Justification by Faith: The Communication of Risk, Science and Social Control in CSI: Crime
Scene Investigator (2000 -2009)

By,

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Abstract: The dissertation takes the immense popularity of television series CSI: Crime Scene Investigation (2000-2009) as evidence of what is currently sayable about science and social control. Drawing upon the methodological and theoretical insights of Kenneth Burke's Dramatism, I offer a critical analysis of the show's forensic crime drama narrative to uncover the vocabulary of motives, which contributes to the social construction of a Risk Society. While much of the literature on CSI maintains that the series communicates a simplistic narrative of science and technology as the holy grail of security, this paper argues that the rhetorical process of presenting plausible statements about science and social control is replete with both tension and crisis. It is through the careful resolution of these tensions that a faith in objective science as a guide for the imperfect search for some kind of moral security is justified. More specifically, Christianity emerges as a key theme in resolving the most serious crisis of legitimacy for the broader forensics industry, where the immorality of natural science is ironically put to the task of constituting moral authority. CSI represents a general trend in mass communication; namely it characterizes the dramatization of science (as Faux Science) to justify some ways of contending with social disorder.

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Chapter 1: The Drama of Risk, Science and Social Control

People use knowledge they obtain from the media to construct a picture of the world, an image of reality on which they base their actions. (Surette, 1998:1)

The use of forensic DNA analysis in solving crime is proving to be as revolutionary as the introduction of fingerprint evidence in court more than a century ago. Remarkably, Canadian police have been using forensic DNA evidence for little more than a decade, yet it has emerged as one of the most powerful tools available to law enforcement agencies for the administration of justice. DNA analysis is the next generation of human identification in the science of police investigations and is considered a major enhancement for the safety of all Canadians.(National DNA Data Bank Website, 2009)

There is a drama unfolding in popular media about risk, wherein science and surveillance techniques feature prominently. In the past decade the US government has embarked on a War on Terror, the Canadian government gave assent to the DNA Identification Act, which lead to changes in the Canadian Criminal Code expanding information access to create the national DNA database. Dr. Charles Smith's work as a pediatric forensic pathologist was the catalyst for the Goudge Inquiry (2008) into the systemic problems that may have contributed to the wrongful conviction of at least 13 parents for the deaths of their children. If we are to take the recent coverage of the implementation of Body Scanners at Canadian airports of any indication of what is sayable in public debates about

surveillance techniques in the search for security, I suggest that the communication of risk is unfolding in ways that mystifies the historical or socio-political context in which these conversations are performed.

This thesis is about a production of popular culture that embodies the interplay of science, surveillance and risk. It focuses on the emergence of the highly successful forensic crime dramatic television series, *CSI: Crime Scene Investigator*.¹ *CSI* is a cultural artifact through which anxieties about such ideas manifest. Forensic science and surveillance is not presented in *CSI* as the ultimate key to ontological security; instead, I suggest that the construction of risk is a precarious accomplishment that occurs through the creation and resolution of tensions about expertise, subjective knowledge and morality. It is in the claims about these tensions in the narrative that we can access the social orders that are relied upon to legitimize them; it is also where we can access counter discourses. Popular texts such as *CSI* represent what is sayable about science, technology, surveillance, crime and risk in contemporary culture; hence, it is through an analysis of *CSI* that we can gain some understanding of the orders that legitimize some approaches to dealing with some understanding of risk. The substantive focus of the dissertation is on the first nine seasons of *CSI* television franchise, which maintains considerable cultural relevance a decade after its prime time debut in North America in 2000.

CSI stands as a persuasive collection of rhetorical strategies that trouble and legitimize the search for security through dramatization of science. *CSI* offers its audience a framework that legitimizes some victims over others, some knowledge over

¹ From this point on, the reader can assume I am speaking of the original *CSI* series set in Las Vegas, unless otherwise indicated.

others, and Christianity as the moral compass through which forensic science can evolve responsibly. CSI also incorporates counter statements that undermine the promises of science to guide the search for security; however, how these tensions are permitted to enter the tale and then resolved is worthy of critical attention if we are concerned with the ways in which risk is communicated more generally. The resolution of tensions is essential to the successful communication of risk; consequently, Faux Science (the dramatization of science) becomes framed as a reasonable guiding philosophy in the act of responding to abstract social problems such as ‘crime’. CSI reflects and circulates explanations that support a presumed evolution of the forensic industry in North America by scapegoating those who threaten the logic of such an evolution; the problem of social chaos and risk is offered to the audience as a narrative of individual pathology as opposed to human rights, for example.

The dissertation thesis statement is connected to my broader thinking about a particularly contagious metaphor more generally: the Social Autopsy. The Social Autopsy is a metaphor to describe a culturally prolific narrative about risk that circulates widely within popular discourses - such as the crime drama CSI, the social science literature on CSI, mainstream Canadian newspaper coverage of the Innu of Davis Inlet, the introduction of body scanners at airports being discussed on local televised news. It is a metaphor that helps us understand how ontological insecurity and transgressive populations are framed in many mediums in pathological terms. The metaphor orders human action in ways that individualize abstract social problems that might be better understood in terms of human rights and socio-political frameworks. Recent news stories about the possible harms produced by excessive X-ray exposure from body scanners at

Canadian airports is but another example of this. The debate seems to be offering at least one understanding of harm in terms of individual health, not human rights. When the problem of surveillance is framed in terms of health risks, then the threats to one's privacy become a relative non-issue. To illustrate, an on-line news article on the body scanners offer its audience an Internet link to a a interactive tool that will calculate one's personal levels of radiation doses, thus individualizing risk into something that can be managed by the individual traveler (CBC online, 2010; US Environmental Protection Agency, 2009). My earlier research on mainstream Canadian news coverage from 1992 – 2002 on the troubles facing the Innu Community of Davis Inlet captures similar explanations. I do not suggest that the crime drama is responsible for this shift in how social problems are framed. This analysis complements my previous research in capturing a rhetorical trend where the logic of science is drawn upon to justify social control of some kinds of people. The dissertation illustrates how the dramatization of forensic science in CSI communicates the dynamic social processes of crime and manifestations of its presumed control.

The Cultural Relevance of CSI

Since its television debut, CSI has taken standing in popular culture. CSI has expanded from its eleventh place inaugural ranking in the NBC prime time ratings in 2000 (Allen, 2007) to maintaining a top fifth ranking from 2002-2009 (Spadoni, 2007; ABCmedianet, 2010). CSI has franchised two other televised spin-offs (CSI: Miami and CSI: New York), board and video games, novels, clothing, as well as DNA, skull re-creation, and fingerprint analysis sleuth kits. Curiously, the forensic crime drama has found purchase within institutional discourse as well. Public safety and forensic academic programs

entice potential students to get “[i]nside the world of CSI” (Algonquin College, 2007), while text book publishers adopt a CSI aesthetic to their criminology texts and classroom materials. For example, Mutchnick (2008) has produced a DVD, intended for undergraduate criminology students, that features an autopsy suite with an interactive medical examiner and forensic lab. Academic literature continues to be published on CSI ten years after its introduction into popular media (Kim, Barak & Shelton, 2009; Byers & Johnson 2009). Further this, the referential value of CSI has entered arenas of public policy. For example, William Peterson, the actor who played lead CSI character Gil Grissom, spoke to the U.S. Senate in support of The Paul Coverdell National Forensic Sciences Improvement Act seeking increased federal funding for private DNA crime labs² (United States Senate, 2001; Pyrec, 2007). George Eads³, the actor who plays CSI Nick Stokes, is featured in public service announcements for the National District Attorney’s Association (NDAA, 2008). CSI is produced amidst popular genetic preoccupations with mapping the genome, the establishment and expansion of DNA databases in North America, as well as the depiction of DNA analysis in identifying victims of the events of September 11th 2001 in New York City (9/11). Some have suggested that CSI offered an anxious population security in the wake of 9/11, contributing to its massive popularity (Bianculi, 2007:222). Certainly, the War on Terror discourse blends easily with the War on Crime centered agenda of the original CSI franchise (Allen, 2007:8-9). With the emergence of shows such as Dexter, which has

² The bid for increased funding was successful, with federal funding for crime labs jumping from \$35,000,000 in 2001 to \$85,400,000 in 2002 and over 135,000,000 in 2003-04 (Pyrec, 2007).

³ The NDAA extols the virtues of the actor’s father, who was a prominent district Attorney and past president of the NDAA. The document states that Eads was brought up with his fathers sense of right and wrong, and is part of a franchise which demonstrates how important it is to “provide prosecutors with the most accurate and information and evidence possible [...] Their goal is to find the truth, hold the guilty accountable, and make America safer for law-abiding citizens to work, live, and raise their children.” (NDAA, ND:2008 7). This further supports the argument that CSI is clearly aligned with the pro-prosecutorial charge raised by some legal critics (see chapter three).

been heralded as the next generation of CSI-inspired crime dramas (Byers, 2009), the referential value of CSI is undeniable.

It is important to understand how popular communication is implicated in the social construction of a culture that is conducive to crime management based upon a privileging of “biology and science to: map, test, code, bank, and ultimately predict criminality in individuals and aggregate populations” (Gerlach, 2004:4). It is curious that, despite consistently decreasing rates of violent crime in Canada (Statistics Canada, 2009), increases in surveillance techniques would be accepted as easily as mainstream news seems to imply. Given that most people do not engage directly with the criminal justice system or genetic testing, it is important to be sensitive to the relationship between mass communication and the circulation of meaning about science and control (Doyle, 2003:146). Accordingly, I interpret the public interest that CSI attracts as one of the ways in which everyday discourses legitimize social order and authority.

The dissertation is situated within symbolic interactionism, which assumes that communication occurs beyond words and is bound to notions of identity. This framework draws upon Blumer's three premises of symbolic interactionism: “that we know things by their meaning, that meanings are created through social interaction, and their meanings change through interaction” (Fine, 1993:64). Burke's Dramatism expands upon this idea, understanding communication as a dynamic process through which these meanings take shape. It is a theoretical tradition that is uniquely versatile, which allows the social critic to consider the various ways in which communication is accomplished. Although his empirical focus, along with many current Burkean inquiries (such as Chang & Mehan, 2006; Rountree, 2007), focus on textual communication, Dramatism is also used to

explore such dynamic cultural productions as 'smart mobs' (or flash mobs) (Baillie, 2010). Furthermore, it is a theoretical framework that provides us with a methodology (the Pentad) through which we can rigorously investigate how meaning about social order is explained. Burke's scholarship is relevant to current critical inquiries into the complex nature contemporary communication given how mass media circulate messages that communicate in various ways (using text, images, music, and tactile elements). To illustrate, consider the production of an 'open house' in the context of buying a new home. Certainly textual communication about the house would be made available by the real estate agency for an intended audience (the kind of language used to describe the home, for example, would signal this audience). However, consider the use of smells in 'staging' the home. The smell of fresh baked goods (as opposed to the smell of garlic or curry, perhaps) signals something about what a middle class suburban 'home' might smell like. Burke's theory and methodology works beyond language use and can be used to analyze any form of produced cultural communication.

Mass media are central players in Western societies for shaping and reflecting "values concerning humanity, social relationships and political ideologies" (Surette, 1998:5; 2007), especially in relation to social control and criminal justice. Symbolic knowledge predominately comes from three sources: significant others, social institutions, and mass media (Surette, 1998:7; 2007). When we combine symbolic knowing with personal lived experiences, a process of meaning occurs in which media can be persuasive, particularly in terms of providing explanations that legitimize human action. I do not take this relationship to be linear; it is sometimes open to counterstatements and resistance. Media is involved in shaping primary sources from

which we draw meaning and individuals can contribute to shaping that which gets mediated. The relationship between audiences, mass media, social control and criminal justice is complex.

In order for crime to enter into public consciousness, popular knowledge is contextualized in a given culture by mass media (Presdee, 2000:25). These institutions provide us with frameworks for making sense of the everyday, and are implicated in how we locate, recognize and react to social phenomena (Surette, 1998:2; 2007). Mass media record history, assure us of our place in it (or our absence from it) while contributing to institutional discourse. Although mass media are not the only sources from which people draw when creating meaning in everyday life, they are omnipresent resources particularly for social problems of which one typically has little personal experience with, such as DNA database management, forensic investigations, crime and justice administration:

A society's ideas of criminality and social justice reflect its values concerning humanity, social relationships and political ideologies. These ideas are put into operation and legitimized within the criminal justice system, spread and given final legitimation through the mass media. (Surette, 1998:5; 2007)

This thesis finds easy theoretical purchase within the interdisciplinary framework of cultural criminology, particularly with its focus on popular constructions of crime and social control (Ferrell, 1999:396). Emerging from the tradition of symbolic interactionism and critical sociology, cultural criminology merges the substantive topics of criminology with theoretical traditions that focus on the significance of symbolism and aesthetics in the process of constructing cultural meaning and identity, representation, and social control (Ferrell, 2009: 397-398).

Pragmatic sociology supports an understanding of social life that allows for human autonomy that some strains of postmodernism do not (as witnessed in the scholarship about the problem of the subject proposed by Althusser, Barthes and Derrida). While cultural criminology makes room for postmodernist reorientations in conjunction with humanist positions, my own work is primarily and firmly embedded within the tradition of pragmatic sociology derived from the scholarship of Kenneth Burke. Many ideas from cultural criminology, however, are valuable to thinking about the relationship between deviance and mass communication. Due to its sheer popularity, CSI illustrates plausible cultural narratives about science and crime that have substantial cultural resonance; moreover, it circulates explanations that reappear in institutional discourses. For example, my literature review will demonstrate how concerns about the impact crime dramas have on juror competency emerged within news accounts and law journals approximately two years after the series began. However, my analysis reveals that an anxiety about the relationship between media, expert forensic and juror knowledge is a prevalent theme in the early episodes of CSI. The series is implicated in the communication of these anxieties. For example, CSI introduces at least one rendering of the CSI Effect - without coining this term specifically. The problem of explaining the 'reality' of forensic science to jurors is a strong theme in early episodes. Many episodes feature the problem of jurors as thickheaded individuals who believe anything they see on TV. Explanations that directly blame CSI for misinforming jurors reappear in statements offered by defense lawyers and journalists contending with the Robert Blake trial in 2002. The concern for the CSI Effect gained popularity by 2005 in American news reports, are echoed in the creation of programs to contend with the assumed effects in the

American criminal justice system, which then re-enter newer CSI episodes through the voice of reporters waiting outside of crime scenes. The forensic crime drama is a part of larger processes of collective meaning about crime, media, and knowledge: a spiral of culture and crime (Ferrell, Hayward & Young, 2008: 132).

One of the critiques leveled at pragmatist sociology and cultural criminology is that the scholarship typically fails to examine an unequal access to regimes of justifications. In other words, research has thus far missed noting how it is that some social groups or institutions can rely on some hierarchies of meaning to support a claim, while other social actors or social institutions can not (Friedrich, 2003:430). Few empirical researchers investigate how it is that some explanations are made available to particular groups for some actions, while other explanations are not. Let us consider the case of the Innu of Davis Inlet, which I will expand upon in the preceding chapters. Arguments or problems related to Davis Inlet town management or counsel were consistently framed in mainstream Canadian newspapers as further evidence of the Aboriginal community's self-destructive pathology (Landry, 2003). Although city counselor conflicts in debates about municipal governance are common, rarely (if ever) are these conflicts presented in mainstream papers of evidence of White pathological tendencies. Perhaps such conflicts are explained as democratic processes, or the reality of bureaucracy. These types of explanations, however, were not permitted in news coverage about Davis Inlet town management. Such conflicts were almost exclusively explained as evidence that the state needed to 'take control' of the small Indigenous community. Similar patterns emerge in the CSI narrative. I introduce the case of Davis Inlet news coverage to illustrate how rhetoric functions similarly across genres (Burke, 1969). Cross-genre patterns suggest a

larger cultural trend about the communication of science and risk. The dissertation offers a systematic understanding of some popular regimes of justifications about science and social control. Hence, this analysis contributes to the broader disciplinary conversation about how some regimes of meaning about risk are communicated in mass media.

Further, this research expands upon my previous work by focusing on another case that illustrates how explanations about social order validate responses to anxieties about risk.

Popular Media Research: Contemporary Critiques

The majority of empirical research on crime and mass media focuses on news productions (Reiner, 2002: 379). Deviance and crime control is a staple of news production; therefore, this seems a reasonable disciplinary focus. Nevertheless, this focus has led to a disproportionate amount of research on ‘news’, leaving valuable sources of communication, such as popular crime dramas, under-investigated. By not giving comparable critical weight to the relationship between entertainment media, risk and social control, social science research risks complicity in the reproduction of the dichotomy between reality and fiction, a divide that seems less concrete in popular media formats as demonstrated by the relatively recent popularity of ‘reality’ TV (Doyle, 2003). If it ever existed, the line between fact and fiction in popular media has blurred (Reiner, 2002; Surette, 1998; Surette, 2007; Fishman & Cavender, 1998). Much of the focus on crime and media tends to ‘real’ crime and policing incidents, and so the dynamic impact media have within our culture tends to be overlooked (Doyle, 2003:3).

Volumes of research on the presumed potential harms of music, music videos, video games and violence in mass media attest to a disciplinary concern with media and social harm (See Surette for discussion, 1998:116-118). The CSI Effect literature further

demonstrates that many research projects on popular culture conceive of social impact as cause and effect. Similar criticisms of simplification have been made of critical research on media that focus solely on ideological influences with little empirical support (Doyle, 2003:4). The dissertation thus treats media as complex and dynamic communication processes that contributes to the construction of culture; this also reshapes the ways audiences contribute to media. The literature review demonstrates how explanations about science and social control that are offered to the CSI audience are implicated in justifying some social policies in criminal justice system, such as the ideological and financial support of the private forensic industry in the US. Despite an absence of empirical evidence to support that the ‘the CSI Effect’ (in any of its forms) exist, some research has served to legitimize such policy changes. Popular media is not in and of itself harmful; they are artifacts that communicate ideologies and in that sense they can shape culture. However, popular media is a powerful tool of communication that relies on rhetoric to communicate, and there is just as much meaning to be read in what is absent in such claims, as that which is implicitly stated (Burke, 1969; Overington, 1977, 2001).

Another critique leveled at cultural criminology is that it tends to privilege the visual elements of popular culture, without a consideration of context (Doyle, 2003:138; Fetveit, 1999:789-790). Certainly I found this to be the case for research on CSI in particular. This can be explained in part because the visual display of CSI, the CGI produced CSI-shot of damage to bone and tissue recreated in explaining deaths, offered a highly polished visual element to the crime drama genre (Byers & Johnson 2009). Dobson (2009) notes that CSI is distinctive from traditional TV crime dramas because of its high quality production values and the outcome of the investigation by CSIs is

typically not dealt with beyond implications made by investigators after a crime is 'solved'. There is a break made away from the introduction of the social lives of investigators, as well as the use of social justice narratives that marked previous popular crime dramas such as *Hill Street Blues* and *NYPD Blue*.

Certainly the increasing popularity of television since the 1960s has facilitated a shift from a print to a televisually dominated culture. The visual epistemology of TV emerges from the culturally Western notion that truth is something material, rather than something fundamentally shaped by language. As such, contemporary research into the visual content of media tends to approach the problem using positivistic content analysis (Reiner, 2002: 378) working from the assumption that the visual distortion of crime is always inherently problematic. Also, attempts to separate aesthetics from the political, economic and social context of the messages offered in popular media are problematic because media exist within a wider network of social and cultural activity than that which they create (Frow & Morris, 2003:500). The complexities surrounding image and ideological production within a political climate in which 'representational wars' - or tensions over claims to legitimacy - necessitate critical attention that is sensitive to this association (Frow & Morris, 2003:503). Critics risk missing the symbolic value of these texts when their empirical focus excludes such contextualization (Fetveit, 1999:788).

Scholarly Contributions

Most would be hard pressed to account for a substantive topic, be it genocide, breast cancer, or child poverty, which has not been taken up in some meaningful way within popular culture. Because popular culture functions under the mystification of 'entertainment', it stands as an excellent example of the mystification of social control in

everyday interactions, which demands critical attention. Consequently, the dissertation contributes to the discipline of sociology in three main ways: substantively, theoretically and methodologically.

There has been surge in the amount of research produced surrounding *CSI* recently (See Gever, 2005; Shelton, Kim & Barak, 2006; Podlas, 2006; Tait, 2006; Mopas, 2007; Allen, 2007; Schweitzer & Saks, 2007; Cavender & Deutsch, 2007; Robbers, 2008, Byers & Johnson, 2009). Legal and behavioral studies tend to focus on measuring or capturing the CSI Effect empirically. Cultural and communication scholars have considered the discursive impact of CSI. Few, however, comment on the broader relationship between media and culture. The dissertation addresses this gap by investigating the original *CSI* episodes in a rigorous and systematic manner, considering it as a significant and culturally relevant text. Moreover, I take CSI to be a substantive example of how messages of social control are legitimized and circulated within the culture it has been produced in and contributes to. Primarily divided along disciplinary foci of behaviouralism and cultural studies, the dissertation serves to engage the two sides of the interdisciplinary literature by suggesting that both sides are speaking about the social construction of risk. If contemporary theorists such as Beck (1992) are correct in assessing our political climate as one primarily shaped by risk, then a critical assessment of the debate surrounding the CSI Effect is particularly relevant to understanding social control, policy, practice and the implied solutions for security in an insecure world.

Finally, the dissertation takes up the methodological contributions of Kenneth Burke, who remains largely ignored methodologically outside the disciplines of communication and literature studies (Clarke Rountree, 1998; Overington, 2001;

Brummet, 2006). In both the theoretical and methodology chapters, I establish the relevance of Burke's scholarship to current media studies. I also outline the usefulness of the Pentad, which can be a valuable methodological resource for diverse theoretical positions within the fields of sociology and criminology.

Outlining the Argument

The main research question that guides the dissertation inquires into how risk is communicated in concert with science in the popular crime drama CSI. More generally, I investigate how motives about risk circulate in popular media, and how dramatizations of science shape such explanations in relation to social control. Chapter one establishes the main thesis of the dissertation. I present the theoretical foundation of my thesis in chapter two. Kenneth Burke's understanding of rhetoric in the social construction of explanations about human action is the foundation upon which I base my concepts of Faux Science and Social Autopsy. Intended as conceptual metaphors to explain the communication of risk in mass media, these concepts reflect Burke's understanding of how Scapegoating is implicated in the construction of moral orders, which circulate generally through culture. Given that one of the main characteristics of living in a Risk Society is a presumed loss of faith in expertise, my analysis questions how it is that on the one hand CSI communicates a loss of faith in the criminal justice system and imperfections in some forensic techniques, while on the other hand legitimizes the proliferation of the forensic expertise. Burke recognizes that the social process of making plausible arguments is connected to the cultural and political context in which communication emerges; cultural documents reflect what is sayable at a particular

moment. Hence, producing alternative explanations is one strategy for social change at the social critic's disposal.

Drawing on the theoretical footings in place from chapter two, chapter three notes a divide in the CSI literature that illustrates how explanations about risk and dramatizations of science are communicated within the social science literature. As Burke might have predicted, similar rhetorical strategies are found in these cultural productions to those that I found in the crime drama CSI. In addressing the disciplinary divide, a broader consideration of the political context in which anxieties about CSI emerge is offered. Further, the literature review establishes at least one instance in which CSI has entered institutional discourse concerning social control, wherein jurors are constructed by many legal practitioners and social scientists as a threat to the legitimacy of the legal system; the promise of natural science to solve social problems is mystified into a problem of individual moral and pathological flaws. Further to this point, chapter four suggests that the methodological approaches to studying CSI suggests that many cultural critics have been drawn into the dramatization of science. In other words, I argue that instead of continuing attempts to establish a CSI Effect (empirically or theoretically) the social sciences may benefit more fruitfully from a conceptualization of the problem within its historical and political context. To these ends contemporary researchers might find Kenneth Burke's methodological tool, the Pentad, as one way in which we can access more nuanced explanations within popular culture about social control. The Pentad permits us to examine what is missing from statements, thus inviting the critic to offer other possible explanations in the narratives about science and social control.

Chapters Six, seven and eight present the findings from my analysis of nine seasons of CSI (2000-2009). Chapter six investigates how CSI communicates life in a society preoccupied with ontological insecurity. How does CSI communicate risk? While much of the CSI literature suggests that crimes are solved effortlessly with forensic science in CSI, I suggest the communication of science is far more complex because the scene is set in a Risk Society where security is uncertain and precarious. The social chaos that characterizes life in a risk society translates to the performance of science and social control. The narrative introduces tensions about the value of science in guiding the search for security, while establishing that the forms of social control through which the search manifests will always be reactive. CSI does not promise its audience security: it promises a kind of search for security that legitimizes increasing surveillance and control in the service of society and erosion of individual rights of both Victims and Criminals. Security is presented as probably impossible.

Chapter seven explores how CSI creates and resolves tensions between secure and dangerous knowledge. A hierarchy of Criminals and Victims is maintained by framing knowledge in terms of who can be trusted to use it responsibly. This strategy is essential to communicating a plausible explanation about forensic knowledge in the wrong/right hands. Some kinds of Victims are offered up by the narrative in a manner that lends legitimacy to the proliferation of private forensic industry. This lays the foundation for chapter seven where I illustrate how Christianity is offered by the forensic drama as a guiding moral compass for the pursuit of security through science. The reality that forensic knowledge can be dangerous - a statement that is discussed in chapter seven - is a problem that the text must contend with in order to maintain the validity of forensic

science. Hence, the inclusion of Christianity is a rhetorical strategy that functions beyond a simple use of Christian metaphors; the CSI narrative contends with the widely known consequences of a law or science guided by purely objective principles. Cautionary tales about mad scientists (the stuff of most cartoons and comic books) and harms produced by immoral applications of science (such as the eugenics movement, and concerns over genetically modified foods) circulate with strong cultural resonance. By aligning the search for security through science with the guiding principles of Christianity, CSI offers an explanation that invites its audience to have faith in forensic science.

In all three analysis chapters I demonstrate systematically that the process of Scapegoating is one of the ways in which CSI resolves many tensions, mystifying historical explanations of crime, social control and the institutions through which they manifests. Some Victims are used to justify their own exclusion from legal prosecution; some Criminals are used to justify a more expansive surveillance system that dismisses the idea of human rights and privacy. Martyrs and Heretics characterize some CSI experts as more trustworthy than most other experts and characters. The text presents a plausible argument for the reason why science is a better - albeit imperfect - reason to expand surveillance and forensic science. Science poses more acceptable (manageable) risks than *other* approaches in the *search* for security, particularly when such a search is guided by Christian principles.

Chapter eight concludes that the dramatizations of science encompass tensions that are important to the plausible communication of Faux Science presented within CSI specifically, and the metaphorical framework of Social Autopsy that circulates more generally. CSI offers up explanations about social transgressions that mystify the role of

autonomy in contemporary understandings about threats to the moral order. Criminal justice policy and federal funding is being explained to audiences as a valid response to the CSI Effect, which may or may not exist as it is presently conceived. Burke reminds us that the potential to disrupt such accounts with alternative explanations can be found through a consistent inquiry into what resources are missing from any explanation about social action. Finally, chapter eight suggest directions for future research into risk and popular culture more generally, and CSI more specifically. It is important to consider how the expansion of surveillance techniques, which impinge on individual rights to privacy, are explained in popular discourses as one approach in the search for public security. Seeing how such acts are justified rhetorically in CSI might sensitize us to how similar explanations (and mystifications) are offered to audiences when cultural texts (such as laws, newspapers, and government reports) legitimize institutional approaches to risk avoidance, such as the implementation of body scans at Canadian airports.

Chapter 2: Dramatism and the Social Ordering of Risk

Society's forms are culture's substance.
(Geertz, 1973:28)

The jurist, then, is no more responsible for "proving" the value of those cultural objects which are relevant to "law" than the physician is demonstrating that the prolongation of life is desirable under all conditions. Neither of them is in a position to do this with the means at their disposal.
(Weber, 1949: 7-8)

One of the purposes of the dissertation is to expand the theoretical literature on the communication of risk and social control. I build upon the literature on the social construction of risk by providing a consideration of popular culture which remains under examined by critical risk theorists. To these ends, I first establish how popular culture and rhetoric are conceptualized in this project. Second, I contextualize the scholarship of Kenneth Burke. I suggest that he puts forth an understanding of communication that is more nuanced and better suited to respond to the complexities of contemporary mass media than more popularly used concepts such as Aligning Actions and Techniques of Neutralization, which are often used in research that investigates explanations offered by institutions or individuals about social transgressions or social violation. Techniques of Neutralization is a rhetorical strategy individuals employ to contend with breaks in social expectations; justifications are offered by individuals in an attempt to maintain an identity that does not 'match up' with one's behaviour. Originally conceived in their research on how 'juvenile delinquents' justify law breaking to themselves and others, Sykes and

Matza argue that “much delinquency is based on what is essentially an unrecognized extension of defenses to crimes, in the form of justifications for deviance that are seen as valid by the delinquent but not by the legal system or society at large” (1957:666). This theory develops in response to Sutherland’s learning theory, but employs CW Mills understanding of Aligning Actions: “the terms with which interpretation of conduct *by social actors* precedes...The differing reasons men give for their actions are not themselves without reasons” (1940: 904). Both concepts focus on the use of language by individuals to explain human actions within a cultural moral framework (be it a youth gang or corporate boardroom) in which one acts. While Sykes and Matza (1957) are concerned with how young boys justify acts defined as criminal, Mills (1940) recognizes this communication strategy as inherent in all communication.

Both ideas are based on Burke’s scholarship, which puts forth that we can locate these justifications (motives) in face to face communication *as well as* the objects that are produced by humans. Though both these concepts are concerned with “the question of how people deal with problematic occurrences” (Stokes & Hewitt, 1976: 838), Burke offers us theoretical and methodological direction to investigate these problems. Finally, I contextualize my work in relation to present studies on the communication of risk, which – similar to contemporary Burkean research - tends to limit its empirical scope on news and political communication of war and disaster. In addressing critiques raised by Hamilton (2003) and Cottle (1998), I offer an analysis that assumes the relevance of popular culture in the communication of insecurity and science which remains largely unexamined outside news media research within the social sciences.

Rhetoric and Popular Culture

The conceptualization of culture that informs my research flows from a particular understanding of rhetoric, which leads me to trouble the term popular culture. I recognize that similar rhetorical strategies are in play across genres— be it news, social science research or crime dramas. Adopting a fluid definition of popular culture encourages a rigorous reading of CSI that challenges the analytical weight presently garnered to ‘news-focused’ research; whether intentional or not, a news centered bias problematically positions popular culture as less important to risk scholarship. Building upon an Aristotelian understanding of communication, this section outlines what I take to be the purpose and function of rhetoric. Burke's perspective puts forth a theory of motives – explanations about human action. Inspired by Burke, Overington's (2001) model of rhetorical investigation demonstrates the levels of analysis that are open to critical inquiry within any cultural text, regardless of genre.

We can locate rhetoric in the act of culture. The purpose of rhetoric is to influence human behavior. Debates over the ‘problem’ of the documents and rituals through which culture is performed can be traced back to dialogues between Plato and Aristotle (Overington, 2001; Burke, 1969; Brummett, 2006). More commonly, rhetoric tends to be used to imply a misleading use of language with deceptive intent (Overington, 2001:10). Referring back to Mannheim, Geertz notes similar changes in conceptualization with the use of the term ‘ideology’ in the social sciences (1973:194). Whereas ideology used to described a “collection of political proposals” about social life, over time it has been taken up by social scientists to imply a pejorative state of bias held together in part by emotive language (or rhetoric) that provides a public with ‘bread and circuses’ (Geertz, 1973: 193 -196). The use of both terms (ideology or rhetoric) popularly and in social

science disciplines demonstrates how moral distinctions about language emerge regardless of genre. In this example, both terms demonstrate how language produces social orders that privilege the aesthetics of neutrality and logic “no matter how logically flawed” (Overington, 2001:10) over that which is figurative. Plato’s *Gorgias* contends with the tension between aesthetic and figurative language. Plato argues that there is no place for rhetoric in public speech. Truth is achievable when the speaker employs ‘clear’ definitions, and this should be the means through which logical arguments and decidable conclusions are sought out in public debates. Plato’s conception of ‘truth’ stands apart from style. He objects to the study of rhetoric as a legitimate academic pursuit, arguing that it would be more useful to advance one’s knowledge in a particular skill in order to speak on it publicly. Rhetoric merely advances a skill devoted to the style of making an argument - constructing persuasive introductions, conclusions, arguments and ‘pandering’. The problem, according to Plato, is that one becomes schooled in sounding like an expert, instead of becoming an expert (Overington, 2001:12). In this sense, democracy is flawed because it “ask[s] people to discuss problems and issues on which they [are] not experts” (Brummet, 2006:48). Plato concedes that rhetoric might be useful insofar as experts may communicate their knowledge to publics more clearly; however, rhetoric for such ethical purposes was rarely done. Instead, rhetoric becomes “little more than clever argument, leaning heavily on stylish artifice, and with no greater purpose than persuading a public to hold one belief or another” (Overington, 2001:14).

Aristotle, a student of Plato, acknowledges rhetoric as a means of persuasion. It is an important element in the ‘accomplishment’ of society, particularly in terms of legal and business enterprises. It is a valuable human activity. Within the essay *Rhetoric*,

Aristotle establishes rhetoric as a profound system of knowledge about human behaviour (Overington, 2001:15). He agrees with Plato that truth and rhetorical persuasion are not one in the same since rhetoric relies on social agreement; yet, Aristotle observes that the process of reasoning which brings about knowledge claims is the same as the process which bring about shared public opinions. Aristotle understands rhetoric as a hierarchical system of social ordering, where one has the power to speak ‘above’ an audience (quite literally in the Athenian tradition of public speech). Recall that Plato and Aristotle are not speaking about everyday communication, but of formal cultural texts such as music, poetry, drama, and public assembly. Giambattista Vico (1668 -1744), inspired by utilitarian principles, proposes that most human action can be understood in terms of formal reasoning, thus introducing an understanding of rhetoric in terms of informal communication (Brummett, 2006:61).

The purpose of a rhetorical argument, following Aristotelian logic, is to establish or discredit some point in order to foster beliefs among members of a particular group (Overington, 2001:17). Building upon this premise, Burke describes rhetoric in pragmatic terms as “the use of language as a symbolic means of inducing cooperation in beings that by nature respond to symbols” (1969:43). Here, Burke remains non- ideological on the point of whether rhetoric – or the artifacts in which it is manifest - is ‘good or bad’. Curious about how rhetoric functions, he acknowledges that it does so with a multitude of outcomes for many people. Relationships of power, however, manifest through rhetoric (Brummett, 2006:58-59; Overington, 2001:12-16).

Although his definition of power is not explicit, Burke understands power to function primarily through language⁴. Rendering a linguistic spin on Durkheim, Burke argues that power “is a social fact that manifests itself in numerous and complex ways, both physically and symbolically” (Cheney, Garvin-Doxas & Torrens, 1999:137). Institutional discourse offers categories of thought, which shape a vocabulary for self-knowledge and identity. The criminal code orders us all into kinds of law-breakers, for example, which we may or may not choose to identify with. In some cases, we will have no choice, having the label of Criminal imposed upon us, as Becker points out (1963). While this may appear at first to be an argument that power is structurally determined, Burke (1973) does allow for human autonomy. The linguistic resources that are discursively drawn upon to order our experiences are mostly social. No one person re-creates society or language, though we have the potential to do creative things with the resources at our disposal.

The early scholars of the Frankfurt School take a Marxist approach to understanding rhetoric as a discursive cooperation that mystifies people’s complicity in their own oppression (Adorno, 2005 [1975]). The culture industry in particular is conceptualized as a hegemonic process that robs audiences of their ability to think critically about power. To take this position firmly in understanding social order and its communication is to get trapped in the iron cage. If mass communication through organized cultural texts is conceived as always in the exploitive interests of a ruling class, then what hope is there to gain a population’s cooperation towards positive or equitable

⁴ Burkes’ implicit position concedes the physical nature of power. While the symbolic nature of power is a central concern for him, he acknowledges there is a physicality connected with power (who can hit whom the hardest); however, even these actions are imbued with symbolic meaning (Cheney, Garvin-Doxas & Torrens, 1999:135; also, see Ferrell et al., 2009: PG).

ends if also not through mass media and rhetoric? Burke's definition of rhetoric permits a critique that allows us to uncover how language motivates all moral action; consequently, it has the potential to inform positive or equitable ends just as inequitable ones. It is through a grammar of motives that we may strategically create social orders that are more humanistic than others (Burke, 1969: 45). Rhetoric is a system of meaning, but it does not produce inherent *goods* or *bads* in and of itself. I take the same to be true for popular culture. While many messages may circulate motives that justify harmful actions, there is potential to engage critically with these messages, offer alternative readings and circulate motives that justify more humane social changes. It has not escaped my attention, though, that defining 'harmful' and 'helpful' is a contextual construct as well.

Particular genres have different purposes and styles of order, just as public speech and pillow talk take on particular rhetorical qualities. Despite these differences, all genres represent patterns of narrative that say something about their audience, the political context and time in which the text emerges, or what is sayable by whom. Each genre contains hierarchies of aesthetics; all genres of texts are meaningful products that reflect points of rhetorical struggle and relations of power. But, the world is "not just talk" (Overington, 2001:53). Any rhetorical analysis has to consider the elements necessary for communication; hence, it is analytically useful to hold discourse to different levels of critical analysis. Overington proposes a model that marks different levels of rhetoric available for analysis. The model is founded upon Aristotle's notion of the means of persuasion

...where the argument proper (logos), the character and life situations of the speaker or public (ethos), and the socially situated feelings of the public which judges an argument (pathos), are all involved in the plausibility of any reasoning (Overington, 2001:16).

There are four levels of analysis: Speakers, Situations, Argumentation, and Publics.

Perhaps a project worthy to dedicate one's academic career to, I would not want to imply that I could possibly complete an analysis of all four levels of the rhetoric of CSI within the scope of the dissertation; I cannot speak to the levels of Speakers and Publics, although I can speak to Situation and Argument through the text.

Speakers are the formal structures, or the professional cultures, that produce the genres and purposes that make particular speakers (or texts) possible. TV producers are made, not born, after all. There presently exists a significant amount of research done on how media narratives are shaped by the structural realities of the production process (Altheide & Snow, 1979, 1981; Ericson, Baranek & Chan, 1989). Research on the news coverage of the Westray mine Disaster stands as a strong example of this corpus (see McMullan & McClung, 2006; McMullan, 2006; O'Connell & Mills, 2003). Public refers to those collectives who have been trained in the appropriate rhetorical skills of their specialty to judge the 'value' of texts such as CSI. The collectives may include: advertisers; marketers; cultural theorists. The qualified claims made by Publics are never established for all people for all time, as I demonstrate in my literature review of what social scientific Publics have had to say about CSI thus far. Tensions exist over the validity of some claims about a text over others; however some claims are systematically mystified.

