

Can science lead to justice?

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Science and the English legal system are fundamentally incompatible, Chris Pamplin, editor of the UK Register of Expert Witnesses, writes in Chemistry & Industry magazine.

'The courts want certainty; science cannot provide it,' he says. Yet the Criminal Court has to be sure beyond all reasonable doubt before returning a guilty verdict.

For any hypothesis to be scientific, it must be capable of being proved wrong, which means that science can never provide absolute certainty.

The problems this can cause were brought painfully into focus in the recent high profile cases of Sally Clark and Angela Cannings, the mothers wrongly accused of murdering their children. In both cases, all the jury had was a mass of conflicting scientific evidence.

Justice at stake

However Pamplin does not think that science should be banished from the courtroom entirely.

As science becomes more advanced, he says, the courts are increasingly likely to turn to it for answers. But the courts must use the evidence appropriately.

The Court of Appeal says that 'If the outcome of the trial depends exclusively or almost exclusively on a serious disagreement between distinguished and reputable experts, it will often be unwise and, therefore, unsafe to proceed,' Pamplin reminds us.

In the US, expert evidence comes under scrutiny very early on in trial proceedings. Pamplin suggests it is now time for the UK to adopt new measures to ensure that science and justice do not collide in its courts.

His comments coincide with a call for reforms in the way the courts agree to hear expert evidence made by the Criminal Cases Review Commission.

Source: Chemistry & Industry

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