

# **The Incompatibility of Science and Law: Bridging the Gap for a Fairer Criminal Justice System**

Science and law, although two essential components of society's progress, often find themselves at odds with each other, particularly when it comes to the criminal justice system. While science seeks to discover truth through rigorous analysis and evidence, the law operates within a complex framework of rules, procedures, and precedents. The intersection of these two disciplines creates a challenging landscape where conflicts arise, potentially leading to unjust outcomes.

The book "The Incompatibility of Science and Law" published by Routledge Frontiers of Criminal Justice explores this nuanced topic in great detail. Authored by prominent experts in both fields, it navigates the intricate relationship between science and law, shedding light on the limitations, conflicts, and opportunities for collaboration.

## **The Limits of Science in the Legal Arena**

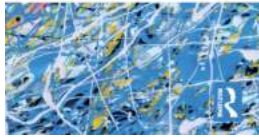
Whereas scientific investigations progress through the scientific method, employing hypothesis testing, data collection, and rigorous peer review, the legal system's requirements often hinder scientists' ability to present evidence effectively. Scientifically proven facts can be rendered inadmissible, or jurors may struggle to comprehend complex scientific concepts, leading to misinterpretations or dismissal of critical evidence. The adversarial nature of litigation further complicates matters, as each side may selectively present scientific data that favors their narrative, leaving the truth buried beneath competing arguments.



### Convictions Without Truth

The Incompatibility of Science and Law

ROBERT SCHEHR



## Convictions Without Truth: The Incompatibility of Science and Law (Routledge Frontiers of Criminal Justice) by Raphael Sassower (Kindle Edition)

★★★★★ 5 out of 5

Language	: English
File size	: 838 KB
Text-to-Speech	: Enabled
Screen Reader	: Supported
Enhanced typesetting	: Enabled
Word Wise	: Enabled
Print length	: 104 pages



The book highlights cases where scientific advancements, such as DNA analysis or forensic computing, have clashed with the legal system's rigid framework. These conflicts often arise due to the different expectations, methodologies, and standards applied in both disciplines. Understanding these limitations is crucial in order to develop strategies to bridge the gap and ensure equitable outcomes.

### Opportunities for Collaboration

Despite their differences, science and law have the potential to enhance each other's effectiveness when working together. The book explores various ways in which collaboration can be fostered. One such approach is the establishment of interdisciplinary teams comprising scientists, lawyers, and judges. By enabling exchange and cooperation, these teams can navigate the complexities of both fields to ensure a more scientifically informed legal decision-making process.

Furthermore, the authors delve into the importance of educating legal professionals about scientific concepts and methodologies, enabling them to better comprehend and evaluate scientific evidence. Likewise, scientists can

benefit from understanding the legal framework in which their findings may be presented, allowing them to effectively communicate their work within the boundaries of the law.

## **Overcoming Challenges for a Fairer Criminal Justice System**

The incompatibility between science and law hampers the pursuit of justice, as the legal system often struggles to incorporate advancements and emerging scientific knowledge. The book presents several recommendations for bridging this gap. It suggests the creation of specialized courts or judges with scientific expertise, who can enable a more informed and unbiased assessment of scientific evidence.

Furthermore, the development of scientifically grounded standards and guidelines for presenting evidence in court can help mitigate conflicts and ensure a fairer evaluation process. Collaboration between legal and scientific scholars in conducting research can also contribute to identifying novel approaches that incorporate scientific advancements into legal proceedings.

As science continues to advance at an unprecedented pace, the legal system must adapt to embrace these developments. The book "The Incompatibility of Science and Law" provides a comprehensive examination of the challenges and opportunities that lie at the intersection of these fields. By fostering collaboration, promoting education, and implementing necessary reforms, we can construct a criminal justice system that truly reflects the pursuit of truth and fairness.