Situations encompass the cultural context in which any text emerges. Each text enters into the world constructed by people who have some understanding of what is important, what seems to be of interest (as indicated by viewership and the sale of advertising perhaps), as well as what is controversial. Most importantly to my analysis,

producers of a text are guided by what is sayable to a particular audience, in a given moment. Images and topics permitted on primetime news broadcasts in 2009 are significantly different than in 1970, for example. Forensic crime fighting first enters North American prime time TV in the 1966 in a Canadian drama series, *Wojeck*. The pioneering forensic crime drama chronicles a city coroner seeking to right the social injustices he witnesses through the autopsies he performs. Most people instead likely remember *Quincy MD*, which aired in North America from 1976 until 1983 (Rutherford, 1990, 2009). Earlier forensic dramas focus on using science as a tool to locate social justice more generally. The subject matter on *CSI* offers a different forensic narrative, which I discuss in more detail in the analysis. Since 1966, there have been major shifts in ideological approaches to criminal justice, public policy, but also the mapping of the human genome and the commercialization of forensics and security: the Situation has changed. It is not a coincidence that *CSI*'s dramatization of forensic crime fighting has become as popular as it has, when it has.

The final level of analysis, Argumentation, may seem inappropriate for the purposes of talking about crime dramas. It is probably safe to presume that crime fictions are not produced to establish scientific truths (in the sense that Plato intended). Nevertheless, there are plausible and persuasive arguments about 'this or that' presented in *CSI* wherein "certain motives are verbalized rather than others" (Mills, 1940:905). The science that appears in crime dramas has to make a kind of sense to its audience. In all probability, producers know that it is unlikely that *CSI* audiences would accept a holodeck, for example, as a means for criminalists to transport corpses from crime scenes, but it is perfectly acceptable in *Star Trek* or parodies of *CSI*. Argumentation is the

explanations created and supported by Publics (producers, writers, actors, television studios, advertisers and so forth) to summon a positive reception about the text from an assumed audience. Hence, it is through Argument that we can access the audience. Not to be confused with the individuals who make up an audience, I am speaking here about the successful imagining of those who will accept the explanations offered in a narrative. When called upon successfully by the producers of a cultural text, the audience gives a collective nod to the logic of a cultural artifact by way of its popularity.

...audiences... are available in the arguments themselves; they are the intended readers for a particular piece of scientific reasoning. Audiences are the context that *personae* have assumed, when establishing what it is to be in the situation of an argument and what is to be the form of that argument in the argumentation itself. (Overington, 2001:55)

Personae (Geertz, 1985) are cultural understandings of some social roles. In many cases, it is the social role that is more enduring than the individuals who perform them. In this sense, audiences can be found within the texts. When texts are circulated widely with cultural resonance, as is the case with CSI, we can presume it is a production that makes 'sense' to an audience. When texts fail to receive popular attention it is presumably because Speakers and Publics failed to assume the types of people who might be available for such documents, or that a large audience was not the audience intended. The reasons why an audience is rendered unavailable may vary: poor editing, offensive materials to a particular genre, lack of marketing, time slot issues, implausible narratives and so on. But, these choices reflect the cultural production of a text and the failure of the Speaker and Public to successfully imagine the Personae of the audience. Consider the three separate franchises of CSI and the different types of humor that appear in each text. The original series assumes a more educated and older audience as evinced by the

cultural references needed to ‘get’ the jokes, as opposed to the fashion and action focused CSI: Miami (Allen, 2008). That is not to say that the two audiences are mutually exclusive categories. Different personae are invoked through accounts and aesthetics, although there remains a larger narrative arc that spans and connects both franchises, which permits room for overlapping audiences.

The reader would be correct in assuming that, without actually speaking to people who are watching CSI, this dissertation cannot speak with any authority about how individual viewers experience CSI. While an important endeavor, it is a research focus that remains theoretically (and methodologically) outside the parameters of my present research interests. Further, I do not intend that the logic in shows such as CSI is blindly accepted as truth by those who watch it. Its immense popular standing does, however, demonstrate that the way in which the story unfolds (its Argumentation) is inoffensive to many people; CSI successfully circulates explanations about science and social control in an acceptable way to audiences who are interested in the dramatization of forensic science. Hence, some cautious generalizations can be made about explanations in CSI that offer banal logic to the audience (not individual viewers) of CSI.

Rhetoric is an essential social element to the communication of culture, and consequently an important consideration when examining popular culture and mass media⁵. It is through “flow[s] of social action,” or intersections of institutional production and human activities, where culture manifests (Geertz, 1973:17). My understanding of culture rests on a Weberian understanding of humanity as “suspended in webs of significance that he himself [sic] has spun” (Geertz, 1973:5). Culture is stories we tell

⁵ Here I do not mean to create a problematic dichotomy between mass media as technologies, and popular culture as text. Mass media can, of course, be both popular culture and technology.

ourselves about ourselves; it is in the rituals and social norms of everyday interactions, but it is also in the cultural texts we produce: music, graffiti, public policy, museum installations, blogs, and television shows. Culture is acted, produced for others to read, hear, see and respond:

[a]n interworked system of construable signs (what, ignoring provincial usages, I would call symbols), culture is not a power, something to which social events, behaviours, institutions, or processes can be causally attributed; it is a context, something within which they can be intelligibly – that is thickly – described. (Geertz, 1973:14)

Popular culture is composed of cultural artifacts. These are the actions, events and objects that hold shared symbols for many people (Brummett, 2006:19). Symbolic meanings manifest in everyday experiences of many people: in the shows they watch, the music they listen to, the books they read, the concerts they attend. What is the term ‘popular culture’, however, if not a rhetorical category that orders types of culture or knowledge? I talk about cultural artifacts that hold resonance with many people, however I do not want to imply a concrete category that might generalize all ‘popular’ texts as rhetorically different from what is traditionally understood as ‘high cultural’ artifacts.

Culture tends to be associated more generally as a type of training of the mind, a belief founded on the notion of an intellectual civility (O’Brian & Szeman, 2004:3; Guins & Zaragoza Cruz, 2005:4). Popular culture gets connected to the loss of civility, or a ‘dumbing down’ of those who consume its products. On this point, I am reminded of a scene in the Disney movie Toy Story. Mr. Potato Head suffers a fall which leads him to re-insert his eyes, nose, ears and mouth pieces; putting the pieces in the ‘wrong’ holes, he says to Hamm the piggy bank: “Look at me! I’m Picasso!” The bank responds “I don’t get it”. Potato Head retorts indignant “You uncultured swine!” Culture is invoked as

civilized knowledge, and its lack indicates an objectionable morality. High culture (Picasso) gets ordered in a condescending tone as a kind of knowledge that is missed by the uncultured lower class (swine being a signal for a 'less than' being), albeit ironically from the sideways mouth of a popular culture icon, Mr. Potato Head. Not to get sidetracked by the complex commentary on culture in this film⁶, what is important to recognize in this example is that categories of cultural artifacts are sites of contested meanings, as are the artifacts themselves.

As my analysis will demonstrate, tensions exist in the social ordering of knowledge, pleasures and the audiences who are presumed to experience these artifacts. I use popular culture to refer to texts that hold shared meanings for many people. Although I suppose it might be possible to offer a definition of where the threshold of popularity stands for each object- how many books, sales, spin-offs and such- I am not convinced, given the purpose of the dissertation, that this would not be a meaningful endeavor. Popular texts do eventually become irrelevant; meanings of texts change and disappear as time and trends change. Ten years after its emergence, though, CSI remains a prolifically diffuse symbolic text. The 'scratch & win' ticket⁷ I recently purchased from my neighborhood convenience store speaks volumes of the continuing cultural resonance of CSI. The aesthetic qualities of the game suggest players are able to interpret the images

⁶ The voice of Hamm the piggy bank would easily be recognized by parents watching the movie as that of George Ratzenberger, the actor who played the memorable but tragically lonely and pathetic postal worker Cliff Claven in the long time running sit-com *Cheers*. His working class Boston accent adds to the aural framing of this scene. This dramatization of culture, where 'lower working class' is invoked, makes sense. The narrative assumes the audience would expect a pathetic postal worker who lives with his mom to be 'an uncultured swine'. This also demonstrates how the text can be read at different levels. Children would not recognize Cliff, but might remember the accent in relation to a character who is uncritical, largely ignorant, and fairly crude in his humor (for a kids movie, at least). This scene also works on an ironic level. Consequently, it permits an alternate reading, perhaps a critique on the categorizations of culture for those who are willing to search for it. However, this movie was certainly not marketed as a critique on culture in late modernity, and this is my point: how Publics make these resources available to larger audiences (through production choices & marketing) says something about the culture in which these messages hold shared symbolic value. Popular texts are certainly not concrete in their meanings; but they do draw upon and offer popular narratives to an assumed audience.

⁷ Produced in conjunction with CBS Broadcasting INC, Entertainment AB Funding LLC, and the Ontario Lottery and Gaming Corporation (OLG, 2009a).

of DNA, a fingerprint, a footprint, blood cells and a hair fiber under the microscope. Further, the assumed audience is expected to understand terms such as ‘ballistics’ and ‘grid search’, which, given the over three million tickets printed for the province of Ontario alone, is a large audience (Ontario Lottery Gaming Corporation, 2009).

Notions of popular culture which assume negative edifying effects – a dumbing down of the masses- garners a great deal of academic attention. Horkeimer & Adorno ([1944]1993) pose a bleak hegemonic perspective on the relationship between culture and capitalism, in which audiences are passive ‘dupes’ taking in ideologies served in service to the dominant social order. In the spirit of traditional Marxism, the pleasures of the masses – popular activities and entertainment associated with the culture industry - are conceptualized as a tool of working and lower-class people’s own oppression (Adorno, 1973; Alford, 2003). Popular culture bears the blame for the downfall of the lower classes time and again. In the late 1950s theorists such as Miller (1958) argued that a lack of ‘the right’ culture is a source of criminality (Ferrell, Hayward & Young, 2008:30). Today, behaviouralists continue to establish causal relationships between culture and deviance. For example, many remain concerned with the impact of rap music on young people. Some argue that rap is connected to young black men’s presumed tendencies for violence, deferred academic aspirations (Barongan & Nagayama, 2006), and the sexual behaviours of young black women (Wingood, DiClemente, Bernhardt, Harrington, Davies, Robillard & Edward , 2003). Curiously few articles focus on the negative consequences of country music, which one could argue is connected to fortifying ethnocentric and gendered ideologies about race, class and nationality. Fewer still focus on counter discourses in either genre. Alternatively, contemporary artists and theorists

such as the Situationists, Culture Jammers, Guy Debord and Gil Wolman take up popular culture as a site of resistance through such cultural activities as *detournement*.

Detournement involves changing popular texts and shared symbols -- sometimes through defilement, or parody - with the intention of subverting messages of social control and dominant discourse. Assuming that “any sign or word is susceptible to being converted into something else, even into its opposite” (Ferrell et. al, 2008:153), it is clear that popular culture can be counter discursive.

For Burke, popular culture is discourse (Brummett, 2006: 184); Discourse is communication through human activity, the production of which share common rhetorical strategies. Whether we are talking about the communication of scientific knowledge through such things as peer review journals (Overington, 2001) or the dramatization of prison in prison by prisoners (Moller, 2004), rhetoric across genres functions similarly. Social orders can be located within all these texts. With this conceptualization, we come full circle in our definitions of rhetoric, culture and popular culture. The following section will explain how Burke’s broader theoretical scholarship is useful to understanding the sociological significance of CSI more generally.

Kenneth Burke and Dramatism

Burke’s scholarship remains largely neglected by contemporary thinkers within the social sciences (Mangham & Overington, 1987:1; Overington 1977:131; Overington, 2001:94). As a foundational thinker for Goffman (1959:194), C.W. Mills (1959: 215) and Duncan (1962:143-176; 1969), his theoretical framework has much to offer critical sociological and mass communication research. Dramatism offers an approach that demystifies hierarchal orders of social life. It moves beyond the application of theater

metaphors and provides a framework that is sensitive to the political and historical contexts through which the ideological performance of meaningful human action appears natural (Mangham & Overington, 1987: 7). Pragmatic sociology attends systematically to the range of explanations and principles of evaluation that people use every day to make sense of legitimate actions and interactions. My research is founded upon the pragmatic tradition of “integrating, controlling, and specifying the function a certain type of speech fulfills in socially situated actions” (Mills, 1940: 905). Burke’s theory of human relations centers on language and rhetoric as fundamental to understanding human behaviour (Burke, 1973:293-304; Brummett, 2006:179).

Burke's theoretical framework is premised on three main epistemological foundations. First, language and symbolic communication are the basis for human reality. It is through these systems of meaning where “associations between and among terms reveal much about associations between and among people” (Cheney, Garvin-Doxas & Torrens, 1999:135). These explanations are taken by the audience as legitimate only in so far as they are founded upon and contain the implied relations of authority (Brummett, 2006:179; Cheney, Garvin-Doxas & Torrens, 1999:135). In the tradition of Dewey and Mead, symbols link to some messages and discourage others; claims to action are constrained or made possible within cultural frameworks (Giddens, 1984). Listening to how cultural texts make sense of some personae’s ‘place’ within social order is one way in which we can understand something about social control in a society. As such, rhetoric is the object of inquiry for Dramatistic investigations (Burke, [1962] 1969: xxii). Burke is careful to make the distinction between human response to stimuli (moving a hand from a hot stove) and human action motivated by symbolic orders of meaning, taking the latter

as the object of critical inquiry. Whether produced in formal documents or casual speech, symbols are drawn upon and arranged in particular hierarchies of logic that convey a particular explanation (what Burke calls ‘motivation’) for human action.

Second, being influenced by Marx and Weber, Burke understands the nature of being human as marked by difference; accordingly, the process of creating moral categories of persona and performance through language is a nearly inescapable human activity (Cheney, Garvin-Doxas & Torrens, 1999:137). It is ‘nearly’ inescapable, because while hierarchies can be minimized, they cannot be eradicated. Burke ([1961]1970) is not a fatalist on this point, though; instead, he suggests that these orders can change in particular Situations. Texts are sites of contested meanings that fluctuate in how they influence particular audiences (Volosinov, 1973; Hall, 2006; Fiske, 1989): “The paradox is that a text is a means to, and an outcome of, rhetorical struggle” (Brummet, 2006:92).

Consider the controversy that surrounded the song Cop Killer (Ice –T & Ernie C, 1992) by Body Count⁸. An album that picks up the issue of police brutality, it was not received by stakeholders in the criminal justice system in the same way as by fans of Body Count. Perhaps more interesting, though, is that this song inspired controversy that songs such as I Shot the Sheriff by Eric Clapton did not (Hamm & Ferrell, 1994; Ferrell & Sanders, 1995:9). Cop Killer was released shortly after the beating of Rodney King by Los Angeles police officers in 1991. The song became popular in the wake of what has become known as the LA Riots, which followed the initial acquittal of officers involved in the King incident. The Cop Killer case demonstrates that a cultural text does not exist independently from its cultural context. Cultural documents are important sites of

⁸ Ironically, the song was written by band member Ice-T, who later was cast in the original Law & Order crime drama in the role of a police detective.

struggle for us to consider *because* of their popularity. Further this, it is important to consider the context in which this kind of narrative gets taken up in other discourses as inherently dangerous knowledge for popular consumption. Critical deliberation of the political context that gives rise to these texts reveal what is sayable within particular social orders, at particular historical moments, and to which audiences.

People and institutions align actions in terms of historically situated political frameworks such as class, race, gender, sexuality or risk to name but a few. These regimes of justification are drawn upon by members of a society in the process of meaning making (Friedrich, 2003: 429). Pragmatism is particularly sensitive of the capacity of social actors (who produce texts) to switch codes or justifications based on evaluation and criticism. It is a paradigm that is sensitive to the precariousness of switching motives of explanation. Offering up or drawing upon new justifications to explain why humans can do this or that can be a highly problematic process. When explanations for authority shift, they are reconfirmed or weakened by other regimes of justification (Friedrich, 2003:430). In this sense, a pragmatic approach captures the shifting nature of meaning and the complexity involved when taken for granted assumptions of authority are countered or reaffirmed.

Third, Burke assumes that social reality is shaped by culture and history; the objective world and its symbolic representations motivate human action. These symbols emerge in relation to political loyalties that ‘make sense’ given the culture in which they emerge (Surette 1998:5, 2007). However, political orders can change, and all social orders shape how we come to recognize autonomy. His theory supports the potential for social change, while acknowledging there are tensions in defining the terms of any social

interaction. Social conflict makes social life complicated, and social revolutions are difficult to conceptualize concretely on a macro scale. While some Publics may claim the recent imposition of mandatory minimums sentencing for some drug offenses in Canada as a step towards positive social change, others may claim it as a draconian slippage in human rights. Burke asserts that it is possible to reduce human suffering, but that we must avoid being drawn into dramatizations (popular narratives that offer understandings about social change) that limit our potential to think about such things more critically.

It is difficult to explain Burke's system of Dramatism as two separate components: theory and methodology. We see this in Burke's own definition:

...a method of analysis and a corresponding critique of terminology designed to show that the most direct route to the study of human relations and human motives is via a methodological inquiry into cycles or clusters of terms and their functions. (1968: 445)

The rhetorical strategies of such things as dissertations encourage a traditional logic of writing that encourages separations of theory and methodology. In keeping with traditions, I will outline the main tenants of Dramatism in this chapter, but caution the reader that it is a necessarily partial explanation of the systemic perspective on social relations which is made more complete in the methodological discussion in chapter four. It is through the explanation of the Pentad, the methodology through which Dramatism demystifies social order in rhetoric, that we can appreciate a more complete understanding of Burkes' scholarly contribution.

Dramatism reveals how order is brought unto human situations which are inevitably influenced by the discourse through which this very explaining occurs (Overington, 2001:101). Certain vocabularies of motives necessarily omit a range of

potential narratives in the text. And so, what is sayable in a text is given as much consideration as what was not sayable. Alternative worlds can be accessed by ironizing key statements; through this strategy, the critic reveals that way of speaking in texts reflect moral choices. In this sense, it is a *perspective by incongruity* (Burke, 1969: 503). Burke does not limit our analytical scope to considering just those motives that are imbued with legitimacy; he is also concerned with what motives are not made available to audiences through a process of ironic inquiry.

Dramatism offers a framework to unveil the many modes of explanatory ordering that are communicated to explain human actions. Motives provide us insight into these social orders in a given time, place and text. Similar to traditional assumptions about rhetoric as a linguistic slight of hand with possibly dishonorable purposes, the term 'motive' seems to imply ill intended premeditation. A legalistic definition of motive certainly implies a rationalized kind of reasoning that informs actions that might be considered criminal. In keeping with a non-ideological stance on the function of rhetoric, Burke intends motives differently. Motives are the verbalized expressions we use to make sense of conduct. They are the explanations that are communicated to justify or explain particular human actions in relation to particular orders. They are found in all types of communications, but essentially serve the same rhetorical purposes.

The basic forms of thought, which, in accordance with the nature of the world as all men [sic] necessarily experience it, are exemplified in the attributing motives. These forms of thought can be embodied profoundly or trivially, truthfully or falsely. They are equally present in systematically elaborated metaphysical structures, in legal judgments, in poetry and fiction, in political and scientific works, in news and in bits of gossip offered at random. (Burke, 169: xv).

Motives are important in fostering identification. Hence, Dramatistic inquires are guided by a concern to understand what identities are authorized and offered within texts as ways to communicate suitable modes of being and knowing.

Breaks in expected norms and how they are contended with discursively by individuals and institutions are a concern for many social scientists. Sociologists will recognize Burke's earlier scholarship as it is taken up within C.W Mills' work on *Vocabulary of Motives* (1940), Gerth and Mills (1953) discussion on social structure, or Goffman's conceptualization of *Realizing Actions* (1959:194; 190-207). Criminologists might recognize Burke's indirect influence within the work of Sykes and Matza's *Techniques of Neutralization* (1961), which builds upon the work of Mills. All of these concepts deal with the problem of social transgression in the management of one's identity and expected behaviours within particular social orders.

Cultural texts such as CSI offer up narratives that contend with the problem of moral affronts by particular social actors. Burke calls this dramatization *Victimage*, wherein complicated or abstract social problems are made personal in order to be a more accessible tale for audiences. *Victimage* is the symbolic staging of dramas in media where "individuals are able to relieve their guilt by identifying them with the victim, the villain, and thereby vicariously atoning." (Overington, 2001:103). Recalling Geertz's treatment of *personae*, Burke suggests it is understandable why one would have difficulty caring (or acting) about certain problems of transgression when we are dealing with institutional orders that are as grand as 'justice'. How can one person, who knows little about the criminal justice system, 'do' something about the expansive definitions of crimes that come to be included in profiling those who are criminalized in the national

DNA database, for example? In cases when violations to institutional arrangements are made (someone breaks the law, for example), personal weight is imbued upon justifications in order to easily fit within narratives of social hierarchy. In other words, successful narratives need a clearly identifiable victim, a villain, and we need to understand these groups or individuals in relation to ourselves (Burke, 1970: 242).

One of the ways in which inequality is rhetorically stabilized is through the process of Scapegoating (Burke, 1969:336). In many contemporary studies, this concept is taken for granted as a labeling effect of media campaigns against social groups that challenge dominant ideologies (Ferrell, Hayward & Young, 2008). McRobbie & Thornton's (1995) critiques of contemporary moral panic research note that such media campaigns must be read as far more complex narratives than what contemporary research currently affords. Cohen (1972) and Young (1971) established a conception of moral panic that was appropriate for the structure of media in the 1970s, but these conceptualizations do not stand so firmly given the complexity of media culture today. Consider the multiplicity of present popular media, where every computer is a potential broadcaster, every Facebook group a potential site of resistance⁹. Mass media are no longer the exclusive domain of the ruling class in the way it once might have been. Communities can rally around causes online; informal lobby groups can challenge messages that might have previously gone unchallenged. Without taking the position that there is a linear 'top down' process, Burke's work provides a nuanced understanding of how Scapegoats emerge in rhetorical situations. Because the object of inquiry of Dramatism is rhetoric, its analytical value is unaffected by the fast paced proliferation of

⁹ To illustrate this point, consider the attempt by the Province of Ontario, under the leadership of Dalton McGuinty, to implement restrictive rules related to drivers under the age of 21. One of the responses publicly acknowledged by the state as a factor in its decision to back down from the proposed changes was the creation of a Facebook protest group with a membership of 117,000 members (CBC, 2008a).

mass media. Whereas the mediums through which we communicate might change almost daily, the rhetorical strategies in which we make meaning has changed little since Aristotle. Dramatism also addresses the issue of autonomy and identity management, which some suggest requires further critical consideration in contemporary cultural studies (McRobbie & Thornton, 1995: 565; Ferrell et. al, 2008: 48-49).

Scapegoating creates the rhetorical conditions under which a particular group or individual is held responsible for our moral offenses. Popular texts such as CSI circulate identity claims wherein allegiance to authority and its symbols communicate reasons to accept our position, and the position of Others, within a social order (Overington, 2001: 98; Burke, 1989:329). Social actors work to maintain the credibility of an identity by drawing on particular explanation that permit one to be comfortable with the social role maintained by particular social orders. According to Burke (1989) loyalties are made to particular institutions of authority and social orders where “reasonable positions within the social order” are created (Overington, 2001:97). We can see this process reflected within the social science literature on CSI, as potential jurors tend to be cast by popular and academic literature as a threat to the security of the criminal justice system and symbolic institution of democracy. The successful construction of explanations that authenticate one’s identity must appear ‘normal’ and possess a quality of ideological consistency within a vocabulary of motives in order to be recognized by the audience as legitimate. The ordering of terms suggests ways in which an audience can be at ease with the (dis)ease of Others.

The legitimacy of frameworks in which the construction of Scapegoating occurs features the problem of counter-statements (Burke, 1968). Tension is created in everyday

interactions when one's position in a social order is temporarily exposed as implicit – if only in part - in the social ordering of Others. For example, when our support of a particular politician is linked to the introduction of laws that one does not agree with (such as mandatory minimum drug laws, perhaps), one has to either accept their complicity or divert it somehow. I suspect few people would tune into CSI if the narrative continuously framed the actions of 'everyday folks' as complicit in the structural inequalities that create the conditions in which violence is accepted. Occasionally these critiques do emerge, but the tension must be relieved (Overington, 2001: 31).

Communicating the legitimacy of science through popular culture is one of the ways in which criminalization of some personae is communicated as logical. Consider the problem of responsabilization if offensive actions are explained using motives steeped in the medical model; a criminal requiring treatment becomes a patient: she or he is sick. Criminalization is staged as biological, not social, and so the molecular drama unfolds mystifying larger structural issues and the consequences of mass incarceration (Landry & Overington, 2009).

This point builds upon analysis of mainstream Canadian newspaper coverage of the Innu community of Davis Inlet (Landry, 2002). Images of 'gas sniffing children' living in substandard housing supplied by the state shocked many Canadians who began to question: how could this happen in Canada? The dramatizations of Davis Inlet, however, effectively limited the story to a tragedy of self-harm, instead of a tragedy of colonization and assimilation supported by Canadian laws, for example. Mainstream Canadian newspapers offered predominantly pathological answers to how 'this' could happen in Canada. Individualizing the problem as flaws inherent to 'them', the rhetorical

logic mystified the responsibility of Canadians by tapping into a pre-existing constellation of meanings and narratives that explain Aboriginal issues in Canada in terms of a medicalized framework. The unsubstantiated claims of substance misuse as a pathologically inherent characteristic of being Aboriginal (Fiske, 1995; Green, 1993; McIvor, 1994; Silman, 1992) – a dramatization of Aboriginal drug use – appears ‘logical’ when it is ordered in terms of risk and science. The problem was ultimately told as another sad story of Native self harm outside the responsibility of ‘average’ Canadians.

What I noticed happening then, and what I see now in the case of forensic crime dramas such as CSI, is the proliferation of Social Autopsy. Klinenberg (2002) uses this metaphor to describe an empirical method of demystifying social order in what appears to be ‘natural disasters’. His insightful analysis of the social factors of those who died in the 1995 heat wave in Chicago tells us something about social order, the unequal distributions of risk, and connects this with the political economy of news coverage (Klinenberg, 2002:194). This approach is a valuable way of seeing how ideological constructs (race, class and gender) manifest in the real world and have real implications for people. My use of the term is somewhat different, as I am focusing instead on a shift in story telling that characterizes dramatizations of social transgression in contemporary mass media. I adopt this terminology to describe a narrative framework that characterizes particular social groups or social problem in terms of a pathology report, where risk is described in terms of a kind of pathological condition. Narratives about social control individualize the management of risks, echoing Beck's understanding of risk that circulates explanations that reemerge in explanations about institutional and individual reactions towards social problems.

Social Autopsy is the cultural dramatization of the corpse taking place in newspapers, blogs, popular crime dramas and museum installations that shapes moral agents and social groups within a framework that denies explanations that include the influences of socio-political context or institutional structure. The art of ‘reading’ the death of social beings through the lens of natural science is a key element in the spectacular allure of CSI (Gever, 2005) and the process of Scapegoating. Since primetime shows such as Quincy M.E entered prime time North American discourse in the 1970s, the representation of autopsy has evolved to take central stage in many mainstream crime drama television shows, such as CSI, Crossing Jordan, Bones and the more recent dark comedy Dexter. Reality TV shows such as Dr. G. Medical Examiner and Autopsy/Autopsie bring audiences to the side of a surprisingly well lit autopsy table as the deaths (and lives) of ‘real’ people become told through the framework of science. Patricia Cornwell’s novels of forensic crime solving have placed her repeatedly at the top of the New York Best Seller List (Mizejewski, 2004:21). A 2007 art exhibit at Capla Kesting Fine Art Museum in New York City features a theatrical autopsy of socialite model Paris Hilton. A crime scene inspired photo shoot is featured on an episode of the 2007 edition of America’s Next Top Model.

The autopsy metaphor provides a particular logic to social relationships that mystifies social control. Autopic visions (Tait, 2006) shape our understanding of social bodies and relationships between human beings as something that can be boiled down to DNA traces, genetic markers and tissue trauma. Such rhetorical claims get legitimized when framed by the narrative in concert with ideologies of risk, consumerism and the failure to achieve perfect security, especially in terms of identity: who, in fact, are you?

The contagious qualities of the autopsy metaphor provide an authority to the sale of truth, security and surveillance through science, whether the consumer is the state or a CSI viewer. Loader (1999) similarly argues that consumer culture shapes the practices and rhetoric of policing today, indicating that one of the new trends of this sociological moment is the consumption of protective services, of which forensic science is a part¹⁰.

Consider the case of former forensic pathologist Dr. Charles Smith whose work has been implicated in many wrongful convictions in Canada. The public inquiry into the circumstances surrounding Smith's practices as a pediatric forensic pathologist found that "[i]n 20 child autopsies reviewed by outside experts in 2005, he was found to have made major scientific errors, leading to baseless charges of child-killing and 13 subsequent criminal convictions" (CBC, 2008). Smith responded to the allegations: "In the very beginning, when I went to court on the few occasion in the 1980s, I honestly believed it was my role to support the Crown attorney[....]I was there to make a case look good. That's the way I felt" (Goudge, 2008: 181). Smith is not speaking with a language a natural scientist would recognize as legitimate, he speaks here about using science to legitimize claims about whether human actions were 'right' or 'wrong'. The usefulness of the autopsy within these trials was extended to explain moral actions with an authority that saw many people, including Tammy Marie Marquardt, wrongfully serve lengthy imprisonment sentences for the deaths of their own children. Although not founded on hard science, an imagining of what an autopsy can tell the courts seemed in part to authorize Smith's (wrong) hunches in many instances. What is more interesting to

¹⁰ In Canada, forensic services are predominantly run with public funds by the state, as opposed to the United States where forensic labs are a privately run industry that services not only the criminal justice system, but private citizens as well. Although forensic science used within corrections in Canada is more tightly regulated than in the US, there are private forensic firms that do profit from increasing belief in forensics in Canada, especially in forensic science technologies.

this project, however, is how the legitimacy of autopsy lends authority to claims of truth and how that is negotiated rhetorically in CSI. Also, this narrative says something about when expertise is dangerous or safe, a theme I pick up on in my analysis.

Charles Smith will be reprimanded; perhaps people will call for changes to some aspects of forensics in Canada and some changes might even be made. And so plays out the drama of Faux Science in discourses of law and mass media. Burke encourages us to question what political loyalties are legitimized in the sayable: why ‘this’ change instead of ‘that’? It would be surprising if this case brought about a shift in the legitimacy of autopsy to criminal justice and law. It will be interesting, though, to see how Smith’s implication in the wrongful convictions plays out. I suspect it will be similar to how corporate harm is typically dealt with, where narratives of systemic problems are limited in how they can enter the drama, and the problem tends to be framed as a problem of ‘a few bad apples’ (McMullan, 2006; 1992). The potential to discuss systemic problems are quashed by an insistence that this problem was due to the moral failing of one person. This was also the case in terms of the community of Davis Inlet, but instead of blaming the problem on ‘one person’, the issue was turned back on ‘one group’, as if all Innu could be understood as a single homogeneous corpse. The Innu were typically described within news narratives within a framework driven by pathological language, mystifying colonization, history and political narratives in explanations about the predicament of the Innu. The social autopsy fosters disconnect between the relationship between maintaining the material conditions of the ‘Other’ and the symbolic social orders that make these inequalities seem logical.

Recall that Burke assumes social life is characterized by conflict, and that hierarchies of order are somewhat inevitable, but mutable. Certainly the cases of Smith and Davis Inlet serve to demonstrate how Scapegoats will not always be individuals. Burke pushes us to ask: why are anxieties constructed about this or that? Not only are we critical of what is said, but we also give weight to that which is *not said* in successful claims. Hence, it is possible to introduce alternative explanations to what is offered within popular media, allowing one to contribute to a more critical form of communication about social problems.

Making Sense of Security in Insecure Times

According to Burke and Weber, the problem of moral violation must be understood in terms of the economy that determines the material conditions under which it takes place (Duncan, 1962:51). Weber (1964; 1946) is concerned with the conditions under which people act upon information they accept as legitimate. The rationality of capitalism is maintained through sub-systems of formal legitimation such as legal systems, bureaucratic administrations, and scientific knowledge. These systems work independently and in concert as they replace traditional beliefs with “morally hollow rules, regulations and forms of knowledge” (Kalberg, 2005: xiii). Legitimate authority is socially constructed. As such, it requires the audience to participate in the construction; consequently, this cooperation sustains a more stable and enduring quality than coercive power (Kalberg, 2005:174). Legitimation is a dynamic process of persuasion whereby the power of a particular authority effectively communicates its legitimate role to rule as reasonably deserved to an audience. When these claims are successfully communicated, which might be indicated by an absence of popular protest, social action in the command

of authority occurs. Weber (1964) suggests three ideal types of authority: traditional, charismatic, and legal-bureaucratic. I provide brief definition of the first two.

Charismatic authority is a 'right to rule' that is achieved through personal qualities of an individual and the belief, among those who will follow, in the extraordinary charismatic qualities and of that person to lead. Hitler is an oft cited example of a charismatic leader, but we can also consider examples such as Pierre Elliot Trudeau and Nelson Mandela, whose cultural authority sustained past their departure from positions within organized bureaucracies. Traditional legitimation is founded in established belief systems. Authority is endowed to those who hold positions maintained within a traditional doctrine of belief. An example of this would be a priest within the Roman Catholic Church. While the individual in this position is able to command authority, it is an authority that is typically tied to the position, although there are occasions when charismatic and traditional authority overlap. The person who holds positions of traditional authority must meet certain requirements as set out in the tradition. Authority is passed on to those who pass through the position, and is not typically transferable once the person leaves that position.

Bureaucratic-legal legitimacy is founded upon the proper enactment of rules or 'objective' modes of procedures. The process of making decisions based upon universally applied rules creates the conditions in which the social actor is dehumanized in an effort to perfect the act of bureaucracy. Weber predicted that rational bureaucracies would govern the processes of legitimation in the West, resulting in a loss of individual autonomy. To these ends, modern science becomes pivotal as 'specialists' are endowed with legal-bureaucratic legitimacy (Kalberg, 2005: xxv). The personal and irrational

elements of being human are systematically dismissed as the bureaucracy strives to evolve into a more perfect and inhuman system of legitimation: “Orders are given in the name of an impersonal norm rather than in the name of a personal authority and even the giving of a command constitutes obedience towards a norm rather than an arbitrary freedom, favor or privilege” (Weber, 1946:294-5). Weberian systems of legitimation function within systems that generate social meaning and values through such cultural acts as education, media consumption and production (Habermas, 1976). Dramatizations of science shape the stories we tell ourselves about ourselves; dramatizations of science validate explanations that support some bureaucratic rationalities, such as the proliferation of the forensic science industry. But, authority in the name of science it is not a linear path; Hence the social construction of risk reflects the complexities and tensions involved in shifting patterns of legitimacy of social control.

The Social Construction of Risk

Taylor-Gooby & Zinn (2006) define a sociological approach to researching risk as a strategy founded on the constructionist assumption that social action is shaped predominately by cultural forces. A sociological approach is concerned with how meanings about risk are communicated through such things as mass media. My treatment of risk in the dissertation is one that accepts it as a persuasive cultural framework circulating within popular culture. Because I am working within a social constructionist paradigm, I assume that when people believe something is real, they act in accordance to this belief (Hesse-Biber & Leavy, 2004). Whether a belief is ‘rational’ or ‘real’ is a less interesting line of inquiry to me than understanding how explanations about assumed realities to explain order are communicated, and how these explanations are given

legitimacy discursively. The communication of risk and the social construction of a Risk Society is a dominant motive for action (such as risk management) in popular texts, such as CSI. It is within cultural texts that we can locate in part how narratives of risk are constructed.

Beck (1992) understands this moment as a new modernity – a Risk Society. Distinct from late industrialization, a Risk Society is a culture shaped by scientific and industrial development. Most aspects of social life come to be communicated in terms of risks and hazards. While still an industrial society, A Risk Society is no longer primarily ordered by the distribution of goods; social life is structured by probabilities and the distribution of dangers (Ritter in Beck, 1992:3). A society shaped by risk is socially organized in response to empowerment and threats to security, or threats created primarily through human activity: what Giddens calls manufactured risks (Beck, 1992; Giddens, 1999; 1990; 2009). Science, with its myth of objectivity and promises of quantifiable truths, is complicit in the social construction of these risks.

As Weber suggests, social systems function more successfully through cooperative human action as opposed to coercive techniques. The failure of modern industrialization to secure the public from modern disasters, such as the events of September 11, 2001, has resulted in a focus on measures aimed at decreasing future risk. The project of managing risks is an all encompassing activity – a total war on the unknowable. Moreover, risk knowledge becomes a predominant explanation in the communication of institutional decisions (Beck, 1992: 98; O'Malley, 1996), such as policy designed to contend with the possibility of a CSI Effect and juror infections, a social pandemic in need of policy. Risk is what 'might' be happening, and therefore its

social construction by mass media as well as scientific and legal experts is an ongoing process (Adam & Van Loon, 2000:2; Beck, 1992:23).

Arguably one of the most contested premises within the risk literature centres on the genesis of whether risk has displaced class in how modern life is socially ordered. O'Malley views class as a realist category that is incompatible with Governmentality paradigms that inform some contributions to risk (2001: 86). Beck (1992) argues that class consciousness has disappeared in favour of risk consciousness, something that he connects with empirical manifestations of actions such as environmental disasters (for a more in depth discussion of this divide in the literature see Rigakos & Hadden, 2001 and O'Malley, 2001). Sparks (2001) suggests that the cultural language of risk is a point of connection between the divided risk literatures. If we assume that people respond to notions of risk because they believe it is a reasonable concern, regardless of whether life is actually ordered by class or risk, then the communication of a vocabulary of risk is important regardless of the genesis of 'risk' as a theoretical concept. There is much to be contributed to both bodies of literature by considering how the rhetoric of risk provides the framework that "the 'really' ungovernable and incalculable modernity risks are calculable and governable" (O'Malley, 2001:87). Certainly, a cultural theory of risk can demonstrate the complexities inherent in the communication of risk (Sparks, 2001: 162; Cottle, 1998:15).

