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V. Rivalland

Edith Cowan University

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Abstract

Professor Chase (1986: 527) suggests law would benefit if it recognised and gave serious study to 'the impact of legal ideas conveyed through the' institutions of popular culture'. In responding to his challenge I intend to address just one aspect of law's representation in popular culture, the law/science nexus through its manifestation as forensic science. That area relates directly to the role and status of these intersecting discourses, and raises the question of whether the hierarchy of discourses which gives natural precedence to science adversely affects law. In other words, is justice a casualty in these encounters? In examining this proposition, I have selected two texts with contrasting representations of science's role in law.

EVIL ANGELS AND FORENSIC SCIENTISTS: REPRESENTATIONS OF LAW IN POPULAR CULTURE

Virginia Rivalland

Professor Chase (1986: 527) suggests law would benefit if it recognised and gave serious study to 'the impact of legal ideas conveyed through the institutions of popular culture'. In responding to his challenge I intend to address just one aspect of law's representation in popular culture, the law/science nexus through its manifestation as forensic science. That area relates directly to the role and status of these intersecting discourses, and raises the question of whether the hierarchy of discourses which gives natural precedence to science adversely affects law. In other words, is justice a casualty in these encounters? In examining this proposition, I have selected two texts with contrasting representations of science's role in law.

INSTITUTIONAL INTERACTIONS

Institutions commonly attempt to emulate or align themselves with science, as a way of increasing their status. The scientific paradigm, with its much vaunted scientific methodology, 'guarantees' rationality, objectivity, and infallibility. Affiliation with science is an attractive proposition because it offers status, ready acceptance and little procedural scrutiny. Law has points of comparison with science, although as Smart (1991: 9) notes, it does not call itself a science because 'it does not have to':

Defining a field of knowledge as science is to claim that it speaks a truth which can be favourably compared to partial truths and untruths which epitomise non-scientific discourse ... I am not saying that law attempts to call itself a science, but then it does not have to. Law has its own method, its own testing ground, its own specialised language and system of results.

Smart draws attention to the institutional structures and discursive

practices that construct law as an institution and naturalise its so-called legal method, as its way of ordering procedures, labelling events and categorising objects and people. For example, law employs what Cousins (1988: 131) describes as a 'jealously guarded order of procedure', which is the process by which legal argument is conducted via a set of rules designed to exclude and include particular kinds of information according to predetermined principles: 'There are definite rules of evidence concerning admissibility. Hearsay may be discounted: clearly motivated witnesses may be impugned' (Cousins 1988: 132). The truth that is arrived at, as a result of this process, is a particular kind of truth, 'a strictly legal truth' (1988: 133).

Law too, via its appeal process, shares some of science's ability to incorporate failure into its methodology without it reflecting adversely on itself or its processes. Science's 'perfect' fail-safe mechanism, stems from its positivist discourse of continuous experimentation with its notion of 'falsifiability' (Popper 1974: 36). This has, as a fundamental requirement, the necessity to attempt to disprove a given hypothesis, and thus incorporates failure into its very experimental method but assiduously avoids naming it as such. In a similar way, law can incorporate 'judicial failure', and even the odd 'miscarriage of justice', without inviting scrutiny of the system itself. The fact that one legal process using the accepted judicial method can arrive at a (presumed) correct decision, which is subsequently overturned by a higher court, is not viewed as a fault of the system. Just the opposite in fact. Paradoxically it is seen as proof that the system works, and works well.

Bourke (1993: 127) in her critique of the Chamberlain case, notes just such a contradiction: '(T)he notoriety of *Chamberlain* has only served to distinguish it from other cases, so that it is now commonly thought of as an aberration, a 'one-off' legal mistake'. Bourke herself sees it as part of a much larger problem which relates to the unreliability of forensic or scientific evidence. Nevertheless, some aspects of law continue to attempt to align themselves closely with the scientific paradigm. Criminology, for example, is based on the scientific model of cause/effect with its notions of inevitability and predictability. The continuing debate on law and order indicates there has been little success in either predicting or in controlling crime. Another area where the two discourses intersect, is in forensic or scientific evidence. Significantly, representations of this kind form the basis of many fictional accounts within the law/cop/mystery genre of popular culture.

