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0521624568 - O. J. Simpson Facts and Fictions: News Rituals in the Construction of Reality

Darnell M. Hunt

Excerpt

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## Introduction: Knowing O. J.

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People are murdered every day in Los Angeles. Often, we do not know by whom. Indeed, the Los Angeles Police Department (LAPD) investigated 5,130 murders between 1990 and 1994, but filed charges in only 54 percent of the cases.<sup>1</sup> In this respect, it is rather unremarkable that the murderer(s) of O. J. Simpson's ex-wife and her friend has (have) yet to be convicted in a criminal court. On the other hand, little else about what would be called the "Trial of the Century" was in any way typical.

I do not know O. J. Simpson. And I had rarely given him or the Brentwood scene a thought prior to the murders. But soon after the bodies were discovered, I found myself slowly being pulled into the orbit of this imposing case. Note two of my own journal entries just days after the murders. From June 17, 1994:

What an exercise in contrasts. The last few days have been among the most exciting and depressing of my life. In exactly one week I will be getting married. But for the past five days we have watched evidence mount in the case against O. J. Simpson for the murder of his wife and her friend. This O. J. thing has really upset me. What a thin line between fame, glory, riches, and disaster. I can only hope and pray that O. J. didn't do it, that something good will come from this regarding relations between men and women.

From June 21, 1994:

The O. J. Simpson case is in full swing. But the case as described in the media thus far seems a little suspect. Why didn't anyone hear anything? Why did the dogs start barking at about 11:10 pm, after O. J. was already on his way to the airport? Why did one of the witnesses request immunity from prosecution? Were drugs involved?

Given the other things that were taking place in my life at the time, one might wonder why I should have cared about a murder case involving a celebrity whom I had never met. What exactly had motivated my early interest?

Upon reflection, I realized that it all started with the June 17 news that Simpson had failed to turn himself in to the LAPD. Then, later

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that day, the infamous Bronco “chase.” When Simpson and his friend Al Cowlings embarked on their rather bizarre, slow-speed trek across the city’s freeways and streets, my wife and I were busy entertaining a house full of relatives and friends who were in town for our impending wedding. We all prepared for the ceremony with at least one eye glued to the televised spectacle, wondering “would he or wouldn’t he?” at reports that Simpson was suicidal. Then, of course, there were the inevitable flash backs to the hypermediated beating of Rodney King, and concerns – both spoken and unspoken – about the fate that awaited Simpson if he were indeed taken into custody alive. Alas, the Bronco ride came to an end, Simpson was cuffed, and the drama ended. Or so we had thought.

On a remote island off the coast of Venezuela, thousands of miles from the United States and the goings on in Los Angeles, my wife and I found our honeymoon repeatedly infiltrated by media images (via CNN International) of the preliminary hearing in the Simpson case. The strangeness of this scene, combined with the difficulty I had pulling myself away from it, first alerted me to my own obsession with the case. I, like millions of other viewers in the United States and around the globe, had become hooked on any news about developments in the case, news that might provide me with knowledge about Simpson’s innocence or guilt.

But what exactly *is* “knowledge?”

In one sense, the term denotes the storehouse of information we all rely upon to make sense of and participate in the world around us. An obvious source of such knowledge is our sentient experiences – what we have seen, heard, touched, smelled, and/or tasted. But when it comes to the question of Simpson’s innocence or guilt, most of what we “know” comes from mediated accounts of the case. That is, most of us have not had direct contact with the defendant, we did not see or hear the Bundy murders being committed, nor have we had the opportunity to touch any items of physical evidence. Even if we had, there is no guarantee the experiences would have provided us with infallible “knowledge” about the case. Day-to-day experiences, after all, once led most people to believe that the Earth was flat, that it was the center of the universe, and that the heavens slowly revolved around it.

Of course, the argument could be made that we live in more enlightened times today. Most of us learned in grade school about the scientific method, about how we rely upon the bedrock of empirical data to refute or tentatively support our hypotheses. Indeed, most of us have a special respect for science because we believe it leads to progress in what we “know” of the world. But the philosophy of science

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is fractured today by debates about the scientific method and its underlying assumptions (Laudan 1996). While positivists generally embrace the method and its attendant faith in objective observations and empirical “facts” (Sarkar 1996), post-positivists argue that all data are subjectively shaped by the observation methods selected, as well as the theories that prompted the research agenda in the first place (cf. Quine 1992).<sup>2</sup>

On what basis, then, can we even agree on how to make sense of the “evidence” in the Simpson case?