While Beck suggests that global risks such as pollution work beyond class, impacting everyone regardless of social categories, the economy is still a consideration; it is largely those who can afford to avoid risk who are typically considered responsible (less risky) within the current political climate. Certainly, one can purchase things that

signal something about their identity in terms of security. Evading risk translates into marketable products, thus relocating experts from government to commercial institutions (Gerlach, 2004:16). While even pre-industrial society may have adopted quantifiable understandings of potential harm to evaluate decisions about human behaviour, our contemporary culture has taken to the *scientification* and *commodification* of risk (Beck, 1992: 56).

In a risk society, our sense of the social is very different. It is characterized by the ontological insecurity brought about by rapidly transforming experiences of subjectivity formation and social positioning. The resulting anxiety manifests itself in part through fear of crime and victimization – a feat that is deepened by our interaction with a hypermedia environment obsessed with crime and by mixed messages from the state authorities, who simultaneously ‘get tough’ on crime while calling on citizens to take responsibility for crime control. (Gerlach, 2004: 56)

The individual is responsible for her or his social position or ‘lot in life’, as it were. Individual choice is the vehicle through which populations are regulated and risk management occurs. Social control is maintained through cooperation, not brute force (Gerlach, 2001).

One of the more interesting aspects of risk is the irony of effects. Increasing individualization occurs while it is said we are experiencing a moment of ontological insecurity, where our identity is less certain, where symbolic meanings are fractured and disconnected. Despite being presumably informed in a large part by popular understandings of science, generally there is a loss of faith in systems of expertise. Institutional weaknesses inherent in systems of science and technology are exposed as uncertainty has become the hallmark of progress (Taylor-Gooby & Zinn, 2006: 2). Expert systems of knowledge are treated with skepticism (Hamilton, 2003: 267). If this is the

case, though, how can skepticism in expertise result in the legitimacy of science – a system of expert knowledge - as an ordering framework that echoes with strong cultural resonance? This question is particularly relevant to the ways in which science and technology are rhetorically presented within CSI.

Some critics are quick to scoff at the ways that CSI presents forensic justice, characterized by the literature as oversimplified servings of science done in the blink of a DNA analysis (Pratt, Gaffney, Lovrich and Johnson, 2006). I argue that dramatization of science is a much more complex persuasive rhetorical process, where promises of science are challenged and responded too. These dramas demonstrate the dynamic process of motive making. It also supports Beck's premise that perceptions of risk are always changing. I suggest that the communication of risk does not happen in a straightforward fashion. Contemporary audiences have a sophisticated relationship with systems of media (McRobbie & Thornton, 1995). Popular narratives do not always sit easily together without some narrative mystification. Hence, expertise is constantly challenged within CSI, and it is within the resolution of these challenges that security is maintained, if only for a brief moment. Indeed, the notion that this security is fleeting (expensive and exhausting) is a key narrative resource that legitimizes the security of Faux Science in an insecure world.

Risk & Media

Beck privileges media as a key site for the dramatization of risk in the everyday lives of people: "The risk society ...is also the science, media and information society. Thus, new antagonisms grow up between those who produce risk definitions and those who consume them" (Beck, 1992:46). Despite this claim, contemporary research on risk

and media limits its focus to expert, political or news narratives of war, ‘terrorism’ and fear of the unknown Other. Many of these studies note the rhetorical use of Scapegoats to explain the War in Iraq and similar Western military interventions (Denzin, 2007; Kellner, 2007, 2004; Engles, 2007; Engle, 2007; Althiede, 2006; Ivie, 2005). A critical examination of risk in popular culture, nonetheless, is needed to assess how this pattern continues across genres. Missed opportunities to integrate popular media meaningfully into the discussion about risk ripples throughout the literature.

While identifying scientific expertise as a site of increasing public debate, theorists of risk society have generally declined to explore the specific cultural venues where this debate takes place. In particular, they overlook media and popular culture as significant sites for the negotiation of scientific meaning in general, and the meanings of biotechnologies in particular. (Hamilton, 2003:268)

Burke (1969) and Overington (2001) would remind us that choosing one text over another as a research focus suggests something about our political loyalties within this Public (the social science discipline), something that is worth being curious about. Certainly it is important to hear how experts communicate through news media, which traditionally operates with the authority of objectivity (mythical though it may be). Popular culture has much to offer as evidence to empirical investigations into the social construction of risk.

Assuming experts and practitioners in the criminal justice system and behavioural researchers are correct to presume it is worthy to investigate how audiences ‘believe’ the science of CSI is ‘real’ (which I say with great caution), then the justifications used within such fantastic crime drama narratives are as important to consider as justifications that appear in news narratives about risk. Some suggest that the technological language of

experts is not generally accessible to the 'lay person', and so individuals tend to rely on feelings, intuition and mass media to retain an affordable level of risk management information and expertise (Deutschmann, 2007:238). In any case, for Burke all texts are rhetoric that permit us an opportunity to uncover hierarchies of meaning; all produced documents are worthy of investigating. The tendency to privilege some documents as more worthy of critical inquiry over others merely points to how dichotomies maintain particular understandings about what knowledge is communicated as 'more' legitimate and under which conditions.

Cottle (1998) suggests the lack of risk research in popular culture is in part due to Beck's vague explanations regarding the role mass media play in communicating risk, which understandably is not the primary focus of Beck's larger thesis. I take Beck's unclear treatment of media as an invitation to develop this aspect more fully. Beck appears to suggest media is made up of simply two concrete actors in the communication of media: producers and consumers. This suggests a linear flow of meanings through media (Beck, 1992:46), which is a problematic claim. Herein lies an opportunity to clarify mechanisms of meaning and institutional linkages that are involved in the construction of risk within mass media. While his larger thesis contends with a cultural loss of trust in systems of expertise to keep us secure, his treatment of media seems to privilege the currency of expert discourse over popular knowledge "in the scientific battles waged over the heads of the workers" (Beck, 1992:112). Here, Beck attributes a lay dependence on scientists, which does not appear to consider the potential for audiences to contribute—at least in a small part - to institutional discourse (Cottle, 1998:13). Certainly, the social construction of risk occurs in the production of multiple

cultural texts by many kinds of producers, and so this is an important aspect to address in expanding criticism and commentary on the social construction of a Risk Society.

Narratives of risk present audiences with threats to the legitimacy of expert knowledge systems, but narratives also destabilize technical experts and those who create policy (Taylor-Gooby & Zinn, 2006: 3). This is important to understanding how expert knowledge systems are reproduced. The CSI narrative communicates a loss of confidence in the criminal justice system, in police; however, some problems and some characters permit some failures of the system if the people impacted are communicated as morally inferior or dangerous. Certainly the process of Victimhood is implicated in how science and expertise gets problematized differently within CSI. As Cottle notes, “not all risks ...activate the same degree of cultural resonance and media exposure” (1998:17). Some Scapegoats permit us to rhetorically reclaim confidence in some expert systems; Beck links this kind of performance of risk to the ‘civilization of threats’. This process is an attempt to make the unpredictable impossibly predictable: “Is the dramatization of such risks not in the end a typical media spectacle” (Beck, 1992: 97)? I am less clear on what Beck intends in ‘typical media spectacle’; however, I do believe Burke’s work is an appropriate tool to draw upon in investigating the question of risk performance, particularly in terms of popular cultural texts such as CSI that have not been conceived of widely in terms of their role in communicating risk.

Chapter 3: Autopsy of an Effect - A Critical Engagement with the CSI Debates

Personally I don't think that, even when a jury had acquitted Robert Grant, alias Biggs, of the murder of Jonathan Whalley, Inspector Meadows was not entirely convinced of his innocence. The case which had built up against Grant – the man's record, the jade which he had stolen, the boots which fitted the footprints so exactly – was to his mater-of-fact mind too complete to be easily upset; but Poirot, compelled against his inclination to give evidence, convinced the jury. Two witnesses were produced who had seen a butcher's cart drive up to the bungalow on that Monday morning, and the local butcher testified that his cart only called on Wednesdays and Fridays. (The narrator and friend of Agatha Christie's main character Hercules Poirot's, 1927: 37)

Up until recently, most knowledge about the problem with CSI has come from mainstream news accounts concerned with anecdotal cases about the cultural influence of CSI: from increasing student interest in forensic science programs to the degeneration of the criminal justice system. Ten years after the launch of the forensic series, it remains a concern within the academic literature. This chapter will review and address the emerging debates within the social science literature concerned with CSI. I note a disciplinary division between behavioural and cultural theory; both positions may share a substantive interest, but remain divided epistemologically. Behaviouralists conceive the problem of CSI in terms of individual media effects, while many cultural theorists focus

on more theoretical discussions about CSI as a kind of knowledge. First, I explore the focus, findings and solutions that are offered up within the literature to address the problem of CSI as it is currently framed. Second, I bridge the divided foci in the literature under the theoretical guidance of Burke, in order to make sense of this broader cultural and academic concern with CSI. I suggest that many social scientists have been drawn into the drama of Faux Science, and have become complicit in the social construction of risk. I explore the broader social context in which concerns over CSI emerge in a culture that widely circulates explanations framed by risk as a way to contribute to the expansion of this literature.

Based on the premise that media have significant social effects (McQuail, 1994:327; Scheufele, 1999:104) behavioural scholars remain anxious about media contaminated jury pools. This body of work tends to focus on examining effects in trial prosecutions. Cultural and communication scholars focus on CSIs broader cultural impact, focusing on the construction of secure knowledge and the theoretical implications of fantasy on a shared understanding about subjectivity.. Concerns over a possible ‘CSI Effect’ are investigated largely by those in legal or behavioural studies who take a causal approach towards mass media and public knowledge. While issues of validity trouble many of these investigations (few attempt to include the potential jurors they presumed to speak about), some investigations have (albeit inadvertently) established that the CSI Effect has been accepted by some legal practitioners as a legitimate explanation for why a case may have resulted in a particular judgment or acquittal.

A Burkean bridge for this divide suggests that both sides are speaking into the concerns of contemporary theorists, such as Beck (1992), who understands our political

climate as one shaped by perceptions of risk and its management. The CSI Effect has provoked a debate that unwittingly advocates a broader context for our understanding of criminal justice and social control - the policy and practice through which they are manifest. I outline the main tenants in both literatures, uncover the convergences that further establish the importance of considering rhetorically motivated human action, and explore the relationship between mass media and the communication of such motives among audiences and scholars alike.

The Aesthetics of Secure Knowing

Generally, this body of work is concerned with the way that *CSI* offers cultural frames for understanding such things as identity (Burton-Harrington, 2007; West, 2007¹¹), the body (Gever, 2005; Tait, 2006; Glynn & Kim, 2009; West, 2009; Turkel, 2009), the victim (Foss, 2006), science as a moral framework of legitimation for police (Cavender & Deutsch, 2007; Hohenstein, 2009) and science as the agency through which 'knowing' is accomplished (Gever, 2005; Mopas, 2007; Cavender & Deutsch, 2007; Panse, 2007; Denys Bonnycastle, 2009; Rajiva, 2009). Cultural theorists, such as Gever (2005), were first on the academic scene to suggest that *CSI* offered something culturally significant, sociologically problematic, and worthy of critical attention. Cultural studies contribute to the literature with two key types of analyses that occasionally intersect: some scholarship provides a critical engagement with the ideological concerns over the cultural implication of *CSI* as a cultural text, while others focus on the aesthetic qualities of the text.

¹¹ Although his research is focused on *CSI: Miami*, his discussion about identity and surveillance is generalized to all *CSI* franchise narratives.

Allen (2007) offers a collection of articles on CSI organized around the themes of narrative, aesthetics and a few general theoretical readings of the series with background content on the popular reception of CSI. Although it is a useful text for background information, the articles primarily centre on the content of the episodes as genre specific. For example, Pearson (2007) and Burton- Harrington (2007) focus on how the structure of characters within the series impacts the overall narrative that is presented. Format and form guide a logic to the narrative, and creates (or limits) explanations. Pearson (2007) discusses the function of the main character Grissom, as a cultural manifestation of particular morals that are 'sensible' to the narration (see also Rajiva, 2009). In teleological terms, she establishes that particular characters are limited and expected to follow particular culturally prescribed story lines. Based on her analysis of 90 episodes, she locates character based variations that prompt particular story lines, an analysis that is akin to Burke's idea of rhetorical order; but, she stops short of explaining the political or cultural context of the character based variations, and why they are important to our broader understandings of science and social control. She does, however, establish that conflict is a central feature in the rhetorical explanations about science and justice within CSI.

Such explanations are tethered to narratives that seek out secure knowledge in response to a new kind of anxiety. In a comparative analysis of Sherlock Holmes and CSI narratives, Burton-Harrington (2007) found that both texts offer similar narratives of security through science, although contemporary narratives respond to less concrete ideals of what is to be feared. Traditional mystery genres present culturally and historically located threats, usually shrouded in race or nationality and fear of the Other.

The political threats offered up on CSI weekly (or daily in the case of syndication) materialize from unknowable sources and attack politically organized social groups or ideas, such as democracy (Burton-Harrington, 2007:378). Prime time criminals are framed as ‘traitors at the gate’ that science can flush out, because all bodies presumably leave evidence of essential identity markers essential to narratives of a fair justice system (Burton-Harrington, 2007:376). The relationship between this explanation of ‘fair justice’ and popular understandings of the individual and to what ends, however, is left untended by the author.

The ways in which individual identity is symbolically secured is the focus particularly of those who delve into the visual implications of CSI. Knowledge about types of people and public security are guaranteed by science through visual communication (Gever, 2005:455; Turnbull, 2007:32; Glynn & Kim, 2009). At the heart of the CSI narrative is Computer Generated Imagery (CGI), which brings the audience on a thrill ride following the trajectory of a bullet as it rips through flesh and bone. CSI bridges the divide between modern science and entertainment: both rely on photography and are deeply embedded in the epistemology that ‘seeing is believing’ (Gever, 2005:450; Dobson, 2009). By framing crime as a visualization of social chaos, the possibility that ‘machine intelligence’ can efficiently and unemotionally interpret evidence ‘truthfully’ is legitimized (Gever, 2005:454). All knowledge is revealed through a scientific lens. The moment a ‘killer’ confesses, in details that would churn most defense lawyers stomachs, consistently follows the revelation of evidence laid bare by scientific interpretation of the crime scene or victim, without considering the problem of

interpretation or the messy business of prisoner rehabilitation or prevention (Gever, 2005:456; Tait, 2006:57, 47).

Foss (2006) argues that science lends a facade of surety unto the problem of ‘crime’ into the narrative by framing interpretations of the victim and victimization. Science reads the body without the static of human subjectivity. In her examination of over 90 episodes of *CSI*, Foss found science consistently explained victimization as a product of physical difference (such as deafness or Dwarfism) and lifestyle choices. Diversions away from mainstream notions of normalcy tend to prove fatal, especially if sexual. Although the author suggests skin colour serves as a justification in one episode, most of the literature supports the finding that, unlike most crime dramas, the victims in *CSI* overwhelmingly tend to be middle or upper class Caucasian individuals (Weissmann, 2006; Dobson, 2009). While her focus does not extend beyond locating typologies of victimization, she effectively contextualizes her work within the literature that supports the potential of cultural texts like this to influence perceptions of victimization (Foss, 2006:24).

Several authors (Burton Harrington, 2007; Nunn & Biressi, 2003; Gever, 2005; Turnbull, 2007:32; Jermyn, 2007; Glynn & Kim, 2009) focus on the ‘spectacle of crime’ and cite *CSI* as an example of the proliferation and consumption of images of crime, justice, social control and subcultures (Ferrell, 1999). Drawing upon Debord’s notion of the spectacle (1983[1967]), postmodernism, cultural studies and critical criminology, spectacle work is concerned with “dramatized presentations” of “political battles of the day” that are an essential product of living within a media culture such as ours (Kellner, 2003: vii). Interconnected ‘media loops’ circulate and reproduce notions about social

control; formal and informal discursive connections are made between media, agents of social control and deviant subcultures (Ferrell, 1999:397). The carnival quality of mediated criminalization guides a disciplinary concern with the corpse left behind at the scene of the crime. A cultural captivation with the corpse is not a new phenomenon, however. The enthrallment of autopsy taps into a cultural fascination of dissection, which marks the Renaissance period as the preeminent ‘culture of dissection’ ¹²(Jermyn, 2007:84; Tait, 2006:49). Nonetheless, many narratives that invoke the dead body as an object of scientific inquiry tend to be visually explicit (Burton Harrington, 2007; Nunn & Biressi, 2003; Gever, 2005; Turnbull, 2007:32; Jermyn, 2007; Glynn & Kim, 2009). The spectacle of death through the autopsy provides the narrative with a way to order the unreasonable. The framework offers a representational regime that permits us to be fascinated by violence while sidestepping the social and cultural contexts in which this violence is possible (Tait, 2006: 59). Gever’s work (2005) informs most of the literature that considers the spectacle quality of CSI. The advent of a “new way of seeing” (Gever, 2005:446) inherent in CSI is a process of interpreting the social bodies as if they were containers of objective knowledge:

The success of the *CSIs* in every episode is premised upon knowledge guaranteed by scientific inscriptions and is itself an inscription of ways of seeing human bodies and the social body, represented by police scientists working to ensure public safety – a healthy social body. And it is also about how bodies, individual and social, are constituted as information, made knowable and validated by scientific instruments and procedures used to produce evidence. (Gever, 2005: 445)

Building upon a Foucauldian foundation, Gever (2005) and Tait (2006) suggest that CSI contributes to the discursive emergence of a body, which is only perceptible through the lens of science. The concern here is with the production of a social body,

¹²

Consider Rembrandt's *The Anatomy Lesson* (1630) as an illustration of this.

structured by knowledge represented by the visual discourse of CSI. Shift in visual culture signals a loss of subjectivity; presentations of those who are criminalized are premised on a privileging of the visual over other relative contextualities of transgression (Tait, 2006:47). The body becomes material evidence, which holds little cultural value outside of the realm of information. When the body is disconnected from its humanity – no longer presented as fallible and emotional – it is framed as a concrete example of a criminal, particularly in cases that get spoken about metaphorically by characters in CSI as games or puzzles (Panse, 2007:155). The spectacle of the corpse legitimizes a reinterpretation of bodies from human beings into data (Gere, 2007; West, 2007): “With CSI, knowledge has a glossy aesthetic, simulation makes up evidence, the invisible assumes visibility, the internal is externalized, and object subjectivity replaces the subject’s psychological perspective” (Panse, 2007:166). The human experience is mystified from the game and boiled down into concrete data through visually explicit representations of crime.

The presumed carnal thrill of venturing through the body, accompanied by vivid audio effects, moves many theorists to place CSI within 'body genres' that focus on 'excesses' of the body (Jermyn, 2007:88; Weissman & Boyle, 2007:91; Lury, 2005:56; Gever, 2005:457; Rajiva, 2009). CSI stands as one illustration of the degree to which television has “become enchanted by the dramatic possibilities of forensic detail” (Jermyn, 2007:79). Likened to having the aesthetic characteristics of pornography (Tait, 2006; Weissmann & Boyle, 2007; Lury, 2005; Jermyn, 2007), CSI provides a semiotic vocabulary that works beyond the image - the body is represented as truth, lying in wait to be read (Gever, 2005:446). The ‘CSI –shot’ dissolves the boundaries of the body,

which suggests a quality of ‘truth telling’ legitimized through the visual authenticity presented within the narratives (Jermyn, 2007; Weissmann & Boyle, 2007).

A valuable contribution of cultural studies literature lies in its account of themes that may be complicit in the proliferation of a presumed CSI Effect. However, studies that privilege the visual without contending with the issue of narration and the historical context in which the text emerges offer necessarily partial explanations (Doyle, 2003:138; Fetveit, 1999:789-790). Such is the case here. The presumed shift in the visual interpretation of the corpse on the small screen is not clearly linked to the larger cultural appeal of CSI. Moreover, this literature establishes that a message exists within the text, but few explore the complex ways through which this message is communicated as a plausible explanation about ‘bad things and good things’.

Detecting the CSI Effect

The bulk of CSI scholarship is concerned with assessing, measuring and debating the possibility of a CSI Effect. Typically, this research approaches the problem through the lens of behaviorism, assuming that human nature is precarious and easily influenced by external forces such as the media (Jewkes, 2004: 5). The behaviouralist literature is transparent about its assumptions of ‘cultivation theory’ and media effects (Podlas, 2006:443). Cultivation theory suggests that people who are heavy consumers of television are predisposed to understanding their social world in relation to what they watch, have little choice in how they are impacted by what they watch; this is believed to be especially true of contemporary television laden culture (Gerbner & Gross, 1976). In this sense, the literature is largely founded on Adorno’s hegemonic thesis with some notable exceptions (see Ghoshray 2006 for a litigious critique of the CSI Effect). The

process of media effects is understood in somewhat simplistic terms of the hypodermic syringe model, whereby mediated values are injected into a passive audience that produces negative reactions in thought and deed (Jewkes, 2004: 10). Furthermore, the CSI Effect literature is generally unreflexive in its assumptions about the audience with whom they are concerned and what audience effects they (usually incorrectly) believe they are measuring, which leads to serious issues related to the validity of the largely inconclusive findings.

Jewkes (2004: 10) presents a typology of anxieties around which media effects research tends to center. First, investigations concerned with moral or religious anxieties tend to explain that deviant behaviour is caused by negative mediated messages. Second, class-based anxieties tend to be concerned with the assumed debasing effects popular media products have on mainstream culture. The third type of media effects research takes up the impact of hegemonic ideologies of the ruling class on society more generally. The CSI Effect literature remains concerned with the transmission of dangerous forensic knowledge and its negative impact on justice administration. Unlike traditional anxieties over cultural debasement, with calls for censorship, contemporary responses imply an individualization of threat. The individual juror, constructed within the literature as a 'typical' citizen with a problematic lack of expertise and a wealth of unrealistic fantasies, stands as an ideological threat to the sanctity of the institution of law. According to Jewke's typology, most of the CSI Effect research fits under the categorization of class based anxieties given the literature's concern about popular culture and its impact on the 'less cultured'. However, I would suggest that this is not class as it is typically conceived of by critical theorists (economically based). Instead, I

suggest that class is reconfigured in the CSI literature by social scientists as those who are intellectually impoverished, wielding a 'dangerous' knowledge of forensics.

Frameworks of risk within CSI also rely on this kind of explanation when dealing with narratives about juries in particular.

While most of the CSI Effect literature is largely uncontextualized, there are some exceptions (Byers & Johnson, 2009 & Cole & Dioso-Villa, 2007). Cole and Dioso-Villa (2007) outline the historical and symbolic importance of juries within the US legal system. Juries serve as a non-expert democratic body that is endowed with the ultimate authority to decide who "can terminate free individuals' life and liberty, and [...] bestow or deny justice to free individuals who have been terribly victimized" (Cole & Dioso-Villa, 2007:434). The jury is a symbolic institution that ritualizes deliberative democracy, majority, as well as 'common sense'. While the information that juries receive is highly regulated by the courts, their role in the deliverance of jurisprudence is a symbolic representation of 'the people'. Therefore, a crisis in the quality of the 'people's knowledge' seems reasonably disquieting if we are concerned with a just system of criminal law. But who is concerned, and what are they concerned about exactly? The CSI Effect literature suggests that when news reports and legal practitioners communicate the CSI Effect, they are primarily concerned with three social outcomes from the prevalence of the CSI enterprise (Podlas, 2006): The Prosecutor Effect; The Defendant Effect; The Lay Knowledge Effect.

The Prosecutors Effect implies that forensic crime dramas such as CSI have created unreasonable expectations upon the state or prosecution to have forensic evidence at trial (Cole & Dioso-Villa, 2007:447). The underlying fear of this 'effect' is that CSI

has made it more difficult for prosecutors to do their jobs. More concerning though is the believe that this will translate into an increase in ‘criminals’ being wrongly acquitted without forensic evidence (Podlas, 2006: p. 436; Tyler, 2006: 1050; Shelton, Kim & Barak, 2006: 333; Schweitzer & Saks, 2007: 1). These claims tend to be fueled by anecdotal evidence, after trial comments by authorities, and news speculation on trials such as the Robert Blake acquittal in 2005 (Tyler, 2006: 1053; Cole & Dioso-Villa, 2007:435; Mopas, 2007:111). If this Effect was the case, however, we might expect to see a decrease in conviction rates in North America, a trend that currently is not evident. In fact, in the US, where there appears to be a bigger concern for the CSI Effect¹³, conviction rates have increased 20% from 1994 to 2004, despite an overall decrease in violent crime rates since the 1990s (U.S. Department of Justice, 2006). Further, we might also expect to see an increase in the rate of acquittals. Drawing once more from US statistics, federal acquittal data has remained stable, with a decrease in acquittal rates in 2005, which is when the concerns for a CSI Effect reached its peak in mainstream news coverage (Cole & Dioso-Villa, 2007:461). There has yet to be empirical evidence which would support this Effect exists outside the literature and popular media.

The literature that attempts to capture the Prosecutor Effect has relied largely on the use of surveys and jury simulations. Shelton, Kim & Barak, who completed the “first empirical study of juror expectations and demands concerning scientific evidence” (2006:367), surveyed 1027 persons who had been summoned for jury duty before they had been selected to sit on a case. While the study confirmed “anecdotal claims that jurors now expect the prosecution to present some scientific evidence,” there was no

¹³ Assuming that we can take the focus of the literature to concern itself with American justice policies as partial, but imperfect, evidence of this.

difference in the expectations of forensic evidence from jurors related to their viewing habits of CSI (Shelton, Kim & Barak, 2006: 362).

Podlas' (2006) key work is referenced throughout the CSI Effect literature. In attempting to assess how people would respond in a jury situation, several scenarios were administered to law students, who were asked to indicate their television preferences, and their thoughts on 'guilt' given the evidence provided by the prosecution in each case. Podlas found that, although a pro-prosecutor effect was "hinted at" (461), a CSI Effect did not exist in relation to jury performance. Podlas (2006) suggests that CSI Effect thesis assumes too much about those who watch CSI and their presumed behaviour on juries. While people may be more interested in forensic science, the effects on actual jurists is less clear (2006: 452). Further, based on searches of law cases and news report databases, the CSI Effect appears to be largely a concern of the mass media, and not an effect in the criminal justice system that media fears (Podlas, 2006: 462 – 465). The current literature has not produced evidence to support the claim that wrongful acquittals and decreases in convictions of violent offenders can be linked to the CSI Effect (Podlas, 2006:465; Tyler, 2006: 1050). Shelton, Kim and Barak (2006) concur, suggesting that technical and popular cultural discourses are implicated in their findings that while there may be increasing demands for scientific evidence in the courtroom, there is "no indication of a link between those inclinations and watching particular television shows" (333).

In their examination of media constructions of the CSI Effect within mainstream US newspapers, Cole & Dioso-Vila found that initial fears could be characterized as the Prosecutor Effect and were expressed in news reports by prosecutors who began to question prospective jurors about their consumption of CSI shortly after the Robert Blake

trial(2007:541-2). The core concern here is the issue of elevating the threshold of circumstantial evidence, or ‘skewing’ the burden of proof (Cole & Dioso-Vila, 2007: 442; Ghoshray, 2007:541) by legally discounting the value of direct human witnesses (Panse, 2007:159). Ghoshray humanizes the individual juror in his response to this critique, citing that a juror typically wants as much information as possible when deciding upon someone’s guilt or innocence; therefore, if forensic evidence is accepted by the courts as valid, then juries have the right to ask for it *in addition to* circumstantial evidence. Therefore, the assumption that a degradation of circumstantial evidence is directly (and negatively) correlated with requests for corroborating forensic evidence is a problematic leap in logic (Ghoshray, 2007:541-3).

The Defendants Effect concerns the proliferation of a sense of infallibility around science, which ignores problems endemic within forensic analysis (Hughes & Magers, 2007:260). In opposition to the Prosecutor Effect, the overriding concern here is that CSI bolsters the legal claims of prosecutors who bring forensic evidence into trial. Further, the presumed increasing acceptance and expectation of forensic science in the courtroom enhances the credibility of forensic scientists, and consequently trials that contain forensic evidence will be biased towards conviction (Podlas, 2006: 436; Tyler, 2006: 1050; Shelton, Kim & Barak, 2006: 333; Schweitzer & Saks, 2007: 1; Jermyn, 2007: 82; Weissmann & Boyle, 2007: 94). This concern is founded on the idea that shows such as CSI exaggerate presentations of crime and law which has negative consequences on society in the form of deviance amplification and increased support for formal social control (Barak, 1994; Ferrell & Saunders, 1995; Surette, 1998, 2007). The deviance amplification literature presupposes that media pose negative impacts on audience

beliefs, values, or practices (Reiner, 2002: 378). Shows such as CSI conceal the ‘reality’ that forensics has been implicated in serious problems within the justice system, such as causing wrongful convictions; it is not ‘really science’ at all (Ghoshray, 2007; Difonzo & Stern, 2007; Cooley, 2007; Ungvarsky, 2007). Many critics within the criminal justice system charge CSI with making forensics and science in crime fighting look “quick, easy, and without budgetary constraints” (Mopas, 2007:110). Given that none of the critics who enter the effects debate analyze the content of CSI systematically (see Stephens, 2007; Nolan, 2007; Cooley, 2007) this statement remains problematic. My analysis demonstrates that explanations about forensic science are not presented as ‘easily’ as some critics claim. Instead, I suspect that a concern with the Prosecutor Effect may be related to managing a crisis in the legitimacy of the courts more so than the potential harm from a forensic crime drama.

The Lay Knowledge Effect presupposes that highly technical findings have been made more accessible to a large segment of the population in North America. The outcome of this effect is an overall higher public interest in processes of evidence, jury duty, and interest in careers within criminology and forensics (VanLaerhoven & Derksen, 2009). This argument suggests that the popular response to CSI is similar to the influx of students applying to Law School after the success of the legal dramas *L.A. Law* and *Law and Order* in the 1980s (Podlas, 2006:442; Schweitzer & Saks, 2007: 2). Surprisingly, this assumed Effect has been given little critical or empirical attention. All conclusions made in the literature upon the Lay Knowledge effect remain speculative.

The Lay Knowledge Effect breaks down into three separate sub-effects: producer; professor; police chief (Cole & Dioso-Villa 2007: 451-2). The producer effect suggests

that jurists are more educated about forensic science because of CSI, and therefore are more educated in assessing evidence. Ghoshray (2007: 559) suggests this exposure (to both the glory and problems of forensics) empowers jurors to seek out more evidence in an effort to avoid participating in a wrongful conviction. Professor effects mark the surge in interest in forensic science among students. Within this version resides what the author calls a 'reverse CSI Effect': an assumption that many students, despondent over the degree of science they are required to ingest and the overall unglamorous reality of the discipline, drop out of forensic programs. Police chief effects indicate that CSI has contributed to the emergence of a more forensically sophisticated criminal who, hypothetically speaking, knows to clean up after his or herself when planning a murder - an argument founded on the problematic classical assumption about 'criminal behaviour' as rationally calculated.

Cole & Dioso-Villago dismiss the significance of the Lay Knowledge Effect as harmless. Stephens (2007) and Cooley (2007) dispute this dismissal passionately, blaming the popularity of forensics for a general malaise within the forensic industry, suggesting a criminogenic pressure may be blamed on such an Effect. Both legal critics note that the American forensic industry is currently struggling with managing unaccredited labs, uncertified technicians ignorant of the scientific method, and an overall 'dumbing down' of the discipline as forensic education becomes a lucrative business for educational institutions.

Methodological Concerns within CSI Effect Research

The difficulty in capturing media effects empirically characterizes most of the CSI Effect research project. Any investigation of the relationship between a particular

show or genre of television on the behaviours of individuals presumes an order that mediated accounts (typically categorized as independent variables) precede the negative effects in time on a viewer (typically categorized as the dependant variable), which is the basic criteria for causality (Babbie & Benaquisto, 2002: 65; Neumann, 2009: 53).

However, these categories and temporalities are difficult (if not, impossible) to establish when we are talking about the proliferation and complexity of mediated messages that are taken up and put forth by those who produce and consume messages circulated within a media saturated culture such as North America. Surette (1998; 2007) suggests that it is more helpful to think of media as a part of a looping effect, whereby the public receives information from media, which contour information the media distribute, and the cycle repeats.

The second methodological issue arises surrounding the relationship between ontological choices and claims of validity. Most of the articles make claims about the media effects based on unrepresentative samples. For example, Harvey & Derksen 2009 attempt to establish the implausibility of a CSI Effect by examining the representations of the Effect in “Googled” Internet news stories from diverse news agencies and online magazines. Other articles privileged respondents that were not valid measures of the concepts of which they make claims. The law students who were polled in Podlas (2006) would probably never be permitted to sit on a jury because of their education in law. A smaller project that polled only 48 students found that those who watch CSI are more likely to privilege evidence supported by science, rather than evidence provided by a witness (Schweitzer & Saks, 2007: 7), nevertheless the small sample of possibly upper-class young adults leads one to be cautious about these findings. Certainly one might

argue that those who are enrolled in legal studies might be predisposed to particular understandings about evidence as well as the higher normative value assigned to ‘expert’ (scientific) knowledge claims over ‘lay’ experiential claims (eye-witness). Further, the researchers in this case did not consider interaction effects, which are the changes induced by more than one variable on a dependent variable that produces an effect beyond each variable independently (Neumann, 2009: 189). Given the sample population chosen to investigate this Effect, this is a highly problematic oversight.

All behavioural research on the CSI Effect focuses either on the opinions of stakeholders within the criminal justice system (Robbers, 2008; Podlas, 2006: p. 436; Tyler, 2006: 1050; Shelton, Kim & Barak, 2006: 333; Schweitzer & Saks, 2007: 1), or is written from the perspective of those employed within the criminal justice system (Stephens, 2007; Cooley, 2007; Ghoshray, 2007; Ungvarsky, 2007; Difonzo & Stern, 2007¹⁴). While this does not devalue these contributions, it does produce a literature that mystifies other elements of the CSI social phenomenon. Burke would encourage us to ask how else action, or research, could have been ordered in this body of work. Why not ask people who have been convicted (or cleared) at trial if they felt forensic evidence were influential in their legal fate? By privileging the voice of ‘experts’ as able to read the situation more accurately than those who are ‘common’ - whether intentional or not - the CSI Effect literature reveals itself as complicit in authorizing the voices of those who provide a particular kind of evidence. As such, this work does not challenge the relevance of this particular line of inquiry, nor the problem of CSI as it is presently conceived of in the literature.

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Stern is an attorney, while DiFonzo is a professor of law

Robbers (2008) makes an injudicious attempt at blending quantitative promises of representativeness with unrepresentative surveys to establish the existence of the CSI Effect. She randomly selected practitioners within the US criminal justice system, including judges, prosecutors and criminal defense lawyers. The survey of open-ended questions focused on collecting stakeholders opinions of CSI's influence on cases they worked on (Robbers, 2008:89). She attempts to argue that CSI did influence jury trials negatively by complicating the way that the criminal justice functioned in the courtroom: "In the current study, we asked trial counsel and judges to discuss the effects of forensic television shows on criminal trials based on their experiences of criminal trials" (Robbers, 2008:99). I am not interested in discounting the value of personal accounts of experiences, a valuable contribution of feminist qualitative research. However, I do take issue with Robbers' claims about the impact of CSI on the justice system. The only limitation commented on by the researcher was the problem of retroactive recall (2008:100), something that could have been overcome by asking others involved with the same trials about their views. The inquiry fails to consider other factors between cases (such as race, class, gender and type of crime) in order to assess whether convictions (or acquittals) were based on the quality of forensic arguments, or other social factors. Robbers is not measuring the CSI Effect, she is measuring the opinion of some criminal justice practitioners on the plausibility of the CSI Effect: a worthy investigation, but not the one she states she has accomplished. There is value here, though. Robbers' work captures the successful adoption of the CSI Effect as a legitimate explanation for human action within the institution of law. The explanatory frame that CSI poses a threat to the criminal justice system has clearly been taken up by stakeholders within the justice

system. Robbers unwittingly uncovers a logic that underlies the CSI Effect literature: The CSI Effect is a problem of ‘common knowledge’ and a question of who can responsibly know about forensic science. The CSI Effect literature attempts to offer solutions to what is perceived as a social crisis; these solutions reveal what Burke would call the logic of order in social life.

The Crisis of CSI-saturated Jurors and ‘Logical’ Solutions

This section explores the proposed solutions which make sense only when legitimized by an empirical search for a perceived degradation of public knowledge. To be clear, I am not calling for more research into finding a cure for the CSI Effect. Instead, I suggest that by critically examining the solutions proposed in the literature, some institutionally supported assumptions about crime and media is revealed. Furthermore, these responses that speak to the larger anxieties that underlie concerns about CSI. Two responses proposed by those who assume the CSI Effect is a legitimate concern include jury rehabilitation and increased funding for crime labs.

Jury Rehabilitation

The CSI Effect is investigated as a problem of ‘common sense’ debasement, where popular culture is a tool of miseducation. Robbers (2008) title claims jurors are in fact ‘blinded by science’. As with arguments in support of eugenics, when a social problem is understood in terms of degeneration, the ‘logical’ response is to segregate or eradicate those who are afflicted (Jackson, 1991:178). Invoking metaphors of physical impairment and compulsion, news media coverage of the CSI Effect similarly describes potentially problematic jurists as CSI ‘junkies’ with a crime drama addiction. Framing the problem this way links the problem of jury contamination with other established moral problems (Cole & Dioso-Villa, 2007:466). If the problem is degeneration, then the

logical responses appear to be: treat those who are addicted to CSI through education or weed those would-be jurors out of the pool.

[...]the introduction of a compulsory, nonpartisan briefing for jurors in criminal trials that provides an accurate depiction of criminal trials and criminal investigation procedure. This could also be done with citizen's police academies, which in turn could help educate the public about actual criminal investigative techniques, or could be done with an educational video shown to all potential jurors. (Robbers, 2008: 100)

Robbers is not alone in suggesting jury training be introduced within the criminal justice system, despite being a contradiction of the definition of a juror (a non-expert).

Hughes & Magers (2007) suggest that some members of the criminal justice system have begun to consider the CSI Effect potential when selecting members of juries. Stephens extols the virtues of the Albuquerque Police Department's 'Citizen Academy', a program designed in direct response to the assumed CSI Effect, aimed at "educating potential jurors" (2007:605) by countering the dramatic representations of forensics in shows such as CSI.