FICTION/LAW/SCIENCE - FORENSIC SAMPLES

As a general rule, fictionalised forensic examples are characterised by an adherence to the positivist scientific line. They are underwritten by the

notion that when enough facts are obtained by the specialist scientist the answer/truth becomes clear and inevitable. The ABC series *Phoenix* exemplifies this model. In this cop series, science is treated reverentially with tacit affirmation of its infallible status. By association it invests credibility in the institution it supports – the judicial system.

Phoenix, as part of the cop genre series, advertises itself as reflecting the 'real' world. It is heavily naturalistic in narrative detail, setting and dialogue. Its concerns centre on the serious masculine business of public life as dangerous, competitive and unpredictable. The forensic husband and wife team, Ian and Carol Cochrane, appear at various times throughout the series. They assist the police in collecting evidence at crime sites, providing hypotheses based on the evidence and submitting the evidence to various testing procedures. When shown in the work environment, the pair are usually portrayed in white lab coats surrounded by scientific apparatus. The characterisation of the senior scientist, Ian Cochrane, draws heavily on the stereotype of the 'crazy scientist', but any deliberate peculiarities, for example odd socks, remain at the insignificant level to ensure that his scientific judgement remains sacrosanct. Carol Cochrane, on the other hand, is portrayed as something of a feminist. A working mother, she stands somewhat apart from the overtly masculine culture of crude jokes, sexual innuendo, pubs and excessive drinking which characterise the police team. Her character also reveals evidence of intellectual superiority, with wit and repartee being her usual response in most situations.

Consider the forensic element in a typical scene from the second series, shown on ABC on 27/5/93 – The extract involves the scientist, Ian Cochrane, testing the shoes of two detectives, to ascertain whether they were responsible for a young girl's precipitous leap from an upstairs window during an arrest. The young girl has been left paralysed, and the odds are stacked against the detectives being able to prove their innocence. In a previous episode, via omniscient positioning, the viewer has been privy to the 'truth' of the situation and knows the detectives are innocent. In this scene, as the detectives hand their shoes over to Ian Cochrane for testing, he remarks that if they are not the right ones it will go in his report. The purpose of this seemingly unprovoked comment becomes apparent in the exchange which follows. It aims to establish scientific objectivity.

(Ian) 'Jock suggested I take extra care in case I'm biased toward you. I mean what does he think I am ...?' (Carol-humorous aside) 'Human?'

(Ian) 'If you were my own mother, God help you, I'd do exactly the same as I always do'.

(Carol-smile and laugh) 'With careful incompetence'.

(Ian-good humouredly) 'Will you shut up'.

The focus of this extract is clearly to pre-empt concerns of bias against the scientist Ian Cochrane. It is framed as a personal issue but at stake is the more general one of science's credibility. Such a pre-emptive tactic represents, in media terms, a classic strategy of containment. By overtly raising the issue of bias, the episode acknowledges, and at the same time counters, possible viewer concern about Ian's 'objectivity' in the face of a known friendship between himself and the detectives. Left unresolved the issue might just lead to a more general query about science itself and undermine science's validating role in the series. Within the verbal discourse, Ian Cochrane explicitly denies subjective involvement '*I'd do the same if you were my mother*', implying that it is science's own methodology which guarantees his impartiality. The narrative also signals that the truth will out, in that the results of the tests will vindicate the detectives, because science has been constructed as the method of deriving truth from the facts and experimental procedure. In this instance science provides the answer via a process Ian Cochrane calls '*analysing the footprint choreography*'.