Legal proceedings provide us with very detailed responses to such matters. Indeed, prior to handing the Simpson criminal case to the jury, Judge Lance A. Ito gave jurors several detailed instructions about how to proceed with their deliberations. One sentence, in particular, offered jurors a rather succinct definition of “evidence”: “Evidence consists of the testimony of witnesses, writings, material objects, or anything presented to the senses and offered to *prove the existence or non-existence of a fact* [emphasis added].”<sup>3</sup> Proof. Existence. Facts. These terms, to be sure, are heavily loaded with epistemological assumptions. For example, the notion that we can use evidence to *prove* the existence of a “fact” echoes a positivist understanding of reality, one in which we assume empirical data can be objectively observed and evaluated. But what about the role of our “senses?” Don’t they ultimately mediate between the material world we refer to as “reality” and our interpretations of it? Indeed, the jury selection process itself is a testament to the inevitability of subjective interpretations – otherwise attorneys would not be so routinely concerned about the backgrounds and experiences of the jurors ultimately empaneled.

Important traditions in the social sciences have long embraced this latter point, that “reality” does not exist in any universal sense (Berger and Luckmann 1966; Garfinkel 1967; Geertz 1973; 1983; de Certeau 1984). Undoubtedly, a material world does exist, but the “reality” of this world – what “common sense” presents to us as self-evident – depends upon the particular mix of knowledge we have at our disposal. While no knowledge is a direct reflection of some universal truth, none randomly occurs either. Knowledge is patterned by the elements of culture, the values, norms, beliefs, expectations, understandings, symbols, and experiences that fit with and flow from our interactions with important others and our positioning within important social structures (e.g., race, gender, class, sexuality, and so on). In other words, how we come to “know” what we think we know is largely constrained by the cultural context(s) in which we find ourselves. At the same time, however, these cultural contexts are continually (re)shaped by social action – by what each of us say and do from moment to moment *because of*

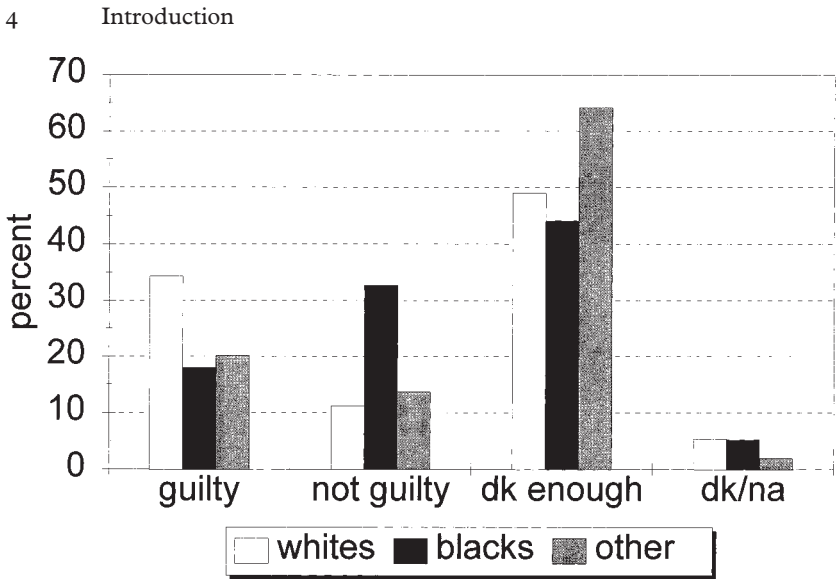


Figure 1. Simpson guilty? July 11–12, 1994, by race.

what we “know” about reality. Thus cultural contexts and knowledge mutually determine one another through endless circles of interdependence. To put it another way, we all participate in the construction of social realities as we *negotiate, share, and act* upon particular ways of seeing.

Ways of seeing, it seems, figured prominently in our national obsession with the Simpson case. Not long after the murders, opinion polls were heralding a major national divide concerning the question of Simpson’s innocence or guilt. The dividing line? Race.