I wonder how these concerns about media effects on the administration of law are new. Concern for the relationship between mass media and juries in particular is a well established area of social science research. Before CSI would take the prime time world of crime dramas by storm, Greene (1990) argued that media representations of the justice system may influence jurors' expectations and decisions. The case study involved the murder of a family by the father. Concerns about potential jury bias related to the airing of the televised crime drama *Fatal Vision* lead to the sequestering of the jury. Others have been similarly concerned with the impact mass media have on processes of law (See Hans 1990 for a review of the literature surrounding pre-CSI concerns) and more specifically the impact mass media have on juries (Kramer, Kerr & Carroll, 1990).

Concerned with the inability of the justice system to criminalize people ‘objectively’, responses are sought by researchers in techniques of social control that embrace individualization and the proliferation of expertise. And if we cannot educate or segregate them, then we must create a forensic empire that meets the imagined possibilities of forensic fantasies held by potential jurors. The empirically unsubstantiated fear of juror contamination is responded to as if potential jurors create criminogenic pressures upon the justice system to reproduce the promises of Faux Science ‘as seen on TV.’ So, the idea goes: If we can’t beat ‘em, lets buy some new (forensic) stuff!

Fostering a Forensic Evolution

The second response to counter the assumed negative effects of CSI on the administration of justice is related to the Defendants Effect and the presumed belief in the infallibility of forensic science. DiFonzo & Stern assert that the most significant problem arising from any CSI Effect is “the misleading presentation of forensic evidence in the guise of scientific truth” (2007: 507). The problematic ‘reality’ of forensics is exposed in this debate, as the literature addresses what to do as potential jurists come to discover what they have been told is forensics on TV looks nothing like the pseudo science that dominates the evidentiary realm of the criminal justice system (VanLaerhoven & Anderson, 2009). Essentially, this literature tackles the issue of managing misinformation in order to avoid a crisis in the legitimacy of law and to promote the advancement of forensics as a rigorous discipline.

Some critics of the CSI Effect establish the reality of forensics as a discipline rife with problems. First, it is a discipline that has grown up tethered to criminal prosecution and has not been “burdened with adhering to scientific norms” (DiFonzo & Stern,

2007:507) of achieving documented levels of validity and reliability with the goals of testing for falsifiable hypotheses. Forensic justice has been characterized by high error rates for particular forensic techniques. Indeed, the rigors associated with DNA testing and analysis gets artificially bestowed - legitimized as science - upon forensic analysis such as ballistics, fingerprinting and bite-mark and voice recognition type analysis which basically rely on 'eyeballing' comparison (DiFonzo & Stern, 2007:524; Colley, 2007: 482-785; Ghoshray, 2007: 549; Ungvarsky, 2007:614-615).

The crisis in forensics is ironically attributed back to ignorant jurors. Building his argument on a hypothetical situation, Cooley suggests that "the entertainment media distorted representation of forensic science has placed forensic science's credibility in serious jeopardy" (2007: 493). An assumed 'irrational' faith in CSI motivates claims that false witness may induce criminogenic pressures on forensic examiners to fabricate physical evidence, or exaggerate the significance of their conclusions. While these overt claims are only made by a few authors, the idea that that misinformation in the imagination of potential jurors has lead to an unhealthy demand to include such evidence in all trials is heard throughout the literature. So the logic goes, a criminogenic pressure is created within a system that is ultimately not adequately funded (Stephens, 2007:599). This solution demonstrates the assumption that popular media is a cause (or possible cure, as demonstrated in broadcasts such as Crime Stoppers or America's Most Wanted) for deviance (Surette, 1998; 2007). The suggested response is increased funding and a call to arms: "Everyone can help resolve this problem by joining the Crime Lab Project.

Those interested in encouraging the legislature to distribute the promised Coverdell funds¹⁵ can join the Projects at...” (Stephens, 2007:591).

CSI Effect critics Ungvarsky (2007) and Ghoshray (2007) dispute such claims as exaggerated and biased towards prosecution, which has access to substantially more resources at trials than defendants. Ghoshray points out that there appears to be a movement towards blaming juries for ‘expecting too much’, when perhaps it is actually the criminal justice system that has over-extended the usefulness and promises of forensic evidence within the court; this trend, he adds, predates the emergence of forensic crime dramas (2007:555). Although not explicit, this argument suggests that the CSI crisis is a crisis of the legitimacy of justice administration, where potentially undermining critiques of the justice system are mystified in terms of an ‘inflicted’ individual; consequently, increased consumption of expensive forensic science services, social control and surveillance is published in peer reviewed articles as reasonable responses.

Stepping out of the Drama of Faux Science

The literature on the cultural implication of CSI has become part of the drama of science; it has, at least in part, given authority to the construction of Faux Science, which informs the logic of particular responses to anxieties about CSI. To find a way out of this drama, I suggest that Burke’s scholarship on human communication is useful. By providing an overview of the academic literature thus far, I demonstrate that both sides are missing the cultural and political context in which the problem of CSI emerges. By considering how Faux Science is implicated in the social construction of risk within the

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This is the bill which received personal endorsement in the US Senate from CSI lead actor William Peterson

American criminal justice industry¹⁶, it is my hope that we can start thinking more critically about what motives are drawn upon to legitimize the adoption of more social control and expertise within the jury system in particular, and in criminal law more generally. It is through such critical reflections on rhetoric, that Burke (1969) suggests change to institutional structures, such as law, is possible (Edgar, 2006).

Social structures and control are mystified by cultural frameworks of consumption, risk, and science such that responsiblized citizens are framed as unaccountable for what is perceived as Others' self-harm, such as ignorance caused by an addiction to CSI. Burke (1969) would recognize this as a process of Scapegoating, which permits us as social actors to be comfortable with particular social orders; scapegoating creates the conditions under which a particular group or individual is held responsible for our own failures or moral offenses (Overington, 2001; Burke, 1969). Scapegoating allows us to be comfortable with labeling particular groups as deviant (or risky), thus remaining uncritical of our own personal and professional investment in a justice system which many critics persuasively assert is an industry that thrives on the mass incarceration and human misery of marginalized populations (Herivel & Wright, 2007; Herivel, 2002; Dyer, 2000; Wacquant, 2002). In this case, potential jurors duped by forensic fantasies are framed within popular and academic debates as a threat to the security of the criminal justice system. The problem is explained in a way that diverts attention away from the problems of a criminal justice system complicit in overextending the promises of science to keep us all safe at the expense of marginalized populations that fill prisons.

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I discuss the CSI Effect in terms of an American, not a North American, phenomena. This is because the CSI Effect seems to be a relative non-issue in the Canadian Justice System. I suspect this owes in part to systematic differences between the U.S. and Canada in terms of how structures of forensics (private versus public services), legal process, jurisdictional controls, culture, and mass media function. This stands as more evidence that the historical and political context of this issue requires further critical consideration.

The dramatization of science in popular discourse is a persuasive narrative. Faux science is successful as a framework because it is founded upon and maintains dominant political orders of risk and consumption. By using this Burkean inspired concept, I demonstrate how we can bracket the CSI Effect so that we are not drawn into the drama, tempted though we may be to simplify the complexities of living in a mediated world. It pushes us to be more critical of the assumption that large social institutions of official social control are at risk of being compromised by individuals who consume a particular genre of entertainment. Limiting one's research to examining the CSI Effect or the aesthetic qualities of CSI without considering the complex communication of ideologies of crime and social control in our everyday lives is problematic. Once we step back from the dramatization of science, we can see how social constructions of risk circulate through popular culture as well as expert discourses in the processes of legitimizing the creation of juror rehabilitation programs.

The literature on CSI cloaks anxieties about a loss of faith in systems of expertise by discrediting the public as tragically misinformed by forensic fantasies, or holding CSI accountable for securing such spectacular fantasies. The outcome of narratives shaped by risk is the reproduction of conflicting messages that claim "science with too much imagination is false science; it also reaffirms scientists as experts who are beyond the public's ability to assess them" (Hamilton, 2003, p.274). Discourses about potential jurors who are dangerously misinformed by CSI coincide with calls for increasing the power of experts to influence jurors. Certainly, this literature echoes the rhetorical tension that unfolds within the CSI narrative between knowledge and those in whose hands knowledge is 'safe'.

The possibility of a CSI Effect suggests a loss of faith in the criminal justice system, a core feature of risk whereby the state no longer promises to protect its citizens. Discourses circulate explanation that support the idea that we are all responsible for the security of nations, the protection of ideologies such as democracy, as well as our own personal security. The rhetorical process of individualization is essential to the social construction of risk (Beck & Beck-Gernsheim, 2002). Although anxiety surrounds a loss of effectiveness in the criminal justice system to secure convictions, the CSI Effect discourse presents the individual juror as the primary threat to larger social institutions of law and, ironically, democracy. Subsequently, the commodification of risk, manifest in the forensic science industry, informs attempts to manage or neutralize the effect of CSI on individual jurors.

Although the focus of social control seems to be the same as it ever was, upon the vulgar classes and the decline of *kultur*, anxieties about the integrity of jury pools and the ideology of democracy are mystified through popular media as a ‘new’ crisis. The Agatha Christie excerpt at the beginning of the chapter represents a cultural relationship between ‘evidence’ and jurors that differs significantly over 75 years later: Poirot reassures a jury of one’s innocence with eye witness accounts that belie trace evidence. Contemporary jurors are framed in the CSI Effect literature as individuals who have been dangerously misinformed that dramatizations of trace as truth. Cultural theorists demonstrate the pattern of images that might lead to this misinformation.

Pressure to inject ‘expertise’ into a symbolic representation of the democratic public body demands more critical attention. Permitting policy to reconstruct such systems is an assault on the traditional ideals the juror system seeks to uphold in an

impossible effort to secure popular knowledge. I am not suggesting that the current justice system functions 'just fine'; however, in thinking about the tensions over what is considered legitimate knowledge, we have to be careful not to be pulled into the dramatization of science. It is important to be critical of the CSI Effect and the aesthetic qualities of CSI as a problem or tool of mass mis-education while considering the historical and political context in which the cultural text is legitimated. I suggest that this anxiety might better be understood in terms of the social construction of risk.

Chapter 4: The Pentad and the Method of Dramatism - Analyzing Vocabularies of Motives

Man is the symbol-using (symbol making, symbol mis-using) animal, inventor of the negative (or moralized by the negative), separated from his natural condition by instrument of his own making, goaded by the spirit of hierarchy (or moved by the sense of order), and rotten with perfection. (Burke, 1966:16)

The value of using cultural texts in qualitative research is established throughout the social scientific literature (Noaks & Wincup, 2006; Wodak and Meyer, 2004; White & Schwoch, 2006; Berg, 2008; Denzin, 1991; Gubrium & Holstein, 1997; Brummett, 2006; Berger, 2005; Nagy Hesse-Biber & Leavy, 2004). Regardless of theoretical leanings, many researchers share a sociological interest in investigating cultural texts as meaningful documents about the social. Documents can provide information about a specific issue, but also provide the means of exploring those who produce the texts (Noaks & Wincup, 2006:107). Burke suggests that both resources are made available through the use of Dramatism. The purpose of this research is to draw from cultural texts to make theoretical generalizations (Massey, 2004:196) about the communication of social control through mass media and to provide explanations about social action interpreted from a systematic and rigorous approach to sampling and analysis.

The object of inquiry for a Dramatistic investigation is motives. Burke's dialectical approach is a three step guide to motivational analysis which directs the

cultural critic to: identify explanatory frameworks; construct ironic terminologies weighted in opposition to the vocabulary of motives; offer alternative readings to give a fuller explanation of human action than what is presently offered in the cultural text under analysis (Overington, 1977:139). A Burkean analysis attempts to access the substance or connotational attributes of cultural texts. We can find out something about how ideas are ordered around a particular problem, but also how this order is achieved, the culture and institutions that cooperate in the construction of a logic that appears in a produced cultural artifact.

The epistemological foundation of Dramatism assumes that cultural texts contain the stuff of symbolic realities (Guba & Lincoln, 2004:17-38). The methodological framework that guides my inquiry is ontologically appropriate as I accept that language represents symbolic realities systematically. In other words, if I assume that the symbols humans create are implicated in the social construction of reality, then it makes sense to look at the documents people create as evidence of these meanings and social orders. The focus of a dramatist inquiry are the accounts produced within a Situation that make sense of, or rejects, human action and social ordering (Zollschan & Overington, 1976:278). Because rhetoric and language work beyond merely labeling things, we can study how human actions and items are constructed within regimes of meaning. Human beings categorize people, actions and items into degrees of right or wrong, legal or illegal, good or bad. When we name something as good, we also imply those things which are not good. People create the negative through rhetoric in order to stabilize social ordering and identity. I draw from cultural texts such as CSI in my investigation of how social ordering

is explained more generally and to grasp the processes of identifications wherein this order is stabilized, if only until the next crisis comes along.

In keeping with Burke's epistemological stance, my methodological approach embraces what Mason (2006:8) describes as a moral practice of sociological inquiry. I am working towards the development of a theory of knowledge that is sensitive to the political context in which the discourse is produced. Burke assumes social life is marked by conflict and contradictory processes of interest-oriented action (Overington, 1993:96). Working from this assumption, it makes sense for a social critic to use a methodology that draws upon a dialectical epistemology that traces interests and orientations, which may be possible in a statement. We can consider what other possible explanations might exist for a particular Act, then reflect upon why such explanations are mystified or absent in favour of others in a given Situation.

In comparison to what is traditionally used in crime and media research, I argue that Dramatism provides a more nuanced approach to understanding the communication of social control. Methodological approaches to crime and media tend to focus on either content or audience (Reiner, 2002; Doyle, 2006). Research programs concerned with cultural content tend to fall into categories of interpretive and positivistic approaches: cultural studies investigations rely on diffuse techniques of interpretation, whereas positivistic social scientists tend to draw on content analysis either as a complete research strategy or an organizational tool (Berg, 2007:304). Research concerned with audiences generally attempt to measure effects of media on viewers through the use of experiments and interviews (Neumann, 2009:178). Few research projects attempt to connect the communication of popular messages about social transgression to institutional discourses

(Doyle, 2006). In the first section of this chapter I outline some of the methodological limitations of present crime and media research, and suggest that Dramatism overcomes these barriers in at least three ways. The second section of the chapter discusses these three strengths while I describe how the method of Dramatism works. The third section outlines my data frame and explains how I chose the final text – my data - for analysis.

Crime and Media Methodologies: Analyzing Content and Effects

Typically, content analysis converts large amounts of text or images into “precise, quantitative data” (Neumann, 2009:209). Indeed, research that follows in this vein tends to problematically focus on the accounts offered up cultural texts without considering the context in which the story emerges. However, not all research into crime in media is done with a strict adherence to counting. The issue of context, however, is particularly relevant to understanding patterns of meaning. In the review of CSI literature, I demonstrate that while there were many interesting observations made about the way in which knowledge and identity are presented in CSI, few researchers make connections outside the text to recent changes in forensics, consumption, security and risk. Fewer still consider the tensions that exist in the rhetorical notions of identity and knowledge represented within the crime drama. If we are to assume that a cultural text is meaningful in terms of the signs which are contained in its narrative, then the webs of significance in which these signs are embedded are important to consider (Schirato & Webb, 2004:9).

At the heart of many crime and media investigations is the assumption that particular terms or images possess inherent qualities that render them harmful. Similar arguments are made in empirical treatments of televised ‘violence’ (Doyle, 2006:870). The inherent flaw of many traditional content analyses such as these is that in gathering

and organizing large amounts of data, which it claims as its strength, “it must decontextualize the analysis of content that is inherently contextual” (Cooper, 2008:10). Therefore, claims of objective coding categories, which are of course created by the researcher, are problematic for claims of objectivity. Without demonstrating empirical evidence about cause and effect, these groupings ideologically presuppose “some theory about likely consequences” on audiences (Reiner, 2002:378). The problem here is not that categories are not objective, but that some researchers tend not to be reflexive about the myth of objectivity surrounding the construction of these groupings.

Disconnected interpretations of images or words miss the possibility that such images may be ironic communications about violence or crime produced for a particular audience. For example, CSI incorporates fairly sophisticated irony and humour in the communication of Faux Science, which demonstrates the complexity of the narrative that would be lost on a researcher who assumes terms have single concrete meanings. Just as in the case of Cop Killer, different audiences may interpret the same text differently. This point is further supported by Reiner who notes the different ways police and the public audiences interpreted the Rodney King beating video tapes (2002:379).

Many content analyses are also concerned with noting that news accounts misrepresent crime. Indeed, there is no shortage of research that supports the premise that “the news media are saturated with accounts of crime and control” (Doyle, 2006:868). Much of the research is focused on the task of ‘debunking’ mainstream claims, a process that problematically reproduces a distinction between fact and fiction (Reiner, 2002:379). Given the emergence of reality TV shows such as COPS, this is a distinction that has become more tenuous particularly in the relationship between systems of criminal justice

and media (Tunnell, 1998; Ferrell, 1998). The search for the rationality or appropriateness of audience responses to crime and its coverage in mass media reproduces the dichotomy between expert and lay knowledge (Lupton and Tulloch, 1999). Hence, hermeneutic perspectives such as Burke's Dramatism are better suited to shifting empirical focus away from individualist and rationalist models, and towards more critical contextual analysis of micro and macro dynamic constructions of crime and social control (Lupton and Tulloch, 1999:507).

Cause and effect type behavioural research, which is informed by a positivistic epistemology, makes up another large portion of crime and media research. My literature review demonstrates that a large portion of the research on CSI thus far has dedicated its attention to the difficult task of empirically capturing some negative impact that an exposure to CSI might have on potential jurors. The problem remains, however, in establishing cause and effect when one cannot establish that a cause precedes the effect, or eliminate all other variables in an attempt to establish that media is a lone actor (Neumann, 2009: 254-257). Further, this argument reduces a complex process of meaning circulation down to one variable (media) acting upon an assumed homogenous audience in a similarly (usually negative) way. These problems that have lead, at least in part, to largely inconclusive results (Doyle, 2006:870). As suggested in the early research of Schramm, Lyle & Parker (1961), behavioural research seems to continue to reproduce research that claims in some instances, for some people, some kinds of media inspire some kinds of social action.

The divided foci in crime and media research is worthy of critical exploration. Doyle suggests that crime and media research expand its horizons by considering how we

can perform research that captures how narratives unfold alongside institutional and policy changes, and the role that crime narratives play in every day interactions (2006:875). My research gets to at least one component of this problem, by addressing the Aristotelian conceptualization of audience. Further, my literature review demonstrates that there are institutional reactions to explanations attributed by stakeholders to CSI. My analysis will demonstrate how CSI is one popular narrative that tenders some of these motivations before they are communicated in institutional texts such as newspapers and social science research. However, I recognize that there are other levels of analysis beyond the scope of my current research. Certainly the Pentad could be used to interrogate opinion columns, letters to the editor, fan web pages, discussion boards and personal blogs dedicated to forensic crime fighting over this same time period in order to access these other levels.

Given the limitations of traditional crime and media investigations, I propose that contemporary media theorists reconsider the value of Burke's versatile methodology on three grounds. First, Dramatism offers us a way of choosing cases that avoids the pitfalls of excluding data which may undermine one's thesis. Guided by a kind of logic of inductive reasoning, not to be confused with grounded theory, the representative anecdote provides us with such data selection criteria. Second, the non-ideological framework of the Pentad guides the interrogation of data with a strong level of consistency. Third, there is nothing in the Dramatistic method that restricts the researcher to analyzing word-based texts such as books or newspapers. It also can be used to consider museum installations or plays as cultural texts, as well as allowing us to consider other rhetorical techniques that work through other communicative resources such as texture, sound and visual.

CSI as a Burkean Representative Anecdote

In quantitative studies, there is an expectation that strict method and sampling techniques bear in a probabilistic manner on the promises of representation (Neumann, 2009: 88). This concern is also evident in some qualitative approaches that adopt content analysis as a complete research strategy as opposed to an analytic tool (Berg, 2007:329). Burke suggests that such mechanistic metaphors about parameters of data are inappropriate when using them to interpret the acts of agents. Burke's answer to representative sampling is the representative anecdote. Representative anecdotes are narratives chosen precisely because they include the issue of intension. Because documents are produced more formally, there are decisions made about the messages which are presented and the popularity of these texts suggest a kind of acceptance of the moral order that is presented. Instead of focusing on word counts, for example, representative anecdotes illuminate narrative arcs that exist more generally in a culture. Representative anecdotes are metaphors that illustrate key elements of narratives that re-appear with some consistency (Madsen, 1993:226; Foster, 2004:109).

To identify a representative anecdote as immanent within a number of media discourses is to sum up the eminence of a culture's values, concerns, and interests in regard to some real-life issues or problems. (Brummett, 1984:164)

A strong representative anecdote illustrates a popular narrative that is culturally prolific. It is a drama that we can see play out in crime dramas, in parliamentary debates, news accounts, and overhead in conversations at the local coffee shop. The anecdote is a tool used by the critic to uncover cultural narrative patterns; it should represent, rather than reduce, symbolic resources that are made available to audiences. It is a metaphor that reveals the vocabulary of motives, which informs how the order of 'this or that' is

constructed. We can locate logical frameworks and the constellations of terms about human action that appears consistently regardless of genre or media within these cases. Further, these texts afford us a metaphor which incorporates the actor (Overington, 2007). Given the cultural proliferation of CSI, with its popularity and controversy, it is a strong representative anecdote that features salient dramatizations of science and order.

The criteria for choosing representative anecdotes are founded on the premise that the example must contain a culturally popular narrative that offers explanations about particular phenomena. "It must have scope. Yet it must also possess simplicity, in that it is broadly a reduction of the subject matter" (Burke, 1969: 60). We are not looking for an unusual case that exemplifies a theoretical argument; instead, we are searching for a case that represents a recurring narrative arc that can be found in other genres, other communicative acts. The representative anecdote may belong to a particular genre, but its drama knows no such boundaries. As I have established in the previous chapters, CSI works beyond the crime drama genre. The drama of forensics is heard in the marketing of university and college programs and texts, the staging of museum installations and the sale of lottery tickets. While the ways in which CSI is invoked vary, Burke suggests there is a common element in all these dramas which is accepted as 'logical' by many audiences. From this anecdote, then, we can locate symbolic resources that are made available to many Audiences in a particular Situation.

To consider cultural texts in terms of a broader culture is yet another reason why Burke's perspective works effectively within media studies (Brummett, 1984:164). Burke moves media analysis beyond the scope of a single text or document. It pushes the analyst to question the socio-political conditions that permit certain claims to be made in

popular discourse. The critic is encouraged to think outside the confines of a particular text given it can be shown to hold strong cultural resonance. Dramatists are looking for a synecdoche, a whole that is in the part; it is a case that represents many of the key arguments presented in a larger narrative. Consider the apple piercing bullet that is illustrated in the opening credits of CSI. The physical impact is slowed down using technology so that we can see every detail of the fleshy damage, signaling the promise of science and technology to know about violence without the complications of social variables. Whereas the apple image suggests a narrative about the visualization of truth that is possible in CSI, I suggest that CSI represents narratives that exist more generally in North America, particularly in terms of science and social control. In my analysis, I deconstruct the ‘connotation influence’ of a master term (in the case of the apple, the terminology of science and secure knowledge). The technique through which I locate these patterns within the larger representative anecdote, CSI, is through the use of the Pentad.

The Pentad

At its core, Dramatism is a perspective of incongruity (Burke, 1969). The theoretical and methodological thrust of this framework involves the deliberate disassociation of ideas, whereby unexpected orders of terms are produced by the analyst in an effort to disrupt taken for granted orders. In effect, one is always asking of statements: how else could this be ordered? Burke’s Pentad is a heuristic tool of analysis that allows the critic to deconstruct explanations that are presented in what appears to be logical orders within mainstream texts: “Burke is not simply the analyst of ordering talk;

he is also an authority that tells us [...] how to find what is missing and how to include that which is omitted” (Overington, 2001:111).

Irony is the rhetorical strategy that the researcher can use to reveal that narratives and ways of speaking in a text are choices. Alternative narrative exists within texts merely by the fact that they were not chosen in the production of a cultural artifact. Burke is not suggesting that we can ever know the ‘real’ story that ‘should’ be told (but yet another vocabulary of motives). Recall that one of the limitations of many content analyses is the focus on debunking media narratives in order to establish another claim as ‘truth’. The point here is not to debunk one motive with the intent to legitimize one other. Instead, Burke is talking about a multiplication of the narratives that are not heard in any statement in an effort to demystify possibilities – alternative interests - that are always present in the expected discourse. This will demystify a taken for granted statement, but it will not replace it with a single other statement. Instead, we reveal many alternatives in order to uncover the complex nature of how social control is communicated. Burke is also not suggesting we could capture all possible voices; however, we can multiply the alternative ways of thinking about social problems (Burke, 1968).

The Pentad is a framework for posing a series of questions of one’s data. It helps the critic organize and interrogate rhetorical claims in a systematic manner. One might recognize these questions in terms of the ‘who, what, when, where and why’ questions commonly associated with journalistic inquiries. A Burkean analysis inquires into the Act, Scene, Agent, Agency and Purpose. In every statement we can access these five elements, which serve as key analytical terms for this investigation, regardless of whether they are explicitly stated:

In any rounded statement about motives, you must have some word that names the act (names what took place in thought or deed), and another that names the scene (the background of the act, the situation in which it occurred); also, you must indicate what person or kind of person (agent) performed the act, what means or instruments he [sic] used (agency), and the purpose (Burke, 1969: xv).

Generally the focus of most critical frameworks is limited to the Scene and Agent, with sociologists placing an emphasis on the Scene (Gusfield, 1989:14). In Feminist accounts, for example, we would recognize a theoretical focus on explanations that suggest certain groups or individuals (Agent) are ordered primarily by gender (Scene). In metaphorical terms, Gender is the stage upon which social order is explained and justified. In addition to these important resources, however, Burke includes Act, Agency and Purpose to the process of discursive inquiry. Examples of other questions we may ask of motivated actions include whether the stated Purpose creates the Agent or Scene determines Agency or Act. Critical frameworks that omit these resources of inquiry present accounts that are unavoidably partial, and may benefit from further explanation.

Burke defines the system of Dramatistic investigation as a “methodological inquiry into cycles or clusters of terms and their functions” (1968: 445) in relation to human action (Overington, 1977:132). In rhetorical claims there are patterns of ‘weight’ accorded to some terms, and the term that they are paired with. The critic’s job is to locate the recurring combination of terms and their implied clusters of meaning that emerge constantly throughout a cultural text (Overington, 2001: 109). In other words, some explanations make more sense when they are paired with other meanings and symbols. Implied relationships ‘hold’ clusters of terms together, which create plausible explanations for action (Overington, 1993: 94). Our sense of what terms goes with what

is an important influence on the explanation we give for social behaviour and action.

These rhetorical arrangements are what Burke identifies as a Vocabulary of Motives in cultural communication.

The object of Dramatistic inquiry is motives: “*language of motives, motives in language and language as motive*” (Overington, 1977:133; 2001). The first two characterizations of motives contends with the cultural and structural basis and resonance for particular explanations, and the ways in which some explanations are socially appropriate justifications for some kinds of social action. At the same time, ‘negative’ motives are hidden when others motives are chosen to be offered. Vocabularies of Motives necessarily limit the range of alternatives that go unmentioned in the text (Overington, 1977; 1993). The Pentad guides a critique of the ways in which social actors make sense of action or behaviour (Gusfield in Burke, 1989:16). The Pentad gets to the essence of these vocabularies. Resources are placed into ratios (questions), which are used to interrogate statements. In the relationships among the five resources offered in the Pentad, there are many series of ratios which can be used to identify explanations of social action (Overington, 1977:141). Burke calls these pairs “principles of determination” (Burke, 1945:15), where the first part of the question (or ratio) focuses on the source of action that is ‘out of proportion’ or needs explanation. The second part of the question focuses on the event as it is framed by the first part.

To demonstrate how the Pentad functions practically, consider the speech by George W. Bush given shortly after the events of September 11, 2001. In this excerpt, the state names the Act and Agents in a drama where good and evil are invoked as part of a

narrative most audiences would expect to play out in terms of a biblical epic tale, as opposed to traditional rational legal narrative:

The search is underway for those who are behind these evil acts. I've directed the full resources of our intelligence and law enforcement communities to find those responsible and to bring them to justice. We will make no distinction between the terrorists who committed these acts and those who harbor them. (Office of the Press Secretary, 2001)

The acts of those who flew airplanes into the Twin Towers are framed in terms of good and evil, drawing upon religious metaphors to explain (or motivate, in Burkean terms) the Act (and response). The speech orders the State (Agent) within the Scene of Judaeo-Christianity, which is inferred by its implied position in opposition to evil. Because it is acting within the framework of Judaeo-Christianity, The Agent (the US government) is authorized to Act in ways that extend beyond what is normally deemed acceptable 'crime control'; The Scene motivates a particular Action.

After questioning the text in terms of the resources of the Pentad that are discursively offered, the researcher constructs an ironic explanation weighted in oppositional terms. What resources are missing from this explanation? The recipe of motives used within a discourse reveals those resources that are underplayed (Burke, 1945:113). Absent from this drama is the element of Purpose (why would anyone fly a plane into the Twin Towers?). When evil is implied – but not explicitly stated in this example - as the reason for the Act, it reshapes the drama in such a way as to preclude rational actors. Further, there is no point in attempting to rehabilitate someone who is evil; the solution is eradication or containment, a familiar tale that an audience might recall from narratives such as Milton's *Paradise Lost*, the *Malleus Maleficarum*, or

crime dramas about some kinds of criminals. When the actions of both parties are motivated by the supernatural, there is no room for political or historical explanations. If Acts were framed in terms of globalization or conflicts over resources such as oil, would the search for the Actor through ‘any means necessary’ (and at any cost) be imbued with the same authority? For Burke, our sense of what terms go with what, the cultural cohesion of ideas, is just as important of an influence on social action and meaning as are the actual social relationships implicated in social phenomena (Overington, 1977:135). On its own, admittedly one could argue that this analysis is hardly generalizable to how the War on Terror came to be explained through state sanctioned speeches by Bush; However, if one was to analyze many of these speeches, we would find many similar frameworks and absences that we could take as more than just coincidences since speeches are carefully produced documents.

For Burke, terms are social action (language *as* motive). In our example, the language allows for responses outside the established traditions of law, which normally does make distinctions (moralizations) between ‘those’ who perpetrate acts of violence, and those who presumably protect ‘us’ from them. By framing the drama in this way, the state creates the rhetorical conditions which justify actions that would normally violate established social norms and laws. Flying planes into buildings is not inherently criminal; it is only criminal (or evil in this case) because a political body has defined it as such. Labeling the act as ‘evil’ and ‘terrorism’ necessitates a search, but not just any *kind* of search. It is a search with supernatural authority, which excuses actions that defy what normally passes as human rights. Hence, “language is itself the motive for the search” (Overington, 1977:134). The Pentad provides a framework of inquiry that can access a

fuller understanding of the *Agent Acting in a Situation*, the basic unit of social action (Burke, 1969:74).

The questions posed through the use of the Pentad are non-ideological: they merely inquire into what is said and what missing (Overington, 1977:131). How the researcher addresses why some resources are provided or missing is where theory is incorporated. Although Burke's work extends well beyond the Pentad into theorizing about rhetoric and identity, questions posed within the Pentad can find purchase with various theoretical explanations about motivated human action. It has not escaped my attention, however, that this framework has implications for my own work. Indeed, all explanatory frameworks are limited in their ability to provide complete explanations for every possible alternative outcome. Given the complexity of social life, it is important to use a methodology that is sensitive to this. Certainly, "the understanding of verbally given accounts cannot be less complex than the convoluted character of the symbolic relationships that words bear to each other" (Zollschan & Overington, 1976: 278). Social life is essentially mystifying and therefore can never completely be explained by any one framework. Society does not use the full range of possible resources when logic is rhetorically created, and so mediated representations of crime and justice within CSI reflect this actuality. Nonetheless, the Pentad can offer a fuller explanation of rhetorical demonstrations of authority that contemporary utopic (or dystopic, as the case may be) critical frameworks may not consider. It is here that we need not limit ourselves to understanding Pentadic terms as only literary based. While Burke focused his scholarly energies in literary critique, there is nothing in his work that limits the use of Dramatism and the Pentad to transcripts or wording.

Language Beyond Text; Analysis Beyond the Page

To focus on merely 'words' is to separate text from the symbolic connections that imbue signs with meaning. It is useful to notice which types of words seem to reappear in connection with certain stories about certain actors - a project executed by much of the content analysis literature; however, there is a fuller account yet available for us to investigate. Whereas one of the main critiques of content analysis have been a privileging of text, cultural studies has been critiqued for privileging images (Schirato & Webb, 2004:9, 63). Fewer researchers in the social sciences consider the role of sound outside of the social construction of music (see for example Martin, 1996; 2006). Dramatism is not restricted to a focus on strict textual language (Burke, 1968b:48). While the Pentad is typically used on text, Burke's framework can be applied to any form of communication, such as image and sound. We can 'read' sound and images within produced texts as systems of signs. While this section deals with the importance of incorporating a consideration of the visual in understanding multimedia texts such as CSI, many of the same points apply to audio cues as well.

Photographer Siber's images of urban scenes were produced with text digitally removed from the landscapes. While his intention was to provide consumers with temporary relief from the language of capitalist consumption, he notes:

[d]espite the lack of text, I was still able to interpret most images through visual rather than literate forms of communication, resulting in little to no loss of power of this voice I was attempting to silence. (Siber, 2005:5)

In altering his critical strategy, he chooses to deconstruct and reassemble the text and imagery – providing an ironic reading – in order to expose the expected order and established sense of normalcy that corporate texts are privileged with in public spaces. While Siber's methodology was understandably not systematic, the value of irony to the

task of demystification is supported in his work. The Pentad is designed to ask questions about the order of produced systems of meaning, whether those regimes are ordered in text, on TV, or in a museum installation. The analyst need not be limited the communicative value of text and image. Certainly, many critical theorists have suggested that communication is an embodied experience, an exchange of cultural messages that happens through all of our senses (Lyng, 2009). If we accept this to be so, perhaps it is time to consider an empirical approach that permits us to consider how else sounds, smells and textures in addition to text and images can be ordered. While the mediums offered up in the TV drama CSI are only visual, aural and textual, this is the limitation of the text not the Pentad. The dissertation also take into account the idea of time , an important consideration in the interpretation of text and visual mediums (Schirato & Webb, 2004:85; Berger, 1997:6) The temporality of the narrative can be identified by the position of icons and characters in relation to others, in a hierarchy of meaning. These clusters of meaning suggest a sense of movement to the drama, helping us make sense of actions and consequences in each episode, over the course of the series, but also in relation to the history in which the text is embedded.

Icons and symbols function as allusions to other stories that would be familiar to a particular audience. Michael Moore's *Fahrenheit 911* (2004) demonstrates the rhetorical influence of allusion, specifically in terms of audio. In recalling the events of September 11, 2001, Moore avoids using the well known images directly. The audience is cast in the dark, hearing only the audio of a popular broadcast of when the second plane collided into the Twin Towers. We do not need the image prompt to recall the events and its cultural tale. While each of us sitting in that theatre may have different recollections and

emotional responses upon hearing those sounds, we also share a temporal understanding of the drama, a sense of ‘post’ and ‘pre’ 9/11, that the producer successfully taps into. So while text, images and sound are read by individuals in relation to one’s personal experiences, there is also an important shared cultural interpretation worthy of consideration.

Because no social practices operate in isolation from its social context, any spoken, written or visual text will either connote or cite other texts by recalling these other known stories, they will propel our reading in a particular direction. Our knowledge of them might be tacit or familiarity....[i]n other cases we may ‘get it’ because we already possess literacy in the form or narrative being cited. (Schirato & Webb, 2004:91)

An ordering of the larger Situation is created in a temporal narrative. The audio and visual cues of 9/11 invoke a trajectory wherein perhaps we have come to ‘expect’ more surveillance and more intrusive questioning as we go through customs at airports now because we are living in a ‘post 911’ world.

Sampling Strategy

Perhaps there remains a concern that the method of Dramatism is a framework that permits one to choose ‘whatever’ one is so inclined to study. There are limits within a Dramatistic inquiry that prevents us from sampling to suit our ideological fancy. Because this is an inductive approach to locating clusters of terms of meaning, we are always searching for negative cases, as opposed to seeking out cases that merely support our thesis. However, to include all episodes from all seasons of CSI would be a monumental task; on how one chooses episodes from such an expansive representative anecdote, Burke offers little direction. Overington (1977:151) reminds us, however, that this is where we can rely on standard established sociological sampling techniques.

While I chose CSI as a representative anecdote based on its cultural resonance, I chose episodes of CSI for my analysis through a careful random sampling strategy (Mason, 2004:197). Patterns will emerge that tell us something about the vocabulary of motives contained within the larger narrative arc of CSI, and of the Situation in which this cultural text is produced. My approach is a cross-sectional analysis: I make comparisons across the whole of my data set based on the themes that will emerge through the questions that are asked of my data (Mason, 2004: 199). The benefits of using such an analysis are that it does not require one to presuppose all themes to categorize or compare data before one begins analysis. It is an approach that suits the inductive nature of a Dramatistic inquiry, which permits one to create categories as one discovers something new in the data. Given that CSI is entering its tenth year of production, I am open to the possibility that the Scene of the narrative, for example, may change from the beginning of the episodes to the end, possibly reflecting a change in context and legitimacy of certain motives in the dramatization of science and social control.

This project considers 9 seasons of the original CSI: Crime Scene Investigator series, spanning from its inception in 2000 to its ninth season. As a rapidly expanding franchise, both for television (CSI: Miami and CSI: NY) and products (such as all ages board games and children's scientific play sets) the CSI enterprise is vast. There is enough material to keep a team of doctoral candidates 'playing' for years. Consequently, in an effort to keep the current project manageable, I have chosen to focus on the original television series. Despite CSI: Miami being heralded as the "World's most popular TV Series" (Anthony, 2007: 33), the original series set in Las Vegas is usually cited for its

relevance within popular culture, perceptions of crime and justice and the catalyst for the ‘CSI Effect’.

I adopt the technique of simple random sampling in order to choose the episodes that will make up the ‘text’ for analysis. Berg describes this process as a way to draw cases from a sampling frame “in a manner such that every unit in that population has precisely the same chance (probability) of being included in the sample” (2008:42). This strategy starts by using the full listing of every available element for investigation, and then the researcher determines an appropriate sample size. I take my direction on this from the research that has been produced thus far on *CSI*. Earlier investigations focused on the first season, understandably because the television series was in its earlier stages. Later research includes up to 90 episodes, but does not include the most recent seasons. I will examine 79 of the 205 available episodes of *CSI*, spanning from the first to the ninth season.