The actuality of this extraordinary procedure is demonstrated later in the episode when a map, with various footprints on a transparency, are used to explain the process to the detectives. Cochrane obtained the results by, in his words, '*staring through a polylight and squaring it with an electrostatic lifter*'. These 'dance maps', with their dots and crosses, provide conclusive proof that neither detective was involved in the girl's jump from the window. In this short scene the verbal and visual discourses coalesce to produce an unambiguous pro-science discourse. This dominant discourse is produced by merging a script, heavy with scientificity, with visual images of the laboratory, white coats, scientific paraphernalia and glasses for Ian Cochrane. The synchronisation of the image, 'the dance map', with the verbal explanation given by the scientist, 'makes it appear as if the images *speak for themselves*' (Brunsdon & Morley 1978: 62), and require no further interpretation. The discourse is given additional weight by the process of inscribing the viewer into the film space (Brunsdon & Morley 1978: 64).

Seeing the dance map through the eyes of the scientist, Ian Cochrane, in a close-up displaying the graphics and detectives names, vouches for the truth and validity of the material. This combination of processes reinforces science's image as an infallible, objective and value-free knowledge system. The scene's closure, which is signalled by a shift of focus to a wide shot, includes a reinforcing verbal summation, '*this means you're in the clear*'. The explanatory comment is offered by the female scientist, Carol Cochrane, indicating perhaps that the feminine is required to decode the language of men's science for the general audience.

This sequence's positive and incontrovertible outcome stands in marked contrast to what happens in the rest of the narrative. Elsewhere things are

seen to go horribly wrong for the police team: drug busts fail, information goes astray, informers get killed, and factional rivalry within the team eventually undermines the success of the operation. Within this maelstrom, science remains intact and inviolate and, by association, gives credence to the judicial institution it supports. The discourse of science being propounded here is a wholly traditional one which refuses to acknowledge either the possibility of scientific error or of ambiguity.

On Bourke's (1993: 124-125) evidence, law perpetuates this discourse when it fails to recognise: 'the existence of unreliable scientific test evidence: its extent across a whole range of scientific tests ... and the lack of awareness of the problem by lawyers'. The associated tendency of lawyers to regard failures of the judicial system based on forensic evidence, as mere 'aberration[s]' (Bourke: 127) has also been criticised. Wilson's (1991: 4) analysis of ten miscarriage of justice cases, for example, identified 'expert evidence' as a major problem in six of the cases examined. In the *Chamberlain* case alone, he lists six separate problem areas, three of these revolve around the 'evidence', with queries about its 'partial', 'circumstantial' and/or 'inconclusive' nature.

Wilson's examples seem to suggest a less than perfect 'fit' or accommodation, between the intersecting discourses of science and law. How far do these aberrant legal outcomes result from the hierarchy of discourses which gives natural precedence to science? Does the discourse of science with its attendant claims of logic, objectivity and infallibility tend to overwhelm or inhibit the legal discourse and its processes, and if this is the case, what is the result?

Some support for this claim can be found in the special provisions allowed expert witnesses in respect of giving testimony. Normal rules of evidence exclude hearsay, but this provision is waived for expert witnesses called to testify on the basis of their possessing special knowledge. A further exemption applies too with regard to offering opinions. A relaxation of the normal procedural requirement which permits witnesses to report only on observed facts allows experts to extrapolate, hypothesize, infer, and make suggestions based on opinion rather than actual observation of an event. In respect of the social sciences, Konopka (1980: 132) asserts that under normal circumstances 'most of the sources of information from which a social scientist derives an opinion would be inadmissible as evidence'. He includes all data derived from census and survey results in this category.

Also regarded as problematic is the traditional attitude of deference to, and regard for, the role of the expert. Science's privileged position in Western society guarantees its members high credibility in respect of matters relating to rationality, objectivity and value-free judgements. All these characteristics are highly valued and sought after by the law in its

administration of justice. Expert pronouncements are afforded special status through what Cassidy (1991: 64) terms 'author invisibility', which gives subjective opinions the appearance of objective statements of fact. Bourke (1993: 126) notes in her study that an 'aura of scientific certainty causes lawyers and jurors to operate under a shroud of assumed omnipotence of science'. Post (1980: 174) similarly comments on the 'opaque' nature of evidence which is unwittingly caught up in the social prestige of the expert.

