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Witnessing for Sociology: Sociologists in Court

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Witnessing for Sociology: Sociologists in Court, by Pamela J. Jenkins & Steve Kroll-Smith (Eds.). Westport, CT: Greenwood Publishing Group, 1996. \$65.00. ISBN 0-275-94852-8

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Witnessing for Sociology, edited by Pamela J. Jenkins and Steve Kroll-Smith, takes the reader into a fascinating interior landscape: the intersection of sociology as an academic discipline and the nitty-gritty world of courts of law. One author, Joseph E. Jacoby, puts it this way: "Most social scientists do their work while comfortably insulated from any real-world consequences of their scholarship. The legal setting provides an exciting contrast, where someone's life, liberty, or property is at stake. The immediacy of expert witness work focuses the mind and sharpens the intellect" (Jenkins & Kroll-Smith 1996:36-7).

This book, too, "focuses the mind and sharpens the intellect." It does so in the context of 13 quite diverse chapters. Indeed, the editors note that "(p)erhaps a reviewer or two will critique the project for its diversity of personal stories" (4). For this reviewer, certainly, that diversity was welcome. The authors of the various chapters have had very different experiences within the court system, and they translate those experiences in varying ways. The styles of the writers are similar, however, in the immediacy which they offer to the reader. For example, in "Contested Knowledge: Battered Women as Agents and Victims" (93-111) by Pamela J. Jenkins, the immediacy of the courtroom is recreated on the printed page by excerpts from actual courtroom transcripts, exchanges among the judge, the attorneys, and the expert witness that give a wonderful feel of actual trial circumstances. In "Shadowboxing with Mark Twain: Self-Defense of the Statistical Expert" (40-53), William E. Feinberg points out that being called upon as an excerpt, especially on statistical matters within the textured and complicated sociological perspective on the causes and consequences of human behavior, is sometimes a very confrontational experience. He notes that his "use of the term 'self-defense' is intentional; I want to emphasize that, often, one is defending that part of the self that is defined in relation to the professional identity of the social scientist" (42). Joseph E. Jacoby points out one of the potentially confrontational contradictions for the sociologist as expert witness: "if we use straightforward, non-technical language to explain our procedures, our work appears to require no special skill [does this sound like explaining Sociology to "hard-science" colleagues?]. If we adopt the opposite strategy, using a technique such as multivariate analysis, the court's inability or unwillingness to under-

stand those procedures makes our testimonies vulnerable to the accusation that ‘anyone can lie with statistics’” (34) [thus he might agree with Feinberg’s title reference to Mark Twain, who said, only allegedly, but famously, “There are lies, damned lies, and statistics” (41)].

Jacoby also identifies one of the primary contradictions for a sociologist in court; “[a] sociologist is a scientist with primary allegiance to the truth as revealed through the scientific method; an attorney is an advocate with primary allegiance to a client” (25). Yet even the issue of the sociological perspective on “scientific truth” is examined in this book. As the editors point out, courts are places where the search for the truth is the central organizing paradigm. But they note that “[s]ociological stories routinely complicate the romantically elegant notions that there is a right and a wrong, a good and bad, or an innocent and guilty party” (8). The authors distinguish sociological expert witness testimony from that derived from more familiar and (to courts) more “scientific” fields such as engineering, medicine, or biology. “There is a certain fit between the tendencies of courts to think in the polarized logic of innocent or guilty, liable or nonliable, coerced or volunteered, drunk or sober, and so on and the hard, obdurate evidence of bridges, engines, sobriety tests, deoxyribonucleic acid strands, or personality indexes” (8) Sociology, however, “complicates the romantic notion that truth is just a fact away from being established” (8).

All of the chapters are presented as narratives, stories, accounts of the experience of these sociologists as expert witnesses. Each of these academic sociologists (a criterion for selection of the contributors) has experienced working within the courts somewhat differently. The narrative form is especially appropriate for a book dealing with legal cases, as each case brought to court is in itself a story, a narrative, an *account of* reality. The role of the sociologist is often to shed light on the etiology and efficacy of each person’s account: the defendant’s reasoning, the victim’s perspective. Patricia G. Steinhof, in “When Murder May Be Suicide and ‘Yes’ Means ‘I Heard You’: The Sociologist as Cultural Interpreter” (70-92), describes her work in explaining Japanese culture and values to courts in Hawaii. In “Sociology and Capital Murder: A Question of Life or Death” (57-69), by Craig J. Forsyth, he remembers one juror who, having voted for life imprisonment rather than the death penalty after having heard Forsyth’s account of the “young rural man gone bad in the city” (1996:65), said, “It was not a justice verdict... it was a merciful one” (1996:65). Forsyth’s “account” had probably made the difference. With reference to another case, he says, “It might seem peculiar for someone’s mother to embrace an expert to the court and say ‘thanks’ because her son will be in prison for the rest of his life, but her son’s life was spared, in

part through the testimony of a sociologist" (1996:68). Real drama, real life.

This is an intense, engrossing volume which invites the reader into an interesting application of sociology, one that is important, immediate, and involving for its practitioners. Sociology has much to offer to the criminal justice system in this very active interventionist role. This book is a valuable eye into that role.

Building Community: Social Science in Action, edited by Philip Nyden, Anne Figert, Mark Shipley, and Darryl Burrows. Thousand Oaks, CA: Pine Forge Press, 1997. 263 pp. \$33.95. ISBN 0-8039-9093-6

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Sociologists have always struggled with the questions of whether they should attempt to use their science to solve practical problems and of whether they are able to solve any problems. This edited volume answers both questions with a resounding yes. The solution that is offered is to espouse cooperative research where both the university researchers and the community activists concerned with the problem are equals, though each has different skills, in defining the problem and executing the research.

The volume is formatted in a unique way. There are three forewords: one by Senator Paul Simon; one by Adele Simmons, president of The John D. and Catherine T. MacArthur Foundation; and one by Carlos R. DeJesús, executive director of Latinos United. Each represents a significant player in cooperative research and each has a slightly different view of the problems to be undertaken. These forewords reflect both the strength and the weakness of the cooperative approach. There is the stimulation that comes from the willingness to take on unpopular causes and there is the frustration which comes when people with similar values do not reflect a united front.

The introductory section has two chapters, presumably written by the editors, which present the basis for collaborative research. These are followed by 27 case study precis grouped into five parts. These include racial, ethnic, and economic diversity; the environment; new models for community-based research and learning; health; and community control. The case studies describe the collaborative process and its successes and stresses. There is a description of results and at the end, which will no doubt delight students, the editors attach a paragraph which presents the main points of the case. The cases represent an impressive array of issues faced by the poor in urban America. The section on the environment brings a focus to an issue that many