I will draw my sample in two steps. First, I adopt a systematic approach, a quasi-random sampling technique that involves the calculation of a sampling interval (Neumann, 2009:97). Drawing from the episode numbers from episode (pilot) until the last available episode (924), I chose the first episode, then every third for a total of 69 episodes. Some of the episodes in *CSI* are two part episodes; if one part of a two part episode was chosen I include both parts, analyzing them as a single episode. There were 4 cases when this happened. It is also worth mentioning that Season 8 has fewer episodes due to a writer’s strike, which restricts the number of possible episodes from the typical 23 to 25 episodes to just 16. I will also include the final episode in the narrative, which places the total data sample at 70.

The second step will be to perform a random sample of another 9 episodes from the remaining episodes. I will use a random numbers generator (random.org) to select from the remaining 135 episodes of CSI, choosing one episode from each season (see appendix 1 for the complete list of episodes included that make up my sample). All CSI episodes are easily accessed through an online subscription to the website VIPTV.NET, which has the complete 9 seasons available to watch with pause and play capabilities.

This chapter has established the importance of irony in the analysis of cultural texts. This perspective moves beyond the problematic project of merely debunking narratives as ‘untrue’. The dialectical approach, the concept of contradiction and irony, offers a fuller explanation for social action by taking opposite perspectives on that action. A perspective of incongruity moves beyond merely discounting what explanations are offered. It allows us to explore what else might be possible, each text offering vast dialogues (Overington, 1977:136; Burke, 1969). The very nature of produced documents – that some narratives were chosen over others – contains the unsayable. The absence of other possible narratives can be brought forward through the use of the Pentad. It is not the whim of the critic that is revealed in counterstatements, but a multiplication of narratives.

Chapter 5: Negotiating Risky Promises and Problems of Forensic Science

Grissom: "There is always a clue. I'll find him" (Pilot)

Grissom: "Bite marks are consistent"
Brass:" But not conclusive...." (403)

Suspect: "You can't prove it"
Catherine: "No, but you have to live with it" (603)

Grissom: "Dead flies tell no lies" (601)

Much of the literature on CSI suggests the entrenchment of a pro-policing narrative that makes forensics look quick and easy. Certainly 'real world' concerns over the CSI Effect discussed in the literature is founded, at least in part, on this assumption. While forensics is indeed used by CSIs to find out the 'whodunnit and how' of most crimes, it is a dramatization that offers a much more complex narrative about security and knowledge than current research suggests. Tensions are rhetorically created and resolved within CSI that permit criticisms about the limited promise of Faux Science. This chapter will demonstrate how the narrative of science and social control includes many disclaimers and qualifiers as it offers its audience a peek into a society characterized by risk. The overarching dramatization acknowledges the limitations of forensic science to provide absolute security by suggesting that a scientifically informed moral authority is at least more secure than moral authority *without* science.

The Scene of risk is constructed within CSI as a place where crime can be committed by anyone, against anyone, anywhere. The Scene provides the backdrop and dressing that shape the roles Agents can logically perform. We are all potential Victims or Criminals¹⁷ in a Risk Society. The ways in which ‘good’ and ‘bad’ personae are used in the narrative illustrate the dimensionality of rhetoric in explaining Faux Science as a reasonable approach to insecurity given the limitations of the current state of forensics and the alternatives which are offered within the CSI narrative. Victims of crime and their families (Agents) are presented as being vulnerable to *further* Victimization in a justice system that relies on eyewitness testimony (another kind of evidence). Cold cases are invoked to demonstrate the future of forensics and justice as one that would not need Victims, and this is framed as a positive outcome. Faux Science stands authorized by the unfairness that we are left to presume occurs when current Victims contend with giving testimony or past Victims and their families face when cold or closed cases reopen. Finally, there are no re-opened cases where the person behind bars was vindicated for wrongful conviction by a CSI in the sampled episodes.

Nostalgia is another frame through which risk is explained, as characters lament the loss of security. Ironically, in a text that largely suggests forensic evidence is more reliable than eyewitness evidence, this is also how a kind of eyewitness testimony is permitted as legitimate evidence. In keeping with this seemingly contradictory narrative, forensics is established as a system of imperfect techniques that are further complicated by the human beings needed to assess the evidence. The promise of forensics is demonstrated as ultimately imperfect because of the inevitability of human error.

¹⁷ I capitalize the terms Victim and Criminal in order to bracket out these terms. CSI constructs personae that present binary characterizations of Victims and Criminals. In being reflexive, I recognize that the process of criminalization and victimization is far more complex and political than the labels imply.

Couched in Victim-centered scenarios, CSI suggests that the human element of science is manageable through a culmination of multiple techniques of science. The promises of Faux Science is focused on providing security for living in an insecure world by guiding the search for security; forensics will never be able to explain the ‘why’ of Victimization or Criminalization (Purpose), but it does promise to get better at catching ‘the bad guys’, although we are not offered any explanations as to why the ‘bad guys’ might be there or why we are chasing them the way we do.

When dealing with the social construction of risk, one does face the critical question: if we Act as if we live in a time marked by a lack of trust in expertise, then how is it that we can have a discourse that privileges a system of expertise to address these anxieties? The instability of security, where definitions of what is risky does change, is communicated in CSI through a process where unpredictable problems are rhetorically resolved through the narrative, usually after the crime. Characters make sense of the nonsense of social chaos. CSI suggests that forensic science and the techniques associated with invasive surveillance, while imperfect, offer an *acceptable* way to react to problems that are presumably a natural part of contemporary living (and dying).

This chapter demonstrates that systems of expertise are maintained rhetorically by managing the lack of trust in the system, suggesting solutions that create Scapegoats (‘bad’ Victims and Criminals) and promising improvements based on pre-established notions about technological and biological evolution. The first episode in the series is important in establishing this ideological tone. Throughout the nine seasons, promises of scientific security are consistently paired with disclaimers that acknowledge some problems with forensics. In demonstrating this dissonance, the CSI series opens on the

claim that there is always evidence that will inevitably result in arrest and yet, ironically, the very same pilot episode ends with an unsolved murder. This is an important point missed by the CSI literature.

Constructing the Scene: Welcome to Life (and Death) in a Risk Society

The Scene of risk provides the justification for the kind of knowledge and justice that is sought in CSI. The old ways of knowing how to assess risk are outdated, or ill equipped to the new ways, suggesting that a kind of technological evolution in forensics is both possible and desirable. This narrative appears plausible when it is premised on unspoken implications that ‘crime’ *used to be* something that only happened in a bad neighborhood to people who put themselves in the way of harm by participating in risky behaviors: bad things happen to bad people. Certainly there are some CSI storylines where this narrative exists. However, there is a prevalence of dramatizations that suggests we can no longer trust ‘regular’ people the way we once had. More importantly, we can no longer rely on our personal experiences or instincts to determine who is trustworthy and who is dangerous. We are no longer safe in places that we ‘used to’ believe were safe. Random violence or harm is communicated within CSI in terms of Victims and Criminals. It is also important to keep in mind that these characterizations circulate in tandem with each other throughout the nine seasons: a Criminal exists only if there is a Victim, and vice versa.

Victims of random crime and violence can be anyone, including those who work within the criminal justice system. The death of rookie CSI Gribbs in the pilot episode, the kidnapping of Nick and Sara (separate episodes) and the death of Warrick in season

nine¹⁸ demonstrate a kind of riskiness associated with working within the criminal justice system. All of these scenarios were instances where the Victims were unfortunate CSIs in the wrong place at the “right time” (Grissom: 523). These cases feature intentional harms and accidental Victims. The Criminal was interested in capturing a member of the criminal justice system; however, who the Victim is was irrelevant to the act of murder or kidnapping. The potential randomness of such victimization is a key theme introduced into the first moments of the series, as Grissom welcomes the newest CSI to his team:

Grissom : “... if you’ll just sign these waivers for personal injury or death in the line of duty....” (Pilot)

The implausibility of perfect security holds serious rhetorical weight when even those trained in finding justice are unable to prevent becoming Victims. So the Scene (risk) shapes all Agents in a social order of Victims. Keeping with Burke's idea of the negative, we are all victims and those who are not are potential Victims. Further, if you are not some kind of Victim (potential or otherwise) you are some kind of Criminal (potential or otherwise). With the exception of a few storylines that involve vigilantism, characters are seldom presented as both Victims and Criminals in the CSI discourse.

The majority of Victims on CSI, however, are not employed by the forensic industry or justice system; Victims tend to represent personae the audience presumably relates to. While there are some story lines that deal with transgressive behaviours of some Victims, most story lines present Victims who depict ‘average’ North American middle class values. The following excerpts demonstrate how randomness is the Agency through which the Scene of risk is set. Despite the ‘reasonable’ efforts one may take in maintaining a healthy and happy lifestyle, random violence can strike anyone. The

¹⁸ My sample did not include the episode that features the death of Warrick, however many episodes following this one contended with the death of this main character who had been featured in series since its inception.

narrative offers the audience reassurance that the Victims did nothing wrong, that their victimization was unpredictable.

Brass reflects upon the death of a famous poker player in a casino. He describes the Victim as: “A healthy man...then drops dead” (301)

A news correspondent is reporting upon the disappearance of a blonde female second year college student who was “...apparently happy and healthy” (202)

As these excerpts suggest, Victims who had taken responsibility for their own safety and health are presented as sympathetic Victims. The *absence* of this frame in scenarios where sex workers or drug users are found further evinces how this rhetoric constructs a plausible understanding of risk for the audience. The statement implies that random violence against Victims such as sex workers was never *truly* random – some Victims ‘deserved it’ - the way that random violence occurs against the middle class Americans depicted in CSI.

A typology of who might be the traitor among us might aid us in learning how to avoid an unexpected and violently bloody demise. To these ends, CSI offers the audience little guidance. Throughout the entire CSI series, those people who the audience might traditionally expect to be trustworthy personae (police officers, dentists, mothers, sisters) turn out to be killers or assailants. Even the docile and beloved golden retriever is a potential murderous family pet lying in wait (609). The following excerpts demonstrate cases where the unpredictability of who the Criminal *could be* is motivated by the idea that the potential to be violent is an innate quality to being human. When Agents are ordered by the Act of instinctive violence, there is no room for autonomy or intentionality that might abide moral logic. In most cases, when the Criminal is revealed, the reasons given for one’s violent actions are vividly illogical. Marital discord, a common

phenomena in North America (if we take divorce rates as a crude indicator), serves as a trigger for house wives to instinctively conceive of revenge tactics while helping children with school science projects; teenage boys exact bloody revenge upon strangers when parents lose their jobs, a common problem facing many people in the current economic downturn in North America:

A woman who discovers her husband is married to another woman is found to be the suspect who built the bomb that killed a US Air marshal by accident. She intended to kill her husband. When asked about how she knew how to build a bomb, she replies in a cool sarcastic tone: "It's not much harder to make a bomb than a volcano..." (409)

The father of a son who was bludgeoned to death in his bed with a baseball bat, asks the older son why he killed his brother. The older son responds, "He told everyone!" [that he wet the bed] (517)

A State Trooper justifies his involvement in an armed robbery in terms of having a life marked with no 'breaks'. Grissom and Catherine discuss the Troopers explanation, somewhat sympathetic to his complaint that he toiled in a job for which he was generally unappreciated and underpaid. Grissom: "He had his price"
Catherine: "We all do..." (209)

The dramatization of a Risk Society unfolds upon a foundational logic that we all have the potential in us to break the law. Even the CSIs are presented as potential Criminals. Catherine, a former stripper, is ethically compromised when she accepts money from her father, a casino owner under investigation for rape. Warrick's character struggles with gambling problems that compromises his work ethic and integrity in several episodes. Nick suggests that beating someone up would be a natural impulse in terms of dealing with convicts. Some Criminals, however, are framed in terms of an assumed innate brutality by the use of animal metaphors which sets them aside from the 'standard' potential violence that lurks in most people. When this statement is used, the Criminal Agent is framed as *worse* than any animal: they are human beings who function without

shame in an innate *absence of moral knowledge*. At least the instincts of animals are valuable to survival for the animal, but it is a dangerous instinct when used to inflict harm for harms sake, something an animal presumably would not do. This frame maintains the moral differentiation between potential Victims and Criminals that exist in the Scene of a risk, as well as creates a moral hierarchy among those who do harm (Criminals). There is no integrity (Purpose) in explanations about human action when the Agency is (less than) animal nature. Agents function through innate compulsion (Agency), not choices, thus mystifying the Purpose of violence (Action).

Nick: "People are pigs." [Referring to a suspects messy home]
 Grissom: "Don't insult the pigs, Nick. They are actually very clean." (306)

Grissom comments that serial killers are like bugs or animals in that they hunt in their backyards "it's where they can blend in best" (306)

Criminals are not presented as making choices about their own actions if they are animalistic; hence, an anti-humanistic (objective) chase leading to containment or eradication seems to be a logical response. There is no reasoning with a wild animal, after all. Furthermore, when assailants are described using animalistic metaphors, particular Victims (usually middle class young white women, children or – interestingly - animals such as dogs or gorillas) are presented in the text as even *more* innocent than other Victims, perhaps because they are unable to participate in the act of responsabilization which might at least in some way help them avoid victimization.

During an autopsy, Sarah comments on the cadaver of a tortured gorilla which was first assumed by CSIs to be human remains: "Hard to tell where the animal ends and the human begins..." (122)

Nick: " Hey, what's going to happen to all these dogs now?"
 Animal Control Officer: "They'll have to be put down. Law says they're dangerous."

Nick: “And the people who turn them into killers, they just get away with a slap on the wrist, huh?”

Animal Control Officer: “It’s not illegal to train them to fight.” (810)

Grissom: “The only wild animal here is the one who left her here”

Brass: “Emaciated, bald and branded. What does that remind you of?” (615)

The last excerpt not only invokes the notion of violent tendencies that may lie in wait in all humans, as well as the animal metaphor, but it relies on a popular dramatization of the Jewish Holocaust as the product of people who were motivated by evil impulses; missing is alternative explanations of the Jewish Holocaust as an outcome that was only imaginable with the use of natural sciences and the promises of eugenics (Purpose). This particular episode introduces the critique of harms done in the name of science but does so in a way that aligns the animal metaphor with those who use science for the ‘wrong’ intentions, a theme I will pick up again and expand upon in the last analysis chapter.

Unlike typical crime dramas where the narratives focus on places we have come to more commonly expect crime to exist such as racialized urban areas or economically depressed areas (examples of this include *The Wire*, *NYPD Blue*, *Law and Order: Special Victims Unit*), the Risk Society framework suggests that crime can happen ‘any place’. *CSI* presents us with a world where responsible folks are unsafe in their middle upper-class hot spots: college, university and suburban high schools; gated communities; theme parks and museums. All places have become fair game for random violent crime. The key feature of this rhetorical framing, though, is the absence of proposed solutions that might address how to avoid such risks. Instead the audience is shown CSIs, reporters, parents and police officers alike apathetically reflecting on the impossibility of knowing where to find safety in an insecure world. There are minimal things we can do, like

securing one's seat belt or baby proofing one's home , but you never can be too sure where tragedy will occur.

Brass and Grissom discuss the "fear" many parents experience when they send their kids away to college. Brass calls it a "...fear of sending kids to school...One minute here, the next minute vanished"

[Later in the same episode] The former roommate of the missing college girl says of the unknown assailant who raped her with the aid of Rohipnol: "Someone I was living with attacked me, and I was never going to know who..." (202)

Nick shows up to process a double homicide crime scene in a prestigious gated community. He reflects to Brass, "I thought you moved into places like this for things like this not to happen" (415)

Brass and the head of private security at a popular Las Vegas nightclub try to figure out how a murder weapon was smuggled into a club the night before :

Brass: "How did the gun get in?"

Bouncer: "Don't ask me. Ask the metal detector. Its supposed to work" (501)

Nick and Catherine discuss a case in which a 12 year old boy is beaten to death as he slept in his bedroom: "A boy is not even safe in his own bed" (517).

In an evening crime scene in the suburbs, a reporter is heard speaking into a camera, "Up until a few hours ago this was considered one of the safest neighborhoods in Las Vegas..." (718)

The issue of randomness in terms of nice places is further complicated by parental personae. Parenting (Act) is performed through the Agency of responsabilization. The inability to protect one's child from random violence is presented as a core anxiety of contemporary life. The following excerpts illustrate how CSI signals this heightened fear by rhetorically transferring a level of Victimization to the parents of those who have been harmed, widening the net of potential Victims:

The father of a rape Victim who was tied up and assaulted in her home while the rest of the family was bound in a closet speaks with Grissom in

nostalgic terms, about childproofing his home when his daughter was born.

The father says to Grissom, "The least we can do is make her safe in our own house"

Grissom: "You didn't do anything wrong..." (403)

The opening scene of an episode that features the plunging deaths of roller coaster riders captures the sights and sounds of the carnival. One of the scenes focus in a roller coaster ride and its passengers. As the ride starts, a woman who appears to be a mother with kids adjusts the roller coaster safety belts for her younger children, with the youngest appearing to be quite scared. The oldest male child exclaims "We are all going to die!" to which the mom wearily replies, "put your seat belt on..."(421)

After solving a suicide in which the Victim attempted to stage his death as a murder by tying helium filled balloon to his gun, which floated away, Catherine comments to Warrick about protecting one's children from harm: "Move them away from the city to keep them safe, and guns fall out of the sky" Later in episode the mother of the child who found a gun in the family garden remarks, similarly: "We moved here from the city because it was supposed to be safer." (403)

In a particularly funny episode, where the dead literally sit up and speak, we get to see how parenting merges with the post- 911 hero figure. The randomness of risk shapes the narrative in which innocence and undeserving are linked. The probable unfairness is symbolically unfurled in terms of war heroes and fathers - personae that traditionally protect and serve:

Cadavers emotionlessly discuss the circumstances surrounding their deaths as they await their own autopsy in the morgue. One of the cadavers is a young fit white male army soldier, who had just returned from a tour of duty in Iraq. As he recounts his death at a local gas station (random violence), the recreation scene reveals a large American flag flying in the background. The soldier is not angry that he was killed shortly after arriving back home; instead he expresses relief upon discovering his wife and infant son are not in the morgue with him. Apathetically he responds to the other cadavers who are incredulous to his lack of anger: "No place is safe anymore" (703)

The hierarchy of Victims is once again made evident between those who are innocent Victims and those implicated in their own Victimization. In this case, signs of the American Nation State, patriotism, and the unmistakable (heterosexual white male athletic) soldier in the War on Terror culminate to instill weight on to the intensity of this character's Victimization. He accepts his fate, expressing relief! It is also an ironic outcome that he was killed at a gas station and not in Iraq fighting in a controversial conflict. Many storylines that contend with the randomness of violence in terms of traditionally thought of 'safe' places such as the local gas station, illustrate a historically specific temporality about the unpredictable dangerousness of living 'nowadays'; this case suggests that everyday living might be as dangerous as going to war. At least in a war, you anticipate being attacked and you know who your attackers will be (usually). This also explains participation in the War on Terror in a way that invites the audience to relate to the risk traditional soldiers face in defense of a nation. For example, the producers did not present us with a lesbian soldier who lost her partner in a random act of violence, after all. This scene effectively communicates the problem of risk in such a way that individual anger directed to the state for not protecting its citizens against such risks is dismissed in comparison to the greater sacrifices made by American soldiers who are also husbands and fathers of sons (higher order Victims) facing 'similar risks' abroad.

Nostalgia enters the series in a number of ways, many times as banter among secondary characters such as lab assistants or people who are present at crime scenes reminiscing safer times. Sometimes these statements appear in the form of references to popular culture from approximately 20 to 40 years ago, including music from Tony Bennett, David Lynch productions such as the 1977 movie *Eraserhead*, the 1979 TV

show Dukes of Hazzard, or video games from the 1980s. The narrative avoids endorsing nostalgia for a time that is beyond recollection by those who typify the characters and Victims on CSI, mostly middle aged Americans. A 'safer time' is close enough for characters to be able to recount a moment that was *not* marked by ontological insecurity. So while much of the CSI literature suggests eyewitness or subjective accounts are delegitimized within CSI, there is a consistent pattern of rhetorical claims that validate eyewitness evidence. Nostalgia is the Agency through which the emergence of a Risk Society can be observed (Act): essentially, 'we are going to hell in a hand basket'. While the value of eyewitness evidence is minimized in the larger narrative arc when it comes to the Criminal justice System, it is presented as valid evidence when supporting nostalgic dramas of risk.

After a violent armed robbery in a casino, a security guard mourns the 'good old days' of the mobsters, and a time when there was honor among thieves. : "I risk my life just coming into work. Makes you miss the Mob days eh? This wouldn't have happened, and even if it did, those scum bags would be dead - every last one of them and we'd never know about it" (209)

Sophie, a lead CSI from the daytime shift, comments to Grissom regarding an apparently large list of missing children and ordinary looking suspects, "I miss being trusted" (510)

In the lab, playful pandering between lab technicians and CSIs suggests 'kids these days' are getting into trouble at younger ages, and that children are becoming more dangerous. Hodges invokes an assumed temporal trajectory about social disorganization that predicts "Pre-school parties are going to be off the hook" (519)

A particularly strong rhetorical ratio of Agency (nostalgia) and risk (Scene) occurs in the season finale of season five. The complex double episode, directed by Quentin Tarantino, features the kidnapping of CSI Nick Stokes. The CSI team express frustration as they watch Nick through a live video feed apparently buried alive in a Plexiglas coffin,

tormented by a sleep depriving light, biting ants, and a pressure sensitive switch attached to explosives (of course!). Forensic science provides nothing valuable to the CSIs in their search for Nick. The police refuse to offer ransom money to the kidnapper. Desperate to gather ransom money, Catherine approaches her father and casino-owner, Sam Braun for the money. Tony Curtis and Frank Gorshin play themselves in a scene where the men sit around with a showgirl in Braun's casino, talking about the 'good old days of Las Vegas':

Tony Curtis: "You should have seen this town in the early '70s. Gamblers were kings."

Frank Gorshin: "Yeah, not the same anymore..."

Tony Curtis: "Showgirls were showgirls. Everybody knew your name in those days."

Frank Gorshin: "You could dress up in drag, huh?"

Tony Curtis: "Me, dress up in drag? Who do you think you're talking to, Jack Lemmon?"

(The group laughs.)

Frank Gorshin: "That's good."

Tony Curtis: "Anyway, we had a good time in those days, you know? You could walk down the streets in this town 15, 20 years ago with 50,000 bucks stacked on the top of your head in singles, and nobody would bother you." (524)

It is important to remember that scenes like this are not inserted within the text by accident. Until Catherine enters the scene to ask Braun for the money, the banter about 'the good old days' is irrelevant to the storyline in terms of Nick's dire circumstances. It is also important to note the characters who recall a safer time are 'real' Las Vegas performers from 30 to 40 years previous, blurring the narrative boundaries of fact and fiction. Furthermore, this demonstrates how nostalgia is an important rhetorical tool authorizing the plausibility of a Risk Society as an evolutionary tale.

In order to establish the potential for at least some improvement over the present, the narrative must resolve some tensions surrounding the forensic industry, and it does

this in part by suggesting a technical evolution that exists alongside a declining moral order. Thus far I have established that the CSI series makes promises of insecurity, creating a world in which random violence or harm can happen anyplace, be performed by anyone, and happen to anyone. This may seem to run counter with my argument that Faux Science brings about some kind of authority to Science in guiding the search for security. However, if we are left with no answers, *some* flawed responses seem better than others. The future of forensics, while imperfect, holds more promise than the alternative which appears to be social chaos. Risks are also ordered as 'goods' and 'bads'. Faux Science is framed as a response to social chaos that contains *acceptable* risks. If we live in a time where harm is unpredictable, responses (Action) to social problems like crime can only be reactive. Reactive techniques of security are offered up in CSI as appropriate given the alternatives in a Risk Society (Scene).

When forensic techniques are financially supported and combined, CSI claims that the result is a *better* search for security than anything else that is out there. The evolution of forensics includes the proliferation of integrated surveillance systems and databases. Moreover, temporality is invoked in narratives of cold case or serial killers/rapists who have been active for many years, which lends legitimacy to the fantasy of a forensic evolution. Issues of privacy, for example, are mystified when the narrative suggests what could reasonably be expected from the unhindered growth of the forensic industry. Consolation is not offered up discursively by suggesting forensics could ever prevent risks. Instead, consolation is rhetorically woven into supporting the advancement of forensic technologies and databases, essentially so CSIs can be better at catching 'the bad guys'.

Faux Science: A Secure System of Limited and Flawed Techniques

Recall that the pilot episode of CSI closes on an unsolved crime. In many episodes forensic techniques do not lead to the capture of what appears to be a serial killer. The pivotal first episode has a second storyline that features the death of CSI rookie Holly Gribbs in what strikes me as a peculiar absence of forensic work to find her killer. The series hits the ground running with a narrative that prominently features the failure of forensics to resolve cases immediately. Of course, most crimes are solved eventually with the use of forensics, but the process is not easy. The course of Faux Science is plagued with predicaments. Accordingly, CSI successfully establishes the possibility of a future forensic industry through a narrative where CSIs must overcome forensic adversities. It is a future that CSIs maintain faith in, despite its flaws. Unable to find or process evidence in this first episode, Grissom reassures the mother of one murder Victim “[t]here is always a clue. I’ll find him” (pilot). The following excerpts demonstrate scenes in which the evidence gleaned from individual forensic techniques is acknowledged as limited by various experts:

Greg: “So, this is it, huh? The \$8,000 Q-tip.”

Nick: “Well, you’re the chemist. I just need to know what knocked the old man out.”

Greg: “In 20 seconds, this’ll give us a complete chemical breakdown right down to the atom. But I’m going to warn you, though. These mouth swabs don’t always read. Vaginal swabs, no problem. Anal swabs-- money.”

Nick: “Anal swabs?”

Greg: “Anal swabs.”

[...swab is processed while Nick and Greg chat a bit about video games...]

Nick: “It didn’t take, did it?”

Greg: “A hint of saliva; some denture adhesive ... that’s it. Sorry, man.”(Pilot)

Finding the body of a young boy in a warehouse riddled with bullets, Warrick and Sarah spend hours reconstructing the scene using bullet

trajectory evidence and a computer program that suggests how the bullets were fired. After reviewing the evidence, they realize the limitations of the techniques they have used:

Warrick: "Is this the end of the road?"

Sara: "Forensically? Yes...." (319)

Grissom, Sara, and Brass are visibly frustrated that a rape kit did not provide helpful evidence. Also, the CODIS database did not offer any results that would help them find two men who had perpetrated a home invasion and the rape of the teenaged daughter.

Brass: "This gets cheerier by the minute"

Sarah: "They're gonna do it again..."

Grissom: "We've given them no reason to stop"

[Later in the same episode]

Warrick: "Field work is messier than test tubes and GSR [gun shot residue testing]"

Greg: "And a lot less accurate" (403)

In the autopsy room, Doc Robbins, the coroner, and Grissom consider the results of an autopsy. Grissom concludes: "A lot of info, none of it helpful" (603)

One reason offered to the audience to accept this less than ideal approach to reading evidence is owed in part to the messy inevitability of human error. The incurably problematic human beings necessary for the collection and analysis of evidence is one of the most popular motives offered within CSI to qualify most problems related to forensic science. Human error is the Agency through which Faux Science (the Act) functions. Computer database entries rely on humans, as do lab tests, surveillance techniques, evidence collection and the all important task of preserving crime scenes. Without people *performing* forensics we cannot *have* forensics, a point that is made consistently by Grissom, typically in response to criminal justice administrators who critique the results and findings provided by the CSI team.

After an explosion in the lab, attributed to Catherine who misplaced volatile evidence, the director of the crime lab (Eckley) approaches Grissom looking for an explanation:

Eckley: "It's not your job to protect your people. Your job is to protect the integrity of this lab!"

Grissom; "Without the people, there is no lab" (322)

Rhetorical claims of human error intertwine with the inevitability of random harm, as illustrated by the preceding excerpt. People should try to manage for such errors, if only to minimize the harm (responsibilization), but errors happen even to the experts. Errors (Acts) by experts are framed in terms of a Risk Society (Scene), but also in terms of Agency (being human). This ratio demonstrates how accepted social orders (to err is human, even in a Risk Society) are combined in order to characterize some risks as less bad than others. The configuration provides the backdrop in which errors made by CSI experts are ordered in relation to regular citizens and other members of the criminal justice system (ordered as lesser experts). CSIs contend with the comedy and incompetence of everyday people in establishing the claim that orders errors in terms of Actors. Errors made by common folk are dramatized as evidence of the incompetency of 'people these days'. Such personae are typically presented as stupid, slow or pathetic but this incompetence is framed specifically in terms of not having an understanding of laws or an appreciation of forensic processes:

When asked by CSIs why the gas attendant – a male teenaged character with a comedic and goofy character - hosed away blood at the crime scene, he responded it was because it was "freaking me out" (206)

A spa worker contaminates the crime scene by putting a housecoat on the naked body of a Victim. The front desk spa worker defends her actions in a ditzzy tone: "It's not like it's a crime or anything..."

Catherine: "Actually, it is." (206)

Two men find a street racing car that was involved in a serious accident, strip the car of its parts, thus contaminating the crime scene. The men appear shocked that their actions were illegal (grand larceny). In frustration, Nick calls them: "dumbass" (301)

Police Officer in opening scene is waiting for Grissom to open closet door, where a body is eventually found. The police officer, impatient with Grissom's meticulous consideration, mutters under breath "take all day..." (403)

It is not only civilians who trouble the task of collecting evidence. CSIs also make errors that compromise evidence or impose subjectivity, consequently compromising the security of the evidence needed to convict suspects. When CSIs make errors, however, it is usually attributed to being overworked, or because they are internally tormented by noble social concerns or moral conflicts that they eventually overcome. The 'overworked' motive is a theme that I expand upon in more detail in chapter six, where the Purpose behind becoming a CSI is framed as a higher calling. In this point of the analysis, however, let us focus on how the CSI discourse orders forensic expert error as *more forgivable* than human error introduced by non experts. The following excerpts illustrate typical instances in which CSIs inject human error into the process of forensics collection and analysis.

Brass: "I thought your bugs never made mistakes."
Grissom: "They don't. People do" (110)

Grissom explains the implications of an error made in mishandling evidence on the viability of the case to Brass:

Brass: "You are gonna go to the DA with a connect-the-dots hand...?"
Grissom: "Its all we got that links him to the murder. Everything else blew up in the lab."
Brass: "[The] guy's gonna walk..."
Grissom: "Yup" (322)

Former lab technician Greg urinates in the crime scene bathroom, potentially contaminating the crime scene. This happens as he is attempting to become a Crime Scene Investigator; hence, he fails his professional evaluation, but is given another chance by Grissom later in the season (501).

In one of the key narrative arcs that spans over at least three episodes and two seasons, Grissom contends with a particularly resilient serial killer

who has an exceptional knowledge of forensics and a penchant for leaving dioramas of crime scene as clues for the CSI. Grissom reflects of analyzing the evidence: “The mere act of observing it changes its nature...” (725)

The ‘human error’ mystifies harms created within institutions of justice. When human error by some experts is framed as an acceptable risk, issues such as potential wrongful convictions or the over representation of people who are Black on death row are framed similarly forgivable. While characters acknowledge such issues, plausible Purposes of incarceration or death penalties, and the Agency (such as bureaucratic approaches to administration of justice) through which such errors occur, are mystified. Consider the following claim: Catherine and Warrick, a CSI who is Black, discuss the merits of reopening a cold case. The man who was convicted as a rapist is about to be executed. There is a strong possibility that the forensic evidence originally used to convict him was contaminated:

Warrick: “I heard Mathers had that I.V. In his arm and everything, when that call came in. Never had a death penalty case get that far. Just working it all out?”

Catherine: “Yeah. Old case, new eyes, new technology.”

Warrick: “This evidence was processed, what, fifteen years ago?”

Catherine: “That was before DNA. Now that the case has been reopened I can re-evaluate all three murders. We always thought Mathers was good for the other two, but if they overturn Charlene Roth with the new DNA, we can go back and try Mathers with the other two murders with the new evidence.”

Warrick: “Keep Mathers in prison.”

Catherine: “You pro or con?”

Warrick: “Pro, if he did it. The application sucks, though. There's a lot of brown skin on that row.”

Catherine: “Yeah.”

Warrick: “What about you?”

Catherine: “I try not to give it much thought. I stick to the work.” (306)

Characters in CSI are connected to particular issues within the Criminal justice system that tends to challenge their ability to function as objectively as they *should*; these

personal challenges potentially cloud their expert judgment. Sarah tends to be less objective in cases that involve domestic assault; Catherine reacts defensively to cases involving parenting, but clearly in the above example is able to disconnect herself from the thought of state execution. Warrick's character is affected by cases where children from underprivileged or Black neighborhoods are involved. The text acknowledges the criticism that wrongful convictions *may* have occurred in part due to the flawed processing of forensic science. Here, Warrick's comment on the problem of Black men being overrepresented on death row. However, the wrongful conviction counter discourse is carefully managed when human error by experts is signaled as the problem, not a system that we are lead to presume was not also constructed by humans. Here we find the mystification of Agency and Purpose within this claim. If human error is inevitable, so to are the consequential harms; these problems are framed as acceptable risks. Further, Catherine's reaction to Warrick's question suggests that this is not a problem that concerns her, possibly because it might impact her objectivity. The end consequence (Purpose) of forensic crime scene processing (Criminalization) stands as something that should not be a concern, at least for CSIs.

The absence of Purpose from these statements effectively legitimizes financial and ideological support of the forensic industry, without considering the possible reasons why such an industry might exist. Potential problems -such as wrongful convictions or privacy concerns - that might arise from multiplying the flawed techniques being used to investigate transgression are neutralized discursively when the promise of improvement is aligned with the notion of evolution, which is the point. Tensions are essential to the creation and proliferation of plausible explanations. This is particularly true for CSI, the

cultural popularity of which depends in part on the proliferation of the forensic industry. The tension between individual rights and the protection of society against individuals is one narrative in which tensions over surveillance is resolved by aligning databases with the evolutionary promise of science. Support for an industry that makes no claims to deliver on perfect security today, unfolds in a narrative arc that makes a mockery of privacy rights, an esteemed cultural ideology if we are to take the American Constitution or Canadian Charter of Rights and Freedoms as evidence of this. Rarely is a case puzzled together without databases connected to forensic evidence. Arguably, one of the strongest criticisms of the proliferation of DNA and surveillance databases is the issue of individual rights and privacy. The CSI narrative contends with this problem by drawing upon three main motives: the promise of a more efficient search for criminals through consolidation; the construction of suspicious and paranoid Scapegoats; the promise of technological evolution founded on the rights of Victims and the inhumanity of Criminals.

First, the narrative suggests that a key benefit of connecting databases or surveillance systems is that capturing Criminals will happen more efficiently. The realization of this benefit, however, is hampered by what is framed as an excessive adherence to the ideal of civil rights, or a lack of ideological or financial investment in more comprehensive surveillance approaches:

This exchange happens following a scene where Grissom explains the use of sent pads as a valuable and highly accurate technique for locating Criminals. Nick questions Grissom as to why police cannot use sent pads more generally in investigations.

Grissom: "Constitutional Issue. Can't get a warrant for evidence from a dog search"

Later in this episode, Brass allows for the scent dogs to “find another way to get a warrant”. Grissom declares “Release the hounds!” and watches as Nick runs after dogs, while Grissom chuckles (116).

A body found at a car show convention. The work of the CSIs is framed as being made more difficult because of the lack of surveillance and properly trained private security.

Nick: “None of the rental cops can remember”

Warrick: “No surveillance...” (519)

A woman is killed in mall parking garage; While there are cameras on site, there is no recording of the incident because “private security fell asleep” (613)

A woman is kidnapped from a mall parking garage, signaling a narrative that invokes the ‘every second counts’ tension in finding the woman alive. CSIs express frustration when they are told video footage from the surveillance cameras must be brought to the site as the private security tapes are not recorded on site. The text introduces different levels of security that are possible but not used in a space typically frequented by audiences of CSI: “This is a mall, not a casino” (725)

A claim that hinges on the tension between the rights of the individual and the utilitarian notion of the good of all, the explanation that constitutionality can hamper the efficiency of forensic techniques is a common theme. The rights of the individual tend to be dismissed in favour of the imagined potentials of forensic science. Of course the individuals whose rights tend to be dismissed are those presumed to be guilty by the CSIs. Furthermore, the search for Criminals (whose rights are less valuable than Victims) is consistently made more difficult by scenarios wherein other businesses, such as malls, do not take surveillance as serious as casinos.

Second, the problem of privacy is strategically discredited in the narrative by allowing it to enter story lines through characters who are suspicious or apparently mentally unstable. DNA or trace evidence is gathered by CSIs who ignore the rights of the accused, armed with the logic: if you have nothing to hide, why would you decline

this collection? Suspects (usually men) are consistently lined up in fraternity houses, college dorms and workplaces for DNA mouth swabs; those who decline or resist tend to be those guilty of the crime in question. These kinds of narratives also bend the idea of rights away from privacy towards a ‘right’ to be under surveillance. It is not framed as a problem; it is a privilege that we live in a culture that has access to this kind of technology. Time and again, CSIs express frustration over how efficiently they *could* work if only more places adopted intense and interconnected surveillance systems. The assumption that more surveillance will lead to a better system of capture suggests that such protections *should* be extended to everyone.

To illustrate, the non-fictive problem of chimeras is introduced into the dramatization of DNA. Chimeras are people who have more than one set of DNA. Within this episode, a woman is raped on two separate occasions by the same assailant whom she identifies before she is killed by the same attacker in the second incident. Her attacker is a chimera. CSIs establish that, based on the semen samples, the rapist is a *brother* to the assailant (his blood has a different DNA than his semen). All four of the original suspect’s brothers are questioned, but only one is presented as mentally unstable; he is a loner who lives “off the grid” (423). The rejection of life in a consumer society is rhetorically aligned with mental instability. During his interrogation, the character speaks in a tone that signals the persona of a man paranoid of the state and prone to conspiracy theories.

Detective Vartan: “So, you were home last night?”

(Kevin Coombs remains silent)

Detective Vartan: “Okay, well, doesn't really matter. Your DNA will do the talking.

Kevin Coombs: You know what happens when the government gets your DNA?”

Detective Vartan: "Enlighten me."