Within this system, science also constructs its own hierarchy which authorises experts according to a set of criteria determined by the institution. This hierarchy of expertise operates to discount other less credentialled opinions and/or to disqualify non-scientific discourses. In the Chamberlain trial, where specialist forensic scientists were an integral part of both the prosecution and defence cases, special emphasis was placed on academic and other qualifications as a way of establishing a clear superiority in the scientific hierarchy. For example Professor Cameron, whose evidence of a bloodstained handprint on the jumpsuit led to the re-opening of the case, is regarded as, 'one of the leading forensic experts in the world' (Johnson 1984: 95). In court, his pre-eminence in the forensic field is evidenced by a list of his previous accomplishments: 'So long was his curriculum vitae that Sturges handed a typed copy to Galvin, rather than read it all out' (Bryson 1989: 306).

In the retrospective decision that finally cleared the Chamberlains, Justice Morling, using legal determinants, concluded that it was the Crown's eminent forensic scientists who had made errors of judgement in their expert evidence (Young 1989: 272). Young's review of the findings of the Morling Inquiry also points to some fundamental flaws in science's revered 'objective' methodology:

Bias appears to have been a factor influencing the direction of the errors ... Prejudice apparently blurred the vision of scientific objectivity. Too many forensic experts simply failed to practise a basic principle of modern science: to subject all opinions to tests that are designed, if possible, to invalidate them. (Young 1989: 272)

By contrast, the forensic work of the defence's less well credentialled scientists was totally vindicated: 'Incredibly the Morling inquiry was a triumph for these *minor* scientists over those with *vastly superior reputations* in the forensic field' (Young 1989: 273). (emphasis added).

These examples are illustrative of how the discourse of science, in addition to having special status within the legal system, also maintains its own hierarchy of expertise which is but one of several factors that can affect a judicial outcome.

The adversarial system is also seen as problematic in respect of forensic

evidence. Any real notion of impartiality on the part of the expert is destroyed, according to Hogg (1991: 193), by an adversarial process which incorporates the so-called independent expert witness into 'the partisan outlook of one or other of the adversaries'.

INSTITUTIONAL INTERROGATIONS: THE CASE OF 'EVIL ANGELS'.

In setting out the various contentious points surrounding the science/law nexus it is clear that these sites of contestation offer ample opportunity for law to be interrogated via science. A film text such as *Evil Angels* is useful in how it interrogates many of these sites and in the process exposes the nature and variety of discourses which support both law and science. These range from a critique of science's sexist discourse, to an expose of the institutionalised practices which empower the expert and discount alternative discourses through exclusion of the non-expert.

Based on Bryson's (1985) novel *Evil Angels*, the film adopts a similar pro-Chamberlain position and approaches the forensic evidence from that partisan viewpoint. The film's ideological strategy clearly works to erode the credibility of the forensic evidence. In its systematic undermining of the law/science nexus, *Evil Angels* represents a rare media/legal instance of discursive discrediting. The representation of forensic evidence occurs primarily in the trial sequence with a variety of discrediting strategies being utilised. The first forensic scientist presented is biologist, Joy Kuhl, whose evidence of blood in the car, and particularly her assertion that foetal blood was present, was vital to the Crown's case: 'The fact that Kuhl's evidence dominated the proceedings in the second inquest, the trial, both appeals, and the inquiry demonstrated the fundamental importance of her testimony' (Young 1989: 182).

Kuhl is cast as a slightly frumpish, self-satisfied woman who bears more than a passing resemblance to the accused, Lindy Chamberlain. Lindy acknowledges 'this visual similarity: *'the outfit, the polkadot dress, practically the same as mine, not to mention the hairdo'*. After hearing Kuhl's testimony, Lindy is seen to react to her personally: *'fluttering her eyes at the jury'*, and adds rather crudely: *'I reckon she's got something going with that copper too'*.

