

## BOOK REVIEW

Jon J. Nordby,<sup>1</sup> Ph.D.

### Review of: *Ethics in Forensic Science: Professional Standards for the Practice of Criminalistics [A Volume in the Protocols in Forensic Science Series]*

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**REFERENCE:** Barnett, PD. Forensic Science Associates. CRC Press, Boca Raton Florida, 2001. 217 pp., \$39.95

[You] will ask more questions than the wisest can answer . . .

Jonathan Swift, Polite Conversation

This seemingly modest tale of ethical codes, expertly woven by Peter Barnett, harks favorably to Jonathan Swift's "A Modest Proposal for Preventing the Children of Ireland from being a Burden to their Parents or Country." Neither is modest in the relevant sense, and neither actually solves anything. With that point clearly in mind, the value of each, then, must lie elsewhere. Swift's tongue-in-cheek proposal to eliminate starvation by providing seductive menus for fricasseed children provides a remarkable exercise in satiric social commentary and *argumentum ad absurdum*. While Barnett wouldn't claim any such stylistic or satiric kudos, his book does represent a sustained effort to show that "the proper course of action is not always obvious, codes of ethics do not necessarily cover all contingencies, and not all professional standards are necessarily appropriate." This might suggest to some an unintended ethical bleakness at least as dark as cannibalism itself.

While the work focuses on the practices, protocols, and codes of conduct as applied to the criminalist, the broader implications of this examination remain clear for each of the forensic sciences. The author argues that any vocation successfully maturing into a profession must define itself through the development of proper conduct central to the enterprise. This includes, for example, obvious educational standards, specialized training requirements, and so on. But to reach true professional standing, the activity must include some codified set of rules addressing ethical matters encountered through the profession's practice, as analyzed by its practitioners over time. He presents these ethical matters forcefully and clearly, providing useful insights into the moral realm of criminalistics. The author then identifies and examines the available ethical codes, presumably offered to help meet this challenge for the criminalist.

The *Code of Ethics and Conduct of the American Academy of Forensic Science* (sic), the *Code of Ethics of the California Association of Criminalists*, and the code offered by the *American Board*

*of Criminalists* handle much of the discussion. Other codes and "guidelines" listed in the Appendix and referenced in the discussions include the *American Academy of Forensic Sciences Good Forensic Practice Guidelines*, and the *American Society of Crime Laboratory Directors Code of Ethics*. The course of the discussion moves among very real and disturbingly specific practical questions facing a criminalist, such as what to do when made aware of an incompetent criminalist's work on a case, as well as more basic but none-the-less practical questions, such as deciding the basic aims of a code, its nature, its enforcement policies, complaint procedures, and sanctioning protocols.

Through the course of such discussions, each of these sample codes is found wanting in its own, and always illuminating, way. Through these carefully reasoned examinations, the author shows quite convincingly that the preamble of *The Code of Ethics of the California Association of Criminalists* applies very clearly to codes in general: "It is to be realized that each individual case may vary, just as does the evidence with which the criminalist is concerned, and no set of guides or rules will precisely fit every occasion." Barnett's sustained effort has arrived full-circle. To his credit, the author does not settle for any form of ethical relativism—a pedestrian form of intellectual laziness which purports to justify the same action at the same time as being both morally right and morally wrong [so much for logic]. Yet he fails even to broach this issue whenever it appears to raise its misshapen head.

The reader needing a crash course on ethical codes of conduct, the applications of such codes to very practical problems, and the attendant difficulties and shortcomings of such applications will benefit from this work tremendously. The text supplies excellent examples of casuistic style applied ethical reasoning and the identification and discussion of ethical issues. There remains, however, an unsettled feeling in the reader; a sense of both much left undone and much left unspoken. The author, if I'm right, *might* embrace this as one aim of the book.

<sup>1</sup> Final Analysis Forensics, Tacoma, WA.

We still are missing a sense of that instrument to guide our professional conduct which the author seems explicitly to seek. Ethical codes of conduct cannot be *merely* law-like rules, and cannot function adequately *merely* as such. Many pages demonstrate this fact. However, the quest, proposed and initiated by the author, seems to be a search for an *adequate* set of law-like rules to provide the ethical back-bone of the criminalist's profession. This quest is insanity at the very most, or fatally frustrating at the very least.

The author needs to search for that missing element that must be added to the codes that are developed through professional practice. While codes, with their policies and procedures, sanctions,

and heuristic elements, as developed in this discussion, become necessary for the professional practice of, in this case, criminalistics, they are not and can never be sufficient to insure right actions.

What's missing from the book involves familiarity with the domain that philosopher's call "practical reason," its theoretical flanks most completely carved out by philosopher Immanuel Kant. It's what the Ancient Greeks called wisdom, in contrast with "know-how." It involves the ability to know and thereby to rest easy, and, as Daniel Defoe puts it in *Robinson Crusoe*, "Make everything snug and close, that the ship might ride as easy as possible." And all that despite the terrible storm brewing outside.