Kevin Coombs responds in a neurotic tone, shaking somewhat: "They put it in the database. Then they look at your driver's license picture and then all those cameras -- traffic lights, parking lots, grocery stores ... they can find you" (423)

The preceding examples demonstrate rhetorical claims where the Agent is framed by the Scene of guilt or insanity/rejection of consumption and surveillance (by the state in particular); the invasion of privacy is framed as a problem only for those who have done something wrong, or are mentally unstable and probably more risky than the 'rest of us' anyway. If paranoid and guilty people fear the proliferation and connections between such databases and surveillance systems, then the innocent and sane have nothing to fear. Who are you? Surveillance is framed as an acceptable 'freedom' to give up for the good of society. The tension between individual rights and invasion of privacy is resolved through the mystification of Actions by the state and the Purpose of expanding and connecting databases. More importantly, the Agency through which such databases would probably grow - as part of the Criminal justice industry, and private corporations that sell technologies that create and maintain such databases and technologies, for example- is also mystified. Those who question the Purpose and Agency are discursively ordered in line with the paranoid and suspect.

The third way CSI rhetorically authorizes the proliferation of an industry that cannot deliver on security today is by drawing upon an idea of progress. CSI offers its audience an easy metaphor that links the theory of biological evolution to changes in forensic technologies. Temporality is a key rhetorical feature in these dramatizations. Progression (Scene) legitimizes the pursuit (Act) of an admittedly imperfect search for security that is accessible through forensic science (Agency). The linear temporality of a

forensics evolution is a journey wherein only improvements will be gained. Just as the idea that only the strongest survive suggests, the future will bring about an industry of always improving forensic techniques suited to the ever changing risky environment at hand. Aligning evolutionary with advancement ideologies mystifies the role that politics and market demands have on the investment in some technologies over others. The narrative claims that just as nature evolves without intent, so too will the development of forensic technologies and databases. Weight is added to the importance of such evolutions when they are explained to the audience through story lines that involve unsolved serial killer and/or rape cases and new technologies.

Lab technician Franco explains a new technique that involves piecing together several partial finger prints to “make a complete print”; this new technique leads to a match in CODIS:

Franco: “You never make it easy, do you?”

Nick: “The center whorls look similar.”

Warrick: “Can you generate a composite?”

Franco: “Well, it's all about gestalt. When the whole of the pattern is greater than the sum of its parts.” (403)

CSI Sarah and the director of the CSI lab, Ecklie, are talking about a rape case that is similar to a cold case. Both characters express hope as they explain how they may be able to lift fingerprints with new technology: Ecklie “Yeah. Ran it through CODIS. No hit. I asked Mia [a lab technician] to compare it with the semen from the recent attack.”

Sara: “Is that fingerprint from your crime scene?”

Ecklie: “Only print we found. Impressed in Sue's blood on the bedspread near her hips. Underlying pattern on the fabric made it impossible to read.”

Sara: “That was then. This is now.” (517)

Hodges is assessing trace evidence and notes the presumed suspect has changed sedatives from his earlier murders [cold cases]. The new sedative does not leave trace in the body for the CSIs to find. Warrick explains the evolution of criminal activities in line with the need for an evolving forensics industry:

Kepler: “The crime center sure seems to move around pretty quickly here, huh?”

Warrick: “Well, in Vegas, new is old in five years, old is history in ten, and nothing ever seems to leave a mark.” (712)

Closing cold cases and securing former convictions, thus keeping Criminals in jail using new technologies, is a prominent motive. The level of dangerousness of those whose convictions are maintained, or those who are finally caught, motivates the reason (Purpose) for the Act of expanding the forensic industry. Yet again, a reactionary approach to managing risks is authorized in such statements. Whereas the rights of Criminals are framed as a *barrier* to a more secure system of control, the rights of some Victims are offered as further justification for a more comprehensive system of surveillance. If we are all potential Victims, then we have no need to worry about invasion of privacy; we only have a more efficient approach to facilitating justice to gain. And the other side of this logic, the negative, implies that non-support of technological evolution is akin to supporting Criminals.

From the first episode, CSI demonstrates strong allegiance to Victims and their families. Even Grissom, whose character attempts to maintain a high standard of cold objectivity, occasionally becomes emotionally motivated to bring justice, particularly if children are involved. Whenever eyewitness testimony is required in a case, typically related to sexual assault cases, their involvement is framed as excessively difficult for the Victims and should only be called upon as a last resort. These cases suggest that the pursuit of a more perfect forensic industry is necessary so that Victims will not be required provide evidence. The evidential act of witnessing is framed always as a traumatic event for the families of Victims as well as those who survive attacks. In this rhetorical ratio, Victimization is the Agency, a way of being that comes from living in a Risk Society, that justifies the Act of supporting the evolution of forensic services:

Sally Roth: "Ms. Willows."

Catherine: "Yes?"

Sally Roth: "Sally Roth. My husband Tom heard from a friend that you came here [a coffee shop]."

Catherine: "I'm sorry. Do I know you?"

Sally Roth: "We're Charlene Roth's parents."

Catherine: "Mr. and Mrs. Roth. I'm sorry. I didn't recognize you."

Sally Roth: "We were just wondering if you had any news."

Catherine: "You know any news has to go through the attorney general's office."

I can't divulge any information on an open case."

Sally Roth: "He...he was convicted. It is not an open case to us"

Catherine: "I was confident at trial. I'm still confident. The evidence is solid."

Sally Roth: "If the court overturns the conviction ..."

Tom Roth: [interrupts wife] "We just can't go through another trial."

Catherine: "Uh, well, you will have an answer very soon. I'm sure of it."

(306)

After a home invasion, Grissom goes to speak to the father (Mr. Kirkwood) who was locked in a closet during the crime, where his daughter was also raped.

Grissom: "Mr. Kirkwood. I've done all that I can. I need what you saw."

Kirkwood: "All I am to you is a folder in a drawer. You can't possibly know how I feel. "

Later in the episode, the daughter comes in to identify her attackers. As she walks into police station to identify line-up, her anxiety and trauma is communicated by a slow-motion scene where she fearfully passes smirking large men in orange prison jumpsuits (signaling Criminals) and women clinging to each other at the side of the hallway (signaling Victims). Before going in to the police line up she has an exchange with Sarah

Sarah: "Glad you came in today..."

Suzanna Kirkwood: "Want to hear something funny? My boyfriend and I have been talking about having sex. I said 'no' because I was afraid my parents would find out."

The daughter recognizes the perpetrator but reacts so strongly she is unable to write down his number; consequently, she is murdered by the end of the episode (presumably by the Criminal who she was not able to identify, and so he was released). (403)

Typically re-Victimization occurs when Victims are relied upon to provide evidence for prosecution. Few story lines permit a narrative that suggest a sense of empowerment that might come from such an Act, for example. The technical

evolution of forensics through financial and ideological support (Act) is legitimized by the Purpose of such Victim ‘protection’ after the initial crime. Ironically, it is a narrative that supports a forensic industry that would arguably exclude Victims from the justice system, but this potentiality is not presented in the text as problematic. Instead, it is recounted in fiduciary terms: excluding Victims from processes of justice is framed as a kind of legal caretaking. A more extensive system of surveillance is presented as a more humane approach to justice for Victims.

The Promise of Faux Science: Objective (not Moral) Closure

The CSI narrative promises a kind of search for security that is suited to life in a Risk Society; the narrative does not promise absolute and easy security. The drama only promises to be reactive, not preventive. In cases when Faux Science offers solutions to crimes, they are not necessarily solutions that will bring about relief from the pain of Victimization. Many episodes conclude upon the discovery that at least one death was caused by misfortune or a series of fluke events, reaffirming the randomness of contemporary living. In these cases, forensic science may bring about the ‘truth’ about someone’s death, but does not make sense of the Scene (risk) for the characters left behind to deal with the death. When accidental deaths occur, the narrative showcases the frustration and lack of moral closure offered up to families of Victims (who are also, by extension, Victims). To punctuate the tone of the injustice in these moments, characters express their animated incredulous, which illustrates a palpable comparison between subjectivity and objectivity:

In this exchange between the parents of a daughter who was found dead in a dumpster outside her university campus dorm, the father threatens legal

action in his attempt to hold someone responsible for the death. The mother weeps uncontrollably, restrained by her husband who eventually guides her out of the scene.

Father: "You are saying a confluence of unrelated and unfortunate events conspired to kill my daughter?"

Grissom: "Yes"

Mother: "Someone is guilty of this!"

Grissom: "There is no one guilty of this"

Mother: "Because you say so..."

Grissom: "Because the evidence says so"

The Father shouts as he leaves the CSI lab, "Someone killed Paige!"

Grissom [confused?] "We told them what happened..."

Catherine: "But we didn't give them what they needed. Some closure."

Grissom: "Truth brings closure."

Catherine: "Not always...." (202)

Accidental deaths are eventually solved but their conclusion provides only 'truth' in an absence of why (Purpose) these people died. When the 'why' question enters the storyline, it gets shifted in terms of the personal. The 'why' of criminal justice, the forensic industry, or the acts of harm are typically not given much – if any – weight. This is just merely how the world of risk 'is': chaotic. Purpose does not typically enter the narrative, but when it does – as demonstrated particularly clearly in the second preceding excerpt- it usually enters the narrative in relation to the personal drives of the characters:

Warrick: "Oh we have tons of motives, no evidence"

Grissom: "There is an easy solution to every human problem: neat, plausible and wrong"

Warrick: So we are looking for "messy, unlikely and right?"

Grissom agrees, and encourages the CSIs to consider a "wholesale rejection of linear thought: Chaos Theory."

Warrick: "Physics meets philosophy"

Grissom: "Life is unpredictable!" (202)

This scene comes at the end of an episode where Grissom leads a grim class trip through the CSI morgue, discussing four separate autopsies.

Grissom: "Part of being a CSI is learning to work in the absence of absolute certainty. Each and every case brings us a new opportunity to learn something. For instance, in the case of Donna Basset, we can see that there is no such thing as an insignificant detail. [He points to Rebecca McGill] Here, the evidence itself can bear witness. Don't just look for

what you think you're going to find. [He points to Jack Day] And this one, never impose logic on an illogical act. And finally, if the evidence changes, your theory must change as well. Questions?"

Male student: "How do you deal with the smell?"

Grissom: "You get used to it."

Male student: "I'm not sure I can do this."

Grissom: "Well, not everyone can."

Girl student: "Why do you do it?"

Grissom: "Because the dead can't speak for themselves." (703)

CSIs justify their role in relation to the needs of living in a largely unpredictable Risk Society; the best we can do is manage the risks in terms of probabilities, but even standard ways of thinking will not bring us comfortable solutions. While the personal justifications for becoming a CSI is a theme I will expand upon more explicitly in chapter seven, the point that I wish to make here is that the discourse of CSI employs a hierarchy of knowledge, which makes room for subjective knowledge (or the personal). CSI presents its audience with the Scene of risk, which orders Agents who perform within it as Victims and Criminals. These ratios lend authenticity then to the Act of supporting the forensic industry, while it manages some criticisms of forensic evolution without considering the Purpose of such things. However, a system that creates purely objective knowledge (or evidence) is not presented as the utopia that much of the literature on CSI has suggested. Recall how an objective Grissom characteristically does not understand why 'truth' did not bring comfort to the parents of one Victim. The narrative accepts that there are limits to what kinds of solutions a scientific 'truth' can offer. This leads us into the proceeding chapter that explores how knowledge is ordered within the Scene of risk. More specifically, how does CSI successfully propose that a purely objective approach to understanding the world is not always desirable, while maintaining the legitimacy of scientific approaches to social problems? In answering this question, the following

chapter lays the foundation for Chapter seven, which explores how science and Christianity are rhetorically managed to provide a persuasive explanation of the legitimacy of forensics as an appropriate moral search for more security.

Chapter 6: Framing Subjectivity in Persuasive Fantasies of Objectivity

Brass: "I thought your bugs never made mistakes."

Grissom; "They don't. People do" (110)

Sarah: "Nothing is personal? No Victim special..."

Grissom; "Everyone didn't find that baby. I did...so excuse me, but this Victim is special..." (119)

Sarah: "Like Freud said, anatomy is destiny" (519)

Risk stands as the Scene in which the drama of science and social control takes place.

Faux science is offered to the audience as the most logical Agency through which the search for security can move forward; the search, however, is communicated as having *acceptable* risks which are best managed by CSIs. The narrative accomplishes this by: conceding and managing the problem of human error; preventing further Victimization of Victims; making the search for Criminals more efficient. This complex rhetoric unfolds amidst the rhetorical resolution of tensions surrounding the order of knowledge. In order for us to have faith in a flawed system of forensics, particular kinds of knowledge are authorized to explain what (or who) might be the acceptable risks. The narrative acknowledges that a purely objective approach to social problems is not without its problems.

In the Scene of risk, Victims and Criminals (Agents) are ordered differently in relation to how (Agency) knowledge can be used, when and why (Purpose). CSI constructs knowledge (evidence) as a concrete object that needs to be handled by the

‘right’ people (typically those who are CSIs); Forensic knowledge is framed as dangerous knowledge when it falls into the ‘wrong hands’ (Criminals). The plausibility of this motive relies on a rhetorical ratio where the use of knowledge (Agency) is shaped by the Agents who engage with it. Knowledge is dangerous or secure depending on who is performing forensic ‘truths’. Furthermore, the quality of knowledge revealed in CSI is more complex than simple dichotomies of objective and subjective knowledge. The text dramatizes knowledge in terms of personification, danger, and security, which positions CSI experts as being qualified to manage or recognize the value of forensic knowledge. Human error and emotion frame some potentially Criminal Acts of CSIs into morality tales. Similar experiences by civilians and non-CSI experts are framed as an ignorance of forensic knowledge, which poses a threat to the integrity of criminal justice administration. Finally, knowledge is characterized as *most* dangerous when it is performed in a purely objective fashion: a science without morality is performed as an act of evil. Objectivity and subjectivity do not exist within the series as polar opposites; instead, the framing of knowledge is founded on hierarchies of moral Agents and Acts. Elements of subject and object knowledge configure all Agents.

Agents of Knowledge: Resolving the Problem of Objectivity

The Agent orders how objective knowledge gets explained, and in turn legitimizes the role of the CSIs as the Agent best suited to the task of handling evidence in comparison to other possible Agents. Typically this ratio is configured exclusively in relation to the kinds of Agents that are produced in the Scene of a Risk Society: Criminals and Victims. Recall from chapter five, all people are Victims or Criminals in the Scene of risk, potential or otherwise. The pattern continues here. However, there is

yet another Agent that is called upon in the service of qualifying types of knowledge.

One of the strongest themes to emerge throughout the nine seasons offers evidence as a kind of knowledge that can Act independently. Evidence is personified, offering up ‘truth’ to those tuned in to its call. Narratives with particularly big twists in the plot tend to accommodate explanation where evidence leads, speaks and testifies. Personification is a dynamic rhetorical technique; first, it renders an inanimate object (evidence) as an Agent, which mystifies the Agency through which knowledge is produced. Explained in terms of humanity, the audience is invited to relate to a cultural artifact as if it was born without moral intents or purpose. Just as a child leads a parent to a favorite toy, evidence leads CSIs to the ‘truth’ of crimes. Further, the following excerpts demonstrate that personified evidence is self evident.

Priest: “He wouldn’t do this”
Grissom: “I believe the car.” (206)

Warrick reassures a juvenile witness to a crime that he will not have to testify because “the evidence will testify for you” (122)

Warrick tries to figure out a puzzling suicide case by talking out possible theories of how the death occurred. Catherine advises him to “Let the case speak for itself” (403)

Grissom: “I’m just following the evidence” (421)

Evidence is dramatized in terms of a humanity (Agency); evidence is an Agent, and Agents Act (communicate). The personification claims mystify Scene and Purpose. Certainly, the Purpose of being human is a question for which one would be hard pressed to answer. The absence of Scene from these statements enables the narrative to temporarily suspend the imposition of a Risk Society. In doing so, it fails to mention the conditions that create the need for a kind of searches (forensic investigations) for types of

people (Criminals) in relation to specific institutions (Criminal Justice System) that demands a certain kind of knowledge (forensic evidence). When evidence is personified, it is not born of institutional demands. Further, this personification invites the audience to be at ease with an imperfect science to tell us ‘truths’: to err is human, after all. The evidence communicates as does those who make up the CSI audience; typically, we communicate without considering the effect cultural and political structures have on the many ways that we perform this task.

Evidence that speaks with self-endowed legitimacy orders Agents in regards to who can hear it (good), and those who cannot (bad). Recall from the last chapter that many average citizen characters in CSI are depicted as obtuse precisely because they do not recognize the importance of evidence. The evidence does not ‘speak’ to them. Peripheral characters – civilians and police officers alike - contaminate crime scenes (Act) through their ignorance (Agency). The text signals a supernatural quality to those who can ‘hear’ evidence; some experts (CSIs) possess an indescribable ability to recognize evidence typically missed by most. They are, in many ways, corpse whisperers. I will expand on the supernatural tone that finds purchase in the social construction of a risk society in chapter seven; for now, it is important to note how knowledge is framed as secure or dangerous depending on the Agent who is interacting with it.

Subjective knowledge enters the narrative as a positive contribution to the resolution of some crimes. It tends to be woven into the narrative as a learning tool for CSIs on the journey towards becoming more proficient forensic investigators. Additionally, when subjective knowledge is wielded by CSIs, it tends to be framed as acceptable given that human error is an unavoidable reality of all forensics. Sometimes

there are negative consequences that come to those who allow subjective knowledge to cloud the objective goals of the CSI. The consequences, though, become framed as crosses to bear for the CSI. Morality tales teach CSIs about the dangerous use of knowledge. Subjective knowledge (Agency) is framed in terms of the Agent (in this case, CSIs), offering the audience moments where subjective knowledge *can be* safe. Note how in the first excerpt Grissom is concerned with teaching Sarah how to hear evidence properly so that she can translate what the evidence is saying to speak for the Victim:

In this episode, Sarah insists the husband of a Victim is the murderer. She becomes physically aggressive towards the suspect, who is later cleared of the murder charges. This exchange takes place after Grissom reprimands her emotional actions.

Sarah; "You know how you say we're the Victim's last voice? I thought it was our job to speak for Kay Shelton."

Grissom; "You don't crunch evidence to fit a theory"

Sarah: "What if you hear the Victim's screams?"

Grissom [unmoved] "You have empathy for her, Sarah. You want someone to pay.... [eating his lunch]"

Sarah: You wanna sleep with me?"

Grissom: Did you just say what I think?"

Sarah: "That way you can tell me its nothing when I wake in a cold sweat. It's just empathy..." (110)

The child of a community worker who 'rescued' Warrick from the streets is killed in a drive by shooting. Warrick jumps to conclusions about who is responsible, and argues he should be able to work on the case despite his personal connection to the Victim.

Grissom: "You going to be able to handle this?"

Warrick:"I want this case" [angry]

Later in the same episode:

Grissom: "The job here is to process evidence objectively and without prejudice"

Warrick: "I'm not a robot!"

Conclusion of this storyline summons an eye for an eye/vengeance narrative. Warrick laments the failure of the CJS as he tells the father of the dead girl who he (wrongly) believes is guilty. The father kills the innocent man Warrick assumed was responsible for the death.

Warrick confesses to Grissom:"I blew it"

Grissom:" But you are not the one who is paying for it..."

The episode shows the community youth outreach centre that the father kept running being closed down. (313)

Chandra the new DNA lab technician attempts to impose less personal management strategies in her lab when asked to rush something:

Catherine: "Blood standard, unknown urine; tell me it's the same guy.

Now, Greg mentioned to you that my stuff gets done first, right?"

Chandra: "Yeah, well, in my lab, I decide what gets run and when.

Unless

Mr. Grissom tells me otherwise."

Catherine: "It's uh, quiet in here. Greg played music."

Chandra: "Well, I find it distracting."

Chandra quits by the end of the episode because the CSIs are pressuring her to work like Greg, who used discretion when processing evidence.

Greg, the CSIs remark, had a better 'sense' of how to be subjective;

Chandra's strict objectivity did not work in this forensic lab. (501)

Note that CSIs are not presented as obtuse in scenes in which they act in subjective or emotional ways, as civilians and non-CSI experts tend to be. The third excerpt also demonstrates the dimensionality of the explanation that there is an enigmatic quality that people who know how to manage subjective knowledge possess. A science or criminal justice degree, such as the one earned by Holly Gribbs in the pilot episode, does not provide what one needs to make a 'good' CSI or lab technician in the pursuit of evidence. Some Agents do not possess the intuitive knowledge nor do they have understanding of when it is appropriate to be less scrupulous about processing evidence.

Ironies of Expertise

Institutional anxieties about the knowledge jurors draw upon when making a decision at trial is introduced in CSI as a drama in which the Agent who handles knowledge changes its quality and legitimacy. It shapes the moral weight of the Act of gathering forensic investigations. Institutional anxieties direct the question: when do forensic investigators have the 'right' amount of knowledge? Interestingly, we can mark a concern with the ability of individual jurors to deal with forensic knowledge in the CSI

series *before* it becomes a concern in mainstream papers and the academic literature. Not to say that there is a direct causal relationship here, however, this is at least one example where a popular text circulates one understanding about forensic and Criminal justice that gets taken up later on in institutional discourses of law and academia. The Act of presenting scientific information to a jury, in many episodes of CSI, is the main Purpose for CSIs to continue to look (Act) for evidence. They keep looking until they have something that is *simple enough* to communicate guilt to a jury. Hence, the quality of evidence (knowledge) is tied to how its performance in court will be received by jurors. The following excerpts demonstrate how the pursuit for more evidence is perpetuated by a largely ignorant jury pool that requires a 'dumbed down' version of truth in order to convict Criminals. Ignorant jurors provide the motive for the 'search' (or its cessation) for evidence. The text also acknowledges that the successful acceptance of any knowledge in court is founded on a convincing performance on the part of CSIS and science.

Grissom: "Warrick, you can work this with Catherine. [To Warrick] Don't you have a court date coming up?"

Warrick: "Yeah, the DA asked me to testify on chain of custody. I could do that in my sleep."

Grissom: "Listen, juries need to have confidence in the evidentiary, process, so work with Catherine then break off when you have to appear. "[Later in the same episode]

Sheriff: "Captain Brass do you understand Grissom's insect evidence?"

Brass: "To a degree. You know ... in a general way."

Sheriff: "Do you think a jury will understand your 'adjustments'? Or do you think they'll realize your 'conditions' can make the evidence say anything you want it to say?"

Grissom: I can make a case to any jury against Scott Shelton for the murder of his wife.

Sheriff: Your arresting officer can barely understand it. I read the file. Other than bugs is there anything else? (Grissom shakes his head 'no') Get something a jury can understand or move on." (110)

Later in the same episode:

Sarah and Grissom are discussing new evidence and its presentability to a jury.

Grissom: "You still have to educate the jury"

Sarah: "On bullets! It's gotta be easier than bugs!"

Grissom winks in approval. (110)

Nick: "It's our job to present the D.A. with the best evidence possible.

Let a jury decide. Anything else, we're playing judge. The evidence doesn't get any better than this."

[Later in the same episode]:

Robin Childs (Prosecution Lawyer): "Jennings says his little brother asked him to hide the tie."

Grissom: "Well, how convenient. The older brother brings it in explaining why his epithelials are all over the murder weapon."

Robin Childs: "A jury doesn't understand epi-whatevers, okay? They understand a twisty tie and blood all over Ben's car seat."

Grissom: "He set up his brother."

Robin Childs: "Oh, come on, Grissom, they're both part of it and if I can get one of them, I will. "(206)

In the above excerpt, Nick seems to remind Grissom that evidence should not be performed in court, while at the same time making claims that it is their job to present the "best evidence," not the most evidence. Nick incorrectly assumed he knew who the Criminal was; consequently the excerpt provides the audience with a conflicting morality tale on the importance of seeking as much evidence as possible. Note how Nick insists on stopping the search by offering the prosecutor, Robin Childs, evidence that spoke of the crime with 'clarity'. Grissom 'senses' that Nick has not listened to all the evidence. Childs is only concerned with holding 'someone' responsible and so Grissom's job is made more difficult by the ignorance of both the prosecutor and jurors. Guided by the search for 'truth', Grissom pushes on despite all others who are happy with any suspect that can be 'reasonably' prosecuted with simple evidence. Ironically, the narrative supports the evolution of more complex and interconnected technologies to 'get better' at producing evidence that performs better in court.

Judge Witherspoon: "You expect me to invade Mr. Acheson's privacy based upon a five-year-old fingerprint that was manipulated on a computer?"

Grissom: "It wasn't manipulated -- it was processed. That's what we do."

Judge Witherspoon: "Try getting that one past a defence attorney. It's one thing to send a print through AFIS; it's another thing to use ... a "background subtraction algorithm" to isolate the print from a bedspread."

Grissom: "It's not my fault that the courts lag behind our technology."

Judge Witherspoon: "Gil. I'm sympathetic to your request, but if I grant a warrant based upon this print, and the print is later thrown out of court, then everything you find as a result of it would be excluded, and your pattern rapist could be back on the street. Give me something else -- I'll be happy to grant you a warrant."

Grissom: "Your honour, I need the warrant in order to find something else."

Judge Witherspoon: "You'll find another way." (517)

In all these cases, the narrative presents a crisis in legitimation for forensic science. While forensic experts may understand the knowledge as valid, it is the inability of jurors (and in many instances lawyers and judges) to recognize the value of the evidence that justifies the Purpose of the search for performable evidence. The juror's ignorance is the reason for the need for the proliferation of the forensic industry: while there are tests out there than *can* provide objective knowledge that satisfies the CSIs, jurors simply are not smart enough to understand these results. We might recognize this drama in the tensions over the contemporary problem of juries and forensic evidence in the CSI literature. The Act of searching for more evidence and technologies that bring about more 'user friendly' interpretations of evidence for court is framed in terms of the Agents (individual jurors) who need to be convinced for the Purpose of Criminal prosecution. Missing from this scene is the role of Agency in the production of evidence. How CSIs produce knowledge (through positivist interpretation) is dismissed from these claims while the Act of production takes precedence, fueled by the 'need' to meet juror expectations. Note how Grissom dismisses the judge's insinuation that evidence is 'manipulated': it is not

manipulated, it is processed. 'Manipulation' implies an intention to deceive, where 'processing' signals objective bureaucracy. This statement also mystifies any obligation of forensic investigation to abide by the disciplinary rigors of natural science, for example. Instead, standards of law trump standards of science.

Ironies of Witnessing

Tension over the validity of eyewitness testimony is a prevalent theme throughout the forensic crime drama. The resolution of this tension frames the quality of knowledge in a society anxious about risk. On the one hand, eyewitness testimony is typically discounted in favour of forensic evidence. The self-evident nature of 'evidence' is repeated in claims that discount the subjective nature of evidence provided by people who may have witnessed or experienced a crime.

Sarah: "Bury him with evidence. Better to have one piece of forensic evidence versus ten eyewitnesses..." (110)

Catherine: "She did a "fill-in" back there in the garage. First, she said she saw both shots, but I just asked her and she said she heard the first shot and then came running out here."

Warrick: "Heard the first shot and then came running out here?"

Catherine: "Yeah."

Warrick: "McCall had a semiautomatic. I mean, you could pull off a shot in two-tenths of a second."

Catherine: "Right. It took me 3.8 seconds to get out here. She didn't see any shot."

Warrick: "So she just filled in what she thought happened -- that McCall shot her husband in cold blood."

Catherine: "Right."

Warrick: "Typical eyewitness." (116)

Brass: "I've interviewed 17 people. No two accounts are alike."

Grissom: "A Harvard Professor conducted an experiment. Asked a bunch of students to watch a basketball game -- count the number of times the ball was passed. "

Brass : "Yeah, groundbreaking."

Grissom: "During the game a person dressed in a gorilla suit ran across the court. Afterwards, the professor asked his students if they noticed the gorilla. Fifty percent responded, 'What gorilla?' "
 Brass: "That's wonderful, Gil. If I see a gorilla, I'll arrest it." (209)

These are probably unsurprising claims in CSI, given that the legitimacy of forensics rests in part on the assumed flawed nature of being human. What is interesting, however, is that these explicit claims about the illegitimacy of eyewitness testimony exist alongside claims where eyewitness accounts are framed as valuable. Recall how Victims are framed as being re-Victimized when the successful prosecution (or re-prosecution) of a Criminal depends on the Victims recollection of their Victimization; the young woman who is raped during a home invasion while her parents are locked in a closet ends up being murdered by the suspect who was not convicted by forensics. The indictment of her attacker required her to provide eyewitness testimony, which she was unable to do presumably because she was traumatized by seeing the Criminals in the police lineup. Her reaction *should* have been enough, Sara reasons, but this is rejected by the prosecutor. Here, eyewitness testimony seems to be endowed with some legitimacy, as Sarah encourages the Victim of the importance of picking the suspect out of the police line-up to criminal prosecution. However, eyewitness evidence is usually only permitted as valid evidence for the courts in sexual assault cases where the Victims are vulnerable young women who are not independent adults. The following excerpt shows how the narrative aligns the value of eyewitness with a measure of innocence that is connected to the age of the person giving testimony. The mother's witnessing (which turned out to be somewhat correct in the end) is dismissed in favour of forensic evidence (which 'speaks'). However, the child's observations are the raised in the narrative as valid evidence that will hold more sway with juries than DNA evidence:

A case of arson leads the CSIs to suspect the young daughter of the homeowners was sexually assaulted by her the stepfather; the mother disagrees:

Mother: "Believe me!"

Catherine: "I'll believe the DNA"

After semen found on the daughters sleeping bag in the fathers (not stepfather's) boat is processed, Catherine cites the authority of the forensic evidence on the one hand: "The sleeping bag is talking loud and clear."

Catherine later asks the daughter to provide testimony in court, reassuring both mother and daughter that: "A Victim testifying makes all the difference" (215)

Risk is the Scene, wherein Agents (who are ordered as kinds of Victims in this primary ratio) frame the Act of producing knowledge (evidence). Who is permitted to offer eyewitness testimony to the courts as a valid kind of knowledge is limited by the kind of Victim. However, expert eye witness knowledge is ordered similarly in terms of the Agent. Not all expert witness testimony is presented as valid:

The brother of a small-town Sheriff, who is a suspect in a murder investigation, shoots at Grissom in front of the Sheriff.

Grissom; "He took a shot at me!"

Sheriff: "That's not how I saw it....he runs hot" (406)

Cynical about parents' reaction over their son's death, Nick discusses his doubts with the detective who was questioning them:

Nick: "You just gonna let them go?"

Detective Chris Cavaliere: "Neither has a record, no motive. There's no blood on them."

Nick: "Well, they could've showered, tossed their clothes."

Detective Cavaliere: "Their grief is not an act."

Nick: "Yeah, based on what?"

Detective Cavaliere: "Years of listening to the parents of dead children."

Nick smirks doubtfully, indicating that he does not value this kind of evaluation of the situation. Later in this same episode, the detective secures a confession from a male youth; Here, Nick expresses his concern that this is a false confession:

Detective Cavaliere: "What the hell are you doing? Are you trying to screw with my case?"

Nick: "I'm just following the evidence, and it led me to another suspect. I think you're going to want to talk to him in the interest of justice."

Detective Cavaliere: "What, are you trying to help the defence now?"

Nick: "You know any good defence is gonna bring up a "rush to judgment" here.
Come on! Chris, you put another interviewed suspect on your list. It shows due
Diligence...." (517)

The last except demonstrates further how gender lends dimensionality to the kinds of Victims and knowledge made available to the CSI audience. In most instances boys' accounts of Victimization are rarely accepted by the CSIs as valid evidence. The Agent is shaped by the Agency of gender. This in turn frames the kind of evidence produced (Act) by the Agent. Also note how Nick cajoles an experienced detective into accepting that his own 'witnessing' of the parents and young boy who confessed may also be unreliable knowledge. The performance of evidence for a court is also highlighted in this claim.

Agents shape how some knowledge is presented as valid, regardless if it is objective or subjective. There is no clear rejection of subjective knowledge in CSI. Instead, it is presented as having redeeming qualities in the pursuit for justice and security in a Risk Society. The kind of Agent who engages with knowledge determines whether it will be taken as legitimate for the Purpose of Criminal prosecution specifically. As a final, but salient, example of this point, consider the episode in which the producers play with the different CSIs personal interpretations. Multiple investigators are sent to a crime scene, a wedding where a prominent lawyer was murdered. Humorously, the wedding guests are presented as exaggerated personae, as if it were a game of Clue. The episode is unique because it highlights different interpretations by individual CSIs of the same scene. Each sub-story in the narrative begins with a character - Brass, Nick, Sarah, Catherine, Greg and Grissom – walking through the same garden

structure. Each CSI has a unique interpretation about the structure and the concept of marriage. Grissom sees bugs, Catherine sardonically reflects on the institution of marriage and the corniness of the garden structure, Greg fancies himself as the romantic lead in fantasies that involve bridesmaids, and so on.

All the evidence collected from the scene is lost when Nick's CSI truck is stolen (by the mob, no less), so investigators must 'make the case' relying largely on the eyewitness testimonies of the guests which were as unique as the CSIs interpretations of the garden structure. Regardless, the case is solved by CSIs who used witness testimonies to locate new forensic evidence. Eye witness testimony has its place, but forensic evidence is what 'makes' the case. Internal Affairs Investigators interview the four CSIs involved in the loss of the original evidence. Despite the different subjective interpretations offered by each CSI, a core tension in this episode, Grissom remains confident in the value of the forensic evidence to act as a unifying logic to the multiple 'readings': "I'm sure our stories are all the same" (621). And so the narrative leads us back to the personification of evidence, alongside the Agents who are able to introduce subjective interpretations, which does not impact the quality of those observations. Brass expresses frustration with the wedding guests' different interpretations of the events of that day, but the different interpretations of the CSIs is met with Grissom's absolute faith in the unifying logic of forensic evidence and eyewitness testimony of forensic experts, a theme I expand upon in the preceding chapter.

Resolving the Dystopia of Objectivity

The narrative arc of CSI communicates anxiety about security of knowledge. In resolving these tensions, the drama invites the audience to resist the promises of an

objective knowledge utopia. Hodges and Grissom are characters that embody objectivity more intensely than other characters, and consequently they are offered up to the audience as ‘book smart and life dumb’. Both demonstrate a lack of engagement with other people typically, unless it is on logical terms. They are often left confused as to how their uncouth responses, while rational, were received by other people as harsh and unfeeling. The Tarantino episodes (524; 525) typify the dangers of reproducing a science that functions with a strict adherence to dehumanization. In the following excerpt, the audience is presented with an ironic scene of objective utopia. Nick – who has been kidnapped and buried alive - imagines his colleagues and family standing over his cadaver, interpreting his body as objective evidence. Separate from the rest of the episode which is filmed in colour, this black and white scene arguably stands as a visual cue for objectivity. The tension between inhumanity and science circulate within the scene with intense palpability. Nick imagines being awake during the autopsy, his presence undetected by Doc Robbins or Nick’s father, Judge Stokes, during this exchange:

Judge Stokes: (cheerfully) “So, Doctor. How did my son die?
Anaphylactic shock?”

Robbins: “No, no, he didn't live long enough for that. COD was asphyxiation.”

Judge Stokes: “Oh.”

Robbins: (in a tone as if he is teaching a class). “When the blood oxygen drops to less than 16% and the CO2 builds up, there's a rapid loss of consciousness. Death within minutes with no disfiguring physical findings.”

Judge Stokes: “He'll look great at the funeral.”

Robbins: “Oh, yes.”

Judge Stokes: “His mother will appreciate that.”

Robbins: “Good.” [Nick watches Robbins reach into his chest cavity to pull out his beating heart.]

Robbins: “Your son had a good heart.”

Judge Stokes: “Hmm.” (525)

In the next example, Hodges, who normally works in the confines of his lab station, is forced to go to crime scenes as part of a new departmental policy. Throughout the episode he remains emotionally disconnected from the crime, which involves the murder of a young woman thrown from a limousine. As Hodges puts away evidence, the Victim's cell phone rings. Hodges cautiously answers it and is faced with the task of telling the Victim's mother about her daughter's murder. He is depicted as being uncharacteristically impacted by this case (719). When 'good people' are Victims of crime or when distraught parents are invoked, as in both examples, the narrative suggests that these are times when a science stripped of sentimentality is not acceptable; it is inappropriate to read *some* Victims as objective evidence. The Agent once again frames how knowledge can be interpreted. These kinds of sentiments are absent from cases when the Victims are not idealized innocent personae (drug dealers, prostitutes and the like).

CSI presents viewers with an account about knowledge that it claims is best managed by those who work as forensic investigators, a point made more salient by episodes about forensic knowledge in the 'wrong hands'. CSI lays the foundational assumption that, given the inherent nature of being human, Criminal intent lies within all of us. Therefore, forensic knowledge in the hands of those who are not forensic experts heightens the discursive anxiety about unknowable risks. Searches of suspected serial killers reveal well read forensic journals on living room side tables (124); housewives access bomb making plans online (409); a rare female serial killer with a penchant for making dioramas of the crime scene demonstrate forensic proficiency that rivals Grissom's skill set (701; 702; 707; 710; 720; 716; 801; 907). Similar to the presentation of fears about jurors who are disabled by popular understandings of forensics, CSIs

struggle with Criminal masterminds who are more dangerous because of the way they engage with knowledge. Criminals (Agent) pose a threat to criminal justice administration because they are using (Act) forensic knowledge (Agency) for Criminal intents and purposes. This statement also lends legitimacy to the need for a technical evolution, adding the intonation of urgency to the metaphorical race between CSIs and Criminals.

Lab technician to Grissom: "The way I see it, this guy was smart. Probably planted the damn prints..." (pilot)

Grissom: "Anyone could be the killer. And what's worse, he's proficient in forensics" (pilot)

This episode revolves around how easy it is to learn how to make a bomb. A teenage boy is found to have created the bombs; the father asks his son:

Father: "How do you know how to do this?"

Son: "Internet..." shrugs

Grissom closes his eyes in frustration. (113)

Grissom comments on a proficient serial killer: "He knows just enough forensics to be dangerous" (123)

Grissom remarks about a copy cat serial murder who escapes identification by the CSI team: "It makes me very uncomfortable to realize this guy may be smarter than me." (306)

Grissom says of the kidnapper who Victimizes Nick "He knows our work..." (524)

Sarah: "How can we be sitting on this much evidence and still have nothing?"

Archie (lab technician): "Well, I can tighten up the image for you."

Sara: "I don't think more pixels are going to solve the problem. You got the face."

Archie: "And the name."