Lindy's role as the victim gives her vituperative comments narrative motivation. By contrast, Kuhl's demeanour and language suggest a subjective, personal investment in her evidence which severely detracts from her objective standing as a scientist. For example under questioning she stresses the subjective in describing the tests she carried out: *'The buckle gave me very, very strong positive reactions to blood'* and *'the spray pattern under the dash gave me a very strong positive reaction to foetal*

haemoglobin'. Both the visual and verbal discourses here work to position the spectator as observers to Kuhl's partiality in her close physical attachment to her evidence. Subjectivity as opposed to objectivity is constructed in her actual holding of the camera bag as she gives her evidence. Under cross-examination Kuhl's credibility is further weakened when she admits, with obvious discomfort, that the actual test-plates used in the experiments have been destroyed. A combination of sound effects, an audible gasp in the courtroom, and camera work, a closeup of the jury showing surprised faces, frames the scene to Kuhl's disadvantage. In her subsequent appearance in a hotel beer-garden in the company of the prosecuting police, the film clinches Kuhl's lack of credibility as a scientist/witness. In this scene Kuhl's speech reveals a personal antipathy toward Lindy based on the most irrational of reasons, emotion coupled with claims of black magic and sorcery: '*She just stared into my back. I could feel it. She just stares you know. She's a witch you know!*'. Although such a suggestion in this context is seen as quite bizarre, the script here overtly draws attention to an extra textual discourse circulating at the time; 'The spectre of Lindy as witch was rarely articulated, yet the notion percolated just beneath, constantly informing the imagery which pervaded the discussion' (Johnson 1984: 91).

In this segment involving Kuhl, scientific credibility is undermined by activating a sexist rhetoric which postulates the discourse of woman as scientist as antithetical (Haraway 1989). Both the verbal and visual discourses systematically corrupt the 'aura of the expert', culminating in Kuhl's absurdly anti-scientific reference to Lindy as a 'witch'. Indeed the composite portrayal of both women in this sequence could be categorised as sexist, as it reinforces stereotypical notions of women's behaviour. Displayed are instances of gossip, petty jealousies, and judgements based on superficialities and irrationality. With Lindy such strategies may work to humanise and round out her character, but with Kuhl they are clearly designed to discredit her as a person with any scientific credibility.

A combined attack on Kuhl, via her gender and psychological make-up, counteracts her potential as a scientific witness. A similar technique undermines another important expert witness, Professor Cameron, but significantly it is not done on the basis of his gender. Cameron is shown to have a character defect, a personal and professional arrogance which makes him vulnerable as an expert witness. In his appearances another process is employed which discredits the forensic evidence by setting up obvious discrepancies between the visual and verbal discourses. The initial framing of Cameron as the traditional expert is conveyed by technical and representational codes including casting, dress codes and speech patterns. (Fiske 1988). Camera shots from below construct Cameron's aquiline profile

as arrogant while his cultivated and deliberate speech patterns activate a discourse of superiority based on class with colonialist overtones. Cameron's theatricalities, his staging for effect, in his suggestion of human involvement: *'There is evidence to suggest an incisal wound around the neck...in other words...a cut throat!'*, is accentuated by a deliberate closeup of his face which characteristically reveals emotion, whereas 'true' objectivity would necessitate a mid-shot. The actual discrepancy between verbal and visual discourses occurs when Professor Cameron attempts to demonstrate, via *'ultra violet photography'*, the presence of a handprint on the jumpsuit. The visual discourse records a murky, indistinct, ambiguous image which is at variance with Cameron's confident assertion of *'the impression of the hand of a small adult'*. In such a hierarchy of discourses the visual tends to take precedence and the cut away shot to a female journalist adds verbal support with the comment, *'If that's a hand I'm a virgin'*. The spectator is here positioned to favour the commonsense view over the expert scientific opinion, whereas in the *Phoenix* example, the perfectly coinciding visual images draw the spectator into an easy acceptance of science's 'truth'.