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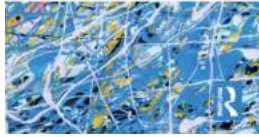
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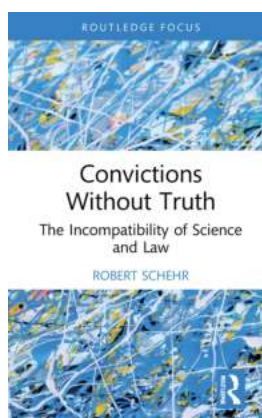


Convictions Without Truth sets out to determine whether and to what extent science and law may coexist in an institutional relationship that truthfully generates individualization through application of forensic testimony for charges relating to violations of criminal law.

In the first two chapters, readers are exposed to contemporary unscientific forensic practices as juxtaposed to the evidentiary standard announced by the United States Supreme Court in *Daubert v. Merrill Dow Pharmaceuticals*, as well as scientific requirements for validity and reliability of expert witness testimony. The remaining chapters provide an explanation for retention of existing, though faulty, forensic practices by way of analysis of path dependency, the fixation of belief, and neuro and cognitive psychology. Through immanent critique and unmasking, the book deconstructs prevailing forensic practices through application of existing published documentation. The final chapter addresses the fixation of belief from the perspective of neuropsychology and cognitive psychology. Readers will gain an understanding of the current concerns relating to application of contemporary forensic practices; current case law and federal rules guiding the of expert witness testimony; and why it is that despite widely recognized concerns raised from within and outside of the criminal legal system,

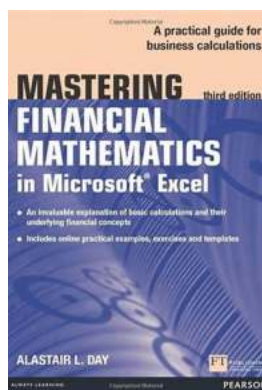
application of unscientific forensic practices continues. The book also shows how the criminal legal system is experiencing a paradigm shift due to dialectical juxtaposition of existing unscientific forensic practices with contemporary science. Readers are shown that because of its continued reliance upon unscientific forensic practices, the criminal legal system reveals its hegemonic commitment to social control through its willingness to accept "satisfying" as opposed to "truthful" results that generate wrongful convictions.

Convictions Without Truth will be of particular interest to students, academics, and practitioners working within the criminal legal field. It will also appeal to those wanting to know more about forensics and criminal law.



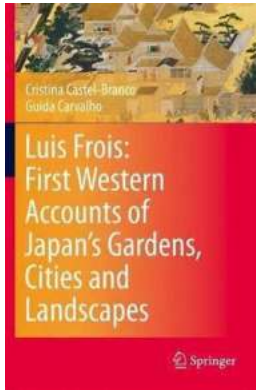
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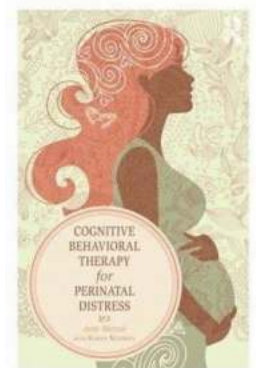
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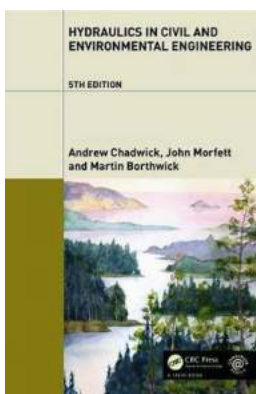
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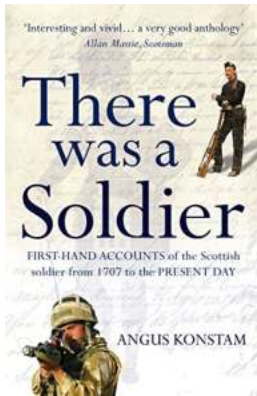
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