

400 years into the ban and reinstatement of the death penalty in the United States in the 1970s, and finally to the murder, investigation, trial, and multiple appeals that led to the *Atkins* decision in 2002. Walker weaves journalistic reports, court documents, and judicial opinions into a straightforward narrative that could be followed by any undergraduate reader. Indeed the book's strongest parts are his thorough though brief histories of some of the most important death penalty litigation of the twentieth century: how the Eighth Amendment's restriction on cruel and unusual punishment is applied, the legal changes between the *Furman* and *Gregg* decisions, and the preparations of the legal teams who eventually argued *Atkins* at the Supreme Court. At the same time, he presents a relatively neutral position on the death penalty. These are no small tasks.

Unfortunately, however, the scope of the book comes at the peril of its depth; the complex *humanness* in the events surrounding the *Atkins* case is missing. The mother of the victim and the mother of the defendant are depicted crying at trial, and the Supreme Court justices are each given a few paragraphs' biography. But a sketch does not a portrait paint. This is especially unfortunate because one of the author's goals is to refocus capital law on "real people—often society's most vulnerable—who frequently have suffered catastrophic losses and have much at stake" (preface, p. x). Walker should be applauded for this goal, but in the end this book is most useful as a thorough summary of legal events. For sociologists and anthropologists of science and medicine, it provides a good starting place to examine how social phenomena fit into legal parameters: The relationship between mental illness and legal culpability is a dynamic and controversial topic that deserves more exploration, for example. For historians, the book's law and order perspective might be useful to contrast with chronicles of death penalty struggles from the victim's rights movement or capital defender's memoirs. But to stimulate the minds of young law students or general readers who are curious about the death penalty, this book should be recommended with caution: Its strength is systematism rather than provocation.

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*American Juries: The Verdict*. By Neil Vidmar and Valerie P. Hans. Amherst, NY: Prometheus Books, 2007. Pp. 428. \$32.98 paper.

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Jury duty is not something many people relish. A jury summons conjures images of waiting for hours in a room that is too small and

packed full of other unlucky citizens. But a closer look at the experience of jury duty and at the role of the jury in the American legal system reveals a remarkable institution, one that empowers ordinary citizens to undertake the extraordinary task of judging the actions of their fellow citizens. Vidmar and Hans, two leading experts on the jury, first described the origins and empirical social science research on juries in their classic 1986 book, *Judging the Jury*. In reuniting to write *American Juries: The Verdict*, the authors bring their coverage up to date.

Like its predecessor, *American Juries* provides a comprehensive, thorough, and accessible picture of the role of the jury in the American legal system. It covers a large empirical literature, intersperses famous cases (e.g., involving Andrea Yates, the McDonald's coffee spill, O. J. Simpson) with obscure cases to illustrate key points and reaches thoughtful conclusions on several controversial topics. It provides a useful foundation regarding different types of evidence and the "incredibly varied array of disputes" (p. 125) that juries resolve. Although the book is geared toward the interested and curious layperson rather than the jury scholar, trial lawyers will also be fascinated by its insights, and even experienced jury researchers might want this book for their libraries. Though no new data are reported, the book is an excellent compendium of research findings and analysis.

Vidmar and Hans's scope is broad, including issues that arise in composing the pool from which eligible jurors are chosen, jury selection in the courtroom, the complicated balance between defendants' constitutional right to fair trials and the media's right to cover those trials, as well as the impact of pretrial publicity on jurors' decisionmaking. The authors describe the scholarly research on jurors' abilities to understand complex scientific evidence that is ever-present in courtrooms today, the difficult moral dilemmas that arise in trials in which defendants claim they were insane at the time of the crime, and juries' capacities to rationally decide between life and death in the emotionally charged atmosphere of a capital trial.

On these topics and several others, the authors provide the appropriate legal context and then present a careful and nuanced review of the literature, including some critiques of existing studies. Most useful for the nonexpert are Vidmar and Hans's analysis and synthesis of the literature and their conclusions about the ability of jurors to dispense justice in an even-handed and predictable way. Especially intriguing are jurors' own words, gleaned from focus group discussions, post-trial interviews, and the filmed deliberations of Arizona juries, carried out as part of a project overseen by the Arizona Supreme Court in the 1990s. Most of the examples, though richly illustrative, are surprisingly

mundane. They challenge the notion that juries are overly sympathetic to injured people and award damages in excessive amounts. For example:

In a trial in which the plaintiff injured in an automobile accident failed to follow his doctor's instructions:

He didn't get any of the medication filled for the 10 days after, and I see it hard that somebody that hurt as bad as he didn't do anything for 10 days. He didn't see a doctor for 15 days afterwards and that was when his wife finally made him go. (p. 293)

In a case involving alleged whiplash injuries:

A lot of people complain of it when they have an accident and a lot of lawsuits are won because you can't see it. I just figure when to go with a whiplash, a lot of times they don't have whiplash, but the first thing they think of is "Oh, my neck . . . like how much can I get for this one." (p. 271)

Vidmar and Hans suggest that there are "many signs that the American jury is a sound decision maker in the majority of both civil and criminal trials" (p. 339), including the fact that judges tend to agree with juries in the vast majority of cases. They also point out some blemishes, including the struggle in many jurisdictions to bring together a cross section of community members to serve as jurors. (A jury composed of individuals with diverse backgrounds, life experiences, and world knowledge engages in more accurate fact-finding and thorough deliberation than a homogeneous jury.) Prejudice and stereotyping still make their way into the jury deliberation room. But despite these shortcomings, the authors believe that the verdict, on balance, "is strongly in favor of the American jury" (p. 346).

#### **Reference**

Vidmar, Neil, & Valerie P. Hans (1986) *Judging the Jury*. New York: Plenum Press.