The framing of the final sequence has the verbal discourse take precedence, as Cameron's credentials as an expert are queried through Lindy's comments on his faulty evidence in the celebrated *'Confait case'*. During the cross-examination both verbal and visual discourses combine to discredit Cameron. This reaches a high point in the concluding scene, purporting to be television news footage, when in a grainy media shot with voice-over, the verbal discourse indicates that Cameron's evidence has been *'completely discredited'*. The high modality and truth status of news invests this scene with credibility, and signals that Professor Cameron's fall from grace is complete.

EXCLUDED KNOWLEDGES

While it is the hierarchical nature of institutional knowledge cultures such as science which gives experts their status and credibility, the same system operates to disempower, through exclusion, those whose skills and knowledge are outside the paradigm. McHoul and Grace (1993: 15-16) refer to these as: *'naive knowledges, because they are located low down on most official hierarchies of ideas (Foucault 1980a :82). Certainly they are ranked beneath science'*. A clear illustration of this process occurs, when the text comments on the exclusion from the trial of different kinds of 'experts', the Aboriginal trackers. According to Young (1989: 265): *'The blacktrackers had no doubt that the tracks proved a dingo had seized Azaria from the Chamberlain's tent'*, but the authorities continued to regard this information as 'unreliable'.

In the film a sequence involving talk-back radio is used to demonstrate

how Aboriginal cultural superiority in this sphere, is not acknowledged, validated nor respected. When a female radio announcer queries on-air why none of the trackers have been called to give evidence, an aggressive male caller offers the standard racist response: *'Look lady, you can't believe those bludgers. They're always drunk. You know that!'* In addition to its obvious racist implications, this short sequence graphically illustrates the unequal struggle different discourses have to command assent. On display are the methods customarily employed to discredit and inhibit non-credentialed discourses on the basis of their lack of a 'scientificity'. Graycar and Morgan (1990: 265), in summarising Howe's (1989) view on the media's role in the Chamberlain case, conclude that:

the scientific evidence completely displaced the eyewitness accounts and in particular, the evidence of an Aboriginal tracker ... Howe suggests that the media's failure to report the evidence of blacktrackers was also 'profoundly racist'. (emphasis added)

Another technique by which the film disrupts science's credibility occurs when science is represented as a highly specialised and complex discourse. The resulting level of incomprehensibility relates to what Cassidy (1991: 63) refers to as the exclusivity or 'closed shop' which characterises each discipline. In several instances, science's 'foreign' language is targetted for ridicule because of its elitism and lack of relevance. For example, a witness who is an expert on blood is shown droning on incessantly about 'anti-serums', 'anti-haemoglobins', 'anti-bodies', 'alpha' and 'beta molecular chains' while a camera shot of the jury indicates puzzled non-comprehension. To reinforce this point, and raise the more general problem of a jury's ability to deal with highly technical evidence, a scene including law students discussing the Chamberlain case is presented. One puts the commonsense view of the problem; *'If highly regarded experts can't agree, how are the jury supposed to make a conclusion?'* On offer here is an alternative competing discourse about jury competency in specialised areas. The proposition being advanced is that some legal cases are just too specialised and too complex for the average person to comprehend and make a judgement on.

The media too has difficulty breaking down and re-packaging the mass of scientific material offered as evidence. The scientific terminology is constructed as problematic, with journalists grappling to understand and explain specialist terms such as 'ouchterlony', 'orthentology' and 'electrophoresis'. While such instances could be read as a critique of journalistic practices, in the context in which they are employed, the discursive processes tend toward encouraging an interrogation of science. Both the verbal and visual discourses construct science as something

abstruse and irrelevant. For instance, during the presentation of scientific evidence, a shot of the media room shows bored journalists yawning openly as one asks rhetorically: '*Jesus, how many more days of this?*' Another scene in a newspaper office has the editor telling another journalist: '*I'll give you ten bucks if you can get haptoglobin into a headline!*' while another reports on '*the almost incomprehensible forensic evidence*'. This discourse of science being 'too difficult', and something antithetical to commonsense, extends to the jury room where members argue about the evidence: '*Can we sort out the blood thing first before we go any further?*' says one. The response from another jury member reinforces the visual and verbal points made earlier: '*Forget the blood, none of us understands anything about that!*'.