Sara: "Plus photos, witnesses, DNA samples, handwriting, prints. There's no record in DMV or AFIS."

Archie: "He knew exactly where the cameras were."

Sara: "He played right to them." (709)

Purpose and Scene are two rhetorical resources missing from these statements about dangerous knowledge. The CSI narrative must provide a reason for the audience to have faith in forensic science, when natural science is not a technique of inherent 'good' or 'bad'. In fact, science is a discipline of techniques that has been used to cause great harms in recent history (atomic bombs, the Jewish Holocaust as two high profile examples). Recall how the critique of surveillance is managed within the series by the rhetorical aligning of the fear of surveillance with mental illness and guilt. The anxiety about an immoral science is resolved in the text by the alignment of evil or the supernatural alongside guilt. Although there are many examples throughout the series that support this statement, the following two excerpts demonstrate the complexity of this rhetorical claim most succinctly.

The first excerpt is from a complex narrative arc that extends over at least two episodes and seasons. The evil genius persona is invoked in the narrative through the character of Hannah West. The main protagonist, a teenaged girl, is so intellectually gifted that she is able to challenge most of the CSIs. She singlehandedly masterminds at least two murders and corrupts the evidence to avoid prosecution of her brother and herself (who murder at least one person each). Similar to Grissom and Hodges, she is socially awkward and highly intellectual. In this scene, the audience is given a taste of the character's emotionless and objective nature that belies the persona of a typical clean cut nerdy white teenage girl:

The scene opens with the camera focussed on a pair of child's feet dangling off the floor.

Sara and Sofia (CSIs) talk with Hannah West, while the child advocate sits next to her...

Hannah: "You don't think I could have done it. Neither one of you."

Sara: "That's a big job for a little girl."

Hannah: “Not if you have the right tools.”(619)

She goes on to explain that her motive to kill the popular cheerleader. Hannah describes how the Victim went beyond typical pranks that Hannah had grown accustomed to dealing with on a daily basis. The ‘final straw’ came when the cheerleader convinced her boyfriend to pretend he liked Hannah, inviting her to a dance where she was set up for humiliation. This is where the story line explicitly references Stephen King’s book and movie *Carrie*, and signals a supernatural tone to Hannah’s ‘evil deeds’:

Nick picks up the book *Carrie* off Hannah’s bed side table: “‘Weird high school girl gets humiliated at the prom, only to exact her revenge.’

Hannah wanted us to find this.”

Sara: “Maybe. Question is: did she read the book before ... or after the murder?” (619)

When the episode concludes, however, the audience discovers that Hannah had created evidence that supported the *Carrie*-like revenge motive. The evil is not discursively located in the Act of murder; an audience might accept revenge is a ‘logical’ motive for murder. Certainly the courts, jurors and CSIs were initially fooled by this explanation. Evil (Agency) becomes communicated as located in how (Purpose) the Agent uses (Act) forensic knowledge.

Sara: “Hannah, you are smart.”

Hannah: “So I’ve been told.”

Sara: “But you’re not smart enough to get away with murder.”

Hannah: “I think I am. A lot of people are smart enough to get away with murder. You probably are, too. But you have to be really smart to make people think things happened that never did.”

Sara: “What do you mean, exactly?”

Hannah: “Please don’t worry about me. I’m going to be fine. [Hannah leans in close and whispers to Sara, after her brother was acquitted at trial of murder] I didn’t kill Stacy. Marlon did.”(618)

The Scene is absent from this rhetorical staging of evil. Perhaps the absence of Scene can be explained by the inherent contradiction of trying to stage ‘illogical’ (supernatural)

motives in 'logic'-centered (risk) Scene. The two resources conflict on the grounds of what counts as subjective and objective knowledge, which cannot easily be resolved given the problem of objective utopias. Even the Act of murder is played down as less threatening in these episodes in comparison to the dangerous use of forensic knowledge. An aptitude for forensics demonstrated by the 'wrong people' is more dangerous to the legitimacy of forensics than human error, which is unintentional. If the scene were explicitly cast in terms of risk, the narrative would call into question the institutions that are involved in the proliferation and dissemination of scientific knowledge. For example, the audience might question how a serial killer gets access to peer review scientific journals. Is *this* what they teach in the criminology classes their daughters and sons want to take in university? Instead, when Scene is left out of the rhetorical claim, the text suggests only 'why' an individual Agent would use science for harmful ends (Purpose): 'because she is evil'.

A final example that further reveals the motive of dangerous knowledge configures the problem of science in relation to the culturally established discourse that Adolf Hitler was evil. Narratives that dismiss genocide as the manifestation of evil ignore the banal objective application of bureaucracy and science, for example, which in part contributed to the institutional and cultural legitimization of genocide:

Hitler is positioned within this ratio in a comparison between 'legitimate' science and other culturally recognizable examples of state sanctioned 'immoral' science. The serial killer, Sneller, is the voice-over the audience hears speak as Grissom looks at the experimental lab in Sneller's basement: "Those who want to live, let them fight, and those who do not want to fight in this world of eternal struggle, do not deserve to live." [Adolf Hitler quote] Grissom continues to look through Sneller's journals, as the voice over continues: "The only difference between my research and that of the government is funding. See: Tuskegee, US Naval Hospital. See: Pesticide testing done by U.S. Government." (615)

Note how the producers choose the serial killer (Agent) to invoke abuses of the state, which further signals the persona of the anti-establishment character that was earlier invoked in relation to surveillance critiques. Grissom remains silent on these charges; he is shown reading journals written by Sneller, about the experiments performed on the Victims. Had Grissom read Sneller's comments out loud (or as a voice over), the critique of science would arguably be more stinging because Grissom's tone would have to address whether Sneller's claims were valid. As a character with unwavering faith in the potential of Science to bring truth and a presumed route to justice, Grissom could not have dismissed these claims. Instead, the words are heard from a morally bankrupt persona, thus limiting the value of the critique within the drama. The tension exists. Agent validates the pursuit of knowledge (Act) through science, but under the condition that the Act is guided by some kind of morality. These last two excerpts demonstrate what one might presume to be one of the most potentially disruptive counter discourses to the legitimacy of science, particularly in North America: the Scene of Christianity. Supernatural explanations are introduced into some rhetorical claims, which reinforce the value of faux science in the pursuit of those who function without logic. Moreover, though, Christianity emerges as a prevalent theme in the CSI episodes in the legitimation of forensic science. Christianity is not a competing Scene to risk, it functions cooperatively. The next chapter demonstrated how it functions as a complementary motive in the resolution of the most difficult tensions to manage.

Chapter 7: Managing Christianity in the Service of Faux Science

Dr. Klausbach “Let's see what God would have to say.” (Pilot) [Original series medical examiner performing an autopsy]

Sara: “I never get used to this part; you know when the bugs get going.”

Grissom: “Just doing what God intended, recycling us back to the earth.” (110)

Grissom: “You know, this could be a revenge story. Willie gets a life, Sammy goes to prison. Sammy gets out, tries to get even.”

Brass: “Well, if Sammy was trying to get even, why did Willie keep quiet about it?”

Grissom: “He's his brother's keeper... It's in the Bible.” (624)

Brass: “You managed to supersize two deadly sins: Greed and Gluttony; shame on you” (609)

A teenage boyfriend admits to having sex with his girlfriend who ends up dead. She took a “Stupid virginity pledge. She thought God would punish her for having sex. I guess I was wrong” (618)

One of the most prevalent patterns within the CSI series, which is missed by the current literature on CSI, is the use of Christianity as a motive to legitimize the proliferation of forensic sciences. On the surface, one might reasonably expect that the rhetoric of Christianity seems to counter the rhetoric of Positivism, upon which probabilities of risk are ideologically premised. After all, how would assumptions founded in something as abstract as the supernatural circulate easily within a paradigm that privileges a belief in

empirically measurable concrete facts? Positivist assumptions about prediction and its reliance on science to offer some kind of probabilistic relief from risk would seem to run counter to the rhetoric of Christianity. The narrative of CSI concedes that a successful forensic industry is one that permits some subjectivity (in the hands of some experts and some Victims). Add to this, the text also claims that forensic science requires a moral compass in order to function safely. Christianity, a potential counter discourse to the legitimacy of Science, is resolved within CSI in three ways. First, Faux Science is performed within a collaboration of two Scenes, wherein Christianity is aligned with Science to communicate a shared interest in a moral Act: the search for security. Second, the Christian ideology of a 'higher calling' is metaphorically offered by most CSIs when asked why they have become forensic crime scene investigators. Hints of the Protestant Work Ethic buttress these explanations as many of the CSIs state their sacrifices of personal comfort in the name of their calling as forensic crime scene investigators. Finally, Grissom stands throughout all seasons as a Jesus-like persona. He performs personal sacrifices, demonstrates unwavering belief in science despite extreme challenges and betrayal by his 'team', serving as the teaching Father figure to his disciple CSIs, including Nick who is treated by Grissom as the prodigal son. Even Grissom's departure from the series in season nine is shrouded with Christian intonation as he receives his 'just rewards' for a faith-driven life.

Pilgrimage of Truth: Aligning Science and Christianity

At this point in the analysis, it might be helpful to recall that the discourse of CSI effectively resolves many tensions by introducing nominal critiques of forensic science in relation to the criminal justice system. The same holds true for the resolution of the

tensions between Christianity and Science. Just as the text introduces some kinds of subjective knowledge as legitimate and illegitimate, it does the same with supernatural explanations: non-Christian paradigms are discounted, Judaism is respectfully acknowledged from time to time, but Christianity is dramatized convincingly as the appropriate moral compass to guide the performance of forensic science. Science and Christianity rhetorically collaborate to justify the appropriateness of relying on forensic investigations.

In order for the logic of Christianity to persuasively compliment the moral Act of Science, alternative supernatural explanations must be problematized. In other words, the discourse must establish that alternative supernatural explanations do not make sense in any search for truth in the way that Christianity can. These claims appear subtly, but they appear consistently throughout the nine seasons typically in short scenes between secondary characters and Grissom. What is notable about these statements, though, is the Agent who typically make claims and the Agent who discounts such suggestions. Grissom acknowledges the claim, and then discounts it as if it were a minor annoyance. Such statements are sparsely spread throughout the larger narrative arc which incorporates a tremendous amount of textual space for Grissom to make positive statements regarding Christian themes and the potential of its guiding principles. The following excerpts demonstrate rhetorical moments when alternative non-Christian supernatural explanations enter into the CSI discourse. Typically, the plausibility of their validity is proposed by secondary characters, such as Greg who goes from being a lab technician to a CSI by season nine.

Grissom to Nick Sarah and Greg: “There are three things in human life that are important: One: To be kind. Two: To be kind. Three: To be kind.”

Sarah: "Henry James! Turn of the Screw!"

Greg: Mystery...

Grissom: "Only a mystery if you believe in ghosts" (417)

Greg walks about a crime scene in a fortune telling business. He begins to reflect nostalgically about his Nana Olaf who used to Prognosticate for free (psychic readings)

Grissom responds, reminding Greg of his role as a CSI: "I'm thinking you should focus on your other five senses" (619)

Greg is the youngest member of Grissom's team who struggles in making the jump from lab technician to crime scene investigator. In addition to introducing the implausibility of alternative belief systems as valid guiding logics in the search for truth, these excerpts serve to legitimize subjective knowledge as valid learning experiences for CSIs. Grissom responds to Greg's appreciation of non-Christian occult, indicating that such belief systems hold no value for unraveling the forensic puzzles at crime scenes. The Agent (Grissom) rejects occult as a reasonable Agency through which truth can be sought (Act). Grissom stands in the series as the measure of 'good' objectivity and 'tolerable' subjectivity to which all other CSIs are compared. When rhetorically positioned next to Grissom (Agent), Greg's (Agent) claims of alternative supernatural explanations are rendered silly and immature. He even speaks of "Nana and Papa Olaf" (his grandparents) in a tone that signals a child-like affection for ones grandparents¹⁹. Greg's beliefs are presented as inexperienced observations (Agency) in comparison to scientific logic (Agency).

For the most part, however, Christianity is aligned with Science in the service of a more general Purpose of forensic science: both paradigms are presented as interested in

¹⁹ Arguably, Greg's character shares many characteristics with the TV character Rose Nylund from situation comedy TV show *The Golden Girls* (1985-1992). Rose would typically pepper scenes with seemingly unbelievable tales about her Scandinavian-American family 'back home' in St. Olaf, Minnesota. Although not 'stupid', Greg's character embodies this naivety and recounts many similar tales about Nana and Papa Olaf throughout the crime drama series. This characterization is an important consideration when one examines how this communicates integrity and experience to the audience in ratios that contend with the legitimization of kinds of knowledge or belief systems.

the 'good' search for truth. One of the ways this alignment is communicated to the CSI audience is by using Christian symbols and signals to describe some aspects of forensic investigations.

Grissom: "You ever see the movie The Exorcist?"

Warrick: "Yeah."

Grissom: "The old priest and Father Karras are about to exorcise the demon. Father Karras explains that he's recorded the little girl's voice and he's broken down the spirit into three distinct personalities. But the old priest quickly corrects him – 'there is only one.' Forget about the husband, Warrick. Forget about the assumptions. Forget about your promotion. These things will only confuse you. Concentrate on what cannot lie -- the evidence. Follow ... the reason we're having this conversation."

Warrick: [nods] "follow the shoe." (Pilot)

In establishing why photos of Victims are found at crime scenes believed to be connected to a serial killer:

Grissom: "Bring me the head of John the Baptist. (Matthew 14:8 & Mark 6:24-25)"

(Brass shrugs.)

Grissom: "Herod's stepdaughter, Salome, is said to have asked for proof that he was dead. They didn't have Polaroids back then." (501).

Here the Scene of Christianity informs the Agency through which forensics *should* work.

In some cases, other cultural texts that draw upon Christian tales are invoked to signal a struggle between good and evil. In the first example *The Exorcist* is introduced into the narrative by Grissom as a pedagogical tool; in other cases Biblical tales are recounted with the same affect. Instead of drawing upon the scene of Risk the Scene of Christianity imbues the way (Agency) in which the search for security unfolds with a morality that would be generally accepted in North America as a valid belief system.

Some Victims are imbued with Christian intonations, which effectively raise them to the ultimate sufferers in a Risk Society in relation to all other Victims. Many statements about victimization tend to involve women who were raped by a random stranger (often times a serial killer). Female children also appear in relation to religious

metaphors (813). I was unable to locate a single example where male Victims were discussed in terms of Christian metaphors, which suggests the virgin or saint figures are employed by producers of CSI exclusively in terms of gender: not only are these kinds of Christian Victims, these are kinds of Christian women.

Processing evidence on Victim of assault, Sarah finds a religious necklace (St. Catherine). Sara speaks to the unconscious Victim: "Saint Catherine. She studied science. She was tough and very outspoken. [She] went against the Emperor himself. Chewed him out for persecuting Christians. Took him two or three tries to execute her. She never gave up. She was brave." [Sara puts the medallion in the Victim's hand.] "You hold on to this." (116)

Story line incorporates the notion of the Virgin Mary in relation to 'saving' fertilized but unwanted gestational eggs (the autopsy reveals the Victim is pregnant, but still a virgin): Doc Robbins: "God got her pregnant" (606)

Grissom examines a woman's emaciated body in the desert:
Brass: "Well, Jesus fasted in the desert..."
Grissom: "Yeah, but he had a choice" (615)

In the first excerpt, Sarah processes the body of a woman who is alive, but left without brain function after a brutal rape. Sarah talks about the significance of the Christian charm, merging three symbols: woman, science, and Christianity. The *kind* of woman (Agent), cued by St. Catherine²⁰ (Christianity) mystifies the Scene in which the Victim exists. She is not limited by institutions of Christianity or science, both fields predominately managed historically by men. While not impossible for women to achieve success in disciplines of science, certainly Christianity limits the power of women more generally. In this excerpt, the Victim (Agent) is framed in terms of Christian martyrdom (Agency), likening her survival to a supernatural toughness. In a rhetorical move that we might recognize as individualization the statement suggests to the audience that *any*

²⁰ Catherine is also the name of the lead female character who takes over Grissom's position leading the CSI team in many episodes.

individual can be stronger than supposed institutional limitations, even women.

Institutional challenges are rendered as a kind of self-deception; if one has a firm enough belief in 'self' then such institutional limitations can be overcome although there may be costs to the Agent, which renders such Victims as Martyrs. The ratio mystifies the role some systems have in arguably imposing inequality in terms of gender.

Institutional criticisms of Christianity or Science as gendered belief systems are minimized in the dramatization of a suffering with a higher Purpose; furthermore, just as in the previous chapter featured a critique of the states implication in harmful scientific pursuits, the counter discourse of inequality is not heard from Grissom. The Agent who offers this critique to the audience is an emotional woman whose work is compromised occasionally by her concern and experience with gendered violence. Grissom does, however, demonstrate tolerance for the connections Sara makes between the Christian symbol and the Victim, just as a parent accepts the limitations of their children. In order for science and Christianity to serve as acceptable guiding morality for pilgrimages towards truth, the narrative must contend with the critique that the institutions of Christianity and Science share a history of gendered inequality. Gendered institutional inequality is framed as a problem of individual belief within these ratios. Scene is mystified in statements that explain inequality, by suggesting that individuals bear much of the blame. Those who suffer in this pursuit, however, are rewarded with the characterization of the Martyr.

The Higher Calling of the Forensic Investigator

CSI offers its audience two explanations about the authority of CSIs as Agents that are best suited to the task of recognizing what kinds of knowledge are valid, and when.

They are similarly authorized as the rightful keepers of forensic knowledge. How is it, though, that this authority is maintained? There are some instances where science appears self-evident; however, the successful communication of risk includes moments when chaos is inevitable, or a strong reliance on objectivity is inappropriate. Likewise, the successful acceptance of Faux Science includes the impossibility of science to address some moral problems. The answers to these problems are found in the rhetorical alignment of Science and Christianity. The Agency through which Agents explain why (Purpose) they became CSIs (*kinds* of Agents) is framed in terms of a higher calling (Scene). Statements that explain why (Purpose) Agents become forensic scientists are cloaked in Christian metaphors. Most CSIs are framed as Martyrs, who work for Purposes beyond earthly comforts, needs or desires. Many characters state that the career chose them: they were called to work in a career where ‘true’ CSIs accept personal sacrifice, albeit with differing levels of commitment; some saints are more saintly than others.

The three examples I use to illustrate this point are all drawn from the pilot episode, because this episode is pivotal in justifying the relevance of a crime drama based on forensic investigations; however, these examples demonstrate the typical motives featured throughout the nine seasons. Unsuccessful CSIs or lab technicians are employed negatively by the text to communicate the ‘gift’ that ‘good’ forensic investigators have. Those who do not have the forensic ‘touch’ but attempt to become CSIs regardless typically do not last more than a few episodes before they either quit or meet a bloody demise. Holly Gibbs, a new CSI rookie is murdered in the pilot episode. In the beginning of the episode she explains how she came to become a CSI: her mother always wanted to

work as a CSI, so she is fulfilling her mother's dreams. Holly's undergraduate Criminal justice degree impresses nobody. Catherine attempts to share her inspiration, invoking God in her passionate love of her largely thankless but pivotal career. Also, note that investigating crime scenes (Act) in the service of the innocent Victims (Agent) justifies her passions for her career as a CSI.

Brass: "You're the fifth person I've been forced to hire. We're the number two crime lab in the country. We solve crimes most labs render unsolvable. Now what makes you think you belong here?"

Gibbs: "Sir, with all due respect I thought the key to being a lucid crime scene investigator was to reserve judgment until the evidence vindicates or eliminates assumption. You're prejudging me. I graduated with honours in Criminal justice at UNLV."

Brass: "Yeah, so?"

[Later in the same episode]

Gibbs: "So you think I should stick with it?"

Catherine: "Stick with it? The cops? Forget it. They wouldn't know fingerprints from paw prints and the detectives ... chase the lie. We solve. We restore peace of mind and when you're a Victim, that's everything. Stick with it. At least until you solve your first and if after that you don't feel like King Kong on cocaine ... then you can quit, but if you stay with it my hand to God, you will never regret it. "(Pilot)

Warrick explains how he came to be a CSI when asked by Catherine of his opinion about a suspects alibi: "Aw he's lying. That's why I took this job. I can always tell when whitey is talking out of his ass. It's a gift." (Pilot)

Warrick explains his choice of careers related to an inexplicable 'gift', which arguably communicates the Christian notion of God-given talents: he just 'knows' whether evidence is valid. This configuration mystifies the role that forensic industry and the court system (Purpose) of a Risk Society (Scene) might have in ordering what will be accepted as valid evidence; Warrick's unexplainable 'gift' (Agency) at 'seeing' truth is framed as a characteristic that directs his search (Action) for legal evidence in a way that

is better than the average person. He is not directed by years of training in criminal justice, for example.

Even when CSIs do not explicitly justify their careers in terms of an inexplicable gift, Christian metaphors and signals are invoked throughout the larger narrative. For example, choir music is used throughout the series in 'key' moments (123; 206). Nick, possibly the most conservative character on Grissom's team, invokes the Biblical tale of Adam and Eve in relation to the death of a child. Signaling Milton's *Paradise Lost*, a rhythmical tale that recounts an angel's fall from grace in pursuit of individual power against God, Nick accepts his fate as a soldier in the 'good fight' against evil (519).

Grissom says to Sarah in warning her about getting emotionally involved in one's work:

"Everyday, we meet people on the worst day of their lives...." (116)

Grissom: "How'd you do with the nail clippers?"

Greg: "Right over here. Figured it wasn't high priority since I'd already ID'd the semen in the victim."

Grissom: "That only proves that they had sex. The nail clippers can place Jason Kent at the murder scene. His nails, her DNA, traces of the booth, et cetera."

Greg: "Killer, victim, location."

Grissom: "The Holy Trinity, Greg. I need that." (322)

Grissom: "Tough shift, eh?"

Nick: "Just another day in Paradise" (519)

In the first excerpt, Grissom offers guidance in a way that aligns the job of a CSI with those that provide comfort to people in their darkest moments. The Victim (Agent) once again authorizes the need for a *kind* of search (Act) for 'truth' that is potentially subjective and potentially dangerous to the integrity of their job. Yet, this claim also aligns the importance of being a CSI to positions such as priests or doctors who administer *a similar kind* of comfort to the sick or dying.

While each crime scene investigator may have been lead to their careers by an inexplicable calling, this does not quite explain why they stay as CSIs. True, they are initially driven (Agency) to become CSIs by Christian values and a higher calling (Scene) but they remain as CSIs despite the multiple hardships that face them, aside from the threat of the occasional kidnapping or murder of colleagues. I suggest that the rhetorical force behind the unusual loyalty investigators have for their job is most persuasively located in the use of the uniquely Christian metaphors. Furthermore, CSIs are dramatized consistently as Martyrs in opposition to Heretics. The key difference in the presentation of these personae is the role of autonomy in the Agency of the scene. Those who come to work in forensics or criminal justice for self-serving desires, such as income or prestige, are usually presented as Heretics. The act of choosing a career for personal desires is positioned in discursive opposition to those who struggle for the good of humanity in the service of justice with few personal benefits. The reason for the search for truths shapes the kinds of characters who peruse. The Heretic persona adds another layer of rhetorical complexity to the explanation that some experts cannot be trusted with knowledge (a tension about security) and that science without a (Christian) moral compass is dangerous. Non-believers tend to be framed primarily as exploitive characters that make the collection or presentation of evidence *unnecessarily* difficult:

Catherine: "People don't realize just how many sets of hands a piece of evidence passes through. Losing evidence isn't about anything sneaky. It's just human error."

Warrick: "Defence attorneys have made a whole career off that human error."

Catherine: "Yeah, tell me about it." (116)

Catherine: "Okay, how long is this going to go on?"

Grissom: "I don't know, Catherine."

Catherine: "Gil, it was an act of omission."

Grissom: “How many times have we heard a public defender say that?” (522)

Catherine: “The guy’s an ass” [about Thayer, an expert etymology witness].

Grissom: “He used to be a competent scientist. We actually co-authored a paper together ten years ago. I believe greed has gotten in his way.”

Willows: “Well, I’ve seen him on the stand. He manipulates evidence.

Grissom: He manipulates people. The public assumes that scientists are ethical, but many of us are no better than politicians, evidently.”

Later in the episode ~Grissom reveals Thayer’s interpretation as flawed:

Under Sheriff McKeen: “So, Grissom, I’m not sure of your ambitions, but if you’re interested in taking on more responsibility, maybe a promotion, I’d be glad to pass...”

Gil Grissom: [interrupts] “You know, Oscar Wilde once said: ‘Ambition is the last refuge of failure.’ I’m fine. Thanks.” (606)

Interestingly, Thayer – the Heretic etymologist – is described as a “gun for hire” expert (606), as if Grissom does not collect a salary.

The mystification of Grissom’s Agency - as a crime scene investigator working for a salary in an arguably pro-prosecutorial agency within the criminal justice system- is notable here. Grissom is framed as a servant of the people – a man committed to the truth rather than the bottom line. This characterization is juxtaposed defense attorneys framed as individuals who build careers not on skill, but on exploiting CSI human errors. The pursuit of justice for Heretics is always explained as a consequence of personal desires, but never in terms of perusing state sanctioned human rights of the accused against wrongful convictions or unlawful prosecution, for example. The Heretic persona is presented within the text in opposition to the ‘good’ state prosecutors and CSIs who work towards the common good, which is presented in the imperfect pursuit of security. While there are times when pressure is placed on the CSIs by crown prosecutors or sheriffs to provide evidence before the investigators feel ready to provide it (a criminogenic pressure hinted at by some of the CSI literature), those working towards prosecution are not

framed as exploitive: of lesser intelligence occasionally, yes, but not exploitive. The prosecutorial side of Criminal justice is aligned with a moral Agency that guides CSIs to do their work, which excludes personal autonomy. The Martyr suffers great personal sacrifice for the benefit of the largely ungrateful masses.

Catherine: "You know who the DA will blame for this..."

Warrick: "The same people homicide will blame..." (116)

Initially, I expected to find economic explanations to emerge as a potential reason why forensics might fail. While this motive appears in the series more after 2007, it is rarely used as an explanation to justify forensics explicitly. Instead, the issue of budget cuts and financial hardships emerges in personal contexts. Some sympathetic Criminals justify their illegal activities in relation to the economy (212; 218; 504; 519; 603). Most economic motives, however, emerge as but another harsh reality of being CSIs.

Budgetary constraints are signaled in discussions between Grissom, politicians, and criminal justice administrators. The narrative suggests that the Criminal justice industry is one that is underfunded (522; 618; 703; 806; 911; 925), fortifying the hardships that Agents must overcome (Act), motivated by an inexplicable higher calling. Competing Purposes (such as the reality that there is a lucrative forensic industry in the US in particular) are mystified.

To demonstrate, consider the following excerpt. Grissom finds the body of a baby who was smothered accidentally by his toddler brother, a point which is concealed by the parents. Uncharacteristic of his objective demeanor, Grissom responds strongly to Greg, the lab technician, who explains to Grissom that that the evidence from this case would have to wait until previous evidence from other cases was processed:

Grissom snapping at people then this exchange between Greg and him:

Greg: “Jammed....drug shoot out, 25+ samples, FBI special request, sheriff...”

Grissom violently clears the table of DNA sample with his arm (presumably destroying the evidence) and says” Until we find out how and why this baby died this is the only case you work on” (119)

Note the *kinds* of Victims (drug shoot out) and *kinds* of experts (FBI agents and Sheriffs, who typically feature as self-serving characters) signaled in this scene; Grissom did not violate evidence from a serial child molester case. *Lesser* Victims and Heretics are dismissed together, their evidence presumably destroyed, in order to privilege the processing of evidence for the most innocent Victim (a baby). In a similar scene, Warrick is about to present evidence at a trial. The narrative illustrates how many problems emerge that compromised the quality of the evidence. Warrick overcomes what appear to be insurmountable obstacles, including the involvement of CSIs whose convictions to justice were not as strong as his, and those who were not dedicated to the task of preserving evidence (Heretics).

Prosecutor: “Will you be able to do this at trial?”

Warrick: “It’s our job” (116)

Absent from all these examples is the Purpose for which the Act of performing one’s job is done. When supernatural explanations serve as the Scene in which CSIs come to Act as Investigators, individual passions, needs or wants are mystified, particularly for CSIs who are positioned rhetorically within the discourse in opposition to heretics. Personal sacrifice to these ends illustrates yet another layer of rhetorical dimensionality in legitimizing the role of CSIs.

While the plotlines of CSI cast Grissom making the greatest personal sacrifices, a theme I will address shortly, Grissom’s followers are also shown sleeping in the lab while working around the clock (412,621) in the “busiest lab in the country” (521). Likewise,

they sacrifice personal relationships and participate in self-destructive activities in order to cope with living the life as a 'good' CSI.

Catherine responds to the Crime Lab Director when asked to provide an explanation as to why protocol was not followed in processing evidence, which lead to an explosion in the lab: "16 hour shift, 3 hours pretending to sleep, 5 hours lying to my daughter that everything is going to be alright..." (322)

Catherine: "We're mid-case. Why do we have to do this now?"

Grissom: "Well, unless I get these evaluations in, I'll be written up. "

Catherine: "My goals... all right, for starters, I'd like two consecutive nights off. I would like to cut my triples down to 10 instead of the usual 20, and I would love to find a reliable babysitter so I could have myself some kind of a personal life. "

Grissom: "You don't have a personal life?"

Catherine: "Write this down: I haven't had sex in six - no, seven months." (412)

Warrick to Greg: "My wife is having a hard time with this scheduled...a lot of time being alone." (619) [this relationship eventually fails]

Lab technician, Hodges, admits to using a brothel because his job does not allow him to meet people (721)

The main characters that leave the series do so after years of service that ends in mental exhaustion (Sara) or death (Warrick). Catherine and Nick, however, continue to work in the face of great personal sacrifice and cost. Catherine's mother is essentially raising her daughter due to her extensive overtime shifts; Nick is Victimized more than once; all CSIs complain of not having time for a social life, sex life, or a living wage. Undeterred by such sacrifices, the characters demonstrate an almost incomprehensible loyalty to the job. All CSIs complain somewhat though, with the exception of Gil Grissom.

The Holy Father of Objectivity: Gil Grissom

While all CSIs suffer great personal sacrifices, only Grissom does so without complaint, although he does occasionally show exhaustion with the job. His character

performs unwavering indifference to personal sacrifice from the beginning to the end of his appearance in the series (2000- 2009); he is the primary figure that embodies scientific rigor and raises the value of scientific rationality to that of piousness. His sacrifices are greater than those of his followers, and his faith in science – in spite of extreme challenges - is unwavering. His conviction is primarily communicated metaphorically through his performance as (holy) father figure to all other CSIs.

One of the key episodes that employs Christianity in explicit rhetorical terms dramatizes the biblical ‘brothers keeper’ narrative wherein Grissom speaks throughout the episode with a priest. The Father believes in the innocence of one brother who is caught in the act of burying bodies of men his brother murdered. The innocent brother refuses to incriminate his guilty brother. Grissom’s faith in science to bring about the ‘truth’ of the crime is shaken. The empirical evidence directs CSIs back to the innocent suspect, which troubles Grissom. In this excerpt, Grissom concedes to turning over evidence that suggests a ‘truth’ he has little faith in. Here, Christianity and science are aligned as paradigms that share a common Purpose: systemic ways of gathering ‘truth’:

Grissom: “you haven’t proven murder. You’ve proven burial. Show me the gun.”

Sarah: “The holes in Christ’s hands, doubting Thomas?”

Grissom: “Yes. Empirical evidence. St. Thomas was ahead of all of us.”

Sarah: Is this about the Priest?

Grissom: “No this is about the evidence.

Nick: “Our job is to present the DA with the best evidence possible for a jury to decide. Anything else and were playing judge. The evidence doesn’t get much better than this.

Grissom: “Ok, ship it out. Show it to the DA.” (206)

The Act of providing some evidence to the District Attorney, despite sensing that this Act might result in the wrongful conviction of an innocent man, is guided by Grissom’s belief in Science as an objective paradigm of truth (Scene). The *kind* of faith in Science

Grissom maintains is aligned with Christian belief systems explicitly and implicitly. For example, the guilty brother works at Dante's Pizza, the innocent brother who appears guilty is closely connected with a priest at a local church who speaks with at length with Grissom about various 'brother themed' Christian narratives. The above mentioned excerpt discursively positions Christianity as a foundational framework for Science in terms of establishing objective criteria. This statement links Christianity with the motive of a forensic evolution. Despite his own reservations about the consequences, Grissom maintains a faith in Science which is ordered on an equal plane as Christianity. The conclusion unfolds as the audience is promised a 'good' resolution to the problem of wrongful conviction. Instead, upon realizing his brother betrayed him, the innocent brother commits suicide in his cell just as Grissom comes to tell him they located the forensic evidence, which has cleared him of wrongdoing. Grissom rushes in to the cell and the scene closes with the camera focusing on the blood that covers Grissom's hands as he looks up (as if to heaven?) while choir music plays. While forensic evidence eventually leads investigators to the 'truth' of the crime, the cost is the death of an innocent brother whose loyalty was met with betrayal (another Martyr). In the end, Grissom is faced with the unfairness of a life that is not made right by either forensic science or Christianity. Instead, both Scenes can only offer objective evidence or Christian explanations about chaos. Christianity and Science are aligned as mutually reinforcing Scenes; however, they stand as disciplines that *do not* hold perfect solutions for living in a Risk Society. This brings us back to the point made in Chapter five, which is that the successful communication of a Risk Society is premised on the acceptance that we can never perfectly predict risk; we can merely try to do what we can to avoid harms,

and react. Throughout the series, but in this episode in particular, two statements cooperate in the mystification of Purpose. To illustrate the complexity of this rhetorical claim, consider the following Pentad outline:

Scene: Science/Christianity
 Agency: Faith in empirical evidence/ Faith in God
 Agent: Grissom /Grissom
 Act: Search for Evidence /Search for Truth

Scenes of Christianity and Science function almost seamlessly together; consequently, the absence of Purpose in the Scene collaboration offers the audience the insinuation that both Scenes function with similar Purposes. Certainly imprisoning someone who people in the criminal justice system know is probably innocent (a common occurrence in the CSI narrative) is but one example of how the Purpose of Forensic science and Science could be considered incompatible; forensic science is a discipline in the service of incarceration which, arguably, is an ' unjust' and inhuman institution. A possible Purpose of Christianity, such as peace for humanity or a Christian Utopia, would seem to conflict with the Purpose of Forensic Science, which accepts that tormenting those who are innocent until the guilty are found is simply part of the way that the justice system works. Institutions are not suited to experiencing guilt in the Christian sense.

In concluding the episode, none of the Agents communicate using speech. The imagery explicitly demonstrates the personal sacrifice that Grissom bears in the name of Science: guilt that is framed in terms of Original Sin throughout the episode. Grissom performs a familiar tragic scene, with the blood of an innocent man is on his hands²¹, and so we are told that this is not a morally 'just' ending, but at least the guilty brother will be

²¹ This 'blood on hands' dramatization also appears in episode 619 where Hanna West, the evil genius persona mentioned earlier in my analysis, is faced with the suicide of her brother who has reacted similarly to the innocent brother discussed in the chapter; bloody suicide in response to a siblings betrayal.

going to prison for the murders that the innocent brother was being accused of. The narrative explains to the audience: truth brought to us by forensic science does not explain ‘why’ social life is tragic, it just is.

Grissom’s team (primarily Nick, Warrick, Catherine, Sara, Hodges and Greg) are not as true to their scientific convictions and are frequently shown struggling with Grissom’s teachings. These moments serve to strengthen Grissom’s character as a pious leader, when even those closest to him disbelieve. The reader will note that these excerpts also provide further support for the ‘human error’ motive that buttresses the proliferation of a forensic industry. These narratives almost always unfold when CSIs express strong emotions about their concerns that the collected evidence is directing them towards the ‘wrong’ suspect. The preceding chapters established multiple examples where Catherine, Warrick and Sara in particular jumped to conclusions before the evidence supported these beliefs, with negative (but edifying) results.

Gil pushes the group to think alternatively, despite pressure from the public prosecutor who is trying to influence them to go to court with what evidence they have. When Grissom’s hunches are found to be correct, Warrick and Sarah approach him to say: “I am sorry we let you down. We quit before we should have...”] (203)

In many instances, the public (who are represented in text through questions posed by journalists at crime scenes), public administrators, captains, and sheriffs press Grissom to provide them with a “viable suspect” (123). Temptation (a Purpose that would be related to personal desires such as wealth and career prestige, which was explored in chapter six) *never* works on pushing Grissom to provide non-CSIs with preliminary assumptions about what the evidence might reveal about a crime:

Reporter asks Grissom how he can “look at the parents” (who are assumed guilty by almost everyone in this episode). Grissom responds: “Let me tell

you something: People are presumed innocent. Innocent until a court of law can examine all the evidence and prove otherwise. Until then, everything else is just gossip..." (119)

In this scene Sarah and Grissom disagree. Grissom is convinced the Victim was electrocuted even though "the body" seems to contravene this theory:

Sara: "I don't know what I'm looking for."

Grissom: "Signs of charring or melting. You've done this before."

Sara: "Yeah. But we always go back to the body. The body tells a story and in this case, the body says there was no crime and you're not listening. Why?"

Grissom: "Every now and then, we have to break the rules. Start with a conclusion and work our way backwards."

Sara: "Like, for instance, when we don't agree with the coroner's report?"

Grissom: "Like, for instance ... in the 1800s, when surgery was Russian roulette and patients were dying on the tables."

Sara: "Germs."

Grissom: "Until Louis Pasteur theorized that something we could not see, microscopic organisms were attacking the patients."

Sara: "Relevance ..."

Grissom: "Bodies tell a story because we interpret them the way our predecessors taught us to. Just because we don't see something we're supposed to see doesn't mean that it's not there." (203)

Nick arrives late to bombing scene to meet up with Grissom and the Sheriff

Grissom: "Here's the press. You're on! Wish I could help, but I have a vehicle to process."

Sheriff: "Everyone assumes it's a hit. What are you thinking...?"

Grissom: "I'm not thinking. I'm just looking"

Sheriff: "That's good...Can I use that?" [Sarcasm]

[Later in the same episode]

Sheriff: "So what does this all mean?"

Grissom: "I don't know..."

Sheriff: "Don't play games with me. Explosions lead the news. I need to know who and why."

