Parallel Session 28: Discourse analysis contributions to PCST study

SCIENCE IN COURT. EXPERTS AND ADVISERS AS POST-ACADEMIC SCIENCE COMMUNICATORS

Licia Gambarelli[1,2]

[1] *ICS, Innovations in Science Communication, International School for Advanced Studies (ISAS), via Beirut 4, 34014 Trieste, Italy. Tel: +39-040-378711 Fax:+39-040-3787528, E-mail: gambalicia@libero.it*

[2] *Laboratorio Multimedia e divulgazione, Instituto Nazionale per la Fisica della Materia (INFM); Dipartimento di Fisica Universita' di Parma; Via delle Scienze 7/A, 43100 Parma, Italy. Tel +39 0521906142, Fax +39 0521905223, E-mail: gambarelli@infm.it*

Abstract

Scientific communication in court is particularly relevant for the understanding of the post-academic era of science.

For this study twelve narrative interviews with experts, lawyers, judges and journalists were collected.

The analysis revealed that they all communicate science in different ways and with different interlocutors, with varying expectations and results. Another peculiarity of scientific communication in the legal context is that there is a conflict of expectations between experts and jurists. While the expert`s priority is the correct understanding and use of scientific truth, the legal party's priority is the acceptance or refusal of a scientific truth, to reconstruct the legal truth.

Key words: science communication in court, forensic science, narrative interviews.

Text

In the modern era, when techno-scientific ideas and products are increasingly present in everyone's lives, conflicts stemming from the intersection of science, technology and law are one of the main fields of redefinition for modern societies (Tallachini, 2001). Scientific truth and legal truth are being increasingly brought together to find effective solutions in legal proceedings (Josanoff, 1995; 2002).This research starts form the idea that in a multiple-centred system of science communication (Greco, 2002) scientific communication in court is particularly important for the understanding of the process of post-academic science communication (Ziman, 1998; Greco, 2002).

The problem of science communication in court is analogous to that of public science communication in general. Communicating science in court is often necessary for the carrying out of several legal proceedings, and sometimes for their solution. This kind of communication, however, faces specific problems due to the cultural, linguistic, methodological and epistemic difference between the legal and scientific parties of a proceeding. The court is thus a

post-academic context of science communication, with special characteristics that can influence society, making a specific study of this context necessary.

This research aims at:

- verifying whether and how the dynamics of science communication in court can be traced back to the problem of public science communication;
- underlining specific characteristics of science communication in court;
- proposing a sample of a "general table on science communication", to analyse every possible communication between the different parties of a legal proceeding.

A first attempt at finding an answer to these questions was field investigation. Ethnographic research on communication (Matera, 2000) was used to explore the places where science and law cooperate; experts, judges, lawyers and journalists were interviewed to discover the opinion of the main operators in this context, where the relationship between science and society is continuously changing.

Methods

Twelve narrative interviews (Atkinson, 1998) were collected for research and divided into two groups: experts and non-experts (such as lawyers, judges, journalists,etc.).

The narrative method (Atkinson, 1998) is based on non-structured "open" interviews. The result of this kind of interview is not a set of specific answers to a series of questions, but a "story" guiding the interviewer to enter the "other" world, the one in which science and the law meet, focusing on the experts, judges and lawyers and their modes of communication (Matera, 2002).

The communicative events (Duranti, 1999) between the researcher and the interviewees was important to approach experiences and cultural contexts, the understanding of which would have otherwise been difficult. Narratives present mainly personal experiences that no data, questionnaire, or news could express (Bruner, 1990).

Analysis of the interviews and conclusions

The following points emerged from an analysis of the interviews:

1) an analogy between the public communication of science in court and the proposal of the `Venice model`,(Greco, 2002) based on the assumption that in the post-academic era public communication of science follows more than one direction to reach different audiences in different ways, not necessarily bound to the scientific community. Experts communicate science in different ways and with different interlocutors. But they are not the only ones speaking of science in court: judges, lawyers, speak of science among themselves with different expectations and results, not depending on the expert`s mediation;

2) an analogy of the above model allowed for the creation of a general table identifying every possible `bridge` of scientific communication in court and perceptions of scientific communication by forensic protagonists;

3) an identification of some peculiarities of scientific communication in the legal context emerged. First of all, the conflict of experts` and jurists` expectations in the legal proceeding. While the expert`s priority is the correct understanding and use of scientific truth, the other legal parties have another starting point: the acceptance of a scientific truth, or its refusal, in order to reconstruct the "highest" truth in the legal context, that is the legal truth.

References

Journal articles:

Gambarelli L. (2003). Comunicare scienza in tribunale. Periti e consulenti come comunicatori post accademici della scienza. Jekyll.comm N.7.

Greco P. (2002). Comunicare nell'era post accademica della scienza. Jekyll.comm, N.1; - http://jekyll.sissa.it/jekyll_comm/editoriale_jek0.pdf .

Jasanoff S. (2002).The life sciences and the rule of law. Journal of molecular biology, vol 319, n. 4, 891-899.

Tallachini M.C., Doubleday R. (2001). Politica della scienza e diritto. Il rapporto tra istituzioni, esperti e pubblico nelle biotecnologie. Notizie di Politeia, n 62.

Wynne B. (1992). Misunderstood misunderstandings: social identities and public uptake of science. Public Understand. Sci. 1, 281-304.

Ziman J. (1998). Essay on science and society. Science.

Books:

Atkinson R. (1998). L'intervista narrativa. Raffaello Cortina.

Bourdieu P. (2003). Il mestiere di scienziato. Feltrinelli.

Bruner J. (1990). Act of meaning. Cambridge, Harvard University press.

Duranti A. (1999). Etnografia del parlare quotidiano, Carocci.

Jasanoff S. (2001). La scienza davanti ai giudici, Giuffrè Milano (Cambridge Mass, 1995).

Matera V. (2002). Etnografia della comunicazione, Carocci.

Ziman J. (2002). La vera scienza, Dedalo.