The media's inability to critically engage with the scientific aspects of the case may appear an innocuous omission but, as Wilson (1991: 4) observes, both 'media pressure' and 'media stereotype/prejudice' are involved in many miscarriage of justice cases, including the Chamberlain case. Pugliese's (1991: 72-73) print-media textual analysis of the Tim Anderson/Hilton Bombing case argues that the media draw from a range of 'rhetorical and narrative strategies' in constructing a 'discourse of journalism', and that in cases of this type they customarily resort to 'the rhetoric of criminality'. It seems likely that a media that is unable to evaluate and make distinctions about the significance and value of scientific evidence, will favour the standard journalistic discourse: 'We're supposed to be reporting the prosecution case, right?' is how one journalist perceived his role in *Evil Angels* (Bryson 1985: 401).

As has been noted earlier, the coupling of law's adversarial system with expert evidence often results in outcomes which are far from just. According to Hogg (1991: 192), the reason for the anomaly lies within the system itself: 'The adversarial process tends to encourage the suppression of evidence favourable to the accused and the shoring up (if not manufacture) of evidence suggestive of guilt'. Hogg (1991) further contends that the offering of 'expert, scientific evidence' in no way assists in arriving at the 'truth' because this type of evidence is only given to secure a conviction. In fact the system itself encourages the so-called 'independent expert' to become incorporated into 'the partisan outlook of one or other of the adversaries' (Hogg 1991:193). The film acknowledges the problem of partisan evidence by nominating the Crown's two expert witnesses, Joy Kuhl and Professor Cameron, and allowing them extra screen time. Their objectivity as witnesses is seen to be compromised because of their close alignment and sympathy with the prosecution case. In contrast, none of the defence's expert witnesses are nominated individually, which allows them greater impartiality. This however offers them no advantage in the hierarchy of

discourses, as the lack of nomination signifies their narrative impotence. In narrative terms this is consistent with the lack of impact their evidence had on the eventual verdict and fulfills the film's narrative logic and audience expectations in respect of the rationale needed to secure a conviction.

Evil Angels, as the fictionalised account of the Chamberlain case, succeeds in exposing the nature and variety of science's discourses within the legal process. In so doing, it invites interrogation of a particular encounter between law and science where justice is seen to be a casualty. According to research by both Bourke (1993) and Wilson (1991) cases with similar outcomes are not uncommon. Some see a remedy in making science more reliable (Bourke 1993), while others demand more accountability and scrutiny of science, as in the USA Supreme Court, 1993, *Daubert* decision. (Richardson 1994,). The problem also fundamentally concerns the way knowledge cultures and institutions are constructed and naturalised in society via a process which valorises and credentials 'science' above other 'naive knowledges' (McHoul & Grace 1993: 15).

In popular culture's contribution to this debate, the portrayal of science in *Phoenix* as an infallible adjunct to law is ultimately regressive in its determination to preserve and promote a problematic status quo. Texts such as *Evil Angels*, by contrast, in acknowledging the contentious nature of the law/science nexus, allow space for alternative interpretive accounts to form and circulate. In offering these oppositional discourses such texts suggest possibilities for change. In Fiske's (1988: 47) view, social change occurs not 'through revolution' but:

as a result of a constant tension between those with social power, and subordinate groups trying to gain more power so as to shift social values towards their own interests. The textual equivalent of this is the *progressive text*, where the discourses of social change are articulated in relationship with the metadiscourse of the dominant ideology.
(emphasis added)

Clearly a mainstream text such as *Evil Angels*, with its progressive potential, represents a window of opportunity through which change may begin to occur. Professor Chase's (1986: 527) case, that popular culture be taken seriously in legal matters, stands proved with regard to the contested area between science and law.

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