before the trial, as is required by law (Arnold).

There are two possibilities as to why the investigation process was altered for the *Ace Attorney* series. First, Phoenix Wright was originally intended to be a private investigator instead of a defense attorney; his role was changed once Takumi realized that “the gameplay concept [he] was going for was for players to enjoy finding and taking contradictions apart,” which wasn’t related to detective work (Hsu). Thus, this investigative feature was likely left over from Phoenix’s original design. Secondly, allowing the defense to investigate allows the player to figure out the mystery behind each case for themselves. It’s much more exciting to go out and find your own evidence and clues than to have them simply handed to you. Additionally, if the defense wasn’t allowed to investigate during the game, then they would have to depend on the prosecution for the information they need to build their case. There is a very strong and definitive rivalry set between Phoenix and any of the prosecutors he faces; for them to work together and essentially be forced to cooperate would ruin that adversarial air. Thus, both sides were left to fend for themselves and build their own cases.

Conclusion

The *Ace Attorney* series faced several alterations that made it deviate from how the Japanese court system actually functions. However, these diversions were not made from the creators’ lack of knowledge or research. In fact, it can be said that the creators did their homework when it came to creating this series, and there is evidence to back it up. *Ace Attorney* has its deviations from reality and its otherworldly elements, but these do not exist without reason. All of the factors of fantasy, such as spirit channeling, and all of its deviations merge together with reality to make a truly fascinating scenario and enthralling story. Despite its fantasy and alterations of reality, the *Ace Attorney* series, and its creators, portray the Japanese criminal courts relatively accurately.

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