Grissom: "Evidence is about the bomb, not the bomber. There is nothing distinct here." (209)

Grissom's tone is always unemotional in response to such social demands, to the point of being funny. Indeed it is ironic; the audience would recognize these moments in terms of what an Agent might sacrifice in being so unconcerned with political and personal

pressures. Also, they would recognize that giving in to such temptations would reap benefits, such as intimate affairs (Sara and Grissom maintain such a relationship) or advancement of one's career. Grissom is willing to sacrifice all for a divinely committed performance of his faith to science.

Sarah; "What kind of system rewards the suspect when the Victim is too tough to die?"

Grissom: "You need to let this go..."

Sarah: "I wish I didn't feel anything..."

Brass to Grissom: "What else can't you put your finger on besides the clock out button" (412)

This scene involves a heated exchange about the tension between the human need of intimate connection and how that impacts how one works as a forensic investigator.

Grissom; "How many times have we heard public defenders say THAT"

Catherine: "Is it a crime to want human contact?"

Grissom: "I guess that's why I don't go out..." (522)

Grissom: "Attraction is subjective, it can't be studied"

Greg: "What do you like?"

Grissom: "Someone who doesn't judge me" (516)

Although Grissom's tires of forensic crime scene investigation by season nine, his departure from the series reproduces his convictions to his faith: he leaves CSI to dedicate his life to the pursuit of scientific knowledge. And, when he does leave, he meets his 'great reward' in the rainforest as he reconnects with Sara, his love interest who left the series earlier; He can study bugs while she studies gorillas.

The Purpose of forensics science in the Scene of a Risk Society has its problems that the dramatization of forensics attempts to resolve convincingly for the audience of CSI. Christianity is the moral compass that offers a reassurance to the audience that the techniques of forensic science will not produce intentional harms. The CSI text weaves a

familiar and culturally established social control (Christianity) in order to buttress the legitimacy of an inherently flawed and reactive system of social control that offers little more to Victims than following up after the tragedy has occurred, and might lead to their further alienation from the criminal justice system. I take the prevalence of this motive in CSI as evidence of the process of communicating social control when a crisis of legitimation emerges regarding major social institutions such as Science or Law. Said another way, Christianity merges with the scene of risk when statements cannot resolve tensions about morality. The plausibility of the statement requires a cultural explanation that is *as strong as* 'risk'. Why someone flies a plane into a building (evil), or why there would be cultural support for a system of justice that creates harm or violates human rights (evil killers & pious investigators) cannot be answered using positivistic explanations. Christianity remains a strong ideology that provides explanations about 'right' and 'wrong' when science offers us none.

Chapter 8: Justification by Faith: The Communication of Science, Social Control and Risk

News that Ottawa will use high-tech scanners that can see through people's clothes to spot terror threats brought shrugs rather than outrage from travellers on Tuesday. "I wish there were other methods that were less invasive, but if it's something they have to do for airport security, I agree with it," said Jennifer Iorio as she waited in the U.S. departure lounge of Montreal's Pierre Elliott Trudeau International Airport [...] Jean Fraysse, a resident of Le Mans in France, said innocent people have nothing to fear with the scanners. "If a person has nothing to be worried about, I don't see why not - even if it means using an X-ray," Fraysse said as he waited to board a U.S.-bound flight from Montreal. (CBC, 2010)

Harry Morgan: "Okay, so we can't stop this. But maybe... we can do something... to channel it. Use it for good."

Teenage Dexter: "How could it ever be good?"

Harry Morgan: "Son, there are people out there who do really bad things. Terrible people....and the police can't catch them all. Do you understand what I'm saying?"

Teenage Dexter: "You're saying they deserve it." (*Dexter*; pilot, 2005)

... that the applicant:

(i) is aware that the benefits and risks associated with the use of marihuana are not fully understood and that the use of marihuana may involve risks that have not yet been identified... (Applicant Declaration, subsection 5(1) of *Marihuana Medical Access Regulations*, 2001)

Constable Hazel couldn't put a number yesterday on how often the Mounties are called to deal with attempted suicides. "It's something that is fairly regular here in Davis Inlet," he said. He blames gas sniffing for most of the problem. Lately, the epidemic seems to have spread to the Innu of Sheshatshiu ... (*Globe and Mail*, 1999: A6)

Mass media are vital to the communication of risk (Beck, 1992). Motives about science and risk certainly circulate through mainstream news accounts and in social policy documents. Popular texts also serve this function, and arguably – because they tend to be more ‘fun’ - reach larger audiences. Risk is communicated through popular music, social networking sites such as Facebook, movies such as the reinvented Sherlock Holmes (Ritchie, 2009) and crime dramas such as CSI and Dexter. Given the sheer size of the audiences that support (and contribute to) these cultural productions, they are at least as important as news and state documents for social critics to consider in discussion about the social construction of risk, science and social control. While I am not suggesting a direct causal relationship between CSI and the National DNA Data Base’s position on the future of forensic science, for example, I do believe there is a relationship between cultural texts about forensic science (Faux Science) and the explanations that are offered to justify some policies over others. Popular culture plays an important role in circulating stories we tell ourselves about a journey of faith towards a kind of security.

While CSI ultimately puts forth reasons for audience members to have faith in forensic science in the search for security, the dramatization of science and social chaos does not unfold as easily as the current CSI literature presumes. Faux Science dramatizes the problem of crime and chaos, where “certain motives are verbalized rather than others” (Mills, 1940:905) about the imperfect search for security. The plausibility of statements that contend science is an appropriate means to address social chaos in some way is communicated to the audience by introducing and overcoming some counter narratives about science. The rhetorical process of resolving destabilizing claims about science is essential to the successful communication of risks, the kinds of people and knowledge

that are acceptably risky and, by inference, those who are not. Faux Science stands as a credible motive in the search for security, at least until the next crisis comes along. The frame of Faux Science makes the irrationality of faith in an imperfect search for security, appear rational.

While my concern in this investigation has been on CSI, this builds upon my previous research; I am finding similar motives used in different media genres that dramatize science and social control in comparable ways: Mainstream Canadian newspapers about Davis Inlet (Landry, 2002), the museum installation *Autopsy of a Murder* (Landry, 2004) and CSI. I am also noticing these motives emerging in recent debates about security and surveillance in airports. The Canadian Press quote at the beginning of this chapter anecdotally demonstrates science and technology is explained as an admittedly invasive technology that innocent people need not worry about. Individuals are portrayed in a drama about surveillance technologies as ‘shrugging off’ the invasion; while the characters²² presented in these news article concede that such invasions of privacy is not something they accept without some minor concerns, they accept it nonetheless. The Canadian Press article quoted at the beginning of this chapter presents increasing surveillance as an acceptable response to the drama of insecure air travel in a post-911 world. This echoes the motives offered up throughout all nine seasons of CSI. Both narratives communicate that there is no expectation of privacy in a society that is marked by so many risks. There will, no doubt, be other articles published

²² I use the terminology of “character” here to draw attention to the productive nature of this news article. While we might presume that the person quoted is a real life person, the use of this quote, presented in this way, in this article is not the same as speaking to someone face to face. This article reflects many choices about the narrative about surveillance and its audience. Burke would suggest using this language to bracket out these terms is how we can avoid becoming part of the drama, assuming that the news article is ‘truth’ instead of a ‘cultural production’ that reflects social order.

that condemn this policy, just as tensions around privacy and security arise in CSI; it will be interesting to see how such counter discourses are neutralized, if at all, and if they bear resemblance to the resolution of such tensions in CSI.

Perhaps audiences might not recognize the validity of statements that justify invasive surveillance techniques if it were not for the prevalence of the dramatization of social disorder on shows such as CSI. The complex forensic narratives offered in the popular forensic crime drama mystify how social life can be ordered differently. Nevertheless I would like to temper this idea with two main points. First, in order for CSI to become as popular when it did, it had to be received by an audience that was ready to hear the narrative as it was produced. In that sense, although the CGI technology may have been eye-catching to audiences in 2000, the plausibility of science as a way to lead us in the legitimacy of a search for *some kind* of security was already underfoot culturally. The series reflects choices made by people about ideas that would be recognized by an audience as reasonable. As it turns out, the audience who accepts the plausibility of these narratives (at least in terms of crime dramas) is vast. Not to say that individuals believe that everything that they see on CSI is 'true', though Surette's (1998) understanding about mass media and cultural knowledge is worth considering here. When people do not have personal experience with a particular institution, as with institutions of law or science, they are left with the only narratives to which they have access for information on such things: newspapers, TV shows, online sources, word of mouth from family and friends. Certainly, mass media introduces and reproduces ideas to a much larger audience than one's family or friends conceivably would.

Second, CSI provides a narrative in which forensic science, when it performed by the 'right' expert, is framed as a legitimate response to a presumed social; nevertheless, the narrative consistently introduces problems and tensions that makes the journey towards security full of managed detours and tribulations. It is in the resolution of these tensions that the social critic (and general audience) is provided with opportunities to reveal statements as necessarily incomplete in the service of particular social orders. Narrative tensions provide the audience with momentary illustrations of the socio-political order. In the case of CSI, support for a forensic industry 'makes sense' while the problem of insecurity is consistently individualized by the text in terms of Villains and Victims. Science cannot always be drawn upon by producers to resolve *some* problems and Villains, however. Christianity is aligned with science to address problems associated with a strictly objective approach to pursuing justice. Here, Christianity is drawn upon to legitimize science when scientific justifications are threatened by more persuasive counter discourses; many viewers of CSI are familiar with the atrocities of the Jewish Holocaust in the name of objective science. The narrative contends with the ethical dilemmas that emerge with purely objective approaches to managing people by reassuring the audience with a guiding (and popular) morality (Christianity).

The Social Construction of Risk

CSI offers its audience an understanding about contemporary living, wherein people share in the experience of not knowing who, what or where is safe anymore. We are all ordered as potential Victims or Criminals. CSI does not promise perfect security through science; quite the opposite, the narrative acknowledges that controlling for all social harm is probably impossible. Instead, the narrative suggests that while we cannot

control social chaos, *we can control science in the service of responding to social chaos*. There is no perfect prevention of harm, although we can perfect the ways in which we can capture those who inevitably will harm ‘us’. The text is concerned with how science can be used to pursue and monitor guilty and/or suspect Agents. The crime drama justifies increasing invasive techniques of surveillance when all traditionally accepted logical indicators (such as crime statistics) suggests that perhaps random violent harm is not as big of a problem as corporate harm or exploitation, for example. Consequently, the text offers up reactive techniques in response to the presumption of an inevitable insecurity, merely promising the audience of CSI that these techniques, and the forensic industry, will get better and faster at catching the ‘bad guys’. The catch in this promise, though, is that individuals are responsible for financially and ideologically supporting this forensic advancement. Recall how “[e]veryone can help resolve this problem by joining the Crime Lab Project. Those interested in encouraging the legislature to distribute the promised Coverdell funds can join the Projects at...” (Stephens, 2007:591). If the system it is not working properly, it is because someone (CSI-addicted jurors or critics of surveillance expansion policies, for example) is not fully supporting the progress of science.

Framing Knowledge

Risks are identified in the CSI narrative in part through the use and misuse of knowledge. Most of the literature on CSI presumes that the forensic crime drama dismisses the validity of eyewitness knowledge outright in favour of forensic evidence. There were at least two ways in which the act of witnessing – a kind of knowledge – was presented consistently as a valid source of evidence throughout all nine seasons of CSI: nostalgia and victim eye witnessing. Both ways legitimize claims that we are living in a

period where life is more risky than 'before'. First, nostalgia provides evidence of a noticeable difference in the ways 'things used to be'. A new kind of victimization, which is defined as random and unknowable, is performed in the banter between characters and investigators who recall a simpler, less risky time. Second, eyewitness accounts are validated when performed by Victims who are dependent women, and almost always in relation to sexual assault cases. Both kinds of legitimate witnessing involve Victims. Perhaps unsurprisingly, CSI does not offer criminal witnessing as a valid source of knowledge.

Eyewitness evidence rarely leads to the capture of Criminals, though. While investigators reassure Victims that their recollection of the crime is important once a case gets to trial, Victims are typically re-victimized before the trial if the case is lacking in forensic evidence. Other times, Victims are unable to provide testimony due to the presumed trauma of facing their attacker. The use of eyewitness evidence in the storyline suggests a better forensic industry - when the system can work without relying on the Victim - might prevent re-victimization. The narrative appears to be sympathetic and supportive of Victims on the one hand, but ironically suggests that excluding Victims from the criminal justice system would be in their best interest. Who would not want to help Victims of crime, after all? The complex problem of harm is rendered into a drama of good and bad, what Burke calls *Victimage*. If one is concerned for the most *innocent* Victims, then one would logically support an industry that would protect by excluding them from such stress and peril. For the most part, however, subjective kinds of evidence such as eyewitness are ordered as less valuable than forensic evidence.

Managing a Loss of Faith

According to Beck (1992), one of the features of living in a Risk Society is a general distrust in expert systems, which is a prevalent theme in CSI. Its narrative does not support all experts and knowledge; experts guided by personal needs are juxtaposed more nobly motivated experts. Recall Grissolm's assertion that some scientists are no better than politicians. Martyrdom is a defining characteristic of Grissolm. It is also used to distinguish many of the core crime scene investigator characters from other experts working with or for the criminal justice system. Martyrs are Agents who pursue a career in forensics at great personal sacrifice. They seek a more pure type of justice than others in the criminal justice system. All other experts - including police officers, administrators, and lawyers - are typically depicted as exploitive characters profiting off the current imperfections of forensics. Those who benefit from such flaws are rendered by the text as Heretics. In yet another dichotomy of right and wrong, the forensic industry becomes communicated not in terms of the socio-politics of criminalization, for example, but as a discipline with positive potentials when forensic knowledge is performed as a Martyr style work ethic. The narrative does not have to entertain counter discourses about who gets criminalized, or why, when *some* experts are exempt from the taint of personal profit. Many CSIs – especially Grissolm – are typically framed as disinterested parties in the process of criminalization. Further, Crime Scene Investigators become better CSIs by suffering through human errors. All others who err are framed as doing so with ill intent to gain personally, whether economically or to avoid detection by investigators. Hence, Heretics are those who err in unforgivably selfish ways.

Scapegoats and Acceptable Risks

Shortcuts in communication are useful in efficient communication. One of the outcomes of discursive shortcuts, however, is the symbolic performance of complex social issues into problems of Victims and Villains or Martyrs and Heretics. Moreover, when complex problems are communicated in individualized dualisms, systemic problems of science or law can be resolved rhetorically by blaming individuals. Faith in Faux Science is, at least in part, sustained by the use of Scapegoats in claims about the problems and potentials of forensic science. The producers of CSI seem to presume that its audience requires less convincing on the subject of science in the service of social control. Some problems permit some failings of an expert system if the people impacted are morally inferior (people on death row, for example). Scapegoating permits the preservation of some expert systems for some problems. Criminals who are framed as animals, mentally ill or in possession of forensic knowledge are presented in CSI illustrations of such problems.

There are four unique statements made in CSI that facilitates the construction of Scapegoats. First, *some Victims are better than others*. One of the ways in which this is communicated is how some Victims are permitted to act with strong emotion. Babies, young children and dependent females are presented as worthy Victims whose subjectivity is permitted and expected in most story lines. Sometimes narratives illustrate this hierarchy of Victims by pursuing the ‘truth’ about some crimes for some Victims at the expense of other less worthy Victims, such as gang members who might have been involved in a ‘drug shoot out’. The good Victim is also used in story lines that allow emotions to enter into the process of assessing evidence. Typically, CSIs and the parents of Victims (and the parents of CSIs who have become Victims) are used in storylines to

authorize eyewitness testimonies or personal grief. These explanations are presented in narratives that communicate the positive potentials of a forensic technological evolution.

Second, *some Criminals are worse than others*. One of the ways in which this is communicated is through the use of animal and evil metaphors. These statements present some Criminals as beyond reason, an Agency that denies autonomy. Such statements justify a kind of pursuit (by CSIs), which mystifies the political or social context of criminalization (and the hunt for Criminals) by explaining the problem in terms of innate individual flaws. In cases that contend with the use of forensic knowledge by Criminals (science without a moral compass), their acts are framed as evil. But, to clarify, the act of murder in CSI is *not* generally communicated as the manifestation of evil. After all, practically every episode of CSI features one kind of murder or another. If all murder was framed as evil, CSI would look more like *Charmed* or *Buffy the Vampire Slayer*. Instead, evil is located in statements about the use of forensic knowledge by non-CSIs. Evil personae are invoked within Christian tales and metaphors, including the use of religious music and Biblical names and characters. Furthermore, Christian ideology is positioned as a *better* supernatural framework than others in understanding some crimes.

Third, *some Martyrs are better than others*. One of the ways this is communicated to the audience is through the performance of subjectivity that is legitimately used and experienced by some experts. CSIs are typically heralded above all other experts because of their great personal sacrifice in answering a higher calling for the pursuit of justice. For some investigators, personal tragedy intertwines with a supernatural sense of calling to explain their career choices. Emotional sympathy with some Victims is permitted by these experts: Sarah, for example, grew up in an abusive household and is usually visibly

impacted by cases where domestic violence is involved. These vulnerabilities are typically juxtaposed to the exploitive motives of other experts (such as lawyers, politicians, and ‘gun for hire’ etymologists) whose are explained as motivated by deceit or greed. More importantly, CSIs are presented as Agents who are better suited to the task of responsibly managing subjective knowledge *because* they are virtuously motivated. When subjectivity clouds their objectivity, the outcome is still presented as positive: it serves as an inevitable stepping stone in learning how to be a better CSI. Unlike Criminals and Heretics, Martyrs bear the capacity to learn from their subjective ways; this would be dangerous if permitted when used by other less valuable personae. Grissolm stands as the ultimate Martyr, his team standing beside him as Martyrs of varying commitment, but Martyrs none the less.

Finally, *some threats to science are greater than others*. One of the ways this is communicated is through the resolution of two seemingly incompatible epistemological positions: the moral authority of Christianity and the immoral authority of natural science. Natural science is a paradigm for which the moral language of ‘right and wrong’ is incompatible; consequently, it is probably the greatest threat to the legitimacy of science in the service of maintaining moral order is this absence of morality. The consistent use of Christian themes within the original CSI series demonstrates how risk is performed in concert with another subsystem in order to present a persuasive case for the legitimacy of forensic science, when the legitimacy of science is seriously compromised by a more persuasive statement. Alternatively, consider how the proliferation of surveillance systems is explained within the series. People who object to increased surveillance are those who are mentally ill or suspect. The producers need not invoke

evil in resolving some critiques about surveillance. However, despite using the idea of terrorism²³ and symbols from 9/11 in the series by season four, evil is not a strong enough justification to address a history replete with examples where great social harms have occurred in the name of science, such as the Jewish Holocaust and the Eugenics movement in North America. So stands a counter discourse that is not easily resolved by *more* science and technology. Such problematic claims require a stronger ideological approach to offer audiences reassurance that forensic science is unlike the kind of science that has been wielded to harm Victims in recent history. The series accomplishes this to some extent by presenting CSIs as having supernatural gifts of perception (to ‘hear’ dead people) and by positioning Grissolm as a deity figure. Primarily, it presents Christianity as the proper moral compass that will prevent the use of forensic science for harmful ends to all Victims, potential or otherwise. Only Criminals need fear the proliferation of a forensic industry guided by a Christian moral order.

CSI presents a popular dramatization of science and social control, what I define as Faux Science. CSI acknowledges critiques leveled at the promises of forensic science that justifies it as a valid approach to lead *some* kind of search for security. As the text resolves tensions that inevitably plague a search for perfect security, Scapegoats are offered up to the audience to resolve these tensions until the next crisis comes along. The resolutions of these critiques demonstrate to the audience that these problems are not catastrophic to the potentialities of forensics: they are *manageable* risks. The narrative permits forensics to fail: ‘bad guys’ get away, evidence leads CSIs to accuse some

²³ While the War on Terror was clearly spoken about by the US state through President Bush as a war against the “axis of evil” (CNN, 2002), CSI contends with terrorism largely in terms of surveillance and security without invoking Christian motives. One possible explanation for this might be that the narrative in part reflects the waning public support for the War on Terror as it was originally framed by the state. If we are to accept this assumption, this would be an example where the pairing of Christianity with the moral authority of science would be problematic to justifying support for the evolution of science.

innocent suspects of heinous deeds, and Victims get re-victimized. The Las Vegas lab goes from being the ‘number two’ lab in the country in season one to being the busiest lab in the country by season seven; social chaos is not getting better, it is getting worse. The text explains the lack of success in terms of individuals, as opposed to institutional flaws, for example. Just as the literature on the CSI Effect is concerned with individual jurors contaminating the court system with CSI-fueled misinformation about forensics, individuals are similarly used in the crime drama’s claims about the failure of expert systems. Purpose is excluded in claims that justify increased surveillance and forensic fantasies as a mundane part of everyday living. Individual responsabilization and probabilities of Victimization mystify *why* we use forensic science, or seek Criminals *this* way.

The ways in which some critical claims are permitted within the narrative reflect production choices that say something about the socio-political and institutional context in which CSI is created for a very large audience. Only certain statements are sayable; it is in such cultural artifacts that we can uncover at least one way that forensic science is popularly justified as an appropriate response to a presumed social disorder. Yes, critiques about surveillance expansion are entertained in the narrative, but only when introduced by guilty or mentally ill personae, for example. As I have demonstrated, the Pentad can be used to uncover rhetorical mystifications, which allows for the contribution of a fuller explanation about Faux Science than what is presently offered in the CSI literature. For example, in revealing how the Victim is used to justify the ideological and fiscal support of forensics, I suggest an alternative account: the discursive support for the evolution of forensic industries is founded on binary understanding of Victim/Villain.

Ironically, in supporting a movement towards ‘perfect surveillance’, where eyewitness need not worry about re-victimization, the statement suggest that Victims would be best served by excluding them from the criminal justice system, and allowing the evidence to ‘speak’ on their behalf.

Motives offered up to the audience of CSI also appear within the academic literature that attempts to justify responses to a presumed CSI Effect. Many social scientists mistake the uptake and proliferation of opinions about the CSI Effect by law practitioners²⁴ as evidence of a CSI Effect. Despite a lack of rigorous research or empirical evidence of any of the three kinds of CSI Effects defined by social scientists, the literature on CSI continues to speak with authority on responses to the forensic crisis based on the assumption that the CSI Effect does exist; perhaps, then, we too are working within a framework founded on a belief in the evolution of a science that will eventually provide us with evidence of this Effect. This framework is problematic, especially when such research is used to justify social policies that are proposed in a culture which seems somewhat unconcerned about the expansion of surveillance technologies. This problem further justifies the importance of further critical research into the relationship between social constructions of risk in popular culture, and its manifestations in institutional discourses.

Through my analysis of the first nine seasons of CSI and review of the CSI literature, I have demonstrated that both discourses similarly offer three rhetorical

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No published research to date has considered the opinions of police officers or those who have been criminalized or acquitted regarding forensic as a key factor in the process of criminal justice that they were involved in. When I was discussing this point with a colleague at a recent conference. My concern was met with an exclamation: “Why *would* we talk to them?” These kinds of responses by self-proclaimed criminal justice critics further demonstrates how extensively some social scientists have been drawn into Faux Science. CSI discounts the voices of police officers, positioning them within the narrative largely as incompetent crime scene guards. Criminals are unsurprisingly discounted as not worthy of speaking to, as evinced by their absence in the literature. While CSI and the literature that addresses its cultural impact has certainly not invented this privilege of voices in criminal justice research, it does little to challenge it.

resources that resolve the tensions surrounding forensic criminal justice: the quality of non-expert/juror knowledge; criminogenic pressures placed on the forensic industry from juror demands in trial, or the increased interest in CSI by those who do are not honorably motivated to work in the forensic industry; ideological and financial support for a forensic technological evolution. The literature also provides evidence to suggest that individual juror knowledge and the performance of forensic evidence in the courtroom appears in the CSI series at least three years before newspapers begin focusing on the problem as the CSI Effect. The forensic series was circulating the idea of the problem of individual jurors and lack of knowledge before such problems manifested in mainstream news accounts. I am not suggesting that CSI directly created its own Effect; however, it is plausible that the dramatization of science circulate metaphors and motives to a large audience interested in the idea of forensic science and justice. Meanings about security, science and social control move between popular culture texts and institutional discourses alike.

Finding a Way out of the Dramatization of Science and Social Control

Burke reminds us that by gaining an understanding how some social orders are called upon to support or explain some actions is at least one of the ways in which we can avoid being drawn into dramas. When we are drawn into the drama, we have stopped asking how social life might be ordered differently. The fact that we can locate similar vocabularies of motives in a crime drama and in texts such as newspapers demonstrates that even though popular culture may function as entertainment, this does not distract from its value as a text that reflects the socio-political orders of meaning in a particular moment and culture. I would argue that because popular culture circulates stories that

‘seem’ less factual than a newspaper, for example, makes it *more* important to consider. To assume that audiences consume news for pure facts and crime dramas for entertainment only assumes that the two genres tell two different kinds of stories (fact/fiction) and that audiences read them as such. This thesis demonstrates that similar narratives circulate regardless of genre in some cases, particularly in the social construction of risk. Let us return to the quotes at the beginning of the dissertation in comparison to how Faux Science unfolds in CSI. The Canadian state explicitly positions DNA analysis as one of the most secure method of identification.

The use of forensic DNA analysis in solving crime is proving to be as revolutionary as the introduction of fingerprint evidence in court more than a century ago. Remarkably, Canadian police have been using forensic DNA evidence for little more than a decade, yet it has emerged as one of the most powerful tools available to law enforcement agencies for the administration of justice. DNA analysis is the next generation of human identification in the science of police investigations and is considered a major enhancement for the safety of all Canadians. (National DNA Data Bank Website, 2009)

The plausibility of some kind of secure identification (knowledge) through technological evolution is explained to the audience as a reason to accept a future with more extensive and invasive surveillance technologies. The state, which is composed of Agents who make choices in the production of such documents, explain its Acts based on an assumption about how (Agency) the potential of science will bring about some kind of truth about social problems. These statements illustrate what is sayable by the state at this time where risk is a popular preoccupation. The Marihuana Medical Access Regulations Act is but another example where we can identify Faux Science (Landry & Overington, 2009). Risks of medicinal use have *yet* to be identified, but the law formally lays claim to a faith in a technological evolution to reveal these risks eventually. Both examples deal

with policies concerned with the social control of particular kinds of people; however, the Purpose of this moral authority is rarely offered up in such explanations.

The problem here is not the existence of forensic crime dramas such as CSI, even though much of the CSI literature has presumed it as such. Agents, such as policy makers, Act as if they were part of the dramatization of Science. Institutional discourse (such as social policy) becomes produced by Agents who have been drawn into dramas of science. But this is not an issue of ‘dangerously misinformed’ researchers; Instead, I suggest the issue is the way in which institutions (which includes mass media) ‘shortcut’ critical debates about social control. Informed by problematic research and uncritical assumptions about the CSI Effect, the policies and programs that have been created to counter presumed effects are but a few examples of such Acts. We are not dupes, Burke reminds us: the seeds of counter-discourses exist within these claims, and social change can happen through language.

One of the obligations of a social critic, Burke contends, is to demonstrate that dramatizations are necessarily partial explanations that *can* reveal the socio-political order that justify what is sayable. When we reveal some of the resources that are not presented in particular claims, such as the Purpose of forensic techniques within the criminal justice system, we are able to access other alternative plausible explanations. In the literature review I point to cases where policy has been created to contend with a problem that has yet to be convincingly demonstrated. Instead of taking the lack of evidence of a CSI Effect as an indication that perhaps the problem needs to be thought about differently, the literature communicates a faith in the evolution of science to eventually establish that the phenomena exists.

Alternative ways of conceiving the problem of science and social control are presented within CSI, if only one is willing to look for them. If the head actors of CSI are welcome to come speak to the US Senate seeking financial support of DNA data bases, then one approach might be to focus on revealing the appearance as Faux Science. Perhaps someone else could have ironized this moment by presenting Darth Vader to speak about the struggles private security forces face not being able to access DNA databases in connection with federal and state records. While seemingly ridiculous, is it really more ridiculous than having an Actor speak with authority about forensic science and financial support for the industry? Both cases involve characters in popular entertainment dramas. The reality that the actor who plays lead CSI, Grissolm can speak to the senate without *seeming* ridiculous demonstrates the cultural resonance of Faux Science as it is communicated in texts such as CSI. To return to Aristotle's point, communication forms are not inherently bad. Cultural texts that receive the kind of popular support that CSI does indicates manifestations of powerful social orders that can be uncovered by seeking out what is missing from these explanations. For example, I demonstrate how Christianity is invoked as the moral compass to legitimize forensic techniques, and suggest that this might be problematic particularly for cultures in which the separation of state and church in the systems of legal legislation (whether or not it exists as such) is considered somewhat important.

As a final example of the prevalence of Faux Science in communications about risky populations, I return to the final quote at the beginning of this chapter. Drawn from the *Globe and Mail*, it is a typical framing of the problems facing the Innu community of Davis Inlet after 1992. The purpose of invoking my previous research on the social

construction of deviance in the case of Davis Inlet (Landry, 2002) is to round out the argument I present in this dissertation about the cultural prevalence of the Social Autopsy metaphor. I expect this concept will develop in more detail as I consider it in my future research projects; however, for now I see this dissertation as an extension of some of the themes that I found in popular presentations of the Innu of Davis Inlet. Mainstream Canadian news papers, from 1992 to 2002, presented the community as a single homogenized body, whose fatal tribulations stemmed from pathological and viral tendencies for self-harm (Landry, 2002). The possibility that social problems facing many Canadian Aboriginal people might stem from a history of colonization is mystified in a framework of pathology; consequently, the more plausible solution to the problem of Davis Inlet was rehabilitation (of a community) and scientific study on substance use. Although the problem of Davis Inlet could be discussed differently, typically it was not²⁵. The crime drama CSI and mainstream Canadian newspaper coverage of the Davis Inlet community offer similar dramatizations of science to simplify complex social phenomena: crime and colonization. Some populations and social problems are explained in terms of bodies that can be dissected. Both texts, despite being different genres, offer similar explanations about science as a valid system of logic through which audiences are offered 'reasonable' responses to historically specific social situations. It also makes sense that these different genres might share similar audiences; people typically do not consume and contribute to only one type of media genre in their daily lives, after all. Both instances offer us comparable dramatizations about life in a Risk Society. Some

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Michael Valpy's column in that same newspaper reframed the problem of the Innu in terms of the history of colonization. However, his narrative appeared in an Opinion column as opposed to the 'news' accounts of Davis Inlet (two separate levels of knowledge signaled within the text). The tension was permitted within this text, just as CSI permits tensions, but the narrative of colonization was framed by the subjectivity of 'opinion'. The data also clearly demonstrates that some Victims (Innu youth, adults, community leaders) were not permitted the same access to narratives as other Victims (young children under the age of 5).

social problems are boiled down to bodies that can be read through the lens of science after the act of trauma of living in a society marked by random violence and harm is over. In the case of Davis Inlet, the community is a single body that is metaphorically picked over and discussed long after their community is relocated. In CSI, Victims are dissected to tell us about crime after the event has happened. Both dramas mystify institutional and cultural factors that contribute to the social construction of deviance and social control. Some populations are easier to render this way than others: Aboriginal communities and Criminals make good Villains in popular narratives, probably because the audiences have little experience with how the criminal justice system or Aboriginal social policy functions (although some audience members might). Neither cultural narratives offer preventative solutions for the future, only responses. Social Autopsy is a broader concept that I would like to develop through my future research on popular media and risk.

Given that CSI is in its tenth season, one might wonder what relevance my analysis will hold for new investigations into the social constructions of risk. Documenting a prevalent discourse such as CSI is important if only to establish one way in which risk is explained over the span of a decade where there were tremendous changes in the use of forensic science and surveillance techniques for social control in North America. Furthermore, while other crime dramas feature autopsies, I would argue that none have amassed the popular following that the CSI franchise continues to command. This analysis also provides a point with which we can compare how discourses of science and social control might be communicated differently in future cultural productions. Byer (2009) suggests that the HBO series Dexter is the next generation of forensic crime dramas; although not a prime time show, anecdotally

speaking, there are similarities in who can use forensics properly (and be permitted to kill). Byers (2009) notes, the TV series *Dexter* embraces a loss of faith in criminal justice systems that the *CSI* franchise does not do explicitly. While I disagree with her claim that *CSI* does not problematize the criminal justice system, I am inclined to agree with her on the point that *Dexter* makes more overt claims about the inability of the criminal justice system to capture Criminals. Further, *Dexter* rhetorically delegitimizes the criminal justice system (how *Dexter*'s role as a serial killer explained) while simultaneously legitimizing it (while *Dexter* is a serial killer, he is characterized as an otherwise upstanding member of society; part of this characterization includes his position as a forensic investigator for the criminal justice system). Tension between a loss of faith in the criminal justice system and the moral worth of being a kind expert in the criminal justice system (his moral authority is not Christianity here), is interesting. *Dexter* is a proficient- and perhaps more importantly, likable - sociopath who performs positive social roles of a loving partner, stepfather, brother, and blood spatter analyst. Guided by his father, he has learned to kill people who 'deserve it'. It will be interesting to see how *Faux Science* in these texts unfolds differently – if at all – as we enter the next decade of crime dramas.

The limitations of this research lie primarily in its scope. While I can talk about Audience through the text, I cannot talk about the individual experiences of audience members who consume the text, or produce counter discourses. How (or if) individuals who watch *CSI* take up and produce a language of risk and science when explaining social control is not something I can speak to with any authority based on this research. However, *Burkes Pentad* can be used to locate motives that appear in *CSI* as well as

within fan blogs and personal web pages. Furthermore, while there are papers that survey key stakeholders on opinions they hold about potential jurors, or law students on their opinions about the value of forensic evidence in trial, there has been no research to date that attempts to access how people make sense of the dramatizations of forensic science more generally, which I do think is important. There is still much to be learned about how people make sense of increased surveillance policies, such as the recently enacted body scans for US bound flights.

There are some themes that emerged within my analysis that remained beyond the parameters of this project, but are strong enough to warrant further research. The sophisticated use of irony and parody in the original CSI series deserves an in-depth examination. Humour and sarcasm communicate complex nuances to the problems of living in a society that is communicated as risky that suggests the CSI audience is more sophisticated than what the literature assumes. Further, a systematic analysis of drug use and drug policy presented in the CSI narrative is another theme worthy of critical consideration, particularly given the role science plays in explaining contemporary drug use and policies. I suspect the portrayal of Victims and Villains in the Act of drug use and its control would provide further support to my understanding of the communication of risk and the use of the Social Autopsy metaphor. Finally, CSI presents an interesting narrative about the tension between crime and media. The series incorporates popular understandings about the ‘problem’ with the presentation of crime and criminal justice in popular culture and mass media, while being one of the most popular cultural texts in the world! This is worth a much closer analysis than what I am able to accomplish in this project.

To conclude, my dissertation contributes to contemporary critical conversation about risk by focusing on the oft neglected social construction of risk in popular culture. While the scope of my analysis is not vast, the close attention to the process of meaning making in CSI is unique. I offer an examination of the ways in which some explanations about risk are justified for some kinds of people, but not for others; thus I reveal a hierarchy of meaning about risk that seems to circulate more generally in dramas about science and social control.

Burke offers us a metaphor which I find helpful in guiding us out of these dramatizations of risk, science and social control. By considering what statements are sayable, and by systematically examining the ways in which some social orders are mystified, I offer a reading of CSI that reveals another way in which we can think about contemporary anxieties about forensic crime dramas. It is important to recognize how Faux Science motivates social policy that might lead to increased surveillance in the face of declining crime rate trends. It would seem that a statistical decrease in violent crimes in particular, and crime rates in general, lends support for the claim that the average Canadian is safer now than in the 1970s (Boyd, Chun & Menzies, 2001; Statistics Canada, 2009, 2006). If we assume this to be so, investigating the complex ways a cultural ease with increased approaches to surveillance and criminalization is communicated, as evinced by recent crime policies put forth by the Conservative Government in Canada in the last five years, is a legitimate concern. Why is the 'war on crime' approach so sayable today in Canada, particularly despite its failure in the US? Locating the ways in which these problems are resolved in popular texts can be used to reveal alternative explanations about the expansion of DNA databases and increased

surveillance. After a decade of production and syndication, CSI stands as a culturally relevant text that circulates plausible explanations of science and social control that, after a close examination, I find are based upon justifications by a faith in Faux Science.

Appendix: Data Sample

Episodes that were randomly selected in the second stage of sampling are indicated with an *

100 Pilot
104 Pledging Mr. Johnson
107 Blood Drops
110 Sex, Lies and Larvae
113 Boom
116 Too Tough to Die
119 Gentle Gentle
122 Evaluation Day
123 The Strip Strangler*

202 Chaos Theory*
203 Overload
206 Alter Boys
209 And Then There Were None
212 You've Got Male
215 Burden of Proof
218 Chasing the Bus
221 Anatomy of a Lye

301 Revenge is Best Served Cold
304 A Little Murder
306 The Execution of Catherine Willows*
307 Fight Night
310 High and Low
313 Random Acts of Violence
316 Lucky Strike
319 A Night at the Movies
322 Play with Fire

403 Home Bodies
406 Jackpot
409 Grissolm Versus the Volcano
412 Butterflied
415 Early Rollout
418 Bad to the Bone
421 Turn of the Screws
423 Bloodlines*

501 Viva Las Vegas
504 Crow's Feet
507 Formalities
510 No Humans Involved
513 Nesting Dolls
516 Big Middle
517 Compulsion*
519 4X4
522 Weeping Willows
524 Grave Danger (part 1)
525 Grave Danger (part 2)

603 Bite Me
606 Secrets and Flies
609 Dog Eat Dog
612 Daddy's Little Girl
615 Pirates of the Third Reich
618 The Usual Suspects
619 Spellbound*
621 Rashomama
623 Bang Bang (part 1)
624 Way to Go (part 2)

703 Toe Tags
706 Burn Out
709 Living Legend
710 Loco Motives*
712 Sweet Jane
715 Law of Gravity
718 Empty Eyes
721 Ending Happy
724 Living Doll (part 1)

800 Dead Doll (part 2)
803 The Case of the Cross Dressing Carp
806 Goodbye and Good Luck
809 Lying Down with Dogs
812 A Thousand Days on Earth
813 Drops Out*
815 Two and a Half Deaths

903 Art Imitates Life
906 Say Uncle
909 19 Down (part 1)
910 One to Go (part 2)
913 Deep Fried and Minty Fresh
914 Miscarriage of Justice*
916 Turn Turn Turn
919 The Descent of Man
922 The Gone Dead Train
924 All In

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