Figure 1 presents results of a nationwide survey conducted a month after the Bundy murders.<sup>4</sup> It was one of the first such surveys to explicitly ask respondents about their views on Simpson’s innocence or guilt.<sup>5</sup> Despite the glaring observation that most people responded they did not yet know enough to comment on the question (i.e., 49 percent of whites, 44 percent of blacks, and 64 percent of other raced respondents), provocative racial differences among the remainder of respondents made the headlines. That is, whites were nearly twice as likely as blacks to consider Simpson “probably guilty” (34 percent versus 18 percent), while blacks were three times as likely as whites to conclude that the defendant was “probably not guilty” (33 percent versus 11 percent). Data on the views of “other-raced” respondents were typically either not reported in these popular accounts, or they were somehow lumped in with the data for either blacks or whites.

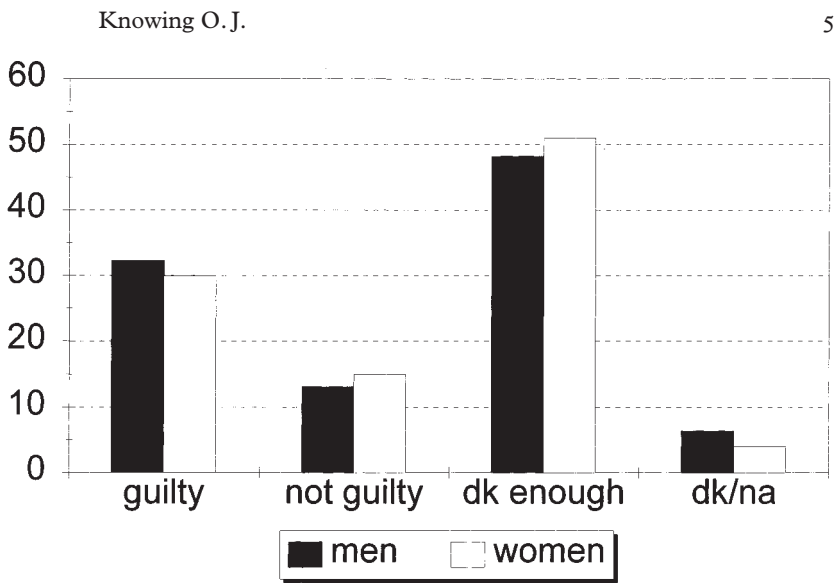


Figure 2. Simpson guilty? July 11–12, 1994, by gender.

If we continue exploring this data other interesting observations come to the fore. First, figure 2 suggests that gender in and of itself had little impact on how respondents negotiated the question of Simpson’s guilt. That is, roughly equal percentages of men and women considered Simpson “probably guilty” (32 percent and 30 percent), while nearly equal percentages of men and women also responded that he was “probably not guilty” (13 percent and 15 percent).

In contrast, figure 3 suggests that education did have an impact of sorts – that those with at least a college degree were slightly less likely to consider Simpson “probably not guilty” than those with lower amounts of education. Only about 7 percent of respondents with at least a college degree and only about 11 percent of those with some college exposure considered Simpson “probably not guilty,” compared to 17 percent of those with just a high school degree and 18 percent of those who dropped out of high school. But again, this “finding” was clearly overwhelmed by the large percentage of respondents in each education category who said they did not yet know enough to make up their minds.

What about sympathy for Simpson?<sup>6</sup> Figure 4 suggests that race played a major role in how people felt. That is, blacks were nearly four times as likely as whites to respond that they felt a “great deal” of sympathy for the celebrity defendant (39 percent versus 10 percent), while whites were three times as likely as blacks to respond that they felt “none at all” (24 percent versus 8 percent).

