

“The Eye of Everyman: Witnessing DNA in the Simpson Trial”

In “The Eye of Everyman,” Sheila Jasanoff joins other scholars (and pundits, and bloggers and historians, and nearly everyone who has an opinion about race, justice, science and their intersections) commenting on the O.J. Simpson trial. While the paper’s big story is about the Simpson trial, Jasanoff uses other cases to describe not just the way DNA evidence was handled throughout the trial, but also the way that science is used mediate the ways of seeing that happen in courtrooms.

Jasanoff argues that “seeing is an essential precondition for believing, but that the right to see is itself in dispute when science comes under legal scrutiny” (717). To support this argument, she describes the history of DNA evidence in the courtroom, from being inadmissible in *People v Castro*, through NRC and FBI review, to the Simpson trial, when DNA evidence had a “still-fluid character” (715). The prosecution chose to include the DNA evidence and staked their case on their belief that they could help the jury see the evidence’s validity and scientific merit.

In order to help a jury of laypeople see the “truth” in scientific evidence, lawyers must, in a sense, un-mediate scientific artifacts. Jasanoff describes these artifacts as “highly mediated” items that “that confer a monopoly of vision on those who know how to use them.” This monopoly of vision is part of the construction of expertise, and also an opportunity to sow seeds of doubt by judges and lawyers. Jasanoff invokes Goodwin who invokes Foucault and all three conclude that the power to control not just what one sees but the way that one sees it is unevenly distributed in all contexts, including courtrooms. The “monopoly of vision” is related not just to expertise, but to a holding of power.

Furthermore, a “monopoly of vision” is not restricted to the vision mediated by scientific tools like microscopes, but also includes the vision mediated by technology. Jasanoff also recounts the battle to in(ex)clude the video footage of LAPD staff at the crime scene. According to the framework laid out (and perhaps also to common STS philosophy) the video recording of staff at the crime scene is not a vision of pure facts, but is a vision mediated by (at least) the technology, the cameraperson, and the tape itself. To decide otherwise, as the judge did, is to assume that the jury does not require any translation when looking at the video.

Jasanoff concludes that “moves to enhance the role of science in adjudication are thus refracted through a generalist judiciary’s under-standing of the nature of science” (734). This is another example of the mediation of information through a monopoly of vision and power - this time the judiciary’s. By Jasanoff’s logic, we are all mediating and translating information and monopolizing (and being divested of) power. I am always game for any critical analysis that includes power and the locations in which it manifests itself (aka, everywhere).