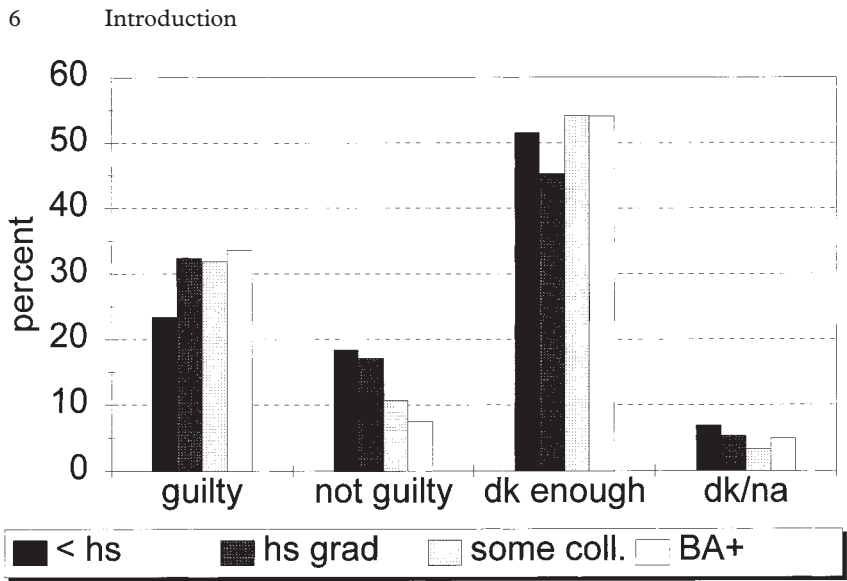


Figure 3. Simpson guilty? July 11-12, 1994, by education.

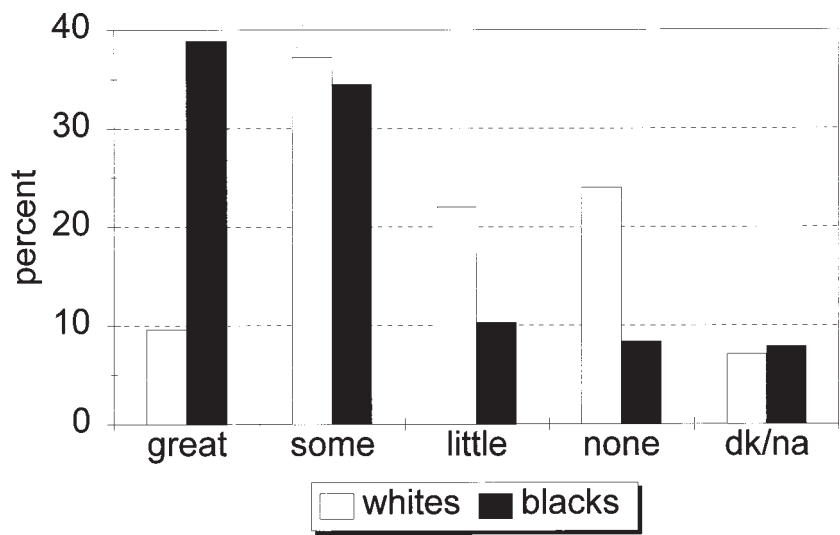


Figure 4. Sympathy for Simpson, July 11-12, 1994, by race.

Although not as pronounced as race, gender also appears to have affected how respondents answered this question – albeit not in the manner one might expect given the role domestic violence would play in case (see chapters 1 and 2). Figure 5 suggests that men were

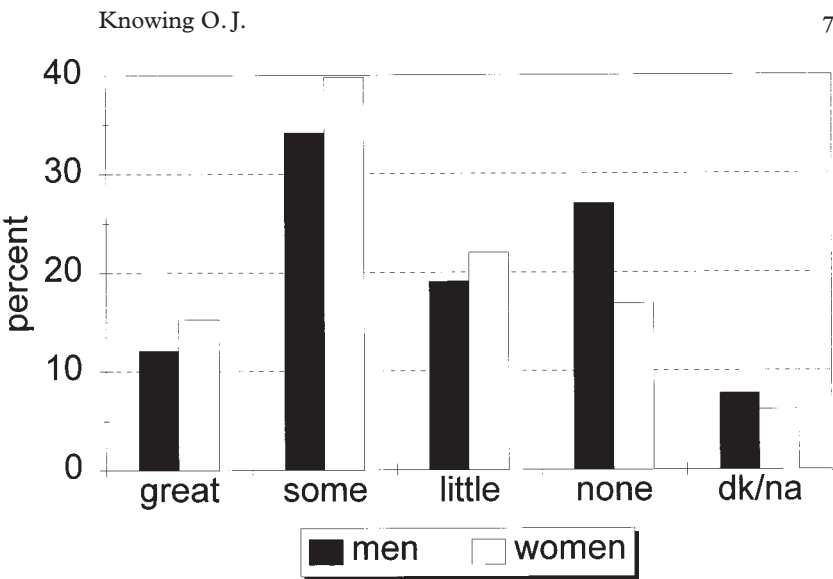


Figure 5. Sympathy for Simpson, July 11–12, 1994, by gender.

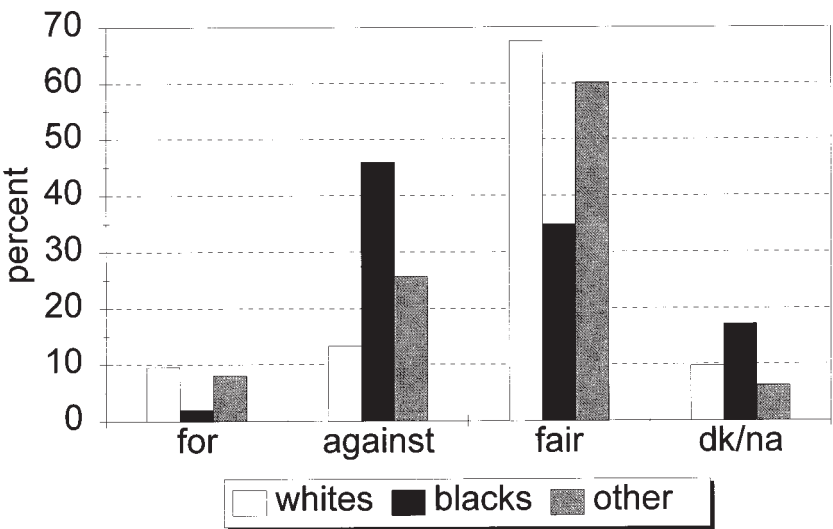


Figure 6. Media bias and blacks, July 11–12, 1994, by race.

considerably more likely than women to respond that they felt no sympathy for Simpson (27 percent versus 17 percent).

The survey also posed other questions to respondents ostensibly related to the case. For example, figure 6 presents the distribution of

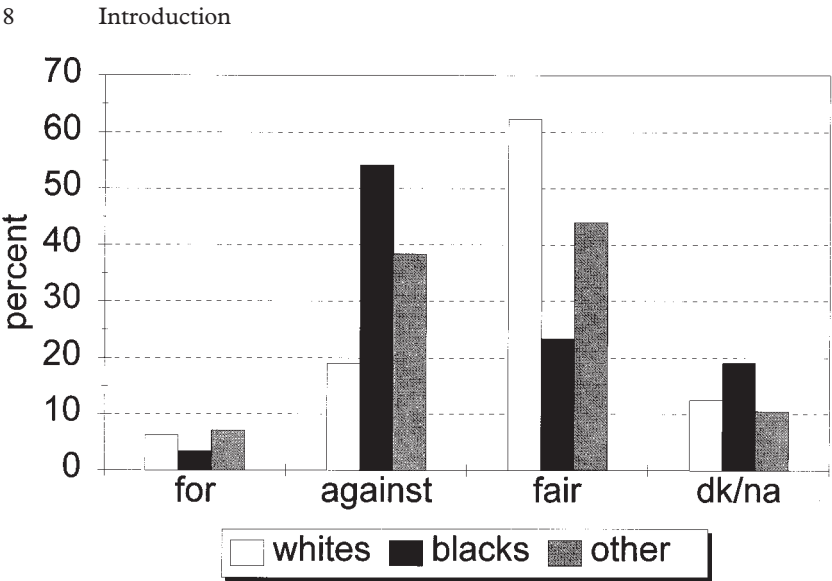


Figure 7. Justice system bias and blacks, July 11–12, 1994, by race.

responses to the following question: “In general, do you think the news media in the United States is biased in favor of blacks, or is it biased against blacks, or does it generally give blacks fair treatment?” While blacks were more than three times as likely as whites to respond that the media are biased against blacks (46 percent versus 13 percent), whites were nearly twice as likely as blacks to view the media as racially neutral (68 percent versus 35 percent). Note how “other-raced” respondents again occupied positions between what Hacker (1992, p. 16) has rather controversially identified as the “major races” in US society.

Finally, what about respondents’ perceptions of the criminal justice system?<sup>7</sup> Figure 7 reveals that blacks were more than twice as likely as whites to believe that the criminal justice system is biased against blacks (54 percent versus 19 percent), while whites were nearly three times as likely as blacks to believe that the system is “fair” (62 percent versus 23 percent). Again, “other-raced” groups generally occupied positions between blacks and whites.<sup>8</sup>

So what are we to make of these survey findings? First, we might note that not long after the murders blacks and whites were already beginning to articulate opposing viewpoints on a number of issues related to the Simpson case – namely the question of Simpson’s innocence or guilt, sympathy for the defendant, and the fairness of the media and criminal justice system. As we shall see, these opposing viewpoints

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would only harden as “evidence” was presented at trial. We might also note that the effects of gender and education on these viewpoints, in the few instances where these effects were present, were generally overwhelmed by racial effects. Of course, it would be inappropriate for us to settle on these conclusions without first exploring possible interactions between the various factors (i.e., between race, gender, and education). For example, were white males likely to respond differently than white females on any of the questions? What about college-educated black females versus black males with only a high school education? (I conduct such an analysis in chapter 9.)

Postmodern theory correctly prompts us to take heed of the fractured and multiple nature of subjectivity. We are all socially positioned according to numerous structures. In the United States, the structure of race co-exists with those of class, gender, and sexuality – not to mention generation, region, or religion. The resulting “subject,” then, necessarily becomes the fluid intersection of often contradictory positions. In other words, it is never a “sutured” totality. This important insight has been cogently articulated in the work of scholars as diverse as Stuart Hall (1988), bell hooks (1990), Herman Gray (1995), and Ernesto Laclau and Chantal Mouffe (1985).

But to end our analysis here implies that subjectivities exist out there in social space like ideas in some mythical free market. They do not. The same structures that give birth to our multiple subjectivities also work to *pattern* them from moment to moment into hierarchies of salience. In the United States, race is a structure that plays a central role in this patterning process. When we ignore the resulting patterns we embrace what amounts to a form of radical individualism, one that misses the social forest for the individual trees.

For the moment, then, let us follow the lead of surveys like the one above and assume that raced ways of seeing did in fact play an important, *independent* role in patterning our understandings of the Simpson case. Moreover, let us assume that the case primarily symbolized an enduring conflict between blacks and whites. After all, as we shall see, this is precisely what popular accounts of the case repeatedly told us throughout the summer of 1994, the subsequent criminal trial, and beyond. The ever-present circulation of this knowledge had to have had some impact on how we approached the case. Right?

Probably. In the United States, race exerts its force as a powerful *representation* – as a common-sense, irresistible, and self-reproducing framework for explaining *and* justifying inequality in society (Prager 1982; Farr and Moscovici 1984; Omi and Winant 1986; 1994; Hunt 1997). The Simpson case, as I will demonstrate in later chapters,

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contained elements particularly potent in their ability to invoke our knowledge about race – especially our knowledge about blacks and whites. Socially determined yet fluid, this knowledge consists of tenets that continually adjust to the maneuvers of competing social groups. Race – and what we “know” about it – has everything to do with group status (Banton 1987).

“White,” for example, first emerged as a pan-ethnic racial category in the United States following Reconstruction. Elites exploited this representation as an effective means to divide the working class (i.e., between whites and nonwhites) and limit the emergent class struggles of the late nineteenth century (Jordan 1968; Allen 1994; Omi and Winant 1994).<sup>9</sup> By the end of World War II, the category was expanded and “people from every corner of Europe were considered fully ‘white’” (Hacker 1992, p. 9). “Whiteness” became a property of sorts, conferring upon its owner certain social privileges and comforts, if not “real” power (Harris 1995, p. 286). In contrast, the category “black” made its debut in the US context when Africans from various tribes were grouped together and defined on the basis of their “nonwhiteness.” This representation, of course, functioned primarily as an ideology of exploitation supported by assumptions of black racial inferiority (Harris 1987; Omi and Winant 1986; 1994). Today, the labels “white” and “black” continue to define the top and bottom of the US racial-socio-economic order, thereby serving as important status anchors in an increasingly multiracial society (Hacker 1992).

Thus it is no accident that the Simpson case was popularly rendered in black and white. Individual actors in the United States helplessly rely upon this bipolar framework, despite its obvious shortcomings, to make sense of their own experiences and of their relationship to various social groups (i.e., their identity and relative group status). Actors also depend upon this framework for sizing up others, for interpreting their actions, and formulating responses to them. In this sense, actors and the others they endeavor to understand are “raced,”<sup>10</sup> and raced ways of seeing becomes “ritual.”<sup>11</sup> While these rituals are sometimes aimed at contesting status hierarchies in society (e.g., calls for affirmative action or reparations for slavery), they are nonetheless premised on a representation that serves the ideological function of naturalizing group differences.<sup>12</sup> The media continually feed these rituals through the construction and circulation of common-sense, stereotypical images (Hall 1990). As we shall see, the so-called “Trial of the Century” invoked many such images – particularly of the people residing at the top and bottom of society.